

Velva Regular Commission Meeting

June 20, 2023

7:00pm

Velva City Hall

Velva City Commission meeting called to order at 7:00 pm by Commission President Mike Schreiner. The Pledge of Allegiance was recited. Roll Call: Gene Jenson – Streets (Cemetery) Commissioner; Ben Zietz – Water/Sewer Commissioner; Dave Keller – Street/Waterworks Commissioner; Mary Liz Davis – Sewerage/Finance Commissioner; Mike Schreiner – Commission President, Police/Finance; Jenny Johns – City Auditor; Alan Walter and Emma Lavachek – Ackerman-Estvold Engineering; Mary Ann Wherley and Heather Tudor – Velva Area Voice.

MINUTES

Motion by Keller/Jenson to approve the minutes from the May 15 regular meeting and May 22, 30, and June 12 special meetings. Roll Call: All-aye; motion carried.

PAYROLL & BILLS

Davis/Jenson made a motion to approve the bills paid and bills to be paid in the amount of \$61,145.91 and Payroll for \$29,240.15. Roll Call: All-aye; motion carried. (County 715.20; Acme 58.97; All America Glass 1047.66; BAG 169.32; BDS 109.72; ChemLab 18.54; Circle 6444.50; Core/Main 148.04; DAP 225; Enerbase 54.47; 1st District 60; KGoodman 25; Hawkins 40; HOE 138.47; Ihry 18345; MainElec 1659.36; McGee 388.50; County 20325; Mouse River 1686.21; NDRWSA 410; NorthStar 1039.21; 1Call 15.05; Ottetail 4982.22; PJemtrud 450; Radisson 86.40; Schocks 34.75; SRT 445; Strata 331.17; Swanston 140.64; TeamLab 104; TSC 24; VCDC 552.62; VFFoods 35.91; Velva Library 552.62; Verizon 283.36).

Personal Appearances

Mary Ann Wherley addressed the commission, asking for permission to use the city's Welo lot for the annual farmer's market. The market will be open every Thursday, starting July 6. In the past, Wherley has used the area along highway 52, however, this year, the land is being used for shed storage. Jenson/Davis made a motion to approve the Welo lot for the farmer's market and thanked Wherley for her hard work in keeping it going. Roll Call: All – aye; motion carried.

Reports of The President/Finance Commissioner

Schreiner mentioned the 3rd quarter payment to the Sheriff's department is in the bills. Schreiner discussed warning tickets for parking issued last month on the west side of the school.

Communications

-One complaint letter was included in the packet from Cindy Ystaas regarding the west elevator lot owned by Nathan Smith and the grass and weed violation. Nuisance abatement letters were sent on May 30, 2023 by Wyche.

-Johns presented an option for the public works department to have a GIS map app on their phone for locating water lines, fire hydrants, manholes, sewer lines, etc. Johns and Lavachek explained that the data has already been collected by Ackerman, we would just need to get the information to the Diamond Maps company to input the data. Keller/Jenson made a motion to approve the GIS map app and the \$24/month payment for the service. Keller rescinded his motion. Discussion on other options. ESRI, the service Ackerman uses, is a lot more expensive for the same service. Zietz/Davis made a motion to approve the GIS map app and the

\$24/month payment for the service. Roll Call: Zietz, Davis, Jenson, Schreiner – aye, Keller – nay; motion carried.

-Schreiner presented a special event permit/liquor license transfer. Keller/Davis made a motion to approve the Lariat's request for the liquor license transfer to the Rodeo Grounds on August 19, 2023. Roll Call: All – aye; motion carried.

-Johns included the state's city revenue projections for 2024, for the commissioner's review.

-Johns stated that the NDLC annual conference is scheduled to be held, September 20-22 in Bismarck if anyone is wanting to attend. Davis and Jenson asked to be registered.

Reports of Officers, Boards, Committees

Commissioner Zietz: Zietz had no issues to discuss.

Commissioner Davis: Davis had no issues to discuss.

Commissioner Jenson: Jenson had no issues to discuss.

Commissioner Keller: Keller asked for the city to buy a hedge trimmer for welcome signs maintenance. Keller talked to a contractor about fixing the drainage and/or valley gutters along 1st Avenue W and 2nd Street West. Keller asked questions on specifications for the project and will solicit a bid.

Engineer's Report: Walter gave updates on the bridge project. They are waiting for numbers from the NDDOT and then will put the project out for bids. The project is ultimately dependent on the bids that come in; preconstruction work would start this fall.

-Lavachek recommended specs for the valley gutters and that proper shots were taken to allow proper drainage. She also recommended rebar be placed. Lavachek will get the GIS map information finalized and sent to Johns. Lavachek recommended storm sewer televising should be considered for this year. Johns will talk to Northern Integrity and get a quote.

Auditor's Report: Johns gave an update from Brady Martz, stating they will conclude audit years 2016-2017 by the deadline they were given of September 1st, 2023.

-Johns gave an update on the taxable valuation numbers received from the County.

Assessor/Building Inspector's Report: The building inspector position was discussed.

Public Works Report: Personal Protective Equipment (PPE) for the public works department employees was discussed. OSHA mandates that all safety gear be supplied by the employer. Jenson/Zietz made a motion to allot up to \$4,000/year for PPE gear for the employees, as well as, identifying clothing for city staff and the city commission. Roll Call: All – aye; motion carried.

-Johns gave an update on the recycled asphalt/millings that may be available for city use from the Highway 52 passing lane project.

-Schreiner would like further research done on city-owned property, with the possibility of surveying some of the properties to establish lot lines. The issue will be re-addressed at a later time pending Norm Sollid's information.

Introduction & Adoption of Resolutions/Ordinances: Johns included a proposed ordinance change of Municode sections 20-21, 20-23, and 20-25, written up by the city attorney. Davis/Zietz made a motion to approve the 1st reading of ordinance change 2023-02 as follows:

Sec. 20-21. - Authority of city to abate nuisance when owner does not do so.

Upon the failure, neglect or refusal of any owner notified in accordance with section 20-20 to abate the nuisance described in the notice within ten days after receipt thereof by or personal service thereof upon the owner, the city or its contractor is authorized to enter upon the premises described in such notice and to take

whatever steps as might reasonably be required to abate the nuisance and such actions, if reasonable in nature and undertaken in good faith, shall not constitute a trespass or conversion. If the notice is returned to the city because of the inability of the U.S. Postal Service to make delivery thereof, the city or its contractor may proceed immediately to abate the nuisance, provided that the notice was properly addressed to the last known address of the owner.

Sec. 20-23. - Costs to be assessed against property.

In the event the city or its contractor enters upon private property and takes actions to abate a nuisance thereon pursuant to this article, there shall be assessed against the property the costs of abatement including a fee as determined by the commission upon any reasonable basis to compensate the city's contractor and the city for costs and expenses of abating the nuisance.

Sec. 20-25. - Abatement without prior notice.

In the event a nuisance as defined under section 20-19(a)(1) shall constitute an immediate and serious danger to the health of any person, or shall constitute an immediate and serious danger to private or public property, the city or its contractor may without prior notice to the owner of the premises immediately enter upon the premises and take whatever steps are required to abate the nuisance. If such actions are reasonable in nature and undertaken in good faith such actions shall not constitute trespass or conversion. Any attempt by the city to give the owner prior notice shall not constitute a waiver of the right under this section to act without prior notice.

Roll Call: Davis, Zietz, Jenson, Keller, Schreiner – aye; motion carried.

-Schreiner and Johns would like to see an ordinance created regarding load limits on residential city streets and establishing a truck route. The commission concurred to move forward with the creation of such ordinance.

-Johns proposed an ordinance change of Municode section 2-347 Bids. Jenson/Davis made a motion to approve the 1st reading of ordinance change 2023-03 as follows:

Sec. 2-347. Bids, Plans and specifications for a public improvement contract.

(a) ~~Where the cost for any purchase or construction project is \$50,000.00 or more, bids shall be solicited by notice in the official newspaper at least five full days prior to the final day for receiving bids.~~ **If the estimated cost for the construction of a public improvement is in excess of the threshold established under NDCC 48-01.2-02.1 or subsection (1), the governing body shall procure plans, drawings, and specifications for the improvement from an architect or engineer. For a public building in use by or to be used by the North Dakota agricultural experiment station in connection with farm or agricultural research operations, the plans, drawings, and specifications, with the approval of the state board of higher education, may be prepared by an engineer in the regular employment of the agricultural experiment station. For a public building in use by or to be used by the department of transportation for the storage and housing of road materials or road machinery, equipment, and tools, the plans, drawings, and specifications may be prepared by an engineer employed by the department of transportation. Plans, drawings, and specifications of an architect or engineer must be stamped and sealed by the date of the initial bid advertisement.**

(1) The threshold for bidding construction of a public improvement is two hundred thousand dollars (\$200,000). The threshold for procuring plans, drawings, and specifications from an architect or engineer for construction of a public improvement is two hundred thousand dollars (\$200,000).

(2) Notwithstanding the thresholds in subsection 1, if the state or a political subdivision undertakes the construction of a public improvement and there is reason to believe that engineering or architectural services are necessary to protect the health, safety, or welfare of the public, the state or political subdivision shall consider consulting with an engineer or architect.

(3) Publication of advertisement for bids. Except as otherwise provided in this chapter, if the estimated cost for the construction of a public improvement is in excess of the threshold established under section NDCC 48-

01.2-02.1 or subsection (1), the governing body shall advertise for bids by publishing for three consecutive weeks. The first publication of the advertisement must be at least twenty-one days before the date of the opening of bids. The advertisement must be published in the official newspaper of the political subdivision in which the public improvement is or will be located, in a daily newspaper having a general circulation in the area where the project is located, and in a trade publication, electronic plan service, builders exchange, or other industry-recognized method of general circulation among the contractors, building manufacturers, and dealers in this state, except the advertisement for a public improvement financed by special assessments need be published only once each week for two weeks in the official newspaper with the first publication being at least fourteen days before the bid opening.

(4) Emergency exception. If a governing body declares an emergency situation, the governing body may contract for the construction of a public improvement without seeking bids.

- (b) Such bids shall be submitted sealed to the city auditor and shall be accompanied by surety in the form of a certified check, cash or bid bond in such amount as the city commission may prescribe. All such bids shall be opened by the city auditor at the time specified. The city commission may award the contract to the lowest or best bidder, or may reject all bids. Each contract submitted to the commission for approval shall be accompanied by a tabulation of all bids received. The commission shall have full and complete authority to enter into and make any contract on behalf of the city, and when competitive bidding is not practical or advantageous to the city, the commission may dispense with same and enter into a contract for the purchase or construction project.
- (c) Where the laws of the state require bids and/or specify a different length of time in advertising for bids, such laws shall be observed.
- (d) Bidders shall be invited to be present at all bid openings.

(Prior Code, § 5-107)

Roll Call: Jenson, Davis, Zietz, Keller, Schreiner – aye; motion carried.

Unfinished Business: The appliance dumpster area was discussed. Ideas on cleaning up and monitoring the area included: moving the fence to the property line, locking the gate, establishing a supervised schedule for disposal. Davis is to solicit bids to move the fence.

New Business: Farmer’s Market was previously discussed.

Miscellaneous/Additions: Johns asked for a special meeting to be called to address Riverview Road. Meeting was scheduled for Wednesday, June 21 at 9:30am.

Adjournment: With no other business to discuss, Schreiner adjourned the meeting at 8:39 pm.

*The next Commission Meeting will be Monday, July 17, at 7:00pm.
If you would like to be on the next agenda, the deadline is Thursday at noon before a meeting.*

*****Minutes are Subject to Amendment and Approval*****

Mike Schreiner
Commission President

Jenny Johns
Auditor