# City Commission MeetingValley City, North Dakota

## Tuesday, January 19th, 2021

*Via Zoom*

President Carlsrud called the meeting to order at 5:00 PM.

Members present: President Carlsrud, Commissioner Magnuson, Commissioner Bishop, Commissioner Erickson, and Commissioner Gulmon.

Others present: City Administrator Crawford, City Attorney Martineck, Finance Director Richter, City Assessor Hansen, PW Manager Jacobsen, Fire Chief Magnuson, Police Chief Hatcher, Gloria Swart, City Engineer Chad Petersen, Jennifer Feist Aaron Raap, Mike Manstrom, Paul Diegel

#### Proclamation

President Carlsrud read the proclamation declaring January 31-Feruary 6, 2021 as Catholic Schools Week.

#### Approval of Agenda

Addition of Proclamation

#### Approval of Minutes

Commissioner Gulmon moved to approve the minutes from the January 5th meeting, seconded by Commissioner Magnuson. Motion carried.

#### Approval of Consent Agenda

**Approve 2021 Application to Sell LP Gas for Loves Travel Stop Contingent on the Approval of the Fire Chief.**

Fire Chief Magnuson stated due to a change in suppliers, Loves will not have the tanks until closer to the end of February.

No action taken.

#### Public Hearing

**Public Hearing for Approving the Rezone of Nextera Addition to the City of Valley City.**

President Carlsrud declared the public hearing open.

City Attorney Martineck stated the area is outside city limits right now. It is probably zoned as agricultural and is on the agenda to be annexed into the city. The proposal is for that to be zoned light industrial, I1.

Aaron Raap added they operate under Valley Plains Equipment, owned by Brandt Holdings Company and Nextera is a division of that which is basically the leasing arm. We plan to build about half the size of the new store in Jamestown. We have about 12-15 employees and are looking to grow considerably.

Commissioner Bishop moved to close the public hearing, seconded by Commissioner Gulmon. Motion passed unanimously.

**Approve first reading of Ordinance No. 1071, Approving Rezone of Nextera Addition to the City of Valley City.**

City Attorney Martineck stated the recommendation from Planning and Zoning is to approve the rezone and also before any construction starts we need a development agreement in place both with the city and the water district.

Commissioner Magnuson moved to approve Ordinance No. 1071, seconded by Commissioner Gulmon. Motion passed unanimously.

#### Ordinance

**Approve Second and Final Reading of Ordinance No. 1069, an Ordinance Creating a Perpetual Restrictive Covenant for Structures to be removed in Accordance with the State Water Commission.**

City Attorney Martineck stated no changes from the first reading. This is putting restrictions on properties that were bought out with state water funds.

Commissioner Magnuson moved to approve, seconded by Commissioner Erickson. Motion carried.

**Approve First Reading of Ordinance No. 1070, an Ordinance Relating to the Annexation of Territory.**

City Attorney Martineck stated we received a petition from Nextera Properties to annex the property where the Valley Plains dealer would be located. All notifications went out per law. The only comments we received were from the DOT which will be addressed when the building permits are issued. Today’s recommendation is to proceed with the approval of the annexation.

Commissioner Bishop moved to approve, seconded by Commissioner Magnuson. Motion carried.

#### Resolution

**Approve Resolution 2267, Approving PLAT of Nextera Addition to the City of Valley City.**

City Attorney Martineck stated before building permits are issued by the city, the land needs to be platted. We received an application to PLAT the land where the Valley Plains Dealer will be going. The recommendation from P&Z is to approve that application.

Commissioner Magnuson moved to approve, seconded by Commissioner Gulmon. Motion carried.

**Approve Resolution 2268, Approving Replat of Lot 2 of Hi-Line Estates and Legacy Townhomes PUD.**

City Attorney Martineck stated P&Z received an application to PLAT additional townhome buildings in the Legacy Townhomes PUD. The recommendation from P&Z is to approve that application. We did receive a couple comments from residents in the neighborhood but I believe those have all been addressed to the satisfaction of P&Z.

Commissioner Gulmon moved to approve, seconded by Commissioner Magnuson. Motion carried.

**Approve Resolution 2266, a Resolution Authorizing Refinancing Special Assessment Improvement Bonds of 2011 and 2013.**

Finance Director Richter stated she has been working with Mike and supports their refinancing and recommend we proceed.

Mike Manstrom added there is a resolution to hire Ohnstad Twitchell to refinance the 2011 and 2013 projects. Interest rates are historically low. We won’t be able to get this done until 4-6 weeks. If the interest rates increase during that time and there is no savings to the City we would cancel at no cost. It looks like we could save the city around $85,000-$90,000. At this time we are just asking for approval to start working on it and will prepare the savings at an upcoming meeting.

Commissioner Magnuson motioned to approve, seconded by Commissioner Gulmon. Motion carried.

**Approve Resolution 2269, a Resolution Amending Master Fee Scheduled re Fees for Residential Building Permits and Inspections.**

City Attorney Martineck stated this is the same thing we did to the commercial fees. Since we are now contracting out our inspections and bidding processes this allows the city to assess the fees pursuant to our contract with Midwest Inspections.

Commissioner Bishop motioned to approve, seconded by Commissioner Magnuson. Motion carried.

#### New Business

**Approve the VCBCDC request for $15,000 to Support the Shop Local Campaign.**

Jennifer Feist stated to stay with the formal process of receiving approval of funds we would request $15,000 of Economic Development funds to support the recently approved $200,000 CARES Act campaign that is being launched.

Commissioner Gulmon moved to approve, seconded by Commissioner Magnuson. Motion carried.

**Approve Designating $20,000 from Renew and Replacement Fund 290 for 2021 Sidewalk, Curb, Gutter and Driveway Apron Replacement.**

Finance Director Richter the request is for a reimbursement to property owners that would be updating their sidewalks in 2021. There would be a 25% reimbursement to that property owner contingent on providing the City with a quote or estimate from a contractor prior, having a city staff look to determine that it is something that needs replacing. Upon completion we need the invoice and would replace the property owner 25% of that invoice. This has been done in the past and has gone well.

Commissioner Erickson moved to approve, seconded by Commissioner Bishop. Motion carried.

**Approve Gaming Site Authorization for ND Chapters of delta Waterfowl Inc. on February 27, 2021 at the Valley City Eagles Club 2192.**

Finance Director Richter stated this is an ongoing annual event. The fees have been paid and the application is in good order.

Commissioner Bishop moved to approve, seconded by Commissioner Magnuson. Motion carried.

**Approve Task Order for Design Engineering for Master Lift Station Upgrades.**

Chad from KLJ both N4 and N5 were two project that were included in the 2021 PW capital budget. In a previous meeting it was recommending to move on these projects. The first step is to get the design engineering under contract. N4 is relating to the Master Lift Station, an hourly contract not to exceed $23,350 to prepare the specs and get out the bid or quotes depending on what the final estimate is.

Commissioner Magnuson moved to approve, seconded by Commissioner Gulmon.

Bishop-aye Gulmon-aye Erickson-nay Magnuson-aye Carlsrud-aye Motion carried.

**Approve Task Order for Design Engineering for West End Lift Station.**

Chad from KLJ stated this is the same as stated above but for the replacement of the West End Lift Station.

Commissioner Magnuson moved to approve, seconded by Commissioner Gulmon

Magnuson-aye Bishop-aye Gulmon-aye Erickson-nay Carlsrud-aye Motion carried.

**Approve Task Order for Preliminary Engineering for 6th Street NW Reconstruction Project.**

Chad from KLJ stated this was the project that the city recently went thru the procurement process. The project is primarily funded thru the NDDOT so this project requires the DOT’s project development. This first ask is the first stage. Once we are through this they would come back for the final design engineering component. This project is an hourly not to exceed contract. Construction is tentatively scheduled for 2022.

As Commissioner Gulmon moved to approve, seconded by Commissioner Magnuson.

Erickson-nay Magnuson-aye Bishop-nay Gulmon-aye Carlsrud-aye Motion carried.

**Approve Amendment to Engineer-Owner Agreement for Paving Improvement District 119 & 119B (7th Ave W and 2nd Ave NE).**

Chad from KLH stated this goes back to 2018. The project was originally bid with the full project as described in 2019. Bids came over what was budgeted so bids were rejected. In December the City received funds through the state for infrastructure projects. Since the bids were over 2 years old, updates have been made. Conversations have taken place with the state engineer’s office about reapplying for the funds for the water main portion so we will resubmit that as part of this package.

Commissioner Gulmon moved to approve, seconded by Commissioner Magnuson.

Gulmon-aye Erickson-nay Magnuson-aye Bishop-nay Carlsrud-aye Motion carried.

**Discuss City Mask Plan.**

President Carlsrud stated we were following the Governors order and he made a significant change so right now our mask mandate has expired. Do we want to go without or extend?

Commissioner Gulmon feels it is important to extend the mandate. Were so close to getting vaccines to our community and we have a responsibility of trying to support our public health and provide safeguards to our community. I think we should extend for another 30 days.

Commissioner Erickson does not want to extend. I think we should leave it up to the businesses if they want to enforce it or not. We shouldn’t be pushing it on any more than we have already.

Commissioner Bishop stated he has spoken with a fair amount of people since the mandate has been lifted. If the schools and businesses want to require masks that’s up to them but I think it’s time we let adult make their own decisions.

Commissioner Magnuson stated at first he wasn’t huge on expanding it but beings as close as we are. I think the businesses could do it but it’s easier if they have something to go back on. I’m in favor of one month.

Commissioner moved to extend the mask mandate until February 19th, seconded by Commissioner Magnuson.

Bishop-nay Gulmon-aye Erickson-nay Magnuson-aye Carlsrud-aye Motion carried.

**City updates & Commission Reports**

**City Attorney Martineck** stated the small cell tower movement. When it comes to town they’re going to be putting up a lot of new infrastructure that we can’t stop but we can to some extent control how it happens. We are working with DOT to have some control over the DOT right of way so when Verizon or AT&T comes in with their equipment we will be responsible for the permitting process. We also need to look at an ordinance so we have a little more control in the areas of town where 5G equipment might be going in. If you can imagine a backpack size piece of equipment about every 300 feet on a tower, that’s what we’ll be looking at. So if we can control any aspect of that whether it’s the fees, the aesthetics, those are the types of provisions that we can put in place. I would expect a proposed ordinance at the Finance meeting next month and possibly a first reading at the following Commission meeting.

**Finance Director Richter** stated at the last meeting we approved the PILOT for Trademark Tooling contingent on the lease. They are still working on getting the lease. We will need to back up the Public Hearing date until we receive the lease.

**President Carlsrud** thanks all the employees, we had some snow and a lot of work in the offices and evidently you’re making it look easy. Shout out to Jennifer for the work she does on behalf of the Development Corporation of Valley City and her hand that she’s had on the amendment that we are working to get through to the House and the promotion upcoming with the Chamber.

#### Adjourn

Meeting was adjourned at 5:46 P.M.

Attested to by:

Avis Richter, Finance Director Dave Carlsrud, President of the

City of Valley City City of Valley City Commission