### July 12, 2021, Mayville City Council

The Mayville City Council met in regular session on July 12th, 2021, at 6:00 pm in the council chambers with Mayor Bensen presiding and the following Aldermen responding to call of the roll: Bohnsack, O'Brien, Moen, Gates, Petersen. Absent: Carr. Also, in attendance: Gail Olstad, Julie Christianson, Cassie Tostenson, Shelia Anderson, Brandon Reber, Brandon Oye, Jack & Lynette Hoss.

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

- 1. June 7, 2021, minutes (Monthly meeting)
- 2. June 9, 2021, minutes (Special Session)
- 3. Auditor's Office approvals: Up & Away, sell fireworks until 7/5-2021; Mayville State University, Hold a parade during Farmers Bowl, September 18, 2021.
- 4. Conferences & Training Opportunities: ND League of Cities Annual Meeting, September 16-18, Bismarck, ND.
- 5. Dakota Natural Gas 2021 Construction map: Crews continue to make good progress. Plans are to pressure test the pipeline the week of July 12; then purge the lines with natural gas. Emergency responders will be notified. DNG plans to have natural gas to ACSC plant before the end of July, and to Hillsboro and Mayville shortly after that. Sales effort is going well with approximately 500 services sold in the communities. Our intention is to extend the pipeline to the west into Portland next year, pending permits and regulatory approval.
- 6. ServLine Leak Protection Program: Company is an affinity partner of North Dakota Rural Water Systems
  Association and through parent company HomeServe USA offers utility customers protection from expense of high water bills due to leaks.
- 7. City of Mayville Cybersecurity Grant Project: Grant award \$30,000, awaiting details. Priority Firewall, Mayor laptop, and phone system.
- 8. Pet License Renewal: City will place an ad in newspaper reminding pet owners of their responsibility to purchase pet licenses, and have animals vaccinated.
- ND Dept of Environmental Quality Inspection: State department personnel conducted a water and waste water survey accompanied by Dan Overmoe. No defects noted or corrective action recommended.
- 10. USDA Annual Financial Sewer Report 2020: Report was filed, reviewed, and approved.
- 11. Garrison Diversion Matching Recreation Grant Program: Apply for matching funds for any qualified recreation project. Application deadline is September 1, 2021.
- 12. Great Plains Food Bank Mobil Food Pantry: Will be in several area communities Thursday, July 15 including a stop at the May-Port Food Pantry, Portland from 3:45 4:15 pm. Volunteers are needed. Anyone in need of food assistance is welcome to attend.
- 13. Caring for Communities SPARK Grant: The BCBSND Foundation will provide several one-year grants to nonprofits, municipal entities, and school districts undertaking efforts to support health and community-based wellness and prevention. Submit Letter of Intent by August 15 for fall funding cycle consideration.
- 14. LAWA Meeting: Don Moen reported the State Legislature funded the \$50 Million request. LWA passed a motion to award the Screening, Structure & Tunnels contract to Michels Corporation for \$18,896,900. There is also an effort to secure low interest loans from the Bank of ND to ease the burden of participation for small communities like Mayville.

Moen seconded the motion, motion carried.

#### 1.0 Street & Storm Improvement District 2022-1

- 1.1 Amendment No. 2 \$777,500.00
  - 1.1.1 Design of Project through Bidding
  - 1.1.2 Reviewed Agreement with Finance and Physical Plant Committees
  - 1.1.3 Review of scope of work
  - 1.1.4 Next steps BND Application and Survey
- 2.0 Sewer & Water Improvement District 2022-2
  - 2.1 EJCDC Owner Engineer Agreement Estimated \$305,000.00
    - 2.1.1 Design of Project through Bidding
    - 2.1.2 Reviewed Agreement with Finance and Physical Plant Committees
    - 2.1.3 Review of scope of work
    - 2.1.4 Currently working with USDA Rural Development to meet their Contract Guidelines
    - 2.1.5 Requesting \$50,000 starter contract to get started

Brandon Reber and Brandon Oye attended the City Council meeting to present an update now that we are through the study phase. The total amount of the work that has been done so far has come to \$215,467.90. O'Brien made the motion to accept this amount as work done so far. Bohnsack seconded the motion and upon a roll call vote the following voted; Yea: Gates, O'Brien, Bohnsack, Petersen, Moen; Nay: 0; Absent: Carr. Moore Engineering will work with the Audiotr's office to break this down between 2022-1 and 2022-2.

## Street & Storm Improvement District 2022-1

We are moving on to the Design phase of the project. Brandon Reber called it Amendment #2 for \$777,500. Brandon went through what was involved for the \$777,500 Engineering Contract. Brandon also stated that the City of Mayville would be applying for a low interest rate loan from the Bank of North Dakota to fund the Street & Storm Sewer Project. Gates made the motion to go ahead with the design phase. Moen seconded the motion and upon a roll call vote the following voted: Yea: Bohnsack, Petersen, O'Brien, Moen, Gates; Nay: 0; Absent: Carr.

Funding applications to begin.

## Sewer & Water Improvement District 2022-2

Scope of this project to change depending on possible Fire Suppression agreement with ECRWD for the West Wood Area. There will be a JP meeting in August to discuss and decide. Scope, Cost, Funding to be reviewed and then a contract at the September meeting. Moore will begin on the USDA/RD Applications

Moore Engineering had asked for a starter contract amount of \$50,000 on the sewer & water improvement district 2022-02. This will be tabled until scope of work is determined.

Brandon Reber talked about in the August meeting to create the district. He also spoke about hoping to get 45% grant on the water & sewer project. This project will be working with the USDA.

O'Brien made the motion to approve June actual and July 2021 estimated expenses.

18842	420 Praxair	streets	maint & operation	\$46.52
18843	Aasen Drug	library	office supp & serv proj	\$46.62
18844	Aflac	all	insurance	\$736.60
18845	Agassiz Sales	streets	new lawn mower	\$129.76
18848	American Solutions for Business	all	office supplies	\$129.08
18849	Ameripride	all	misc	\$290.60
18847	AMTA	water treatment	registration fee for Dan	\$175.00
18850	Baker & Taylor	library	books	\$120.31
18851	Brad Beck	cemetery	maint & operation	\$2,150.00
18852	Brady Martz	al!	audit fee	\$11,000.00
18853	Cardmember Services	ww water & library	dues & books	\$350.35
18854	Christianson Cabinets & Remodeling	library	restoration	\$975.00
18860	Dacotah Paper	all	paper supplies	\$301.23
18861	Diamond Vogel	streets	maint & operation	\$490.07
18862	Drew Petersen	cemetery	contract	\$2,750.00
18863	East Central Regional Water District	water treatment	purchase of raw water	\$9,310.14
18864	Farmers Union Oil	streets	maint & operation	\$20.40
18865	Ferguson Waterworks	water distribution	maint & meters	\$3,752.57
18866	Goose River Bank	water dist & ww water	collection fee	\$50.85
18867	Grand Forks Utility Billing	water treatment	samples	\$171.00

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18868	Great America Copier Lease	all	lease on copier	\$510.10
18870	H.E. Everson	streets	maint & operation	\$47.85
18871	Hawkins	water treatment	chemicals	\$2,041.40
18911	Hub International	all	NDIRF	\$5,348.00
18873	In-Control	water treatment	Eng & Conn of firewall	\$2,933.20
18876	Legacy Mark	cemetery	software agreement	\$506.34
18877	Mathsen Sweeping	streets	maint & operation	\$3,687.50
18878	MayPort Auto & Truck Parts	ww treat & streets	maint & operation	\$123.45
18879	MayPort Farmers Co-op	all	fuel for vehicles	\$2,146.52
18880	MayPort Food Pantry	cemetery	donation to Food Pantry	\$200.00
18881	MayPort Hardware Hank	library	maint & operation	\$53.96
18882	MayPort Hardware Hank	w treat & dist & streets	maint & operation	\$285.51
18908	Mayville Airport Authority	airport	May's spec rec'd in June	\$896.92
18909	Mayville State University	sales tax	May's rec'd in June	\$14,243.91
18883	Midcontinent Communications	all	phones & internet	\$976.14
18884	Millers Fresh Foods	library	maint & serv projects	\$57.55
18885	Millers Fresh Foods	city hall	misc	\$71.46
18910	MPEDC	sales tax	May's rec'd in June	\$4,842.93
ACH	NDPERS	all	insurance	\$4,456.36
18887	Ness Plumbing	water treatment	repair & maintenance	\$1,298.04
18888	Network Center	all	datto backup & work	\$443.00
18889	Newman Signs Inc	streets	signs	\$58.20
18890	Nilson Brand Law	city attorney & non dept	legal issue & retainer	\$1,482.00
18886	North Dakota League of Cities	non dept	dues	\$1,585.00
CREDIT	Northdale Oil	·		-\$570.35
18891	One Call Concepts	water distribution	maint & operation	\$49.20
ACH	OneAmerica	all	retirement for June 2021	\$4,789.04
18892	Opp Construction	streets	repair & maintenance	\$593.04
18893	Petty Cash - Office	all	replenish petty cash	\$115.91
18894	Polar	auditors	lease on phones	\$60.77
18895	Reliance Standard	all	life insurance	\$168.50
18898	Sherwin Williams co	streets	maint & operation	\$47.18
18896	Soholt Bakery	city hall	misc	\$19.00
18897	Team Lab	streets	repair & maintenance	\$1,351.00
18899	Traill County Treasurer	sheriff	contract	\$22,949.00
18900	Traill County Tribune	all	printing	\$1,326.60
18901	USPS	water dist & ww water	postage for water bills	\$240.85
18902	USPS	library	6 rolls of stamps	\$330.00
18903	Valley Plains Equipment	streets	John Deere Mower	\$117.98
18904	Valley United	ww water treatment	chemicals	\$173.16
18905	Verizon	all	cell phones	\$271.58
18906	Waste Management	sanitation	garbage & recycling	\$24,204.89
18907	Xcel Energy	all	electricity	\$11,494.49
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l	H2O Deposits refunded			
18846	Alex Herman			\$150.00
18855	City of Mayville (Gunnar Garpestad)			\$118.70
18856	City of Mayville (Jacob Niemann)			\$127.32
18857	City of Mayville (Jacob Sherva)			\$1.99
18858	City of Mayville (Kristina Laubach)			\$150.00
18859	City of Mayville (Sean Moore)			\$150.00
18869	Gunnar Garpestad			\$31.30
18872	Heather Elfering			\$150.00
18874	Jacob Niemann			\$22.68
18875	Jacob Sherva			\$148.01
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Gates seconded the motion, motion carried.

Gates made the motion to accept January through June 2021 financials. Moen seconded the motion, motion carried.

Discussion was held on funds that are available to pay off Fund 511, Sewer #16--#17 IMP. Bonds 2002 (A). Requires approximately \$45K. And transfers \$150K to Fund 606, Sanitation Reserve Fund for landfill drainage repair; and transfer remaining cash on hand to newly established Fund 570 and Fund 571 to pay Moore Street and Sewer Improvements contracted obligations (40-23-21. (Use of collections of subsequent assessments. 1. All collections of specials assessments levied pursuant to sections 40-23-17 through 40-23-21 shall be credited as received to the special fund maintained by the municipality for the payment of any outstanding special improvement warrants, refunding improvement bonds, general obligations bonds, or revenue bonds which were issued to finance the improvement for which the assessments were levied, or, if no such obligations are outstanding, to such fund as the governing body may direct.) O'Brien made the motion to request authorization to pay outstanding obligation and transfer remaining cash and investment balances to the funds for the purposes indicated above. Bohnsack seconded the motion and upon a roll call vote the following voted; Yea; Moen, Gates, Petersen, Bohnsack, O'Brien; Nay: 0; Absent: Carr

Calendars were reviewed: July, August, September, and October 2021. Office closed Independence Day (observed) July 5; Labor Day September 6; Several dates are noted relating to the city preliminary and final CY 2022 budget preparation, review, and submittal to Traill County. Xcel Energy Meeting planned 7/20 8 am – questions on agenda and content pending. Proposed JP meeting 8/9 10a City of Mayville – pending agenda. Committee meetings: Admin and Physical Plant Committees will meet Tuesday 5 pm, and Wednesday noon, respectively, the weeks proceeding the following month Council meeting. Council meetings are the first Monday in the month. Exceptions that arise to these committee and council meeting dates will be reviewed at the monthly City Council meetings. O'Brien made the motion to accept the calendars as presented. Petersen seconded the motion, motion carried.

Completion of the Water Tower Mixer: Precision bid – Generator, \$6,975; Tower Heater, \$1,400. Discussion was held and O'Brien made the motion to go ahead with the completion. Moen seconded the motion and upon a roll call vote the following voted; Yea: Petersen, Moen, Gates, Bohnsack, O'Brien; Nay: 0; Absent: Carr.

Several trees at the cemetery have died because of high water last year. Previously approved \$1,500 for removal of 5 large trees. Many more need removal. Request approval to take out up to 15 additional trees. O'Brien made the motion to approve taking out what is needed. Gates seconded the motion and upon a roll call vote the following voted; Yea: O'Brien, Moen, Gates, Petersen, Bohnsack; Nay: 0; Absent: Carr.

Discussion was held on Propane. With conversion to natural gas in many areas. The only propane usage for the city will be the lift station generator at 1<sup>st</sup> & 4<sup>th</sup>. We recommend no bid and keep the contract with Northdale Oil. We have a credit with them as of right now of \$570.35. O'Brien made the motion to recommend no bid and keep the contract with Northdale Oil. Moen seconded the motion, motion carried.

Gates made the motion to replace the crumbling moulding at the library. Margaret Rice got a quote from Christianson Cabinets from Portland for \$1950 for materials. It would be taken out of 210-4531 (Restoration). Petersen seconded the motion and upon a roll call vote the following voted; Yea: Moen, O'Brien, Petersen, Gates, Bohnsack; Nay: 0; Absent: Carr.

An individual came into the Auditor's office and stated that she wanted to sell back a grave that belonged to her parents. It was meant for her, but she didn't want to be buried here. We did up a quit claim deed and explained that we would pay her what her folks paid for the grave. They had paid \$200 for the grave. She wanted that money to go to the MayPort Food Pantry in memory of her parents. O'Brien made the motion to accept sending the money to the MayPort Food Pantry in memory of her parents. Moen seconded the motion and upon a roll call vote the following voted; Yea: Moen, Gates, Bohnsack, O'Brien; Nay: Petersen; Absent: Carr.

The project study has been completed and reviewed on the Landfill Erosion Mitigation. Easement action completed. Award construction to Naastad Brothers. The bid from Naastad Brothers is \$149,947. Moen made the motion to accept this bid from Naastad Brothers. Gates seconded the motion and upon a roll call vote the following voted; Yea: Petersen, Moen, Gates, Bohnsack, O'Brien; Nay: 0; Absent: Carr.

Petersen made a motion to provide employer paid vision coverage. The insurance is non-portable and costs the City \$3.86 per pay period per employee. Gates seconded the motion and upon a roll call vote the following voted; Yea: O'Brien, Gates, Moen, Petersen, Bohnsack; Nay: 0; Absent; Carr.

Input is needed; suggested changes for 2022 for Budget preparation.

The Traill County Auditor sent out a notice of formation of the Traill County Redistricting Board due to the Census 2020. The purpose of this notice is to fill "city representative" positions on the 2020 Traill County Redistricting Board. According to NDCC Chapter 11-07 a redistricting board included the following: 1. A citizen or member of the governing body selected by the governing body of the city having the largest population, according to the most recent federal decennial census in the county. As of today, Mayville City has the largest population. O'Brien made the motion to nominate Bill Bohnsack to the redistricting board. Gates seconded the motion, motion carried.

# 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.

- 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: 07-12-2021

Motion by: Moen Second by: Gates

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

Nay: 0 Absent: Carr

Date of Publication:

July 12, 2021

Property Assessment: Current long-time assessors will no longer be contracting with Mayville and 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 to Mayville. Initial cost to Hillsboro will be \$30K. The County Tax Director provided information and answered questions at both July committee meetings. Gates made the motion to sign the letter of intent and have the County Tax Assessor proceed with the \$15K software. O'Brien seconded the motion and upon a roll call vote the following voted; Yea: Petersen, Moen, Bohnsack, O'Brien, Gates; Nay: 0; Absent: Carr.

Notice was given to owner of Mayville Trailer Park that City has commenced an action to condemn and demolish the property. June utility payment received. \$9K expected in July. Some cleanup of trash noted. Possible sale pending. The current owners Jack & Lynette Hoss were present and stated that the burned-up trailers were going to be hauled out in the next few weeks by Hammer Mobile Services of Grand Forks. The taxes need to be taken care of and the burned-up trailers need to remove for the purchase to go through plus a list of other things that will need to be done for the purchase to be able to go through. The sale is tentatively set for end of September 2021. The City Attorney recommended delaying the condemnation for now till October 2021 if the purchase falls through. City Attorney will stay on top of this situation and will contact the potential buyer and ask for the list of improvements that is needed for the purchase to occur. O'Brien made the motion to delay the condemnation process till October 2021. Gates seconded the motion, Bohnsack nayed the motion, motion carried.

Nothing currently for the Sheriff's Report

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

Attest:

Mayor:

Steve Benser

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- 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.

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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.

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second reading and final passage.

Mayor

Mayville, North Dakota

ATTEST:

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: 07-12-2021

Motion by: Moen Second by: Gates

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

Nay: 0 Absent: Carr

Date of Publication