# City Commission Meeting Valley City, North Dakota

## Monday, April 19th, 2021

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

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

Others present: City Administrator Crawford, City Attorney Martineck, Finance Director Richter, Deputy Auditor Klein, City Assessor Hansen, PW Supervisor Jacobson, Fire Chief Magnuson, Police Chief Hatcher, Operations Supervisor Klemisch, City Engineer Chad Petersen.

#### call to order

Meeting was called to order at 5:00 PM

#### Approval of Agenda

#### Approval of Minutes

Commissioner Magnuson moved to approve the minutes from the April 6th meetings, seconded by Commissioner Gulmon. Motion carried.

#### Approval of Consent Agenda

A. Approve Raffle Permit for

a. Valley City Education Association

b. Valley City Area Chamber of Commerce

c. Express Wrestling

B. Approve Block Off Street Request for the Valley City Area Chamber of Commerce for the Rally in the Valley Event held on June 19th 2021 beginning from 6AM to 5 PM.

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

#### Ordinance

**Approve First Reading of Ordinance No. 1077, an Ordinance amending and reenacting VCMC section 8-01-02 re contractor license renewal date.**

City Attorney Martineck stated this is a housekeeping change. It allows the Auditor’s Office to determine the form of the application for contractor’s licenses and also the date they are due every year.

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

**Approve First Reading of Ordinance No. 1078, an Ordinance to Create and enact Section 15-01-12.1 re Tax Assessment of Unpaid Utility Charges.**

City Administrator Crawford stated this is what we discussed at our last meeting. This is to add it generally and we will put the rest in the policies as we go so everyone has enough notice. This ordinance will be added but would not go into effect until January 1st.

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

**Approve Second and Final Reading of Ordinance No. 1076, an Ordinance to amend and reenact section 7-04-04 of the Valley City Municipal Code related to numbers on buildings.**

City Attorney Martineck stated there are no changes from the first reading. This is the regulations for the size on the building and making sure they are consistent with building codes.

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

**Approve First Reading of Ordinance 1075, an Ordinance Amending and Reenacting Sections of Titles 7 and 11 of the Valley City Municipal Code Related to Building Permits and Zoning Code Violations.**

City Attorney Martineck stated this ordinance was reviewed by the Planning and Zoning Committee and their recommendation was to approve. This gives the Planning and Zoning Committee the administrative authority to access fines and fees for violations of the zoning code and building without a permit.

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

#### Resolution

**Approve Resolution 2292, A Resolution Approving Plat of Hyland Park Estates.**

City Attorney Martineck stated the Planning and Zoning Commission received an application for a new residential subdivision in the NW part of town from Valley Realty. The new development includes multifamily housing including an apartment complex and townhomes. The Planning and Zoning Commission did recommend approval with some conditions. The first is that the development proceed according to the guidelines for an R4 district, that sidewalks be included in the project, the storm water management plan be completed before the development proceeds and that there be a dedication of open space pursuant to code which is 12% of the land or cash in lieu of dedication of the land. There were also some issues in whether or not there were sufficient easements and whether the plan for the project met city standards. City Attorney Martineck stated he checked with staff and there weren’t any issues with the easements or infrastructure going into the project but we do need to discuss the storm water management plan, the dedication of open space, the sidewalk issue and the size of the apartment complex. In our Zoning Ordinance it talks about the maximum number of units in a R4 district being 24. Looking at the history of the ordinance, prior to the ordinance being changed in 2015 there was an identical definition of R4 multifamily housing except in the original ordinance it said any multiple family dwelling with more than 24 units requires review and approval of the Valley City Planning and Zoning Commission. The interpretation at the Planning and Zoning meeting last week was that 24 was the maximum and there wasn’t any room to go over. Reviewing the code you could go up to any number that was reasonable for the area. We have done complexes up to 42 in R4 districts since the ordinance was changed. If you were to approve the 36 units it would be the same as what has been done the last 4-5 years.

Bruce Hoyt stated in Fargo whether we do the storm management plan up front or at the end I can’t get a building permit or an approval, letter of occupancy until the storm water has been approved so I can do it either way that you like. The 36-plex right now we would move a little bit to the south so we can increase a little bit more on the north for the storm water detention pond. It compares exactly to the bigger complex. Bruce also stated they can work the dedication of open space in. As far as we’re concerned, if sidewalks are an absolute, we’ll do sidewalks.

Mike Strom from KLJ added that the storm water plan changes depending on the size of the complex so that can’t be completed until we know what can be built.

Commissioner Erickson expressed his concern with a 36-plex having more water coming off and the retention pond only being able to hold for so long. You put a 36-plex up there will be a lot of run off and it will end up going over to the creek which will come back into town.

Chad Petersen from KLJ stated the pond has to be sized for whatever the build is so the intent is that the runoff won’t be any greater than what the preexisting conditions are.

Consensus was given that the storm water management plan is completed prior, to allow 36 unit and sidewalks are not needed on this project. We will need to negotiate with the developer for the dedication of open space.

Commissioner Gulmon moved to approve plat with conditions agreed upon for a multifamily housing unit, maximum of 36 units, seconded by Commissioner Magnuson.

Roll Call: Magnuson-aye Erickson-nay Gulmon-aye Carlsrud-aye Motion carried.

**Approve Resolution 2289, A Resolution Declaring Sufficiency of Protest for Paving Improvement District No. 122 (Main Street Seal Coat).**

Finance Director Richter stated the protest period was published as required, letters were sent and we also held an informational meeting. We had one person inquiring about the project, but no protests. With that I recommend a positive motion on this to proceed.

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

**Approve Resolution 2290, A Resolution Approving Plat of Ingstad North Valley Subdivision.**

City Attorney Martineck stated the Planning and Zoning received an application for a subdivision for three homestead lots on this plat and recommends approval.

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

**Approve Resolution 2291, A Resolution Approving Petition for Vacation of Undeveloped Portion of 11th Ave SE.**

The Planning and Zoning received a petition to vacate a very small portion of undeveloped land. The recommendation is to approve.

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

**Approve Resolution 2293, A Resolution Approving replat of Lot 1 Block 3 Waterfront Meadows Addition.**

City Attorney Martineck stated the Planning and Zoning Committee received an application to increase the size of one lot in the Waterfront Meadows Addition. Approval is recommended with no conditions.

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

#### New Business

**Approve Valley City Barnes County Development Corporation request for $25,000.**

Jennifer Feist stated this request is for securing architectural services in order to encourage development in the downtown area.

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

**Approve Special Alcohol Beverage Event Permit for Mark Ertelt Benefit at The Labor Club South Parking Lot, May 1st, 2021 from 2 PM to 2 AM.**

Finance Director stated she visited with Police Chief Hatcher about the 2 AM closing. He did sign off on it and said it was strictly the overflow. Everything is inside but if there is an overflow of people they would like it approved.

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

**Approve Special Alcohol Beverage Event Permit for Celebration of Small Business at City Lights Parking Lot, July 23, 2021 from 6 PM to 11 PM.**

Finance Director Richter stated she didn’t see any issues with this application and Bergans are on the call if there are any questions.

City Administrator Crawford stated she spoke with Tommy but they will want to fill out a road closure permit. Clint thought it would be best since the road is a public road that drives through the parking lot.

Chad said that was fine and asked if the time is set in stone once approved? Can we change it to 12AM?

Commissioner Gulmon moved to approve with the 12AM time, seconded by Commissioner Magnuson. Motion carried.

**Approve Special Alcohol Beverage Event Permit from The Clubhouse Lounge LLC for the Garrett McFadgen Benefit at the ND Winter Show, May 3, 2021 from 6 PM to 9 PM.**

City Administrator Crawford stated Kayla Coleman from the Clubhouse was on the call if there were any questions.

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

**Approve Housing Incentives.**

City Administrator Crawford stated after the Finance Meeting we discussed what would be the best solution to move forward. Commissioner Gulmon stated we discussed our existing which is $1600 upon closing and there’s a 2 year tax incentive up to $150,000 value of the property. Our proposal is to increase that to a $5000 incentive. We would like that to start in 2021 and would also like to budget $50,000 annually from the Public Works to continue this. We would also like to create a fund for infrastructure for new developments that would bring the underground services to new developments. Starting with $250,000 of Prairie Dog funds and then potentially in the future consider 10-15% of future Prairie Dog funds to go towards this account.

Commissioner Gulmon motioned to accept the proposal as presented in its entirety with a minimum of Prairie Dog funds being set at 10% with an option to review at that point, seconded by Commissioner Magnuson. Motion carried.

**Approve Application for Property Tax Exemption for Improvements to Residential Building at 218 7th Ave NW.**

City Assessor Hansen stated the application pretty self-explanatory. This is the 5 year exemption on just improvements.

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

**Approve Submission of a Loan Application to RDFC (Rural Development Finance Corporation) for the Partial Financing of the Addition to the Fire hall.**

Finance Director Richter statedthis is a low interest rate loan. Upon approval they would approve up to 50% of the project cost with a maximum of up to $250,000 loan for 10 years.

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

**Approve Administration of City of Valley City’s local sales, use and gross receipts taxes by State Tax Commissioner for 2021-2023 biennium.**

Finance Director Richter stated this is a renewal of the contract we enter into every biennium. The new contract is $41 less per month than the prior. In order for the state to administer the sales tax it would be $720/month.

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

**Approve Contract with NDDOT for Facilitating Installation of Small Cell Wireless Facilities in DOT Right of Way.**

City Attorney Martineck stated at the next commission meeting the commissioners will be reviewing the final reading of the regulations for installing small cell wireless facilities in our right of ways. This contract with DOT allows us to accept permits for the DOT right of way and apply our ordinances to that particular area.

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

#### City updates & Commission Reports

**City Administrator Crawford** reported that one of the problems they’re having out of the landfill is people are bringing in their old wood chips and dumping them on the pile of new ones. I would like to bring it back into the gated area so it can be monitored. They are also working on signs for the landfill. I went with Kendall to the Fargo landfill and they had some nice signs with arrows. People don’t read wordy signs but if you have a couple of words with arrows they will and we feel that should help.

**Fire Chief Magnuson** stated the annual fundraiser is coming up on the 30thof April. We had a group of firefighters test on Saturday, they did very well. Our City Attorney drafted a rental agreement and we will be taking that to the County Commission.

**Police Chief Hatcher** stated a position was opened for a Police Officer. This is a position that’s being filled due to a current officer taking a full time temporary position with the National Guard.About 5 weeks until city wide clean up. Now is a good time to assess your properties and think about what you need to get out to the curb when it’s time. Also a reminder about the 72 hour ordinance for parking. It’s 72 hours, it’s not once we give you notice 72 hours.

**Chad Petersen** KPH moved back in to start prepping for the sidewalk work on 5th Ave NW. Roads will be closed on Wednesday. Asphalt schedule is unknown, we are waiting on the restrictions to come off. Guessing early May. The preconstruction meeting for the Paving 119 and 119B was held. The tentative plan is to start work next Monday. The plan is to start on 2nd Ave NE between 5th St and 7th St. Then they’ll bring in a second crew to start on 7th Ave West portion. It will get pretty busy here in town.

**Commissioner Gulmon** thanked the Housing Committee that worked to develop the plan that we approved tonight. This is a positive step towards building our community.

**President Carlsrud** commented on the landfill, it’s a pretty good service that’s provided there so please take care of it. We’ve had a number of call periodically where neighbors have issues with one another but they haven’t talked to each other. Please talk to each other. Communication does a lot to help resolve conflict. To all of our city employees, thank you.

#### Adjourn

Meeting was adjourned at 6:18 P.M.

Attested to by:

Avis Richter, Finance Director Dave Carlsrud, President of the

City of Valley City City of Valley City Commission