

April 3, 2023, Mayville City Council

The Mayville City Council met in regular session on April 3rd, 2023, 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, Bohnsack. Absent: Soholt. Also, in attendance: Gail Olstad, Julie Christianson, Cassie Tostenson, Janell Marmon, Mike Carr, Mary Stocking and Deputy Andrew Klegstad. Brandon Reber from Moore Engineering was also present.

Moen made a motion to accept the approval agenda on the following items: **(Information in Packet)**

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. **March 5, 2023, minutes (Monthly meeting)**
5. **Auditor's Office Approvals:** Mayville Fire & Rescue Raffle 3/13/23 to 6/23/23; Cruzin Café – Food Truck 3/23/23 – 11/01/23; Stub's Bar liquor license transfer to armory for Fireman Fund Raiser; Mayville Senior Citizens Raffle 04/01/23 – 6/24/23.
6. **Conferences & Training Opportunities:** ND Asphalt Conference; NDLTAP training; NDPA training; Transportation Learning Network; AmeriCorps ND.
7. **ECRWD Annual Meeting**
8. **TCEDC – Jim Murphy – examples of incentives**
9. **PFSA Limits EPA – PFSA Cost of Recovery**
10. **SSA changes how reporting to be done.**
11. **Impact Dakota News**
12. **NDLOC Partner Opportunity Exchange**
13. **NDRW is Hiring**
14. **Legislative Update 2023**
15. **NDIRF Annual Meeting**
16. **City Government Week April 3-7, 2023**
17. **Hazard Mitigation for Traill County – Updates Ben/Charlie/Karl**
18. **Local Permits or Restricted Permits – Changes to how handled IMPORTANT changes**
19. **NDLOC Partner Exchange Information**
20. **LOC for Bonding updated.**
21. **Changes to Sample Temperature Restrictions WTP**
22. **WSI Certificate 2023 received.**
23. **Spring Flood Planning Meeting Held Thursday 3/30/23.**
24. **Senate Bill 2183 Snow removal Reimbursements to Counties, Cities, Townships passed and signed into law. Data will be gathered.**
25. **Backflow Parts have been installed in City Hall and Fire Hall**
26. **Thank you received from the Ashley Breidenbach family.**

Petersen seconded the motion, motion carried.

1.0 Street & Storm Improvement District 2022-1

- 1.1 Status Update
 - 1.1.1 Construction to restart in Spring
 - 1.1.2 Winter design group meeting
 - 1.1.3 **Moore Engineering Invoice 33108 - \$8,361.20**

2.0 Sewer & Water Improvement District 2022-2

- 2.1 Status Update
 - 2.1.1 USDA Letter of Conditions
 - ROW Certification – Cassie
 - Final Items - Gail
 - 2.1.2 Council to Authorize Ad for Bid once USDA gives go ahead
- 2.2 **Moore Engineering Invoice 33111 - \$1,527.50**

3.0 Mayville Dam 2

3.1 Study Update – being completed

3.2 Report to be presented/discussed – pair with Street meeting?

3.3 Moore Engineering Invoice 33113 - \$14,000

Street & Storm Improvement District 2022-1

Brandon Reber mentioned that construction to restart in Spring. He would like to have a winter design group meeting within the next 2 week. Brandon brought an **invoice #33108 to be made payable to Moore Engineering Payment #10 for \$8,361.20**. O’Brien made the motion to approve this for payment. Gates seconded the motion and upon a roll call the following voted; Yea: Moen, Bohnsack, O’Brien, Gates, Petersen; Nay: Zero; Absent: Soholt.

Sewer & Water Improvement District 2022-2

Brandon Reber talked about the USDA Letter of Conditions will need to be sent to USDA. The city attorney asked for certification on the ROW. Petersen made the motion to allow the City Attorney to go ahead with that. Moen seconded the motion and upon a roll call vote the following voted; Yea: Moen, Gates, Bohnsack, O’Brien, Petersen; Nay: Zero; Absent: Soholt. The City Attorney also brought to council a Conflict-of-Interest Policy. Gates made the motion to accept this policy as written. Moen seconded the motion and upon a roll call the following voted; Yea: Petersen, O’Brien, Gates, Moen, Bohnsack; Nay: Zero; Absent: Soholt. Gail mentioned that the council would need to authorize Ad for Bid once USDA gives the go ahead. Brandon brought an **Invoice #33111 made payable to Moore Engineering #11 for \$1,527.50** for work done so far. O’Brien made the motion to approve this invoice for payment. Bohnsack seconded the motion and upon a roll call vote the following voted; Yea: Petersen, O’Brien, Gates, Moen, Bohnsack; Nay: Zero; Absent: Soholt.

Mayville Dam 2

Brandon said that the study on the Dam is being completed. The report to be presented/discussed – possibly with next Street meeting? Brandon will try and get something coordinated as soon as possible. He brought an **invoice #33113 to be made payable to Moore Engineering Payment #8 for \$14,000**. Moen made the motion to approve this invoice for payment. O’Brien seconded the motion and upon a roll call vote the following voted; Yea: Bohnsack, Gates, O’Brien, Moen, Petersen; Nay: Zero; Absent: Soholt.

**CITY OF MAYVILLE
CONFLICT OF INTEREST POLICY**

Article I

Purpose

The purpose of the conflict of interest policy is to protect this tax-exempt organization’s (City) interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer of the City or might result in a possible excess benefit transaction. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations.

Article II

Definitions

1. Interested Person Any director, principal officer, or member of a committee with governing board delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person.
2. Financial Interest A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:
 - a. An ownership or investment interest in any entity with which the Organization has a transaction or arrangement,
 - b. A compensation arrangement with the Organization or with any entity or individual with which the Organization has a transaction or arrangement, or
 - c. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the City is negotiating a transaction or arrangement. Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial. A financial interest is not necessarily a conflict of interest. Under Article III, Section 2, a person who has a financial interest may have a conflict of interest only if the city council or committee decides that a conflict of interest exists.

Article III

Procedures

1. Duty to Disclose in connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the city council and members of committees with council delegated powers considering the proposed transaction or arrangement.
2. Determining Whether a Conflict of Interest Exists After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/she shall leave the governing board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining council or committee members shall decide if a conflict of interest exists.
3. Procedures for Addressing the Conflict of Interest
 - a. An interested person may make a presentation at the councilor committee meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
 - b. The mayor or chairperson of the committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
 - c. After exercising due diligence, the council or committee shall determine whether the City can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
 - d. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the councilor committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the Organization's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination it shall make its decision as to whether to enter into the transaction or arrangement.

4. Violations of the Conflicts of Interest Policy

a. If the council or committee has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.

b. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the council or committee determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

Article IV

Records of Proceedings

The minutes of the council and all committees with board delegated powers shall contain:

a. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the governing board's or committee's decision as to whether a conflict of interest in fact existed.

b. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

Article V

Compensation

a. A voting member of the governing board who receives compensation, directly or indirectly, from the Organization for services is precluded from voting on matters pertaining to that member's compensation.

b. A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Organization for services is precluded from voting on matters pertaining to that member's compensation.

c. No voting member of the governing board or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Organization, either individually or collectively, is prohibited from providing information to any committee regarding compensation.

Article VI

Annual Statements

Each council member and member of a committee with council delegated powers shall annually sign a statement which affirms such person:

- a. Has received a copy of the conflicts of interest policy,
- b. Has read and understands the policy,
- c. Has agreed to comply with the policy, and

d. Understands the Organization is charitable and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

Article VII

Periodic Reviews

The periodic reviews shall, at a minimum, include the following subjects:

- a. Whether compensation arrangements and benefits are reasonable, based on competent survey information, and the result of arm's length bargaining.
- b. Whether partnerships, joint ventures, and arrangements with management organizations conform to the City's written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in inurement, impermissible private benefit or in an excess benefit transaction.

Article VIII

Use of Outside Experts

When conducting the periodic reviews as provided for in Article VII, the City may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the governing board of its responsibility for ensuring periodic reviews are conducted.

This Policy was adopted on this the 3rd day of April, 2023.

CITY OF MAYVILLE


Karl Jorgenson, Mayor

ATTEST:


Gail Olstad, Auditor

Moen made the motion to approve April 2023 actual and estimated expenses.

20127	Aasen Drug	library	office supplies	\$34.50
20128	Aflac	all	insurance	\$512.76
20129	Agassiz Sales	snow emergency	payloader	\$235.75
20130	American United Life Insurance Co	city pension	admin fee	\$500.00
20131	Aqua-Pure Inc	water treatment	chemicals	\$487.50
20132	Aramark	all	rugs	\$313.07
20133	Argus Dental & Vision	all	insurance	\$302.40
20134	Barnes & Noble	library	books	\$48.77
20135	Batchelor Business Machines	library	office supplies	\$167.80
20136	Black Mountain	all	annual contract	\$5,225.00
20137	Butler	water treatment	generator repair	\$1,942.34
20138	Canon Financial Services	all	lease on copier	\$350.96
20139	Cardmember Services	all	misc	\$1,959.87
20142	Dacotah Paper	all	paper products	\$241.00
20143	Dakota Natural Gas	streets	heating	\$332.10
20144	Dakota Natural Gas	fire dept	heating	\$341.79
20145	David Groven	city hall	snow removal - hired	\$170.00
20146	ECRWD	water treatment	purchase of raw water	\$3,897.09
20188	ECRWD	water treatment	2022 true up	\$548.00
20147	Ferguson	water distribution	meters	\$2,075.88
20148	Goose River Bank	water dist & ww	collection fee	\$26.12
20149	Grand Forks Utility Billing	water treatment	samples	\$70.00
20150	Grand Forks Welding	snow emergency	snow blower for tractor	\$431.54
20151	H.E Eversons	street & water	maintenance & operation	\$245.86
20152	Hawkins	water treatment	chlorine	\$20.00
20153	Hub International	all	insurance - NDIRF	\$23,574.00
20154	Jacobson Brothers	library	snow removal - hired	\$360.00
20155	Jeremy Kihne	snow	snow removal - hired	\$400.00
20156	Jordahl Custom Homes	all	overpayment of water bills	\$291.47
20157	K2 Construction	fire dept	snow removal - hired	\$270.00
20158	Karl Jorgenson	fire dept	mileage reimbursement	\$284.93
20160	Linde Gas & Equipment	streets	maintenance & operation	\$50.00
20161	Loffler Companies Inc	all	contract	\$200.92
20162	MayPort Auto & Truck Parts	streets	maintenance & operation	\$112.97
20163	MayPort Farmers Co-op	all	fuel for vehicles	\$4,849.23
20164	MayPort Hardware Hank	all	maintenance & operation	\$181.10
20185	Mayville Airport Authority	airport	Feb specials rec'd in March	\$5,343.44
20186	Mayville State University	sales tax	Feb sales tax rec'd in March	\$15,872.31
20165	Midco	all	internet & phones	\$1,294.01
20166	Miller's Fresh Foods	city hall	misc	\$47.66
20167	Miller's Fresh Foods	library	maintenance & operation	\$39.09
20187	MPEDC	sales tax	Feb sales tax rec'd in March	\$5,396.58
ACH	NDPERS	all	insurance	\$3,710.30
20168	Network Center	all	Office 365 & backup	\$993.25
20169	Nilson Brand Law	all	legal issues	\$440.00
ACH	OneAmerica	all	retirement	\$3,515.23
20170	Office of State Auditor	all	2021 audit	\$340.00
20171	One Call Concepts	water distribution	maintenance & operation	\$1.30
20172	Polar	auditor	lease on phones	\$60.77
20173	Reliance Life Insurance	all	insurance	\$230.50
20174	Richard Moen	snow	repair on u-joints	\$100.00
20176	Starion Bond Services	Tiff #25	bond payment	\$134,110.00
20177	Traill County Treasurer	sheriff	monthly contract	\$21,169.50

20178	Trail County Tribune	non-dept & cemetery	printing	\$366.25
20179	USPS	water dist & ww	postage for water bills	\$272.25
20180	Verizon	all	cell phones	\$235.39
20181	Veseris	vector	chemicals	\$980.00
20182	Waste Management	sanitation	garbage & recycling	\$25,039.87
20183	Xcel Energy	all	electricity	\$14,813.29

H2O Deposits refunded

20140	City of Mayville (Galen Schmidt)			\$150.00
20141	City of Mayville (Shelby Moore)			\$40.26
20175	Shelby Moore			\$109.74
				\$285,875.71

Bohnsack seconded the motion, motion carried.

Approval of financial reports: December financials are included for review with 2021 adjusting entries and Before the Bonding money for the 2022 Street, Storm Sewer, Water and Sewer. Petersen made the motion to accept the financials as presented. Gates seconded the motion, the motion carried.

Review Calendars: 2022 and April/May 2023: NoteL City Offices closed for the following holidays: Good Friday April 7th, 2023. Tax Equalization meeting will be held April 25th at 6pm. The May Council meeting will be held May 1st, 2023, at 6pm. 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.

The City of Mayville had advertised for Cemetery Care Taking Contract Bids 2023-2024. The bids were to be sent or dropped off at the Auditor's office by 4pm today for Council. No bids had been sent in or dropped off so will advertise again and try for the May Council Meeting.

There are two tax incentives (57-02.02) brought to the council meeting to be voted upon. They both would be for 5 year 100%. The first one is from the Delchar Theater. Moen made the motion to accept this first incentive. Gates seconded the motion and upon a roll call the following voted; Yea: O'Brien, Gates, Moen, Petersen, Bohnsack; Nay: Zero; Absent: Soholt. The second incentive is for the Goose River Bank. Gates made the motion to approve this incentive. Bohnsack seconded the motion and upon a roll call vote the following voted; Yea: Bohnsack, Gates; Nay: O'Brien, Petersen, Moen.; Absent: Soholt. The motion failed.

The 2022 true up for Joint Point was held. The City of Mayville owes East Central Regional Water District for their portion \$548.00. Gates made the motion to approve paying this to ECRWD. Moen seconded the motion and upon a roll call vote the following voted; Yea: Gates, Petersen, Moen, Bohnsack, O'Brien; Nay: Zero; Absent: Soholt.

The City Auditor has brought to both Admin and Physical Plant committees the position and wage changes for 2023. It has not been fully completed as yet. There are two changes that were proposed. The first one was for Christian Gage and a \$2.50 increase in wage. The second was for Julie Christianson and a \$2.35 increase in wage. O'Brien made the motion to approve these proposals. Moen seconded the motion and upon a roll call vote the following voted; Yea: Petersen, Moen, Bohnsack, O'Brien, Gates; Nay: Zero; Absent: Soholt.

Moen made a motion to approve a gaming site authorization for Listen Inc for Heroes and Legends. O'Brien seconded the motion, the motion carried.

The City Auditor brought forth the flood declaration for 2023. O'Brien made the motion to approve the flood declaration. Moen seconded the motion, the motion carried.

Mike Carr was present from the Mayville Golf Club. He asked about getting millings from the street project for the golf course. He stated that they would like quite a lot of millings if possible. Also, if the contractor could haul the millings directly to the golf course and place the millings on the south side of parking lot it would be much appreciated.

Nothing for the Sheriff's report

Moen made the motion to adjourn the meeting. Gates seconded the motion, motion carried.

Attest: Julie Christianson
Julie Christianson, Deputy Auditor

Mayor: Karl Jorgenson
Karl Jorgenson