

December 5, 2022, Mayville City Council

The Mayville City Council met in regular session on December 5th, 2022, at 6:00 pm in the council chambers with Mayor Jorgenson presiding and the following Aldermen responding to call of the roll: O'Brien, Moen, Gates, Petersen, Sohlt, Bohnsack. Absent: None. Also, in attendance: Gail Olstad, Julie Christianson, Cassie Tostenson, Janell Marmon. Brandon Smith from Moore Engineering. Kathryn Kester and Taylor Crocker from Xcel Energy.

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

1. **January 3, 2022, minutes (Monthly meeting)** Not available yet
2. **May 2, 2022, minutes (Monthly meeting)** Not available yet
3. **October 3, 2022, minutes (Monthly meeting)** Not available yet
4. **November 7, 2022, minutes (Monthly meeting)**
5. **Auditor's Office approvals:** Mayville State DECA – Raffle 12/02/2022 to 02/14/2023; American Legion Post – Raffle 03/01/2023 to 03/31/2023; Mayville Sanford Caring Club – Raffle 11/17/2022 to 11/17/2022; Winterfest is 12/08/22 thru 12/11/22; Liquor license transfer to Stub's December 9th to armory evening. Fireworks permit to First State Bank for Friday, December 9th, 2022, in the bowl for Winterfest.
6. **Conferences & Training Opportunities:** Info in packet; 37th Annual Water Expo and Conference January 31 – February 2, 2023
7. **NDDOT** has scheduled bike path resurfacing for next year.
8. **Joint Powers** meeting in December for true up. Date not set yet.
9. **2nd Payment from Prairie Dog Fund:** received for \$125,000
10. **Network Center:** has a new person hired for City of Mayville Rep Liv Tegenu
11. **Christian Gage:** passed his Level 2 WTP test
12. **2021 Audit:** In process at Brady Martz – need by December 15th for Bonding Reports. Auditor's have been supplying information as requested as Matt works through.
13. **Xcel Energy Power Outage:** November 30 power went out approximately 7pm (100+ users) 12/1 Charlie reached out to Xcel based on our outage protocols and was point for the city. Update from Charlie and Xcel. Kathryn Kester and Taylor Crocker spoke on what happened. The transformer blew on Wednesday night (11/30). Crews worked through the night and got a new transformer up and running. The new transformer then blew as more on then they knew. Taylor stated that they had 4 crews in town working on it on 12/01/22. Taylor spoke about that transformer as Xcel thought that transformer was on C phase, but it wasn't. They got it working now and plan to get more work done in town later in the month or beginning of next year.
14. **ISO Fire Department Review:** was completed City is at level 5. New rules stated that we need 3 consecutive years of flow testing on a variety of hydrants (Residential, Commercial, Utility...) each to get credit applied on hydrants. Plan will be made with the City WTP – will have to begin 2023 spring, typically the city does ¼ of the city on a rotating basis. 2022 with NP Gas and Street construction locates none were completed.

Sohlt seconded the motion, motion carried.

1.0 Street & Storm Improvement District 2022-1

1.1 Status Update

1.1.1 Construction update

- Punchlist
- Winter Meeting

1.1.2 Moore Engineering Invoice 31886 - \$28,161.13

2.0 Sewer & Water Improvement District 2022-2

2.1 Status Update

2.1.1 USDA Letter of Conditions Received – Working on Requirements

- **Loan Resolution – Need a Motion**

2.1.2 Plans and Specs Approved by USDA

2.1.3 Will bid once LOC completed

3.0 Mayville Dam 2

3.1 FEMA Coordination

3.2 Study Update

3.3 Moore Engineering Invoice 31888 - \$16,988.75

4.0 DWSRF Questionnaire

4.1 City's Projects are automatically reupped this time

Street & Storm Improvement District 2022-1

Brandon Smith gave notice of the construction update. The punch list is almost complete. He mentioned that there will be a Winter construction meeting possibly mid-January/February 2023. He also inquired about the signed agreement with MayPort Farmers Co-op. The city attorney mentioned that she has made several attempts to get in contact with the interim manager but has not had good success with any response back. Brandon brought an invoice for the street/storm project inv #31886 \$28,161.13 to Moore Engineering. Petersen made the motion to pay this invoice. Bohnsack seconded the motion and upon a roll call vote the following voted; Yea: Soholt, Moen, Bohnsack, O'Brien, Gates, Petersen; Nay: None; Absent: None.

Sewer & Water Improvement District 2022-2

Brandon Smith talked about the USDA Letter of Conditions has been received and working on requirement. The loan resolution is attached. Gates made the motion to accept the loan resolution as stated. Moen seconded the motion and upon a roll call vote the following voted; Yea: Soholt, O'Brien, Bohnsack, Moen, Gates, Petersen; Nay: None; Absent: None. Plans and specs approved by USDA. Will bid once LOC is completed.

Mayville Dam 2

Brandon Smith touched on the Mayville Dam 2 slightly. He mentioned that the study is 25-50% complete. Braun Intertek has been out doing some boring. Brandon brought a Moore Engineering invoice #31888 for \$16,988.75. Moen made the motion to pay this invoice. Soholt seconded the motion and upon a roll call vote the following voted; Yea: Petersen, Soholt, Moen, Bohnsack, O'Brien, Gates; Nay: None; Absent: None.

DWSRF Questionnaire

City's Projects are automatically reupped this time – Moore Engineering keeps us on the priority list.

Bohnsack made the motion to approve December 2022 actual and January 2023 estimated expenses.

19883	Aasen Drug	library	off supp & Comm Serv proj	\$34.61
19884	Aflac	all	insurance	\$512.76
19885	Agassiz Sales	streets	maint/operation	\$108.57
19886	Aramark	all	rugs	\$385.07
19887	Argus Dental & Vision	streets & water	dental & vision insurance	\$302.40
19888	Baker & Taylor	library	books	\$352.20
19943	Bjerke Brothers Body Shop	streets	repair of red pickup	\$440.29
19889	Brite-Way Window Cleaning	city hall & armory	misc	\$301.00
19890	Cardmember Services	non-dept	misc	\$61.58
19891	Chicago Distribution Center	library	Comm. Serv Projects	\$43.66
19893	Dakota Natural Gas	streets	heating	\$92.27
19894	Dakota Natural Gas	fire dept	heating	\$148.55
19895	David Groven	city hall	snow removal hired	\$85.00
19897	East Central Regional Water District	water treatment	purchase of raw water	\$3,419.61
19898	Farmers Union Oil	streets	#1 fuel	\$366.68
19899	First State Bank	water dist & ww	collection fee	\$0.96
19900	First State Bank	fire dept	2nd payment for fire truck	\$24,992.03
19901	Flaten & Johnson	streets	repair 1995 Ford	\$3,190.65
19903	Goose River Bank	water dist & ww	collection fee	\$27.36
19904	Grainger	water treatment	maint/operation	\$603.24
19905	Grand Forks Utility Billing	water treatment	samples	\$171.00
19906	Great American Financial Services	all	lease on copier	\$707.44

19907	H.E. Everson	streets	maint/operation	\$92.87
19908	Hawkins	water treatment	chemicals	\$416.01
19909	Jacobson Brothers	library	snow removal hired	\$210.00
19910	Jeff's Electric	ww coll & treatment	repair/operation	\$50.00
19911	K2 Construction	fire dept	snow removal hired	\$180.00
19912	Library Journal	library	periodicals	\$157.99
19913	Linde Gas & Equipment Co	streets	maint/operation	\$49.55
19914	Mathsen Sweeping	streets	prof services	\$5,940.00
19915	MayPort Auto & Truck Parts	streets	maint/operation	\$123.78
19916	MayPort Farmers Co-op	all	fuel for vehicles	\$1,165.55
19917	MayPort Hardware Hank	all	maint/operation	\$393.59
19918	MayPort Hardware Hank	library	Furniture & Equipment	\$32.99
19939	Mayville Airport Authority	airport	Oct special rec'd in Nov	\$550.36
19940	Mayville State University	sales tax	Oct sales tax rec'd in Nov	\$25,594.12
19919	Midcontinent Communications	all	internet & phones	\$1,286.09
19920	Miller's Fresh Foods	city hall	misc	\$40.23
19921	Miller's Fresh Foods	library	maint/operation	\$26.69
19941	MPEDC	sales tax	Oct sales tax rec'd in Nov	\$8,702.00
ACH	NDPERS	all	insurance	\$3,710.30
19922	Network Center	all	datto backup & Office 365	\$308.25
19923	Nilson Brand Law	all	legal issues	\$305.00
19924	One Call Concepts	water treatment	maint/operation	\$41.80
ACH	OneAmerica	all	retirement	\$3,132.91
19925	Polar	auditor	lease on phones	\$60.77
19926	Productivity Plus	streets	payloader	\$1,406.46
19927	Reliance Standard Life Insurance	all	insurance	\$217.50
19929	Soholt Bakery	city hall	misc	\$49.00
19930	Tim Knudson	non-dept	misc	\$109.99
19931	Trail County Treasurer	sheriff	monthly contract	\$21,169.50
19932	Trail County Tribune	all	printing	\$386.25
19933	USPS	water dist & ww	postage for water bills	\$303.55
19934	USPS	library	2 rolls of stamps	\$120.00
19934	USPS	water dist & ww	2 rolls of stamps	\$120.00
19935	USPS	non-dept	post office box rental	\$170.00
19936	Verizon	all	cell phones	\$234.51
19937	Waste Management	sanitation	garbage & recycling	\$25,394.44
19938	Xcel Energy	all	electricity	\$12,399.26

H2O Deposits refunded

19892	City of Mayville (Rhonda Hodges)			\$19.10
19928	Rhonda Hodges			\$130.90

\$151,148.24

Petersen seconded the motion, motion carried.

Approval of financial reports: October 2022 unreconciled financials are included for review and approval. It was tabled until next month.

Review Calendars: **December 2022 and January 2023:** Note that city offices closed for the following holidays: Christmas December 23-26; New Years December 30-January 2. January Council will be held on January 9th, 2023. Admin and Physical Plant Committees will meet Tuesday 5pm, and Wednesday 7am, respectively, the week preceding the following month's 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. Soholt made the motion to accept the calendars as presented. Moen seconded the motion, the motion carried.

Cassie, the City Attorney brought to the meeting for the first reading. Chapter 15 Ordinance on water and sewer. She will get us more information on this. Gates made the motion to accept this as the first reading. Petersen seconded the motion and upon a roll call vote the following voted; Yea: Moen, Bohnsack, O'Brien, Gates, Petersen, Soholt; Nay: None; Absent: None.

**AN ORDINANCE TO AMEND CHAPTER 15 ARTICLE 4, SUBDIVISION 15-0402 OF
THE ORDINANCES OF THE CITY OF MAYVILLE RELATED TO WATER
SERVICE CONNCECTION**

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

AMENDMENT. Ordinance Chapter 15, Article 1, Subdivision 15-0402 of the Ordinances of the City of Mayville, North Dakota is hereby amended and re-enacted to read as follows:

15-0402 . SEWER CONNECTION-REQUIRED

Every building where persons reside, congregate or are employed which abuts a street, avenue or alley in which there is a public sanitary sewer, or which is within two hundred (200) feet of a public sanitary sewer, shall be connected to the sewerage and water systems with a separate connection for each house or building.

EFFECTIVE DATE. This ordinance shall be in full force and effect from and after the date of its final passage and publication.

MAYOR



Karl Jorgenson

ATTEST:



Gail Olstad, Auditor

First Reading: January 2023

Motion by:

Second by:

Members Present:

For:

Against:

Second Reading: February 2023

Motion by:

Second by:

Members Present:

For:

Against:

**AN ORDINANCE TO AMEND CHAPTER 15 ARTICLE 1, SUBDIVISION 15-0104 OF THE
ORDINANCES OF THE CITY OF MAYVILLE RELATED TO WATER SERVICE
CONNECTION**

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

AMENDMENT. Ordinance Chapter 15, Article 1, Subdivision 15-0104 of the Ordinances of the City of Mayville, North Dakota is hereby amended and re-enacted to read as follows:

15-0104 . APPLICATION FOR WATER SERVICE CONNECTION

Any premises or building within the corporate limits of the City of Mayville and which is located within 200 feet of the city water main shall be required to be connected to the City Waterworks System. The owners of said buildings are required to apply for a connection.

A Party that is not connected to water service from said utility from premises and shall apply for a connection on a form provided by the city. Such application shall state an exact description of the premises to be served including house number or lot and block and addition of premises to be served, and the uses both general and special, to which the water is to be put, the nature of the sewage to be discharged, and the estimated amount of water to be used for a quarter-annual period. Such application shall be filed with the City Auditor, and the applicant shall thereupon pay to the City Auditor, as a connection charge, the sum of _____ for a residential building, commercial building or multiple dwelling.

EFFECTIVE DATE. This ordinance shall be in full force and effect from and after the date of its final passage and publication.

MAYOR


Karl Jorgenson

ATTEST:


Gail Olstad, Auditor

First Reading: December 5, 2022

Motion by: Gates

Second by: Petersen

Members Present: O'Brien, Moen, Soholt, Bohnsack, Gates, Petersen

For: Petersen, Gates, O'Brien, Soholt, Bohnsack, Moen

Against: None

Second Reading: January 9, 2023

Motion by:

Second by:

Members Present:

For:

Against:

Petersen made the motion to accept the Family Dollar plans contingent on planning and zoning committee if passed on 12-16-22. Soholt seconded the motion and upon a roll call vote the following voted; Yea: Bohnsack, O'Brien, Gates, Petersen, Soholt, Moen; Nay: None; Absent: None.

Mayor Jorgenson opened up the only bid for Fuel for 2023 year. The bid was from Arco, and it was for 2.5% discount off pump prices. Gates made the motion to accept this bid. Petersen seconded the motion and upon a roll call vote the following voted; Yea: Moen, Soholt, Gates, Moen, Petersen, Bohnsack, O'Brien; Nay: None; Absent: None.

Mayor Jorgenson opened up the bids for Gravel (Class 5) for 2023 year. The city received 2 bids. The bid from Paulson Gravel was \$16.50/yd. The other bid was from KRB and that bid was \$10/yd. The council decided to table this bid award until next month.

Purchase Agreement for 530 7th Ave SE for Paul & Kim Knudsvig. They are requesting to purchase existing lot and 1/2 in Eastvold/Riverwood addition. It is contingent of Planning and Zoning and Riverwood Building Committee approval. Gates made the motion to accept the purchase agreement contingent upon those 2 committees agreeing on it. Bohnsack seconded the motion and upon a roll call vote the following voted; Yea: Soholt, Gates, Petersen, O'Brien, Moen, Bohnsack; Nay: None; Absent: None.

Liquor license applications were sent out in November and needed to be returned by December 5 before council meeting. Enclosed in the packet is the list of those applications that were returned to city hall before December's council meeting. There were 3 drinking establishments that did not return their applications in time. Moen made the motion to approve conditionally on last year's list. Petersen seconded the motion and upon a roll call vote the following voted; Yea: Petersen, Sohlt; Moen; Nay: Bohnsack, O'Brien, Gates. It ended up in a tie. The mayor was the deciding vote and he voted no. Those drinking establishments that did not get their applications into city hall before the council meeting on 12-5-22 will need to wait and get approved at the January 9, 2023, meeting. This means that their licenses will expire at midnight on 12-31-22 and will not be able to be open until after their applications get approved at the January 2023 Council meeting.

LIQUOR LICENSES

APPROVAL OF BEER & LIQUOR LICENSES FOR 2023

<u>STUB'S BAR</u>	35 Center Ave S	1200.00	
BEER LICENSE ON			\$ 100.00
BEER LICENSE OFF			\$ 100.00
LIQUOR LICENSE ON			\$ 1,000.00
<u>TOP HAT LLC</u>	131 1st Ave SE	\$ 2,200.00	
BEER LICENSE ON			\$ 100.00
BEER LICENSE OFF			\$ 100.00
LIQUOR LICENSE ON			\$ 1,000.00
LIQUOR LICENSE OFF			\$ 1,000.00
<u>PETRI ENT, DBA HEROES-N-LEGENDS SPORTS BAR</u>	P O Box 531	\$ 1,200.00	
BEER LICENSE ON			\$ 100.00
BEER LICENSE OFF			\$ 100.00
LIQUOR LICENSE ON			\$ 1,000.00
<u>TOMAJE INC - DBA PIZZA SHOP</u>	47 2nd Ave SW	\$ 1,100.00	
BEER LICENSE ON SALE			\$ 100.00
LIQUOR LICENSE ON SALE			\$ 1,000.00
<u>PAULA'S STEAKHOUSE</u>	11 Main St W	NO ALCOHOL	
BEER + WINE LICENSE ON SALE	788-4026		
<u>MAYVILLE GOLF CLUB INC</u>	34 Westwood Dr	500.00	
BEER LIC ON - Non-Transferable			\$ 500.00
LIQUOR LIC ON - Non-Transferable			
<u>LLOYD I NELSON POST #4221 VETERANS OF FOREIGN WARS OF THE US, INC</u>	813 Parke Ave	NO ALCOHOL	
BEER LIC ON - Non-Transferable			\$ 250.00
LIQUOR LIC ON - Non-Transferable			
<u>CASEY'S #3550</u>		\$ 1,100.00	
OFF SALE LIQUOR	739 3rd St SE		\$ 1,000.00
OFF SALE BEER			\$ 100.00
<u>B & B FAMILY RESTAURANT</u>	438 MAIN ST E	NO ALCOHOL	
BEER LICENSE ON			\$ 100.00
WINE LICENSE ON			\$ 100.00
<u>SMOKIES</u>	46 MAIN ST E	\$	

LIQUOR ON SALE
BEER ON SALE

1,100.00

\$ 1,000.00
\$ 100.00

Chad Nelson would like to renew a 5-year lease agreement on land rental. O'Brien made the motion to accept this agreement. Petersen seconded the motion and upon a roll call vote the following voted; Yea: O'Brien, Gates, Petersen, Sohlt, Moen, Bohnsack; Nay: None; Absent: None.

The City Auditor would like permission to open 2 interest free ACH accounts at the Goose River Bank that is need for 1) FEMA; 2) USDA. O'Brien made the motion to agree to let the auditor open these 2 accounts at the Goose River Bank for such purposes. Gates seconded the motion and upon a roll call vote the following voted; Yea: O'Brien, Bohnsack, Moen, Sohlt, Petersen, Gates; Nay: None: Absent: None.

Nothing for the Sheriff's report

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

Attest: Julie Christianson
Julie Christianson, Deputy Auditor

Mayor: Karl Jorgenson
Karl Jorgenson

LOAN RESOLUTION
(Public Bodies)A RESOLUTION OF THE City CouncilOF THE City of MayvilleAUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A
PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS
water & sewer

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the City of Mayville*(Public Body)*

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

One Million Seven Hundred Ninety-Eight Thousand & 00 100pursuant to the provisions of 40-22; and**WHEREAS**, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:**NOW THEREFORE**, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

AMERICAN IRON AND STEEL ATTACHMENT TO BE ATTACHED TO:

PROVISIONS OF LETTERS OF CONDITIONS, LOAN RESOLUTIONS, GRANT AGREEMENTS, AND CONDITIONAL COMMITMENTS

Section 746 of Title VII of the Consolidated Appropriations Act of 2017 (Division A - Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2017) and subsequent statutes mandating domestic preference applies a new American Iron and Steel (AIS) requirement to obligations made after May 5th, 2017:

(1) No Federal funds made available for this fiscal year for the rural water, waste water, waste disposal, and solid waste management programs authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1926 et seq.) shall be used for a project for the construction, alteration, maintenance, or repair of a public water or wastewater system unless all of the iron and steel products used in the project are produced in the United States.

(2) The term "iron and steel products" means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

(3) The requirement shall not apply in any case or category of cases in which the Secretary of Agriculture (in this section referred to as the "Secretary") or the designee of the Secretary finds that—

(a) applying the requirement would be inconsistent with the public interest;

(b) iron and steel products are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or

(c) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent."

Owners are ultimately responsible for compliance with AIS requirements and will be responsible for the following:

(a) Signing loan resolutions, grant agreements and letters of intent to meet conditions which include AIS language, accepting AIS requirements in those documents and in the letter of conditions.

(b) Signing change orders (i.e. C-941 of EJDC) and partial payment estimates (i.e. C-620 of EJDC) and thereby acknowledging responsibility for compliance with American and Iron Steel requirements.

(c) Obtaining the certification letters from the consulting engineer upon substantial completion of the project and maintaining this documentation for the life of the loan.

(d) Where the owner provides their own engineering and/or construction services, providing copies of engineers', contractors', and manufacturers' certification letters (as applicable) to the Agency to insert into the Agency file. All certification letters must be kept in the engineer's project file and on-site during construction. For Owner Construction (Force Account), all clauses from Section 17 must be included in the Agreement for Engineering Services.

(e) Where the owner directly procures AIS products, including AIS clauses in the procurement contracts and obtaining manufacturers' certification letters and providing copies to consulting engineers and contractors.

Karl Jorgenson

Printed Name: Karl Jorgenson

Title: Mayor

Dated: 12-5-22