

May 3, 2021 Mayville City Council

The Mayville City Council met in regular session on May 3rd, 2021 at 6:00 pm in the council chambers with Mayor Bensen presiding and the following Aldermen responding to call of the roll: Carr, O'Brien, Gates, Moen. On Conference call: Bohnsack. Absent: Petersen. Also, in attendance: Gail Olstad, Julie Christianson, Cassie Tostenson, Shelia Anderson, Brandon Reber, Brandon Oye, Deputies Sarah Larsen & Jason Pohlkamp and Mario Allen.

Gates made a motion to accept the approval agenda on the following items:

1. **April 5, 2021 minutes (Monthly meeting)**
2. **April 29, 2021 (Tax Equalization meeting)**
3. **Auditor's Office approvals:** Cruise to the Island Car Show to conduct a raffle, 9/12/21; Mayville Commercial Club to hold a parade during Summerfest, 6/26/21.
4. **Conferences & Training Opportunities:** ND League of Cities Annual Meeting, September 16-18, Bismarck, ND; AWIA Webinar Flyer May 2021.
5. **Legislative Information:** The ND League of Cities held weekly legislative conference calls. Legislature has adjourned. Virtual NDLC Update and Regional meetings are scheduled. Northeast region meeting (including City of Mayville) May 12, 5:30 pm. Register at www.ndlc.org/events.
6. **COVID-19 (Coronavirus):** The Governor's Emergency Declaration for the State of North Dakota expired April 30, 2021. COVID active cases have reduced over recent months, and Traill County has had no reported active cases in April. City Hall remains closed to daily traffic. County mask mandate remains in effect. Businesses are asked to adhere to CDC guidelines including patron number limitations. Vaccination sites have been set up within the county and many residents have received their first and second shots.
7. **City of Mayville Cybersecurity Grant Project:** Grant application has been completed and filed to upgrade and replace computers, server and network that are beyond useful life and present security concerns.
8. **ND Motor Vehicle Kiosk:** NDMVD has reached out to County auditor about having a kiosk in courthouse. Space in County Courthouse unlikely. Are there possible locations in Mayville or elsewhere in County?
9. **City Sales Tax Agreement:** City Auditor approves agreement for ND State Tax Commissioner's Office to administer City local sales, use and gross receipts taxes for the 2021-2022 biennium. Administration fee is \$35 per year.
10. **Cleanup Days Schedule:** Landfill open, free of charge, to Mayville residents, Tuesday, May 11 through Saturday, May 22 (excluding Sundays). Materials need to be sorted. Notice published in Traill County Tribune. **No curbside pickup this year.**
11. **DSRFW Program:** Drinking Water State Revolving Fund use plan was amended 4/29/2021. Mayville projects water main, gate valve and hydrant replacement are #33, and the water tower project is #99 on the project priority list.
12. **East Central Regional Water District:** Annual meeting held as zoom meeting April 27, 2021. The 2020 Annual Report highlights activities of the past year and plans moving forward.
13. **Alice Phelps Ryder Trust Inquiry:** Green Lake County Circuit Court inquired as to whether a bequest is being observed. Response demonstration proper use of funds to be submitted by City Auditor Olstad.
14. **Landfill Users Notice:** Letter and attachment were sent to contractors and users outlining changes effective 5/1/21. Demolition materials will require demolition permit and a \$2,500 deposit. Landfill will no longer take trailers or mobile homes.
15. **EDC Annual Meeting Information**
16. **WAGP from Garrison Diversion.**

Carr seconded the motion, motion carried.

1.0 Citywide Street Improvements Study

1.1 Alley Improvements and Cost Share Discussion

1.2 Review and Approve Engineer's Report

1.3 Resolutions for Improvement District

1.3.1 Resolution Creating District

1.3.2 Resolution Directing Engineer to Prepare Report

1.3.3 Resolution Approving Engineer's Report

1.3.4 Resolution Declaring Work Necessary for an Improvement

1.4 Next Steps

1.4.1 Public Information Meeting – Early June – Determine Date

1.4.2 Protest Hearing – Late June – Determine Date

1.4.3 Move into Design Phase if insufficient protest – July Meeting

1.5 Moore Engineering Invoice #26678 - \$8,093.76

Brandon Reber & Brandon Oye attended the City Council meeting to present an update on the status and answer any questions. Brandon Reber discussed that there are 2 projects being brought forward to the City of Mayville. One project is the Street Project. The City would need to pass a resolution Declaring Improvements Necessary followed by a Public Information Meeting and a Protest Hearing Meeting on the proposed improvements. Should the City find insufficient protest, the City would move forward into the Design phase of this project. This would involve funding application, environmental review, detailed plans and specification design and identification and managing of permitting needs, right-of-way needs, and utility conflicts. The other Project is the Utility project, the City has approximately a dozen city blocks of Asbestos Cement Pipe (ACP) water main in their water distribution system. This pipe was installed around 1960 and has a life expectancy of 50-70 years. This ACP water main was evaluated for replacement. The City has been experiencing sewer back up issues along 8th & 9th Ave Se so that will be fixed also with this project. The Public Information Meeting is set for May 18th, 2021 at 6:00 pm at the armory. The Protest Meeting is scheduled for June 9th at 6 pm at the armory. The downtown alleys (4 block area) are 50% businesses and 50% City. Moore Engineering brought an invoice to the meeting for \$8,093.76. O'Brien made a motion to accept this invoice as work done so far. Gates seconded the motion and upon a roll call the following voted: Yea: Bohnsack, Moen, Carr, O'Brien, Gates; Nay: 0; Absent: Petersen. The following Resolutions were passed at this meeting: Resolution approving Engineer's Report; Resolution approving Plans & Specifications; Resolution creating a District; Resolution Declaring Work Necessity for an Improvement. (Please see the motions and roll call votes on each of the Resolutions that will follow).

Council member Moen introduced the following resolution and moved its adoption:

RESOLUTION APPROVING ENGINEER'S REPORT

BE IT RESOLVED by the City Council of the City of Mayville, North Dakota, that the report of the Engineer for the City of Mayville as to the general nature, purpose, and feasibility of the proposed improvement in Mayville Street & Storm Sewer Improvement District No. 2022-1 and an estimate of the probable cost of the work has been filed with this Council and that the same is hereby approved.

APPROVED:



Steven Bensen, Mayor

ATTEST:



Gail Olstad, City Auditor

The Motion for the adoption of the foregoing resolutions was duly seconded by council member Gates. On a roll call vote the following council member voted Aye: Gates, O'Brien, Moen, Bohnsack, and Carr. The following council member voted nay: none. The following council members were absent and not voting: Petersen. The majority having voted aye, the motion carried the resolution was adopted.

Council member O'Brien introduced the following resolution and moved its adoption:

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR IMPROVEMENTS IN STREET & STORM SEWER IMPROVEMENT DISTRICT NO. 2022-1 OF MAYVILLE, NORTH DAKOTA.

BE IT RESOLVED by the City Council of the City of Mayville , North Dakota, hat the plans and specifications and estimates of cost for improvements in Street & Storm Sewer Improvement District No. 2022-1 Of Mayville, North Dakota heretofore prepared by Brandon Reber, Moore Engineering Inc., Engineer for the City be and the same hereby are approved ratified and confirmed as the plans and specifications and estimates of cost in accordance with which said improvements shall be constructed and the City Auditor shall file the same in his office open to public inspection.

APPROVED:


Steven Bensen, Mayor

ATTEST:


Gail Olstad, City Auditor

The Motion for the adoption of the foregoing resolutions was duly seconded by council member Carr. On a roll call vote the following council member voted Aye: Moen, Carr, Bohnsack, O'Brien, and Gates. The following council member voted nay: none. The following council members were absent and not voting: Petersen. The majority having voted aye, the motion carried the resolution was adopted.

The City Council took under consideration the question of the establishment of a street and storm sewer improvement district for the City of Mayville, North Dakota.

Council member Gates introduced the following resolution and moved its adoption:

RESOLUTION CREATING STREET & STORM SEWER IMPROVEMENT DISTRICT NO. 2022-1 OF MAYVILLE, NORTH DAKOTA.

WHEREAS, Brandon Reber, Moore Engineering Inc, a Registered Professional Engineer, is the Engineer for the City of Mayville and the City Council has consulted with him relating to the establishment, size and form and other matter with regard to Mayville Street & Storm Sewer Improvement District No. 2022-1.

WHEREAS, it is deemed necessary to establish a street and storm sewer district withing the said City of Mayville;

NOW THERE FORE, be it resolved as follows:

That there is hereby created Mayville Street & Storm Sewer Improvement District No. 2022-1 of the City of Mayville, North Dakota, the boundaries of which shall be as follows:

SEE ATTACHED.

APPROVED:


Steven Bensen, Mayor

ATTEST:


Gail Olstad, City Auditor

The Motion for the adoption of the foregoing resolutions was duly seconded by council member Bohnsack. On a roll call vote the following council member voted Aye: O'Brien, Gates, Bohnsack, Carr, and Moen. The following council member voted nay: none. The following council members were absent and not voting: Petersen. The majority having voted aye, the motion carried the resolution was adopted.

Council Member Carr introduced the following resolution and moved its adoption:

RESOLUTION DECLARING WORK NECESSARY FOR AN IMPROVEMENT IN MAYVILLE STREET & STORM SEWER IMPROVEMENT DISTRICT NO. 2022-1

BE IT RESOLVED by the City Council of the City of Mayville , North Dakota, that it is hereby found determined and declared to be necessary and expedient for the City of Mayville to construct an improvement in and for consisting of city wide street and storm sewer improvements and all other appurtenances contrivances and structures used or useful in connection with the above specified

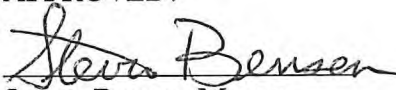
improvements in accordance with and as described in the resolution creating said district adopted on May 3rd, 2021 and the Engineer's Report which has been prepared by the Engineer for the City of Mayville and approved by this commission which resolution and Engineer's Report, together with an estimate of the probable cost of the work are now on file in the office of the City Auditor and are open to public inspection.

BE IT FURTHER RESOLVED that the entire cost of said improvement be special assessed against the benefited property in said improvement district in amounts proportionate to and not exceeding the benefits to be derived by them respectively from said improvement.

BE IT FURTHER RESOLVED that the owners of the property liable to be specially assessed for said improvements may file written protests against the said improvements within thirty (30) days after the first publication of this resolution, and this Board shall at its next meeting after the expiration of said period, to-wit: On the day of June 9th, 2021 at 6:00p.m. Meet at the Mayville City Armory, 332 Center Avenue South, Mayville, ND 58257 for the purpose of hearing and determining the sufficiency of any protests so filed and of taking any such further action with respect to said improvements as may then be deemed necessary and expedient.

BE IT FURTHER RESOLVED that the City Auditor is hereby authorized and directed to cause this resolution including a map of the improvement district to be published once each week for two consecutive weeks in the official newspaper of the City of Mayville.

APPROVED:


Steven Bensen, Mayor

ATTEST:


Gail Olstad, City Auditor

The Motion for the adoption of the foregoing resolutions was duly seconded by council member Gates. On a roll call vote the following council member voted Aye: O'Brien, Carr, Gates, Moen, and Bohnsack. The following council member voted nay: none. The following council members were absent and not voting: Petersen. The majority having voted aye, the motion carried the resolution was adopted.

Gates made the motion to approve April actual and May 2021 estimated expenses.

18728	420 Praxair	streets	maint/operation	\$46.52
18729	A & B Business Solutions	library	office supplies	\$342.00
18730	Aasen Drug	water treatment	printing	\$2.99
18731	Aasen Drug	library	off supp & books	\$37.01
18732	Aflac	all	insurance	\$736.60
18733	Agassiz Sales	streets	maint/operation	\$159.06
18734	Ameripride	all	misc	\$800.49
18735	Bank of North Dakota	Water 19 & 20	loan payment	\$11,894.83
18736	Cardmember Services	all	misc	\$437.85
18738	Dacotah Paper	all	paper supplies	\$173.44
18739	Drew Petersen	cemetery	monthly contract	\$2,750.00
18741	East Central Regional Water District	water treatment	purchase of raw water	\$3,257.60

18742	First State Bank	water distribution	collection fee	\$0.96
18743	FRS	non dept	misc - Notary Stamp	\$32.20
18745	Gary Winger	cemetery	misc	\$120.00
18744	Garden Hut	streets	tools & accessories	\$218.18
18746	Goose River Bank	water distribution	collection fee	\$47.17
18747	GreatAmerica	all	lease on copier	\$534.23
18748	H.E Everson	streets	tools & accessories	\$78.85
18749	Hub International	fire dept	liab ins - hyd cutter	\$23.00
18750	Jemco (Max Air)	water treatment	repair/maintenance	\$150.25
18750	Jemco (Max Air)	water treatment	repair/maintenance	\$828.87
18752	Julie Christianson	library	cleaning exp	\$80.75
18753	MayPort Auto & Truck Parts	water dist & waste water	maint/operation	\$250.31
18754	MayPort Farmers Co-op	all	fuel for vehicles	\$840.59
18755	MayPort Hardware Hank	all	maint/operation	\$183.95
18780	Mayville Airport Authority	airport	March Spec rec'd in April	\$215.73
18781	Mayville State University	sales tax	March rec'd in April	\$15,180.89
18757	Mayville State University	all	refund of water payment	\$818.53
18756	Mayville State University Bookstore	library	office supplies	\$136.74
18758	Merrill E & Janet Meyer LLP	state aid & sales tax	prof services	\$4,160.00
18759	Midco	all	internet & phone	\$1,211.45
18760	Miller's Fresh Foods	city hall	misc	\$14.29
18761	Miller's Fresh Foods	library	maint/operation	\$53.11
18779	MPEDC	sales tax	March rec'd in April	\$5,161.50
ACH	ND Public Finance Authority	Refunding 2012	bond payment	\$80,482.50
ACH	NDPERS	all	insurance	\$4,446.12
18762	Neset Repair & Sales	streets	red pickup	\$1,234.69
18763	Network Center	all	datto backup	\$389.50
18764	Newman Signs Inc	streets	signs - yield	\$68.65
18765	Nilson Brand Law	city attorney	legal issues	\$500.00
18765	Nilson Brand Law	streets	legal retainer for May	\$225.00
CREDIT	Northdale Oil			-\$1,042.97
ACH	OneAmerica	all	retirement - April	\$2,932.49
18766	One Call Concepts	water distribution	maint/operation	\$80.40
18767	Polar	auditor	lease on phones	\$60.77
18768	Reliance Standard Life Insurance	all	life insurance	\$12.00
18769	Titan Machinery	waste water	95 Case Tractor	\$601.79
18770	Traill County Treasurer	sheriff	monthly contract	\$22,949.00
18771	Traill County Tribune	library	printing	\$146.29
18772	USPS	water distribution	postage for water bills	\$244.07
18773	Verizon	all	cell phones	\$271.87
18774	VFW	non dept	misc	\$164.00
18775	Waste Management	sanitation	garbage & recycling	\$23,473.07
18776	Xcel Energy	all	electricity	\$11,446.14

H2O Deposits refunded

18737	COM (Joleen Gonzalez)			\$144.13
18740	Dylan Norgard			\$150.00
18751	Joleen Gonzalez			\$5.87
				\$199,965.32

Moen seconded the motion, motion carried.

Carr made the motion to accept January through March 2021 financials. Bohnsack seconded the motion, motion carried.

Offices are going to be closed on May 31st for Memorial Day and on July 5th for Independence Day (observed). City Residential Clean-u days, May 11- May 22; Committee meetings: Admin & Physical Plant Committees will meet Tuesday 5 pm and Wednesday noon, respectively, the week preceding the following month Council meeting. Executive Committee will meet the Friday preceding committee meetings. Exceptions that arise to these committee meeting dates will be reviewed at the monthly City Council meetings. Moen made the motion to accept this as presented. Gates seconded the motion, and the motion carried.

O'Brien made the motion to designate the Traill County Tribune as the official newspaper. Gates seconded the motion, motion carried.

Physical Plant and Finance Committee recommend moving forward with furnace replacement/natural gas conversion at the city Shop building. – New Furnace will be changed over . The old one would need to be replaced. It was also recommended that the Fire Hall be converted over to natural gas at this time. Other city buildings and equipment to be considered in summer 2022. Quote from Precision to replace old furnace totals \$2,449.01. Gates made the motion to accept this bid and conversions. Moen seconded the motion and upon a roll call vote the following voted: Yea: Moen, Gates, Carr, Bohnsack, O'Brien; Nay: 0; Absent: Petersen.

Gates made the motion to accept the cancellation of Wolfgram Lot 11 at Riverwood. Carr seconded the motion, the motion carried.

The Sheriff's report consisted of Jason Polhikamp introducing the newest deputy Sarah Larsen to the council. The Council welcomed her.

Gates made the motion to adjourn the meeting. O'Brien seconded the motion, motion carried.

Attest: Julie Christianson
Julie Christianson, Deputy Auditor

Mayor: Steve Bensen
Steve Bensen

EXECUTIVE SESSION – NDCC 44-04-19.1

Carr made the motion to go into Executive Session on the Unterseher Matter. O'Brien seconded the motion and upon a roll call vote the following voted: Yea: O'Brien, Gates, Moen, Carr, Bohnsack; Nay: 0: Absent: Petersen.

The Executive Session began at 07:22 pm. with Mayor Bensen present and the following aldermen responding to call of the roll: O'Brien, Gates, Carr, Moen, Bohnsack. Absent: Petersen. Also in attendance: Gail Olstad, Julie Christianson, Cassie Tostenson

This has been an issue since 2012. \$20,000 owed on this contract by Jeanne Unterseher. Information has been sent to her and her lawyer. Jeanne's lawyer came back with a counter offer of \$4500.00. Ten equal installment payments of \$450.00. Tostenson advised us that we could get a North Dakota Judgement against Unterseher. That would mean that Unterseher would have to come to North Dakota for this judgement. Tostenson recommends for Council to make an offer with no interest charged on this. When this matter came to being, Unterseher came to Council and assured that the City would have no cost but now the City had to pay for it. The Council decided to go with 36 months with no interest to pay the \$20,000. The Council wants Tostenson to get a North Dakota Judgement against Unterseher. Tostenson will be the paperwork.

O'Brien made the motion to adjourn the Executive Session. Gates seconded the motion, the motion carried.

The Executive Session ended at 7:32 pm.

Attest: Julie Christianson
Julie Christianson, Deputy Auditor

Mayor: Steve Bensen
Steve Bensen

Resolution Setting Auditor Bond Limit

Whereas, The City of Mayville is covered by a blanket bond by the North Dakota state bond fund; and,


Whereas, the North Dakota state bonding fund provides fidelity bond coverage for the city employees and public officials in dealing with public funds; and,

Whereas, the bond is fixed by the city governing body and set by resolution as outlined in NDCC 40-13-02; and,

Whereas, at the June 7th, 2021 regular City Council meeting of the Mayville City Council the current bond limits were reviewed and found to be sufficient.

Now, therefore, be it resolved by the city council of the city of Mayville, North Dakota, that the auditor bond coverage by the state bonding fund in the amount of one million, two hundred forty seven thousand, five hundred thirty seven dollars (\$1,247,537.00), has been reviewed and found sufficient.

Dated this 7th, day of June 2021

Attest: 
Gail Olstad, City Auditor

Mayor: 
Steven Bensen