

Velva Special Commission Meeting

October 18, 2022

Special Meeting – 3:00pm

Velva City Hall

SPECIAL MEETING: Velva City Commission Meeting called to order at 3:00 pm by Commission President Mike Schreiner at the Velva City Hall. Roll Call: Mike Schreiner – President of the Commission; Ben Zietz – Water/Sewer Commissioner; Dave Keller – Street/Water Commissioner; Mary Liz Davis – Finance/Sewer Commissioner; Gene Jenson – Street/Cemetery Commissioner; Kerry Wyche – Deputy Auditor; Kelly Jemtrud – PW Director; Jenny Johns – Auditor.

MINUTES

Schreiner stated the only thing on the agenda was to review two items passed last night at the regular commission meeting.

1. The first subject was the approval to change back the curb painting in front of the Muus building per Cederstrom's request. After further review, Schreiner stated that the no parking area was just extended last year in August, after being approved by the DOT, and asked why it should be changed back after only one year. Keller – "we changed our minds." Schreiner asked everyone to confirm the decision so Jemtrud does not have to continuously paint the curb area every year. More discussion, and no action was taken on the parking decision – the motion from last night stands.
2. Schreiner asked Johns to discuss the next topic, as she asked for the right-of-way mowing approval decision for Atherton (%Dietrich) last night to be reviewed. Johns explained what a "right of way" was, why they were created, and how they are managed. Stating, "the right of way is basically a "promise" from the landowner to the governing body that when or if a road needs to be built or improved, the space is available for that purpose without much difficulty. There are many questions on this subject as to who actually owns and maintains the property. The Fifth Amendment states "...nor shall private property be taken for public use, without just compensation." In North Dakota, when a right of way is established, the landowner still possesses the underlying fee, but that portion of their land is not taxable. And although most maps show property lines ending where the right of way begins, the landowner is *presumed* to own to the center of the way, but are only taxed for the land inside that right of way. All the upkeep and maintenance of the land is the responsibility of the homeowner." Johns stated that Jemtrud, Wyche and herself were all hired to protect the city and execute the ordinances and laws, and this vote leaves the city unprotected. Last night's decision to have the PW department mow right of way property for one individual landowner, opened the city up to a huge financial liability. Johns asked that the commission amend or overturn their decision from the October 17th meeting of "mowing the right of way, up to the property line, at 113 Main Street South." Jenson, Davis, Zietz and Schreiner concurred that the request and maps were unclear and that is why they voted the way they did. Keller maintained that he would like to see the area mowed for the homeowner. **Jenson/Davis made a motion to overturn the decision from the October 17th regular meeting, and allow the Public Works Department to continue to mow the right of way along Highway 41 South, including 113 Main Street South, at their discretion and for visual purposes only. Roll Call: Jenson, Zietz, Davis, Schreiner – yes; Keller – no. Motion carried.

No other items could be discussed. Schreiner adjourned the meeting at 3:51 pm.

*****Minutes are subject to amendment and approval*****

Mike Schreiner
Commission President

Jenny Johns
Auditor