

June 7, 2021, Mayville City Council

The Mayville City Council met in regular session on June 7th, 2021, at 6:00 pm in the council chambers with Mayor Bensen presiding and the following Aldermen responding to call of the roll: Carr, Bohnsack, O'Brien, Moen, Gates. Absent: Petersen. Also, in attendance: Gail Olstad, Julie Christianson, Cassie Tostenson, Shelia Anderson, Brandon Reber, Sheriff Hunt.

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

1. **May 3, 2021, minutes (Monthly meeting)**
2. **May 3, 2021, minutes (Executive Session – Unterseher Matter)**
3. **Auditor's Office approvals:** Shriners to hold a parade 6/17/21.
4. **Conferences & Training Opportunities:** ND League of Cities Annual Meeting, September 17-19, Bismarck, ND; AWIA Webinar Flyer May 2021.
5. **Dakota Natural Gas 2021 Construction map:** Outlines planned construction in Mayville 2021. Information was published in Traill County Tribune and is available at www.greatermngas.com.
6. **Planning & Zoning meetings to resume:** City Auditor has contacted members.
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. **Grant award \$30,000! Thanks Ben Gates for filing assistance.**
8. **ND State Fire & Tornado Fund:** Renewal pricing will increase 14% effective July 1, 2021. Reinsurance premiums paid to protect against catastrophic losses have increased significantly resulting in the premium increases.
9. **TIF Reporting:** 2021 TIF Report was filed with the ND Department of Commerce.
10. **NDIRF Annual Report 2020:** Copies are available at City Hall.
11. **Rural Development Finance Corporation 2019-2020 Biennial Report:** Copies are available at City Hall.
12. **Street sweep and curb painting:** Street maintenance will contract an additional street sweeping before parades this month. Curb will also be painted.
13. **Property Assessment:** Current long-time assessors will no longer be contracting with Mayville or Hillsboro. Preliminary plan is to contract with Traill County Equalization office for these services. County Equalization proposes investing in new software and added staffing to modernize and improve efficiency. Initial cost will be \$15K. Decision to be made in September. Kayla Knudson, Traill County Tax Director is working on the assessment. The software will cost approximately \$80K. Hillsboro's initial cost would be \$30K and Mayville's \$15K.
14. **American Rescue Plan Act – New Guidance:** New guidance for cities with populations less than 50,000. ND League of Cities will review and provide additional updates as more information is released.
15. **Mayville Trailer Park:** Notice given to owner that City has commenced an action to condemn and demolish the property. The city attorney feels that the city should put a fence around the burned down trailers and abandoned trailers for liability purposes.

Bohnsack seconded the motion, motion carried.

1.0 Citywide Street Improvements Study

1.1 Public Information Meeting Recap

1.2 Resolutions for Improvement District

1.2.1 Resolution Creating Sewer & Water Improvement District No. 2022-2

1.3 Next Steps

1.3.1 Protest Hearing – Wednesday June 9

1.3.2 Move into Design Phase if insufficient protest

1.3.3 Resolution Finding Insufficient Protest

1.3.4 Resolution to Authorize Engineer to Prepare Plans and Specifications

1.4 Moore Engineering Invoice #27003 - \$12,278.54

Brandon Reber attended the City Council meeting to present an update on the status and answer any questions. Brandon Reber reminded the council about the Protest meeting on June 9th at 6:00 pm at the armory. Brandon brought a monthly invoice of \$12278.54 to the meeting. O'Brien made the 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.

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

18782	420Praxair	streets	maint/operation	\$46.02
18783	Aasen Drug	library	office supplies	\$28.32
18784	Aasen Drug	ww collections	maint/operation	\$12.99
18785	Aflac	all	insurance	\$1,104.90
18786	Agassiz Sales	streets	maint/operation	\$37.20
18787	Aramark	all	rugs	\$404.41
18788	Baker & Taylor	library	books	\$72.33
18789	Bank of North Dakota	Water 17	loan payment	\$2,056.41
18790	Brad Beck	cemetery	removal of trees	\$1,500.00
18791	Brite-Way Window Cleaning	city hall	misc	\$175.00
18791	Brite-Way Window Cleaning	armory	misc	\$95.00
18792	Brodart	library	office supplies	\$98.70
18793	Butler	all	generator contracts	\$5,581.00
18794	Center Point Large Print	library	books	\$49.00
18795	Dan Overmoe	ww treatment	postage	\$249.99
18796	Drew Petersen	cemetery	monthly contract	\$2,750.00
18797	ECRWD	water treatment	purchase of raw water	\$4,153.62
18798	Emergency Apparatus	fire dept	certification of fire trucks	\$7,507.44
18799	Envirotech Heating & air	library	repair/maintenance	\$119.95
18800	Erickson Pest Control	sanitation	maint/operation	\$60.00
18801	Ferguson Waterworks	water distribution	maint/operation	\$201.00
18801	Ferguson Waterworks	water distribution	maint/operation	\$350.29
18802	Flaten & Johnson	ww treatment	95 Case Tractor	\$67.79
18803	Goose River Bank	water dist & ww	collection fee	\$53.21
18804	Grainger	water treatment	maint/operation	\$233.10
18805	Grand Forks Utility Billing	water treatment	samples	\$141.23
18806	GreatAmerica	all	lease on copier	\$582.83
18807	H.E. Everson	water, ww water & streets	maint/operation	\$163.10
18808	Hawkins	water treatment	chemicals	\$3,149.71
18809	MayPort Auto & Truck Parts Inc	water treat & dist	maint/operation	\$43.36
18810	MayPort Farmers Co-op	all	fuel for vehicles	\$734.38
18839	Mayville Airport Authority	airport	April's spec rec'd in May	\$93.63
18811	Mayville Hardware Hank	all	maint/operation	\$465.48
18840	Mayville State University	sales tax	April's rec'd in May	\$20,831.75
18812	Midcontinent Communications	all	phones & internet	\$747.97
18813	Miller's Fresh Foods	library	maint/operation	\$20.27
18814	Miller's Fresh Foods	city hall	misc	\$24.43
18841	MPEDC	sales tax	April's rec'd in May	\$7,082.79
18815	ND Dept of Environment Quality	water treat & water dist	training for Dan	\$20.00
18816	ND Dept of Environment Quality	water treat & water dist	training for Christian	\$20.00
18817	ND Sewage Pump & Lift Station	waste water collections	maint/operation	\$1,045.00
ACH	NDPERS	all	insurance	\$4,446.12
18818	Network Center	all	backups	\$338.00
18819	Nilson Brand Law	city attorney	legal issues	\$1,310.35
18819	Nilson Brand Law	street infrastructure	street project	\$440.00
18819	Nilson Brand Law	streets	June's legal retainer	\$225.00
18820	North Dakota Dept of Health	water distribution	maint/operation	\$34.43
CREDIT	Northdale Oil			-\$570.35
ACH	OneAmerica	all	retirement	\$6,009.29

18821	Polar Telcom	auditor	lease on phones	\$60.77
18822	Pollard Water	water distribution	maint/operation	\$92.98
18823	Precision	city hall	repair/maintenance	\$165.67
18824	Reliance Standard Life Insurance	all	life insurance	\$168.50
18825	Septic Tank Servicing	streets	maint/operation	\$200.00
18826	Soholt Bakery	city hall	misc for April & May	\$89.00
18827	Team Lab	streets	repair/maintenance	\$688.00
18828	Team Lab	water distribution	maint/operation	\$175.00
18829	Traill County Treasurer	sheriff	monthly contract	\$22,949.00
18830	Traill County Tribune	all	printing	\$1,608.12
18831	Traill County Tribune	library	printing	\$79.98
18833	USPS	water dist & ww	postage for water bills	\$248.17
18832	USPS	library	postage	\$165.00
18834	Valley Plains Equipment	streets	John Deere Mower	\$53.78
18835	Valley United	vector	chemicals	\$544.96
18836	Verizon Wireless	all	cell phones	\$271.71
18837	Waste Management	sanitation	garbage & recycling	\$23,678.56
18838	Xcel Energy	all	electricity	\$10,975.14

H2O Deposits refunded

\$136,620.78

Carr seconded the motion, motion carried.

Gates made the motion to accept January through April 2021 financials. Bohnsack seconded the motion, motion carried.

Office closed Independence Day (observed) July 5; Brady Martz CY 2020 Audit June, June 14 – June 25; Committee meetings: Admin and Physical Plant Committees will meet Tuesday 5 pm, and Wednesday noon, respectively, the week proceeding 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. Gates made the motion to accept this as presented. Carr seconded the motion, and the motion carried.

Discussion was held about the power outages that occurred over the past weekend. No one really knew what was going on. Xcel Energy was just sending out generic emails and texts to people but not really giving out specific details at all. A couple of businesses called and came in and voiced their opinions about the lack of communication from Xcel Energy. The armory was open for people that needed to plug in their oxygen or for any such health reasons. The Council felt that Xcel Energy should have been more up front with more specific information on how long the outages were going to be so people could have planned. The city got a 30 yd roll-off from Waste Management so Mayville residents could get rid of any spoiled food as their garbage totes would get full fast.

Gates made the motion to approve the Auditor’s Bond as presented. Moen seconded the motion and upon a roll call vote the following voted: Yea: Gates, Bohnsack, Moen, O’Brien, Carr; Nay: 0; Absent: Petersen.

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
Gail Olstad, City Auditor

Mayor: Steven Bensen
Steven Bensen

Physical Plant and Finance committees recommend moving forward with furnace replacement/natural gas conversion at the City Shop building previously. Request approval currently to convert Mayville Fire & Rescue's two Lennox LP furnaces to natural gas. Quote from Precision totals \$401.14. O'Brien made the motion to accept this bid and to go ahead with the natural gas conversion at these two places. Gates seconded the motion and upon a roll call vote the following voted: Yea: Moen, O'Brien, Gates, Carr, Bohnsack; Nay: 0; Absent: Petersen.

The City Attorney discussed the Unterseher Matter as no response back from the letter that was sent by the City Attorney to Unterseher. The letter was sent on May 7th, 2021. O'Brien made the motion to proceed with action. The council advised the City Attorney to serve and collect with a summons/complaint. Gates seconded the motion, the motion carried.

Discussion was held on Utility Policy for Vacant lots: Water, sewer. Garbage, recycling is required for all lots with structures, empty lots will not have these 4 costs Surcharges remain as applied at the time. Meter charge only if have a meter. Moen made a motion to accept this presented. Bohnsack seconded the motion, the motion carried.

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. O'Brien made a motion to request City Hall, the City Armory and Library return to normal operation hours, and normal public access hours. Bohnsack seconded the motion, the motion carried.

It was brought to our City Auditor's attention that the west side of the Armory the sidewalk has deteriorated significantly. City Auditor asked city workers to get bids for concrete work and to put bollards around the hydrant by O'Brien Seed. David Groven gave a bid of \$2834.00 so O'Brien made the motion to accept that bid for the work. Gates seconded the motion and upon a roll call vote the following voted; Yea: O'Brien, Bohnsack, Carr, Gates, Moen; Nay: 0; Absent: Petersen.

The City Attorney talked about the Landfill Erosion Mitigation as she was in contact with Ben Naastad. Councilman Moen has been in contact with owner. They will get back in contact with City Attorney.

Carr made a motion to authorize continuation of contract services with Aramark (Ameripride). It will be a 5-year contract. It will run us around \$290.00 month. It will include a yearly increase of 6%. Gates seconded the motion, the motion carried.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER XVII, SECTION 17-0217 AND 17-0218 OF ARTICLE 2 AND 17-00315 AND 17-0316 OF ARTICLE 3 OF THE REVISED ORDINANCES OF 1979 OF THE CITY OF MAYVILLE RELATING TO THE AMOUNT OF STATUTORY FEES.

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

SECTION 1. Section 17.0217 of Article 2 of the Revised Ordinances of 1979 of the City of Mayville, North Dakota, is hereby amended to read as follows:

17-0217. **Mobile Home and Recreational Vehicle**

- a. "Mobile Home"-a detached residential unit designed for transportation arriving complete and ready for occupancy at the site where it is to be occupied except for connections to utilities. A recreation travel trailer is no to be consider a mobile home.
- b. "Recreational vehicle" means a vehicular unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are travel trailer, camping trailer, truck camper and motor home.

17-0218. Mobile Home Parks and Recreational Vehicle Parks

- a. "Mobile Home Park"-any site, or tract of land under single ownership, upon which are located two or more mobile homes used for residence purposes either free or charge or for a fee. A mobile home park shall include any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park.
- b. "Recreational vehicle park" means a plot of ground under single ownership or management which has been planned and improved for occupancy by at least five or more recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes.

ARTICLE 3.

17-0315-Parking of Mobile Homes or Recreational Vehicles

- a. It is unlawful for any person to park a mobile home or recreational vehicle on any street, alley, highway, or public place or on any tract of land owned by any person, occupied or unoccupied, within the city except as provided in this section.
- b. Emergency or temporary stopping or parking is permitted on any street, alley or highway for no longer than 48 hours, subject to any other or further traffic or parking limits imposed on such streets, alleys, or highways.
- c. Mobile homes or recreational vehicles may be used for temporary construction offices and sales rooms when a special use permit is first secured as required by these ordinances.
- d. Recreational vehicles may be parked upon private premises, if vacant and not used for human habitation. A recreational vehicle may not be occupied or used for human habitation unless located in a licensed recreational vehicle park, or except for special

events at designated locations approved by the building official.

- e. Mobile homes may be allowed on parcels of land that are properly zoned and platted for such use as allowed.


17-0316 Amendments.

The City Council may from time to time amend by ordinance or resolution the number, shape, or area of districts established on the Zoning maps or the regulations as set forth in this Ordinance; but no such amendment shall become effective unless the regulations proposing such amendment or change shall first be submitted to the City Planning and Zoning Commission for a recommendation of approval, disapproval, or for suggestions, and said commission shall have been allowed a reasonable time, not less than 30 days, for consideration and report to the City Council. Before submitting its recommendations and report to the City Council, the City Planning Commission shall hold a public hearing on the proposed amendment, supplement, or change. In case of a written protest a proposed change in the boundaries of a municipal district signed and acknowledged by the owners of 20% or more of either the area of lots proposed

to be altered or of the area adjacent, extending 150 feet from the area proposed to be altered, excluding the width of streets, is filed with the Zoning Administrator, such amendment shall not be passed or become effective except by the favorable vote of 4 members of the City Council.


1. Notification. The failure to notify, as provided by this article, shall not invalidate an ordinance or a resolution, provided such failure was not intentional and the omission of the name of the owner or occupant of the property who may, in the opinion of the City Planning Commission, be affected by such amendment, supplement or change, unless such omission is intentional. shall not invalidate any ordinance or resolution passed hereunder, it being the intention of this article to provide so far as may be for notice to the persons substantially interested in the proposed change that an ordinance or resolution is pending before the City Council, proposing to make a. change in zoning.
2. Application for Change. Any person desiring a change in zoning of property may make application therefore, and in so doing shall accompany the petition for such change in zoning, or the ordinance or resolution introduced for the purpose of changing such zoning, with a fee in an amount to be determined by the City Council toward the cost of processing the application. Should the application be withdrawn prior to publication of legal **notice** thereon, such fee will be returned upon written request of the applicant.

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
Mayville, North Dakota

ATTEST:



City Auditor

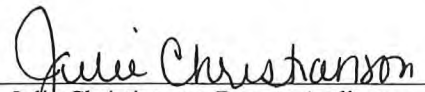
Date of First Reading: 06-07-2021
Motion by: Gates
Second by: Bohnsack
Yea: Carr, O'Brien, Bohnsack, Gates,
Nay: 0
Absent: Petersen, Moen

Date of Second Reading:

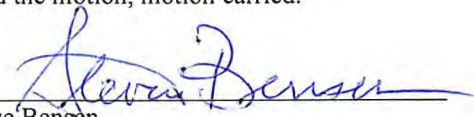
Date of Publication:

Sheriff Hunt reported to the Council that two deputies have given their notice. Another deputy is out for now on medical leave. They just had a dispatcher leave also. He just wanted us to be aware that they will be working short and trying to recruit new bodies asap. Sheriff Hunt was on vacation during the big power outage but wanted to know if there was anything that could have been done.

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

Attest: 

Julie Christianson, Deputy Auditor

Mayor: 

Steve Bensen