# City Commission MeetingValley City, North Dakota

## Tuesday, May 17th, 2022

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

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

Others City Administrator Crawford, City Attorney Martineck, Finance Director Richter, Administrative Assistant Johnson

#### Pledge of Allegiance

#### Peggy Lee 102 Day PRoclamation

#### Approval of Agenda

No changes.

#### Approval of Minutes

Commissioner Gulmon moved to approve the minutes from May 3rd Finance and Commission Meetings and the May 10th Special Commission Meetings, seconded by Commissioner Magnuson. Motion passed unanimously.

#### Approval of Consent Agenda

**Approve Application for Electrician Plumber and/or Mechanical Contractor Renewal for the following:**

**Keith’s Air Conditioning, Refrigeration & Heating, Inc.**

**Energize Electric LLC**

**Approve Application for Tobacco License Renewal for the following:**

**Petro Serve USA #071**

**Love’s Travel Stop #849**

**CHS Inc.-151 9th Ave NW**

**CHS Inc.-807 Main St.**

**Family Dollar, Inc.**

**Leevers Foods**

**The Liquor Locker**

**Approve Application for Alcohol Beverage License Renewal for the following:**

**The Liquor Locker**

**Sabir’s Dining & Lounge**

**Approve Application to Block off 6th Ave SW from 4th St. SW to Viking Drive for the Let’s Walk Valley City Event being held on Monday, July 18th, 2022 from 5 p.m. to 8 p.m.**

**Approve Special Alcohol Event Application for The Labor Club on June 17th and 18th from 6 p.m. to 1 a.m. for the Rally in the Valley.**

**Approve Application for Raffle Permit for the following:**

**Hi Liner Booster Club from July 1, 2022-June 30, 2023 at Hanna Field and the Hi Liner Activity Center.**

**Litchville High School 7-Class Reunion in July 16th, 2022 at the Valley City Eagles Club.**

Commissioner Erickson moved to approve, seconded by Commissioner Magnuson. Motion passed unanimously.

#### Ordinance

**Approve Second and Final Reading of Ordinance 1103, an Ordinance to Amend and Reenact Chapter 15-06 of the Valley City Municipal Code related to Excavating and Cutting Streets and Right of Way.**

City Attorney Martineck stated there were no changes from the first reading.

Commissioner Magnuson moved to approve, seconded by Commissioner Gulmon. Motion passed unanimously.

#### New Business

**Motion to hold Executive Session for Attorney Consultation to Consider Appeal of Order Granting Plaintiff’s Motion for Summary Judgment in Favor of Associated General Contractors of North Dakota (re City’s GSA contracting ordinance) as Authorized by NDCC Section 44-04-19.1(2), Attorney Consultation.**

Commissioner Magnuson moved to approve, seconded by Commissioner Gulmon. Motion passed unanimously.

The executive session began at 5:07 pm and was attended by President Carlsrud, Commissioner Erickson, Commissioner Gulmon, Commissioner Magnuson, City Administrator Crawford via Zoom, City Attorney Martineck, Finance Director Richter

The meeting resumed at 5:17 pm. The media and the members of the public have been invited to return and we are now back in open session.

**Consider Appeal of Order Granting Plaintiff’s Motion for Summary of Judgment in Favor of Associated General Contractors of North Dakota (re City’s GSA contracting Ordinance).**

Commissioner Gulmon made a Motion to Forgo the Appeal of the Order Granting Plaintiff’s Motion for Summary of Judgment in Favor of Associated General Contractors of North Dakota, seconded by Commissioner Magnuson. Motion passed unanimously.

**Approve Transfer Request for Liquor and or Beer License and Application for Alcoholic Beverage License from Kerry Anderson (current owner of The Labor Club) to Donald and Bonnie Larson (new owners of The Labor Club) effective July 1st, 2022.**

Commissioner Gulmon moved to approve, seconded by Commissioner Magnuson. Motion passed unanimously.

**Consider request from Valley City-Barnes County Development Corporation for $30,000 to assist with the hill slide issue impacting Malach USA.**

Jennifer Feist stated this request is to help with the hillside issue at Malach. The company’s plan is to install some drainpipe that will take the water from the building to the east where it will find the natural drainage down the hill.

Commissioner Gulmon moved to approve, seconded by Commissioner Erickson. Motion passed unanimously.

**Approve Draft of Ordinance 1102 to be Published prior to June 14, 2022 Advisory Vote: Extension of Sales, Use and Gross Receipts Taxes Dedicated to City Infrastructure Renewal and Replacement Projects.**

City Attorney Martineck stated when ordinances were previously extended it was procedure to follow state law. Currently there is an exemption on farm machinery so we need direction whether to leave the exemption or to follow state law. Right now, it is about 50/50 for cities that have the exemption. The maximum tax that can be assessed on any single transaction is $62.50. If we leave it as is we just need a motion to approve existing language with extended dates.

Commissioner Gulmon moved to approve, seconded by Commissioner Erickson. Motion passed unanimously.

**Approve Draft of Ordinance 1104 to be Published prior to June 14, 2022 Advisory Vote: Extension of Sales, Use and Gross Receipts Taxes Dedicated to Economic Development, Basic Industry, Job Development, Tax Relief Infrastructure, Other Special Request, Service and Retail Business Development.**

Commissioner Erickson moved to approve, seconded by Commissioner Magnuson. Motion passed unanimously.

**Approve Site Authorization Renewals for the Valley City Hockey and Figure Skating Club at Valley City Town and Country Club and the Youth Sports Complex.**

Commissioner Erickson moved to approve, seconded by Commissioner Gulmon. Motion passed unanimously.

**Request Cost Share from ND DWR to buy out 636 E Main Street for Assessed Value + 10% for a total of $86,130.**

City Administrator Crawford stated some people requested buyouts after this flood. This one is one that will be bought out in a future phase so the question is, do we buy it out now before the prices go up.

Commissioner Magnuson moved to approve, seconded by Commissioner Gulmon. Motion passed unanimously.

**Request Cost Share from ND DWR to buy out 469 8th Ave NE for Assessed Value + 10% for a total of $41,140.**

Commissioner Gulmon moved to approve, seconded by Commissioner Magnuson. Motion passed unanimously.

**Approve Construction Engineering Task Order for 12th St N Mill and Overlay and 8th Ave SW/Winter Show Rd turn lanes (Paving Imp. Dist. No. 124 – NDDOT Project No. SU-CVD-2-990(061), PCN 23233).**

Chad Petersen stated Border States is tentatively started to start early to mid-June due to the weather.

Commissioner Gulmon moved to approve, seconded by Commissioner Magnuson.

Roll Call: Erickson-nay Gulmon-aye Magnuson-aye Carlsrud-aye

Motion carried.

**Consider Flood Wall Panel Rack Bid.**

City Administrator Crawford stated we had two bids, one from Enterprise at $500/piece and the other was for $610 from Malach. Recommending we approve the bid from Enterprise.

Commissioner Erickson moved to approve, seconded by Commissioner Magnuson. Motion passed unanimously.

**Approve the City’s Selection to Purchase the Low Bid for Digger Truck in the Amount of $304,625.**

Commissioner Gulmon moved to approve the low bid from Altec, seconded by Commissioner Erickson. Motion passed unanimously.

#### City Administrator’s Report

**City Administrator Crawford** reported that public works is working on the trash rack on 5th Ave SW. The real test will be the next time we get a big rain in one shot. We have had a few water main breaks in Crestwood where the land is sliding. We are seeing what we can do, it’s getting to the point of not being able to sustain it with where it’s at.

#### City Updates & Commission Reports

**Finance Director Richter** stated that Gary Jacobson is working with the state on getting our flood expenditures submitted.

**City Assessor in Training Current** reported they have started their yearly residential inspections. Letters are being sent out every couple of weeks to have them contact our office to schedule a time for the inspection. Due to the flooding we have decided to start in the SW part of town and are hoping to get to about 300 properties by the end of October.

**Chad Petersen, KLJ,** updated on 6th St NW reconstruction. Tentative completion date is end of July beginning of August.

**Commissioner Gulmon** stated that we have been challenged with water issues. We are getting through it but thank you to all our employees for all that they have done.

**President Carlsrud** thank you to our employees, we appreciate your efforts. Sanitary sewer normally pumps 700,000 and some of these days we’ve been up to 2.5 million gallons. This is hard on our pumps. Please run your pumps outside, conserve water and utilize the water between the high peak times.

#### Adjourn

Meeting was adjourned at 5:57 P.M.

Attested to by:

Avis Richter, Finance Director Dave Carlsrud, President of the

City of Valley City City of Valley City Commission