

September 14, 2020 Mayville City Council

The Mayville City Council met in regular session on September 14, 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: Bohnsack, O'Brien, Petersen, Moen, Gates. Absent: Carr. Also, in attendance: Gail Olstad, Julie Christianson, Lynn Slaathaug-Moen, Shelia Anderson, Brandon Reber, Jacob Jaffa, Sheriff Hunt.

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

1. **Minutes from 08-03-20 meeting and September 9, 2020 Special Council Meeting.**
2. **Auditor's Office approval:** Mayville State University licensed to hold a parade within city limits, September 26, 2020; Top Hat liquor license transfer to the armory for wedding reception on September 19; Floyd's Bar for a liquor license transfer for the MSU Sportsmen's Raffle on September 26.
3. **Conferences & Training Opportunities:** ND League of Cities – 2020 Virtual Annual Conference – Thursday – Saturday September 24-26, 2020
4. **Natural Gas Hearing:** Mayor Bensen, Jim Murphy, Crystal Sugar and DNG representatives participated in a PSC informal hearing September 3rd addressing the importance of bringing natural gas into this rural, underserved area. Commission formal action is hopeful before October 1st to accommodate an aggressive construction timeline. A question was raised about if possible to bring into Portland, and it was mentioned that it could possibly be by 2022.
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 conferences that provide helpful and timely information for citizens and businesses in these challenging times. The ND Emergency Commission and the ND Legislative Budget Section approved a third round of COVID-19 relief which included \$59M to be paid out as a reimbursement for law enforcement payroll, based on each jurisdiction's number of law enforcement officers and actual payroll costs from March through September. "This concept will get much needed revenue to counties and cities quickly and efficiently" state Governor Burgum. **Free COVID-19 testing will take place Tuesday morning, September 15 at the Jerome Berg Field parking lot. The public is welcome.**
6. **Free Landfill:** The landfill will be open to Mayville residential customers at no charge September 26 – October 3, 2020 as weather allows. No curbside pickup.
7. **Adding Handicapped Parking:** An additional handicapped parking spot will be added on Main Street near the Goose River Bank parking lot.
8. **Miles Eberhardt Retiring:** Miles has given notice that he will retire this month after 35 years with the city. He has been a valued employee. His dedication, expertise and experience have been very important for city operations. We thank him for his service and wish him an enjoyable retirement.
9. **November Election Site:** November 2020 general election will be mail in voting only, but as required, the City Armory has been designated as a polling place.
10. **Scrap Metal Removed:** E & G Trucking of Buxton crushed and removed 78.79 tons of scrap metal from landfill for \$800.00.
11. **Sheriff's Deputy Vehicle Sold:** Mayville's vehicle sold in Traill County Auction for \$4527. Proceeds to be applied towards 2021 vehicle.
12. **Personal Touch Management:** Housing and trailer park property is listed for sale. Garbage and recycle billing changes did not move forward.

Gates seconded the motion, motion carried.

Mayville Street Project: Moore Engineering Street Project Study Update: Televising reviewed and found that sewer on east side of town is in rough shape. Moore met with the school to hear what they are looking for and give the school some possible options to think about.

1.0 Citywide Street Improvements Study

1.1 Study Update

- 1.1.1 Televising reviewed, utility items options being evaluated
- 1.1.2 Met with School – options prepared
- 1.1.3 Preliminary Street Recommendations
- 1.1.4 Preliminary Estimates and Report being prepared

1.2 Moore Engineering Invoice 24650 - \$20,169.98

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 Acquire Geotechnical Proposal
- 1.3.5 Meeting with Project Committee
- 2.0 **DWSRF Forms**
 - 2.1 Planning forms for low interest loan program through the NDDEQ
 - 2.2 No obligation, just want to be on the list
 - 2.3 Projects submitted – repeat from last year
 - 2.3.1 Water Main looping and extension
 - 2.3.2 Water Treatment Plant updates
 - 2.4 **Need Mayor's signature on last page**

Review of September 2020 actual and October 2020 estimated expenses.

16216	3D Specialties	streets	maint/operation	\$335.42
16217	420 Praxair	streets	maint/operation	\$45.28
16218	Aasen Drug	library	misc	\$23.42
16219	Aflac	all	insurance	\$800.92
16220	Agassiz Sales	sales tax	purchase of new mower	\$10,750.00
16221	American Funds	all	retirement	\$3,840.75
16222	American Solution for Business	library	office supplies	\$97.98
16223	American Solution for Business	non-dept	misc	\$17.85
16224	Baker & Taylor	library	books	\$290.09
16225	Bill's Repair	streets	weld payloader forks	\$130.00
16226	Brite-Way Window Cleaning	city hall	maint/operation	\$175.00
16226	Brite-Way Window Cleaning	armory	maint/operation	\$95.00
16227	Brodart	library	office supplies	\$94.60
16228	Cardmember Services	all	maint/operation	\$766.51
16232	Dacotah Paper	all	paper supplies	\$827.26
16233	Dakota Supply Group	water treatment	maint/operation	\$90.48
16234	Drew Petersen	cemetery	contract	\$2,750.00
16235	ECRWD	water treatment	purchase of raw water	\$5,483.54
16236	Erickson Pest Control	sanitation	maint/operation	\$60.00
16238	Farmers Union Oil	all	fuel for vehicles	\$477.73
16239	Ferguson Waterworks	ww collection	maint/operation	\$41.25
16239	Ferguson Waterworks	ww treatment	maint/operation	\$112.16
16240	Finley Motors	ww collection	2014 Chevy Pickup	\$11.64
16215	First State Bank	fire dept	fire truck payment	\$24,992.03
16241	First State Bank	water dist & ww	water collection fee	\$1.98
16242	Gary Winger	cemetery	misc - marking graves	\$100.00
16243	Good Housekeeping	library	periodicals	\$15.00
16244	Goose River Bank	water dist & ww	water collection fee	\$33.70
16245	Grand Forks Utility Billing	ww collection & non-dept	testing & misc	\$344.99
16246	GreatAmerica Copier Lease	all	lease on copier	\$451.99
16247	H.E. Everson	Sanitation & streets	maint & sweeper	\$146.93
16249	In-Control Inc	water treatment	programming VFD	\$3,083.39
16250	Jeff's Electric	streets	repair/maintenance	\$67.00
16251	Julie Christianson	library	cleaning	\$76.50
16254	MayPort Auto & Truck Parts Inc	Sanitation & distribution	maint/operation	\$210.71
16255	MayPort Farmers Co-op	all	fuel for vehicles	\$244.11
16256	MayPort Hardware Hank	all	maint/operation	\$220.89

16284	Mayville Airport Authority	airport	July's spec rec'd in Aug	\$38.66
16285	Mayville Airport Authority	airport	Aug's spec rec'd in Sept	\$36.84
16286	Mayville State University	sales tax	July's rec'd in August	\$22,236.52
16257	MC Decorating	library	repair/maintenance	\$37.95
16258	Midcontinent Communications	all	internet & cable	\$946.96
16259	Miller's Fresh Foods	city hall	misc	\$14.54
16260	Miller's Fresh Foods	library	maint/operation/comm project	\$52.72
16287	MPEDC	sales tax	July's rec'd in August	\$7,560.42
ACH	NDPERS	all	insurance	\$5,187.14
16261	Neset Repair & Sales	streets	93 Pickup	\$238.00
16262	Network Center	all	datto backup	\$165.00
16263	Newman Signs	streets	maint/operation	\$261.61
16264	Nilson Brand Law	city attorney	retainer & legal issue	\$645.00
credit	Northdale Oil Inc			-\$5,177.47
16265	One Call Concepts	water distribution	maint/operations	\$25.20
16266	Opp Construction	streets	repair/maintenance	\$1,916.88
16267	Paulson Gravel Service	streets	maint/operation	\$436.00
16289	Petty Cash - Library	library	petty cash	\$200.00
16268	Polar	auditor's	lease on phones	\$60.77
16269	Pollard Water	water distribution	maint/operation	\$267.75
16270	Precision	water treatment & city hall	repair/maintenance	\$580.42
credit	Reliance Life Insurance Company			-\$74.00
16271	Septic Tank Servicing	streets	maint/operation	\$200.00
16272	Smithsonian Members Gift Services	library	periodicals	\$19.00
16273	Soholt Bakery	city hall	misc	\$20.00
16274	Team Lab	ww coll & streets	road patch	\$1,360.00
16275	Traill County Treasurer	sheriff	contract	\$22,084.97
16276	Traill County Tribune	non-dept	printing	\$713.52
16277	USPS	library	postage	\$330.00
16278	USPS	water dist & ww	postage for water bills	\$250.23
16279	Valley Plains Equipment	streets	mower	\$146.29
credit	Valley United			-\$12.23
16280	Verizon	all	cell phones	\$268.79
16237	Veseris	vector	chemicals	\$740.00
16281	Waste Management	sanitation	garbage & recycling	\$23,386.64
16282	Water Environment Federation	Waters & ww waters	dues for Dan Overmoe	\$155.00
16283	Xcel Energy	all	electricity	\$10,694.58

H2O Deposits refunded

16230	COM (Laura Aanstad)		\$105.91
16231	COM (Mavrik Hedland)		\$119.25
16288	Haley Martin		\$150.00
16252	Laura Aanstad		\$44.09
16253	Mavrik Hedland		\$30.75

\$153,769.80

Gates made the motion to approve the bills as presented as September & October estimated. O'Brien seconded the motion, motion carried

Approval of financial reports: January through July 2020. Moen made the motion to approve the financial reports. O'Brien seconded the motion, motion carried.

The loan on the last fire truck included 12 annual loan payments. The law changed and now it must be only 10 annual loan payments. So, the City needs to pay an extra payment this year and next year. The annual payment is \$24992.03. O'Brien made the request to approve to make a second payment of \$24992.03. Current cash balance is \$71K. Bohnsack seconded the motion and upon a roll call the following voted: Yea: Gates, Bohnsack, Moen, Petersen, O'Brien; Nay: 0; Absent: Carr.

Housing Disposition Environmental Review: The Housing Authority of Cass County is conducting a review for them to obtain HUD's permission to sell off their public housing units in Traill County. "Responsible Entity" must sign off on the adequacy of the review. Traill County can serve as the Responsible Entity in lieu of four different cities, Mayville, Portland, Hillsboro, and Hatton. Is this option acceptable? O'Brien made the motion to make Traill County as the Responsible Entity for such housing located in Mayville. Bohnsack seconded the motion, the motion carried.

The Water Treatment & Riverwood Generator Slab Repairs: Extensive discussion has been made on this subject. Additional options have been investigated. WTP pad recommendation includes a 4-pier fix proposed by Ram Jack, approximately \$17,000.00. Confident no current footings will be in the way of the piers being installed. Gates made the motion to go with Ram Jack at \$17,000.00. Moen seconded the motion and upon a roll call vote the following voted: Yea: Petersen, Moen, Bohnsack, O'Brien, Gates; Nay: 0; Absent: Carr.

DWSRF Project Information: Approve submission of drinking water projects for possible funding assistance: 1. \$500,000 to identify and replace remaining ACP water mains in the system as well as gate valve and hydrants that need to be fixed or replaced; and 2. \$750,000 for upgrades to the city water treatment plant to allow for continued adherence to water quality standards. Petersen made the motion to let Moore Engineering go ahead with the paperwork for #1 so we can possibly offset some of the street project costs. Bohnsack seconded the motion, the motion carried.

Riverwood Parcel Updates: Kylo – allow 90 days extension, changing builders to KP Builders, Hillsboro; Opbiem – Need purchase agreement; Strand – need final plans and lot layout; Nagel – need lot layout; On Lot 8, Block 4 two offers were received, so request permission to proceed with sealed bids. O'Brien made the motion to go ahead and ask for sealed bids as there is no deadline but try to get them in asap (October 5th). Petersen seconded the motion, the motion carried.

Snow Removal City Building: Is the Council interested in requesting bids. The council said to go ahead and see what we get and then go from there.

Sheriff's Report: Nothing to report currently.

O'Brien made the motion to accept the first reading of the following ordinance

**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:**

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:

- 2 "Archery device" shall mean any longbow or compound bow.
- 3 "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.
- 4 "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.
- 5 "Under the influence" shall mean that condition as defined by state regulation applied to motor vehicle operation.
- 6 "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
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.

- 3 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.
- 4 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.
- 5 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.

Bohnsack seconded the motion.

ATTEST:



Gail Olstad, City Auditor



Mayor Steve Bensen
Mayville, North Dakota

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

Roll Call Vote:

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

Nay: 0

Absent: Carr

Date of Second Reading: _____

Roll Call Vote:

Yea:

Nay:

Absent:

Date of Publication: _____

Gates made the motion to adjourn the meeting with Petersen seconded the motion, motion carried.

Attest: Julie Christianson
Julie Christianson Deputy Auditor

Mayor: Steve P Bensen
Steve Bensen