

October 5, 2020 Mayville City Council

The Mayville City Council met in regular session on October 5, 2020 at 6:00 pm in the council chambers with Mayor Bensen presiding and the following Aldermen responding in person to call of the roll: Carr, Bohnsack, O'Brien, Gates, Moen. Absent: Petersen Also, in attendance: Gail Olstad, Julie Christianson, Cassie Tostenson, Shelia Anderson, Tyler Anderson, Cassie Braaten, Sean Hettervig, Brandon Reber.

O'Brien made a motion to accept the approval agenda on the following items:

1. **Minutes from September 14, 2020 meeting.**
2. **Auditor's Office approvals:** Nothing to report
3. **Conferences & Training Opportunities:** None noted at this time.
4. **Application Volkswagen Settlement:** Funding through Environmental Quality Department to reduce emissions of pollutant nitrogen oxide.
5. **COVID-19 (Coronavirus):** This pandemic is having a significant impact on our citizens and communities. City Hall remains closed to daily traffic. Several businesses have reopened but must adhere to CDC guidelines and limit number of patrons. Governor Burgum continues news conference that provide helpful and timely information for citizens and businesses in these challenging times.
6. **Emergency CAN Courses:** Dept. of Health has a fast-track course to assist in meeting the need for Temporary COVID-19 Response Team CNAs.
7. **BND Revolving Loan:** Applications for construction, repair and replacements of water or wastewater treatment plants; sewer, storm sewer and water lines; and transportation infrastructure including curb and gutter construction.
8. **SIRN Radio Reimbursement Survey:** Cost share of \$1,500 per radio, but most entities not currently eligible for reimbursement.
9. **Landfill Inspection:** Inspection complete and burn permit approved.
10. **Sheriff's Calls:** Per previous request, listing of local officer calls, January through July 2020.
11. **Housing to HUD:** Per September Council Action, Bensen informed HUD that City of Mayville relinquished its Responsibility Entity status to Traill County.
12. **Alternate Transportation:** ND Bicycling and Walking Survey (Take about 10 minutes) will inform the update to the ND Long-Range Transportation Plan.
13. **Rail/Highway Crossing Safety:** ND Dept of Transportation is looking for locations where rail/highway crossing safety could be improved. The information should contain the location of the grade crossing by street or road name and the distance and direction to the nearest town(s). Please be specific. NDDOT has annually federal funds available for safety enhancements projects. The funds are used for installation of active warning devices (e.g., flashing light signals with gates), crossing signs, and crossing surface improvements. The funding breakdown is 90% Federal funds and 10% road authority match. The deadline is December 31, 2020.

Bohnsack seconded the motion, motion carried.

Mayville Street Project: Moore Engineering Street Project Study Update:

1.0 Citywide Street Improvements Study

1.1 Study Update

1.1.1 Preliminary Recommendations, Exhibits, and Estimates

1.1.2 Project Committee Meeting

1.2 Moore Engineering Invoice 24816 - \$12,389.00

1.3 Next Steps

1.3.1 Special Assessment Commission - Identify

1.3.2 Follow up Meeting with School

1.3.3 Schedule Meeting with College

1.3.4 Project Committee Meeting 2

Brandon Reber from Moore Engineering stated that they are proposing a follow-up meeting on October 19th, 2020 to update numbers and estimates. Brandon also wants to meet with Steve Bensen and the Plant Director from Mayville State University to discuss any street issues there. Brandon hopes to have a Public Input Meeting sometime soon and to go from there. There was a meeting held at City Hall with alley owners in the business district to bring any concerns to Moore Engineering's attention. It seemed that the top issue was the cost of fixing alleys at the business owner's expense. Moore Engineering last invoice was for \$12839.00 for the work done since last month's meeting. Moen made a motion to accept this invoice for the work done since

last month. O'Brien seconded the motion and upon a roll call the following voted: Yea: Carr, O'Brien, Gates, Bohnsack, Moen; Nay: 0; Absent: Petersen.

Special Assessment Commission Appointment: Resolution Appointing: Dennis Peterson – Appointment expires October 2022; Jacob Jaffa – Appointment expires October 2024; and John Mewes – Appointment expires October 2026. Also allow Mary Stocking as an alternate and Appointment expires October 2026. Carr made the motion to accept these Appointments. Gates seconded the motion and upon a roll call the following voted: Yea: Carr, Moen, Gates, Bohnsack, O'Brien; Nay: 0; Absent: Petersen.

Suggestions were asked for as to any locations for drive thru COVID and Flu locations. Traill County Health is reaching out for locations for drive through clinics where participants do not leave their cars. Indoors is preferable with the upcoming cold weather. No suggestions were given.

O'Brien made the motion to approve the actual bills for October 2020 and November 2020 estimated expenses.

16291	420 Praxair	streets	maint/operations	\$45.28
16292	AARP	library	periodicals	\$30.00
16293	Aasen Drug	library	office supplies;Comm Serv	\$77.89
16294	Aflac	all	insurance	\$800.92
16295	Agassiz Sales	streets	mower & payloader	\$312.15
16296	American Funds	all	retirement	\$3,862.46
16297	Ameripride	all	maint/operations	\$567.38
16298	Cardmember Services	all	misc	\$774.34
16300	Crane Johnson Lumber co	streets	maint/operations	\$339.22
16301	Drew Petersen	cemetery	contract	\$2,750.00
16302	East Central Regional Water District	water treatment	purchase of raw water	\$4,717.60
16303	Edward R. Hamilton Bookseller	library	books	\$84.40
16304	Farmers Union Oil	all	fuel for vehicles	\$502.72
16305	Flaten & Johnson	streets	95 Ford	\$160.38
16306	Goose River Bank	water distribution	collection fee	\$51.04
16307	GreatAmerica	all	lease on copier	\$366.13
16308	H.E. Everson	streets & landfill	maint/operations	\$106.26
16309	H & H Coatings Inc	water distribution	maint/operations	\$3,900.00
16311	Hawkins	water treatment	chlorine	\$327.50
16312	Hub Insurance	all	liability insurance	\$592.00
16313	K2 Construction	library	furniture & equipment	\$178.50
16315	MayPort Auto & Truck Parts Inc	streets, ww coll & landfill	maint/operations	\$24.55
16316	MayPort Farmers Co-op	all	fuel for vehicles	\$112.19
16317	MayPort Hardware Hank	all	maint/operations	\$267.88
16318	MayPort Hardware Hank	library	furniture & equipment	\$33.98
16339	Mayville Airport Authority	airport	Sept specials rec'd in Oct	\$223.86
16340	Mayville State University	sales tax	Aug sales tax rec'd in Sept	\$16,676.22
16319	Midcontinent Communications	all	internet & cable	\$954.46
16320	Miller's Fresh Foods	city hall	misc	\$17.07
16321	Miller's Fresh Foods	library	misc	\$50.74
16341	MPEDC	sales tax	Aug sales tax rec'd in Sept	\$5,669.91
ACH	NDPERS	all	insurance	\$5,187.14
16322	Network Center	all	datto backup	\$26.00
16323	Nilson Brand Law	city attorney & ww coll	legal issue & Oct retainer	\$1,145.00
16324	One Call Concepts	water distribution	maint/operations	\$13.85
16325	PC Plus	library	tech support	\$340.00
16326	Polar	auditor	lease on telephone	\$60.77
16327	Precision	armory	repair/maintenance	\$1,341.15
16328	Precision	water treatment	repair/maintenance	\$135.00

16329	Reliance Standard Life Insurance	all	life insurance	\$94.50
16330	Sanitation Products	streets	sweeper	\$817.00
16331	Starion Bond Services	Tiff 25 Starion	bond payment	\$11,570.00
16332	Traill County Treasurer	Police	contract	\$22,084.97
16333	USPS	water distribution	postage for water bills	\$252.30
16334	USPS	all	permit presort	\$240.00
16335	Verizon	all	cell phones	\$268.98
16336	VFW	city hall	misc - new flag	\$38.00
16337	Waste Management	sanitation	garbage & recycling	\$23,530.43
16338	Xcel Energy	all	electricity	\$9,802.85

H2O Deposits refunded

16299	Com (Linda Osland)			\$22.28
16314	Linda Osland			\$127.72
				<u>\$121,674.97</u>

Moen seconded the motion, the motion carried.

O'Brien made the motion to approve the financial reports from January through August 2020. Bohnsack seconded the motion, motion carried.

O'Brien made the motion to accept the first reading of the Zoning Ordinance Amending 3.41 Non-Conforming Uses. Gates seconded the motion and upon a roll call the following voted: Yea: Gates, Bohnsack, Moen, Carr, O'Brien; Nay: 0; Absent: Petersen.

AN ORDINANCE TO AMEND THE REVISED ORDINANCES OF 1979 OF THE CITY OF MAYVILLE RELATING TO NON-CONFORMING USES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAYVILLE, NORTH DAKOTA:

Section 1. That the ordinance related to non-conforming uses be amended read to as follows:

Non Conforming Uses.

If any nonconforming structure or any building in which there is a nonconforming use is damaged by fire, flood, explosion, wind, war or other catastrophe, in an amount equal to or greater than fifty percent (50%) of its assessed valuation, it shall not be again used or reconstructed to be used for any use except one complying with the provisions of this article for the district in which it is located.

Notwithstanding the foregoing provisions of this paragraph, any principal nonconforming use or structure that is damaged or destroyed by any means, to the extent of more than fifty percent (50%) of its structural value prior to the damage, that structure may be restored, repaired or rebuilt in its entirety if all of the following conditions are met:

- a) The building or structure will not occupy any portion of the lot that was not occupied by the destroyed structure;
- b) The building or structure will not have a greater floor area than the destroyed structure;

- c) The building or structure will not exceed the height or number of stories contained in the destroyed structure;
- d) The number of off-street parking spaces located on the property will not be reduced from the number available before the damage; and
- e) The building permit for the repair or restoration must be obtained within six (6) months of date of the damage and restoration must begin within one (1) year of the date of the damage.

Section 2. Effective Date. This ordinance shall be in full force and effect from and after the date of its second reading and final passage.

MAYOR:


Steven Bensen

ATTEST:


Gail Olstad

Date of First Reading: 10/5/2020

Motion by: O'Brien

Second by: Gates

Yea: Gates, Bohnsack, Moen, Carr, O'Brien

Nay: 0

Absent: Petersen

Date of Second Reading:

Date of Publication:

The Second reading of An Ordinance to Amend Revised Ordinances of 1979 City of Mayville by adding Article 13-04 Wildlife Management Program – Regulations for next year published. Gates made the motion to accept this second reading of this Amended Ordinance. Moen seconded the motion and upon a roll call vote the following voted: Yea: O'Brien, Moen, Gates, Carr, Bohnsack; Nay: 0; Absent: Petersen.

**AN ORDINANCE TO AMEND CHAPTER XIII, ARTICLE 4 OF THE
REVISED ORDINANCES OF 1979 OF THE CITY OF MAYVILLE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAYVILLE, NORTH
DAKOTA:**

October 5th, 2020

SECTION 1. Ordinance numbers 13-0401 through 13-409 are hereby added to the Revised Ordinances of 1979 of the City of Mayville, North Dakota.

Article 13-04 WILDLIFE MANAGEMENT PROGRAM-REGULATIONS 13-

0401 – CITY WILDLIFE MANAGEMENT PROGRAM.

The city council deems it necessary and appropriate to establish a Wildlife Management Program within the city limits of Mayville. Through this program, the city may authorize persons to use an archery device for purposes of meeting the goals of the program. The city council shall have authority to adopt such rules and regulations as are necessary to implement the Wildlife Management Program.

13-0402 – DEFINITIONS

In this article, unless the context or subject matter otherwise requires:

- 1 "Archery device" shall mean any longbow or compound bow.
- 2 "Crossbow" shall mean a device for discharging quarrels, bolts, or arrows, formed of a bow set cross-wise on a stock, usually drawn by means of a mechanism and discharged by the release of a trigger.
- 3 "Projectile weapon" shall mean any bow, crossbow, pellet gun, slingshot or other weapon that is not a firearm, which is capable of expelling a projectile that could inflict serious physical injury or death by striking or piercing a person.
- 4 "Under the influence" shall mean that condition as defined by state regulation applied to motor vehicle operation.
- 5 "Tree stand" shall mean an elevated platform, a minimum of ten (10) feet above ground level, designed to support one hunter.

13-0403 – DESIGNATED SEASON AND AREAS FOR INCLUSION WITHIN WILDLIFE MANAGEMENT PROGRAM, NUMBER OF PERMITS, PERMIT FEE.

The city council may annually, by resolution, designate a period of time during which persons may participate in the city's Wildlife Management Program. The city council may also, by resolution designate specific areas within the city limits for inclusion within the program as well as designate the appropriate number of permits. The city council shall also have authority to charge a fee for participating in the program which may be set annually by resolution.

13-0404. - PROFICIENCY REQUIREMENTS FOR PARTICIPANTS.

No person shall be allowed to participate in the Wildlife Management Program until he or she can present certification of having completed an archery safety course approved by the sheriff's department or its designee.

13-0405. - PERMISSION OF LANDOWNER REQUIRED.

- 2 It shall be unlawful for any person carrying an archery device, or crossbow, of any type, to knowingly enter into the premises of another, or to discharge an archery device or crossbow of any type while on the premises or property of another without first having obtained written permission from the owner, lessee, or person in charge of such premises or property.
- 3 When taking part in the activities authorized under this article, all participants must carry on their person, written documentation signed by the private property owner as confirmation that the participant has permission to be on that owner's private property.
- 4 Any person granted permission to enter upon the property of another for purposes of this program shall be held responsible for their actions while on the person's property.

13-0406. - RULES AND REGULATIONS OF PARTICIPATION.

- A. Eligibility for participation in the Wildlife Management Program is limited to persons eighteen years of age or older.
- B. Any person participating in the Wildlife Management Program shall:
 1. Pass an archery safety and program training course, to include a proficiency test;
 2. Apply for and obtain a city of Mayville permit to participate in the program and pay any related fee;
 3. Obtain a North Dakota Game and Fish Department special archery license and tag;
 4. Obtain written permission from the landowner prior to entering upon private property and carry proof of such written authorization;
 5. Permanently mark all arrows in his or her possession with the participant's last name and city of Mayville permit number;
 6. Comply with any rules and regulations governing the Wildlife Management Program;
 7. Comply with all other applicable archery rules and regulations issued by the North Dakota Game and Fish Department; and
 8. Follow all North Dakota Game and Fish Department guidelines regarding field dressing and processing of the animal.
- C. Nothing in this article shall authorize the parking or standing of vehicles on private property without the consent of the property owner or the parking or standing of any vehicles in violation of the Mayville Municipal Code.

13-0407. - SPECIFIC ACTIONS PROHIBITED.

- A. It shall be unlawful for any person to discharge any archery device or crossbow from across any street, sidewalk, road, highway, or playground.
- B. It shall be unlawful for any person to discharge an archery device or crossbow within one hundred (100) yards of any church, school, or playground.

- C. It shall be unlawful for any person to discharge any archery device or crossbow within fifty (50) yards of any dwelling, building, structure, or vehicle, unless the person has previously received express authority to discharge the archery device or crossbow within fifty (50) yards from the owner of the dwelling, building, structure, or vehicle.
- D. No arrow or other projectile authorized for use under this article may be discharged or projected at such an angle or distance as to land on public or private property other than the property on which the participant has permission to enter upon.
- E. No arrow or other projectile may be discharged or projected at such an angle or distance as to land within seventy-five (75) feet of any front-yard property line.
- F. No arrow or other projectile may be discharged or projected at such an angle or distance as to land within fifty (50) feet of any street or public-right of way.
- G. All hunting shall be conducted from an elevated position that is at least ten (10) feet in height and faces the interior of the property. The elevated position (wildlife stand) shall be located in such a way as to direct arrows away from occupied areas, buildings or dwellings, and to prevent any arrow from landing any closer than twenty-five (25) feet from any side or rear property line.
- H. No hunting is authorized on tracts of land under one (1) acre in area, except that adjacent property owners may combine their parcels to satisfy the property line discharge restrictions.
- I. No person shall possess, consume, or be under the influence of alcohol or any other controlled substance while participating in activities authorized under this article.
- J. Wildlife drives or efforts to direct or push wildlife to certain locations as part of assisting participants shall be prohibited.

13-0408. - WILDLIFE RETRIEVAL.

- A. Participants shall make every reasonable effort to retrieve wildlife.
- B. Nothing in this article authorizes the act of trespass.
- C. It shall be the participant's responsibility to immediately notify any property owner, other than the specific property owner who has granted permission for hunting on his or her property, of the fact that an injured animal is located on his or her property.
- D. It shall be the participant's responsibility to obtain the permission of any property owner upon which an animal is located prior to engaging in a reasonable search and retrieval of the animal.
- E. In the event the participant cannot obtain the permission of a property owner to conduct a reasonable search and retrieval of an animal, the participant shall notify the North Dakota Game and Fish Department.

13-0409. - PENALTY FOR VIOLATIONS.

Any person, entity, or group of individuals who violate any provision of this article, other than the unlawful carrying, possession, or discharge of a weapon as described in section 10-0304, or

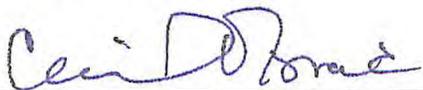
who fail to follow any related rules or regulations, shall be charged with an infraction, punishable by a fine not to exceed \$500.00.

SECTION 2. Effective Date. This ordinance shall be in full force and effect from and after the date of its second reading and publication.

MAYOR:


Steven Bensen

ATTEST:


Gail Olstad, City Auditor

Date of First Reading: _____ 9-14-20 _____

Motion: O'Brien

Seconded by: Bohnsack

Yea: Petersen, Moen, O'Brien, Gates, Bohnsack

Absent: Carr

Date of Second Reading: _____ 10-05-20 _____

Motion: Gates

Seconded by: Moen

Yea: Carr, O'Brien, Gates, Bohnsack, Carr

Nay: 0

Absent: Petersen

Date of Publication: _____ 01-08-2021 _____

The following calendars were reviewed: October, November & December 2020. Note: Final Budget Hearing, October 5, 2020; City Offices Closed for the following Holidays: Veterans Day, Nov 11; Thanksgiving, Nov 26 & 27; and Christmas, Dec 24 & 25; Dec.7, Liquor License approval. Carr made a motion to accept the calendars as presented. Moen seconded the motion, motion carried.

O'Brien made the motion to accept the LAWA Reappointment of William Bohnsack to represent the City of Mayville on the LAWA Board. Gates seconded the motion, motion carried.

Riverwood Parcel Bid Opening: Lot 8, Block 4 – Received two offers. Requested Buyers submit sealed bids to be opened October 5, 2020 at City Council Meeting. Only one bid was submitted by Kasey Karlstad and family. The purchase price submitted was \$6500.00. Gates made the motion to accept this offer to purchase this lot in the Riverwood Development, Moen seconded the motion and upon a roll call vote the following voted: Yea: Bohnsack, O'Brien, Gates, Moen, Carr; Nay: 0; Absent: Petersen.

O'Brien made the motion to approve the 2021 Budget to County. Moen seconded the motion and upon a roll call the following voted: Yea: Moen, O'Brien, Gates, Bohnsack, Carr; Nay: 0; Absent: Petersen.

NB Holdings LLC, Property Address, 36 Main St W, Mayville, ND 58257 put in an Application for Property Tax Exemption. Carr made the motion to accept this application for Property Tax Exemption. Gates seconded the motion and upon a roll call vote the following voted: Yea: Carr, Bohnsack, O'Brien, Gates; Nay: 0; Abstain: Moen; Absent: Petersen

Moen made the motion to approve \$400 purchase price for a third pump at the armory for a backup pump. Two pumps replaced are in monthly bills. Gates seconded the motion and upon a roll call vote the following voted: Yea: O'Brien, Bohnsack, Carr, Gates, Moen; Nay: 0; Absent: Petersen.

CWSRF Project Information: Approve submission of questionnaire for projects needing financial assistance for construction in 2021 and later years. Wastewater treatment, interceptor sewer, collector sewer, stormwater and nonpoint (including landfill) projects are eligible: 1. A questionnaire must be completed for each new project not currently on the project priority list for which CWSRF assistance is desired. 2. Previously listed projects that do not yet have a CWSRF loan for which CWSRF assistance may still be desired. It was decided to table this till the November Council Meeting.

Sheriff's Report – Office Andrew Klegstad came and was wondering if the City had any concerns. One councilman brought up parking trailers/campers on the street and leaving them there for days. Just concerned for when winter come and trying to clean snow. Officer Klegstad stated that he would bring this information back to the Sheriff's Office.

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