

**CITY OF PARK RIVER, NORTH DAKOTA, REGULAR COUNCIL MEETING,
MONDAY, OCTOBER 10, 2016 AT 7:30 P.M.**

Published Subject to the Governing Body's Review and Revision

The City of Park River held their regular meeting of the Park River City Council on Monday, October 10, 2016 at 7:30 P.M.

Mayor Stenvold called the meeting to order with the following present: Council members Mike Lorton, Arvid Knutson, Robert Lundquist III, Dwight Byron, and Keith Anderson, City Attorney Tracy Laaveg, City Coordinator/Auditor Nancy Thompson, Public Works Director (PWD) Dennis Larson and Assessor/Deputy Auditor Ann Berg with Council member Kyle Halvorson by phone. Absent: None. Others present: Daryle & Joyce Nickerson, Joseph Fietek, Dean & Leah Skjerven, and Darlene Carlson.

Comments and Questions From Citizens: Daryle & Joyce Nickerson appeared before the Council to express their concerns on utility bills for structures with electric, water and sewer services available but not connected and presented a petition with 108 names. The petition stated that "sewer and water along with curb and gutter is normally included in special assessments" and feel the City of Park River does not have the right to bill for water and sewer not being used by the property owners having said lines on their property. Laaveg noted the utility rate increases are an agenda item and will be addressed. Darlene Carlson also expressed concerns about the utility bills and had questions regarding money put away for the sewer projects. Berg responded the money is in CDs and is held for infrastructure projects, but when projects cost \$1.5 million the money set aside does not go very far against offsetting costs. City Attorney Laaveg noted Carlson has some very specific questions and asked if she is willing to discuss them during regular business hours. Stenvold asked if Carlson would meet with City employees Thompson, Larson and Berg and help them work up a press release to be distributed to utility customers in hopes that many of the questions concerning the utility increases would be covered. Thompson asked those present if it is fair for property owners with homes they live in to pay more than property owners with vacant structures. When asked if other cities bill for projects like this, Berg replied that many cities are charging properties with vacant structures as well as empty lots. Thompson noted had the City decided to special assess the infrastructure project every lot in town would have been assessed, not just those with structures, with those closest to the project paying a substantially higher cost, about 80%, and those furthest from the project paying approximately 20% of the cost. Laaveg stated the City did a lot of research before deciding on which method to use to pay for the upgrades and felt that charging infrastructure costs to property owners with structures was the fairest.

Additions and changes to agenda: Add Mayors Comments after New Business Item #4.

Mayor Stenvold noted corrections to the day of the September City Council meeting which was omitted from the minutes in two places on page 1. Berg also noted on page 5 the first mention of "Bruce Torfin left at 9:01 pm." should be deleted as it was a duplicate entry. Lundquist moved and Anderson seconded to approve the September 12, 2016 minutes with corrections. Upon roll call vote all voted aye. M/C.

Knutson moved and Lorton seconded to approve the October 3, 2016 Public Hearing and Special Meeting minutes as presented. Upon roll call vote all voted aye. M/C.

Byron moved and Lundquist seconded to un-table the proposed Ordinance 4.c Relating to Registration of Vacant Structures. Upon roll call vote all voted aye. M/C.

Lundquist moved and Knutson seconded to approve the second reading of Ordinance 4.c., Registration of vacant buildings with the following change in Section 7.a.; change the annual fee from \$1,000 to \$500. Upon roll call vote all voted aye. M/C.

Ordinance No. 4.c

An ordinance relating to Registration of vacant buildings

Be it ordained by the City Council of the city of Park River:

Section 1. Purpose. The city council finds as follows:

When the owner of a vacant building fails to actively maintain and manage the building, the building can become a major cause of blight in both residential and nonresidential neighborhoods. Vacant buildings that are boarded, substandard or unkempt properties, and long term vacancies discourage economic development and retard appreciation of property values. It is the responsibility of property owner to prevent owned property from becoming a burden to the neighborhood and community and a threat to the public health, safety, or welfare. One vacant property that is not actively and well maintained and managed can be the core and cause of spreading blight within a community. Some owners have acquired multiple vacant and blighted buildings at depressed prices and have not improved or cared for the properties. Unfortunately, many buildings, once boarded or vacated, remain that way for many years. The purpose of this ordinance is to establish a program for identifying and registering vacant buildings; to determine the responsibilities of owners of vacant buildings and structures; and to speed the rehabilitation of the vacant properties,

Section 2. Definitions.

- a. Building shall mean any enclosed structure, originally built or designed for human or animal habitation, storage, or protection of property from the elements of nature.
- b. City shall mean city of Park River, North Dakota.
- c. Owner shall mean those persons or entities shown to be the owner or owners on the records of the Walsh County Recorder in Grafton, ND, and/or those identified as the owner or owners on a vacant building registration form, a mortgagee in possession, a mortgagor in possession, assignee of rents, receiver, executor, trustee, lessee, other person, firm, or corporation in control of the premises. Any such person or entity shall have a joint and several obligation for compliance with the provisions of this article.
- d. Secured by other than normal means – shall mean any security design, apparatus, or means of securing a building by means other than by the use of doors or windows that may be locked.
- e. Unoccupied – shall mean a building which is not being used for residential or storage purposes as authorized by the owner.
- f. Unsecured – shall mean a building or portion of a building which is open to entry by unauthorized persons without the use of tools or ladders.
- g. Vacant building – shall mean a building or portion of a building which is:
 1. Unoccupied and unsecured;
 2. Unoccupied and secured by other than normal means;
 3. Unoccupied and an unsafe building as determined by the City of Park River.
 4. Unoccupied and has had all utilities removed.
 5. Illegally occupied.
 6. Unoccupied for a period of time over ninety (90) days.

Section 3. Vacant Building Registration.

- a. The owner shall register a vacant building with the City of Park River not later than thirty (30) days after any building located within the city of Park River becomes a vacant building, as defined in Section 2, or not later than 30 days after being notified by the City of Park River of the requirement to register. The City may identify vacant buildings through its own inspection, as well as through notification by residents that a building may be eligible for inclusion on the registry.
- b. The registration shall be submitted on forms provided by the City of Park River and shall include the following information supplied by the owner;

1. A description of the premises;
2. The names and addresses of the owner or owners;
3. If the owner does not reside in Walsh County or any adjoining county, the name and address of any third party who the owner has entered into a contract or agreement with for property management;
4. The names and addresses of all known lienholders and all other parties with an ownership interest in the building;
5. A telephone number where a responsible party can be reached at all times during business and nonbusiness hours; and
6. A vacant building plan as described in Section C.

c. The owner shall submit a vacant building plan which must meet the approval of the City. The plan, at a minimum, must contain information from one of the following three choices for the property:

1. If the building is to be demolished, a demolition plan indicating the proposed time frame for demolition, or allow the city to demolish the building at the expense of the owner: or
2. If the building is to remain vacant, a plan for the securing of the building as provided in section 4, along with the procedure that will be used to maintain the property, and a statement of the reasons why the building will be left vacant; or
3. If the building is to be returned to appropriate occupancy or use, a rehabilitation plan for the property. The rehabilitation plan shall not exceed three hundred sixty-five (365) days, unless the city grants an extension upon receipt of a written statement from the owner detailing the reasons for the extension. Any repairs, improvements or alterations to the property must comply with any applicable zoning, housing, historic preservation or building codes and must be secured during the rehabilitation.

d. The owner shall notify the city of any changes in information supplied as part of the vacant building registration within thirty days of the change. If the plan or timetable for the vacant building is revised in any way, the revisions must be in writing and must meet the approval of the city,

e. The owner and subsequent owners shall keep the building secured and safe and the building and ground properly maintained as provided in Section 5 of this ordinance.

f. New owners shall register or re-register the vacant building with the city within thirty days of any transfer of an ownership interest in a vacant building. The new owners shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the city,

Section 4. Secure the building to prevent unlawful entry.

- a. Openings with secure doors and windows, without broken or cracked glass, may be left as is so long as they remain secure and in good condition.
- b. Plywood may be used only during the first 6 months the building is vacant
- c. After 6 months, all plywood must be removed and the openings filled with new secure doors and windows, filled with the same material as the surrounding wall (bricked up), or secured with commercial-grade metal security panels.

Section 5. Maintain the property and visit regularly to verify the property is clean and secure.

- a. Keep the lot clean. Maintain fences and gates. Cut the grass, remove weeds, garbage, debris dead trees and fallen limbs. Keep the property free from pests such as rats and other rodents. Bait the property as necessary,
- b. Maintain foundations, basements, exterior walls, exterior windows and doors, roofs, gutters, downspouts, chimneys, flues, outside stairs, steps, decks, porches, and balconies.
- c. Keep the building interior free from junk, debris, trash, rodents and pests.

- d. Maintain or winterize plumbing and heating systems. Maintain the foundation, floors, walls, stairs, and ceilings. Exit doors should be secured with an internal deadbolt lock. Maintain interior stairs in a safe, usable condition.

Section 6. Failure to comply with maintenance provision

After a vacant property has been secured and registered, should the owner fail to maintain the building in a secured condition until such time as it has been repaired and reoccupied, the City building inspector or his/her designee, shall re-secure any openings to the buildings if it becomes open to trespass, without prior notice to the owner. Upon taking such, action, the city shall notify the presumed owner in writing. Should it be necessary to re-secure any opening in the same building more than 1 time during any 12 month period, the City may again take any necessary action to secure said opening, with the costs of said securing, as well as an administrative fee of \$200.00 minimum, plus \$50.00 per man hour, special equipment at \$100.00 per hour and any supplies shall be assessed against the real estate taxes of the property.

Section 7. Vacant building fees;

- a. The owner of a vacant building shall pay an annual fee of one thousand dollars (\$500) for the period the building remains a vacant building.
- b. The first annual fee shall be paid no later than thirty days after the building becomes vacant or thirty days after being notified by the city. If the fee is not paid within forty-five days of being due, the owner shall be subject to having the fees assessed to their property taxes. If a plan is extended beyond 365 days, subsequent annual fees shall be due on the anniversary date.
- c. The fee shall be prorated and a refund may be issued if the building is no longer deemed vacant under the provisions of this article within one hundred eighty (180) days of its registry.
- d. All delinquent fees shall be paid by the owner prior to any transfer of an ownership interest in any vacant building. If the fees are not paid prior to any transfer, the new owner shall pay the annual fee no later than thirty days after the transfer of ownership and subsequent annual fees shall be due on the new anniversary date.

Section 8. Exemptions.

- a. A building which has suffered fire damage or damage caused by extreme weather conditions shall be exempt from the registration requirement for a period of ninety days after the date of the fire or extreme weather event if the property owner submits a request for exemption in writing to the city. This request shall include the following information supplied by the owner:
 - i. A description of the premises;
 - ii. The names and addresses of the owner or owners;
 - iii. A statement of intent to repair and reoccupy the building in an expedient manner, or the intent to demolish the building.
- b. Any owner who is served a notice of vacant property registration may, within 30 calendar days of receipt of such notice, apply for an exemption from the Park River city council or appeal the findings of the city.
- c. Residential Rental and Seasonally Vacant properties are exempt from registration as long as the building has power, water, and sewer services which are being paid in a timely fashion. These properties must still adhere to Section 4 and 5 of this ordinance. Any building for which water, power, or sewer fees are delinquent for more than 60 days shall be required to be registered.

Section 9. Savings clause.

In the event that this ordinance or any provisions of It shall be deemed by a court to be in conflict with a provision of the North Dakota State Constitution or with a general law, or if adherence to or enforcement of any section of this ordinance shall be restrained by a court, the remaining provisions of this local law shall not be affected.

Section 10. Effective Date.

This ordinance shall take effect immediately upon passage, adoption, and publication.

First Reading 8-8-2016

Second Reading 10-10-2016

Published

Discussion regarding the utility increases passed in June took place. At the September meeting Laaveg advised Mayor Stenvold to send the topic to the Streets and Utilities Committee for further review and have them meet to discuss the utility base rate charge on unoccupied structures and to see if removing these charges would affect the debt service. The committee reported they are recommending leaving the utility rates as passed. Laaveg stated since no change was made no further action will be taken.

At 8:00PM Wally Rygh arrived at the meeting.

Joyce Nickerson asked what would need to be done to have the utility charges removed and if the City looked into grants for funding the utility projects. Larson informed her that water would need to be disconnected from the curb stop and electric would need to be removed at the transformer. Nickerson was informed there are no federal or state grant funds available.

Halvorson moved and Byron seconded to un-table the Ordinance Relating to Council Pay. Upon roll call vote the following voted aye; Byron, Anderson, Lorton, Halvorson, and Knutson with Lundquist voting no. M/C. At the September meeting Laaveg suggested that Thompson prepare a ballot type list of committee meetings and e-mail them to the Council members to vote on and return the ballots to Thompson with voting results to be presented at the October meeting. Thompson reported she received three replies from Councilmembers with all voting for paying committees composed only of Councilmembers and one voting for paying the planning and zoning, renaissance and special commission members. Knutson felt the raise from \$60 to \$200 was justified as it was the first increase in 16 years and like the council at large suggestion the pay would raise interest and have more people running for Council. As for the energy credit, Knutson stated if the City increased the Council regular meeting pay by \$75 per month the money would come out of the General Fund which is property tax money while the utility credit comes from Municipal Utilities and would not use taxpayer's money. Thompson stated she agreed with paying for Special Meetings but felt committee meetings are part of regular meeting preparation and should not be paid. Lundquist moved and Lorton seconded to leave the Council pay as is, plus pay all members on the following; planning and zoning, renaissance zone, Council committees and Special Assessment Commission. Upon roll call vote the following voted aye; Lorton, Knutson, and Lundquist with Halvorson, Anderson, and Byron, voting no. Mayor Stenvold broke the tie by voting no. Motion defeated. Knutson moved and Lundquist seconded to amend the ordinance and conduct the first reading of the ordinance to remove Council committee meeting pay, keep the \$75 energy credit, keep Special meeting pay and the regular meetings pay as previously approved as of the June 28th reorganizational meeting. Upon roll call vote the following voted aye; Anderson, Lorton, Knutson, and Lundquist with Byron and Halvorson voting no. M/C.

The Buildings and Grounds committee met to review building permit fees and repairs needed to the City Hall Auditorium. The committee recommendation is to increase the building permit fees on the Schedule of Fees to the following: Residential projects; \$0-\$10,000 to \$25.00; \$10,001-\$17,000 to \$30.00; \$17,501-\$25,000 to \$35.00; \$25,001-\$50,000 to \$75.00; \$50,001-\$100,000 to \$100.00; \$100,001 and up at \$150.00; Commercial projects; \$0-\$25,000 to \$50.00; \$25,001-\$100,000 to \$100.00; \$100,001-\$200,000 to \$200.00; \$200,001 and up at \$250.00. Lundquist moved and Knutson seconded to raise the building permit fees on the Schedule of Fees as recommended by committee. Upon roll call vote, all voted aye. M/C. The committee also toured the auditorium and the following list of repairs are needed; heat pump for upstairs failed and needs to be replaced, recommending replacing with a commercial A/C unit as the installed type of heat pumps are not effective in our climate; windows in downstairs need replacing; fix sidewalk which has pulled away from building on north side; pressure wash exterior of building and sidewalks; paint wood trim; replace rugs throughout building; doors need adjusting and repair; walls need painting throughout and all wood needs to be cleaned and re-stained; stage needs to be sanded and stained; open up the northwest entrance landing to lessen number of steps and increase space to move larger items between floors; replace door on south side of building; replace or refurbish outside lighting fixtures; ladies bathroom - put in stall doors to replace shower curtains;

men's bathroom -, paint, remove cracked sinks and install new vanity and sinks, in both bathrooms - fix exhaust fans & replace sink fixtures; replace tile in entries with non-slip grade tiles; and check fixes for west entry steps. On the plus side all lights have been updated to LED, furnaces are new high efficiency gas with electric off-peak and new toilets are on order. Grant money was available to pay for most the upgrades. Mayor Stenvold asked the committee to get estimates for all repairs, prioritize the list and report back to the Council with a recommendation; and to submit some of the repairs for funding through the Red River Regional Council.

Leah Skjerven asked if the Auditorium could be opened in the afternoons for people to walk. Laaveg will check on liability issues.

Wallace Rygh, of Mortenson & Rygh, PC, reviewed the City of Park River 2015 Audit Report with members of the Council. Rygh informed the Council that the City is in compliance with State & Federal regulations and financial reporting practices and is offering a clean opinion audit. Rygh noted the municipal utility accounts receivable needed adjusting to coincide with the cash basis rather than the accrual basis of accounting. Rygh stated his firm enjoys conducting the City's audit as Berg does an excellent job with financial recording. At 9:05 PM Joyce and Daryle Nickerson left the meeting. Byron moved and Anderson seconded to accept the City of Park River 2015 Audit Report as presented. Upon roll call vote, all voted aye. M/C.

Berg informed the Council that Thompson and she met with Walsh County Tax Director Todd Morgan to discuss assessor classes and equipment needs. The 80 hours of training can be done on-line and Berg will need a laptop to enter information while performing in home assessments. Morgan explained the county does not have assessing software but is looking into purchasing some in the next year or two so currently all assessing is done manually but he has spreadsheets he could share to help with the assessment process. Berg will meet with Halvorson to discuss and order a laptop for assessing.

Byron moved and Lundquist seconded to approve the October 4, 2016 Pool Pledge of Securities. Upon roll call vote, all voted aye. M/C.

Thompson presented the Council with a Resolution of Sponsorship for the second phase of the CDBG Housing Rehabilitation Project. Byron moved and Lundquist seconded to approve the above resolution. Upon roll call vote, all voted aye. M/C.

Knutson moved and Lundquist seconded to accept the Auditors Report into record and payment of the following bills for the General Fund, Municipal Utilities, Project and Debt Service funds. Upon roll call vote, all voted aye. M/C.

GENERAL FUND

29164	Sillers, Laaveg, & Wenzel	\$750.00
29190	Walsh County Press	\$1,146.92
29191	Aflac	\$25.29
29192	Discovery Benefits	\$35.83
29193	NDPERS	\$50.05
29194	NDPERS	\$51.47
29195	NDPERS	\$982.72
29196	Sillers, Laaveg, & Wenzel	\$750.00
29197	Angie`s Embroidery Shoppe	\$88.00
29198	BC/BS of North Dakota	\$1,209.94
29199	Ann E Berg	\$51.00

29200	Dwight Byron	\$270.00
29201	Productivity Plus Account	\$89.98
29202	Days Inn Bismarck	\$145.90
29203	Ecolab Pest Elim Div	\$120.00
29204	Jim's Super Valu	\$25.32
29205	J. P. Cooke CO.	\$63.75
29206	Arvid Knutson	\$270.00
29207	Langdon Fire Equipment	\$250.00
29208	Lon's Hardware	\$133.89
29209	Mike Lorton	\$270.00
29210	Bob Lundquist	\$270.00
29211	Montana Dakota Utilities	\$106.34
29212	Municipal Government Academy	\$105.00
29213	NDLC	\$1,830.00
29214	Northdale Oil, Inc	\$461.19
29215	North Star Coop	\$631.81
29216	Polar Communications	\$479.22
29217	Best Western + Ramkota Hotel	\$1,853.00
29218	Glenn Rost	\$250.00
29219	Sillers, Laaveg, & Wenzel	\$384.80
29220	Dan Stenvold	\$270.00
29221	Nancy Thompson	\$319.00
29222	Verizon Wireless	\$143.17
29223	Walsh County Auditor	\$10,494.98
29224	Walsh County Press	\$640.64
29225	Mortenson & Rygh, PTR	\$3,224.68
AW	Municipal Utilities	\$4,864.24
AW	US Treasury	\$1,641.44

MUNICIPAL UTILITIES

33774	Aflac	\$255.95
33775	Discovery Benefits	\$402.49
33776	General Fund	\$4,864.24
33777	NDPERS	\$295.07
33778	NDPERS	\$293.65
33779	NDPERS	\$4,618.45
33780	Postmaster	\$242.53
33781	2016 Electrical Upgrade	\$8,000.00
33782	Airborne Custom Spraying, Inc.	\$2,900.00
33783	AmeriPride Services, Inc	\$146.89
33784	Angie`s Embroidery Shoppe	\$67.00
33785	BC/BS of North Dakota	\$5,363.56
33786	Border States Electric Supply	\$1,602.30
33787	Arnold Braaten	\$200.00
33788	Cardmember Service	\$888.35

33789	City of Fargo	\$42.00
33790	Consolidated Waste, LTD.	\$17,013.25
33791	Discovery Benefits, Inc	\$22.00
33792	Ferguson Waterworks #2516	\$412.21
33793	Graymont (WI) LLC	\$6,539.25
33794	Hawkins Inc	\$1,828.09
33795	Knutson Printing	\$247.00
33796	Langdon Fire Equipment	\$36.00
33797	Liberty Business Systems, Inc	\$86.19
33798	Light & Water Dept	\$3,221.49
33799	Lindell's Mowing	\$500.00
33800	Lon's Hardware	\$41.69
33801	Michael Kilmer Construction	\$1,675.00
33802	MMUA	\$1,661.00
33803	Municipal Utilities	\$100.00
33804	ND One Call Inc.	\$30.20
33805	NDPERS	\$20.00
33806	Northdale Oil, Inc	\$204.98
33807	North Star Coop	\$315.81
33808	Polar Communications	\$153.47
33809	Sillers, Laaveg, & Wenzel	\$53.20
33810	Jennie Swartz	\$100.00
33811	T&R Electric Supply Co. Inc	\$1,542.00
33812	US Bank Equipment Finance	\$171.41
33813	Verizon Wireless	\$121.98
33814	Mortenson & Rygh, PTR	\$2,793.13
33815	Wat & Sew Improve Dist #2015-1	\$3,700.00
33816	Wat & Sew Imprv Dist #2016-1	\$9,477.00
33817	Water System Repair & Replace	\$1,500.00
33818	Water Bond Fund 05	\$4,830.00
33819	Water Rev Bond Fund Phase II	\$3,450.00
33820	Water Sur-Charge Fund	\$5,000.00
33821	Water Tower Fund	\$12,028.00
33822	Walsh County Fair Association	\$275.00
33823	Ye Olde Medicine Center	\$20.69
33824	Nodak Electric Cooperative	\$4,314.46
7734-57	Salaries - September	\$28,355.46
AW	NMPA	\$126,209.51
AW	US Treasury	\$8,661.76
AW	First United Bank-ACH Charge	\$12.85

SPECIAL FUNDS

10052	Postmaster	\$218.76
10053	Void	\$0.00
10054	Postmaster	\$152.28

DEBT SERVICE & BOND FUNDS

6005	Advanced Engineering	\$26,600.00
6006	Dakota Supply Group	\$9,033.49
6007	Cooper Power Systems LLC	\$73,384.00
6008	Fine Finish	\$2,468.00
6009	First United Bank	\$60,754.00
6010	Moorhead Electric, Inc	\$53,960.41
6011	Public Financial Management	\$15,500.00
6012	Sales Tax Fund	\$118,788.92
6013	US Bank	\$11,423.09
6014	Widseth Smith Nolting & Assoc	\$9,868.91

Anderson moved and Lorton seconded to approve the budget to year to date expenses. Upon roll call vote, all voted aye. M/C.

Being no further business, the meeting adjourned at 9:28 PM.

Dan Stenvold, Mayor

ATTEST: _____
Ann Berg, Deputy Auditor