

**CAVALIER CITY COUNCIL  
REGULAR MEETING  
MAY 7, 2018  
7:00 O'CLOCK P.M.**

**ROLL CALL:** Mayor Briese, Council members Storie, Vaughn, Menzies, Hinkle, and Carpenter.

**ABSENT:** Cluchie

**GUESTS:** Auditor Werner, OM Walton, Attorney Rob Fleming, COP Adam Ziegler, Jacob Barney AE<sub>2</sub>S, Michele Urlaub, Nancy Jenson, Kristi Sharp, Rachel Morrison, Markus Ramsay, Terry Meidinger, David Hartz, William Hanson, Cal and Nancy Cluchie, Wade Jenson.

Mayor Briese requested a roll call; with 5 members present, a quorum was declared.

**APPROVE MINUTES**

Motion made to approve minutes from the Regular Meeting on April 2, 2018. M/S/P –Storie, Carpenter: 5:0, mc. Motion made to approve the minutes from the Board of Equalization Meeting on April 10, 2018. M/S/P –Storie, Menzies; 5:0, mc. Motion made to approve the minutes from the Special Meeting on April 10, 2018. M/S/P –Menzies, Carpenter 5:0, mc. Motion made to approve minutes from the Special Meeting on April 18, 2018. M/S/P –Storie, Carpenter; 5-0, mc.

**APPROVE BILLS & FINANCIALS**

Motion made to approve the payment of all City and Municipal Utility bills and financials as submitted for April 2018. M/S/P – Menzies, Storie: 5:0, mc.

**AMEND AGENDA**

Add William Hanson regarding traffic issues.

**SITE AUTHORIZATIONS**

Park River Fire Department at the Back Alley Bar. Cavalier Motorcycle Ride In 2019 Raffle. Motion made to approve authorizations. M/S/P –Carpenter, Hinkle: 5:0, mc. Cavalier Motorcycle Ride In Rental agreement. Motion to approve Cavalier Motorcycle Ride In agreement to use Main Street for gaming during Ride In. M/S/P – Vaughn, Menzies: 5:0, mc.

**AE<sub>2</sub>S**

Jacob Barney was present from AE<sub>2</sub>S. They are looking for official authorization to go with a full time engineer. Motion made to approve AE<sub>2</sub>S Task Agreement for \$91,000 fee for the construction and warranty phases that the City would be going into now, contingent upon the financing approval from the state. M/S/P –

Regular Meeting May 7, 2018

Hinkle, Carpenter: RCV: Carpenter-Y, Storie-Y, Vaughn-Y, Menzies-Y, Hinkle-Y: 5:0, mc. Motion made to award the construction contract to Quam Construction for \$723,198.30, contingent upon the financing approval from the state. M/S/P – Carpenter, Storie: RCV: Hinkle-Y, Menzies-Y, Carpenter-Y, Vaughn-Y, Storie-Y: 5:0, mc. Motion made to award the electrical contract to Samson Electric for \$42,276.00, contingent upon the financing approval from the state. M/S/P – Storie, Hinkle: RCV: Carpenter-Y, Storie-Y, Vaughn-Y, Menzies-Y, Hinkle-Y: 5:0, mc.

### **DESIGNATE NEWSPAPER**

Motion made to approve the Cavalier Chronicle as the official paper. M/S/P – Carpenter, Vaughn: 5:0, mc.

### **2<sup>ND</sup> READING CH 150 BUILDING REGULATION ORDINANCE**

*§150.04 No building, structure, shed, or other similar property over 120 square feet in size may be placed upon property zoned P1, R1, R2 or R3 for any purpose without a building permit issued by the city of Cavalier, whether the structure is to be attached to the real property, or is intended to be temporary or moveable.*

Motion made to approve 2<sup>nd</sup> reading. M/S/P – Vaughn, Menzies: RCV: Storie -Y, Vaughn-Y, Menzies-Y, Hinkle-Y, Carpenter -Y: 5:0, mc.

### **ROAD CLOSURE REQUEST**

Rachel Morrison requested to close same roads as last year. They said it keeps things safer so Main Street isn't so congested. Requested to close W 1<sup>st</sup> Ave N from Main to Elizabeth, W 1<sup>st</sup> Ave S from Main to Dakota, and Mountain St from W 2<sup>nd</sup> Ave S to Division for both Friday and Saturday. Storie questioned why people aren't coming to W 2<sup>nd</sup> Ave S vs Airport Rd. Hinkle indicated that this provides more bike parking. Rachel said it just seems to be the safest as there are many pedestrians on Main during the event. Auditor Werner said it also keeps traffic off the road in front of the ambulance building. Motion made to approve requested street closures for the Cavalier Motorcycle Ride In for both Friday and Saturday. M/S/P – Hinkle, Vaughn: 5:0, mc.

## CAVALIER RECREATION DEPARTMENT

Welcome Michelle Urlaub as the new Director. Summer hires for the pool need approval. Also, one addition to the pool summer hire list is Chloe Walton. Motion made to approve summer hires for pool. M/S/P – Vaughn, Storie: 5:0, mc.

### 2018 SUMMER HIRES

<u>POOL</u>			
	<u>CLASSIFICATION</u>	<u>SUPERVISOR</u>	<u>WAGE</u>
Kayla Thorpe <sup>18</sup>	Pool Manager	Michele Urlaub	\$11.25
Kealie Fitzsimonds <sup>16</sup>	Head Guard w/ WSI	Thorpe/Urlaub	\$10.00
Britney Eriksen <sup>16</sup>	Lifeguard w/ WSI	Thorpe/Urlaub	\$ 9.35
Alen Manley <sup>17</sup>	Lifeguard w/ WSI	Thorpe/Urlaub	\$ 9.35
Sidney Werner <sup>17</sup>	Lifeguard w/ WSI	Thorpe/Urlaub	\$ 9.35
Peyton LeTexier <sup>17</sup>	Lifeguard w/ WSI	Thorpe/Urlaub	\$ 9.35
Bryanna Benavides <sup>17</sup>	Lifeguard w/ WSI	Thorpe/Urlaub	\$ 9.35
McKenzie LeTexier (Sub) <sup>13</sup>	Lifeguard w/ WSI	Thorpe/Urlaub	\$ 9.35
Shannon Synsteli <sup>13</sup>	WSI	Thorpe/Urlaub	\$ 9.35
Brannin Cleem <sup>18</sup>	Lifeguard	Thorpe/Urlaub	\$ 9.00
Brodie Cluchie (PT) <sup>18</sup>	Lifeguard	Thorpe/Urlaub	\$ 9.00
Lainee Gapp (PT) <sup>18</sup>	Lifeguard	Thorpe/Urlaub	\$ 9.00
Chelsea Rintala (Sub) <sup>14</sup>	Lifeguard	Thorpe/Urlaub	\$ 9.00
Chloe Walton <sup>18</sup>	Lifeguard	Thorpe/Urlaub	\$ 9.00
<u>GROUNDS</u>			
	<u>CLASSIFICATION</u>	<u>SUPERVISOR</u>	<u>WAGE</u>
Spencer Timm <sup>15</sup>	Laborer	OM Walton	\$12.00
Jayden Laxdal <sup>16</sup>	Laborer	OM Walton	\$ 9.00
Jaxen Fleming <sup>17</sup>	Laborer	OM Walton	\$ 9.00
	<u>CLASSIFICATION</u>	<u>SUPERVISOR</u>	<u>WAGE</u>
<u>STREET/SANITATION</u>			
Dawson Kraft <sup>18</sup>	Laborer	Nordstrom	\$ 9.00
OPEN	Laborer	Nordstrom	\$ 9.00

## ECONOMIC DEVELOPMENT

Nancy Cluchie of Kiddie Kove Daycare requested \$2,500 to put up a fence and exit lights. It was asked if she asked banks in town, she said she did and they will not loan her that money because of the small amount. This would be an interest free loan. This is her 4<sup>th</sup> year of daycare and she has 13 kids. She is looking for a 2 year interest free loan. Carpenter asked if next time we do a loan like this that we get financials from the business. Motion made to approve request for 2 year interest free loan of \$2,500 to Kiddie Cove Daycare. M/S/P – Hinkle, Vaughn: 5:0, mc.

## ARBOR DAY PROCLAMATION

Motion made to proclaim May 17<sup>th</sup> as Arbor Day. M/S/P – Vaughn, Menzies: 5:0, mc.



*Whereas,* In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

*Whereas,* this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

*Whereas,* Arbor Day is now observed throughout the nation and the world, and trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

*Whereas,* trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

*Whereas,* trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

*Whereas,* trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, Kenneth Bries, Mayor of the City of Cavalier, North Dakota, do hereby proclaim May 17, 2018 as

## Arbor Day

In the City of Cavalier, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

*Further,* I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

*Dated this* 7th day of May, 2018  
Mayor \_\_\_\_\_

### THE PINES SEWER PROJECT

Mayor Bries asked that the Council reconfirm the amount they wish to commit to the Pines project. Motion made for the City to give \$50,000 from the Capital Improvements fund plus the grant money for the Pines Sewer Project, all contingent on funding from the state and contract awards. M/S/P – Vaughn, Carpenter: RCV: Menzies -Y, Hinkle-Y, Vaughn-Y, Storie-Y, Carpenter -Y: 5:0, mc.

### WILLIAM HANSON-TRAFFIC CONCERNS

Mr. Hanson lives on Mountain Street W. He is noticing a lot of Class A traffic going down 2<sup>nd</sup> Avenue West and onto Mountain Street. He feels this is causing a lot of undue erosion to the street. He is concerned about the maintenance costs associated with damage to the roads. Questioned if there is a truck route there? Can there be two four way stops on Mountain street intersections. Mr. Hanson feels potato trucks have a right to be there because they have to go that way to load. Atty Fleming looked at load limit ordinance (70.11) and cannot remember if there is a designated truck route. He will research this further and report back.

Regular Meeting May 7, 2018

## ATTORNEY REPORT

- Reported on press release he would like to publish which reads, “In light of recent events The City of Cavalier would like to assure citizens that their safety is our greatest concern. The City of Cavalier has a policy on high speed pursuits within the City of Cavalier. The City of Cavalier Police Department was not involved in the recent high speed pursuit through the city and only assisted the county deputy after the chase had ended. The City will be working with the Pembina County Sheriff’s office to assure that this type of situation will not occur again.” There have been many inaccuracies to the story. This is to reassure the City of Cavalier and get info out there on what our policy is and how it will be dealt with in the future. Vaughn asked if Atty Fleming could talk about anything else involved with that as he had heard that he was going to be bringing a charge against that deputy. The decision was made after reviewing radio logs, the situation that happened, statutes regarding what is or isn’t a Class A vehicle, the speed through town, the time of day, the fact that there was no working siren on the squad car. Atty Fleming made the decision to charge Deputy Swift with reckless driving and speeding. Vaughn asked if there are any other similar events where this is justified. Is this standard. Is this out of the ordinary? An officer who is driving a Class A squad car has to have lights and a siren or whistle capable of a certain level of noise. Under the century code, the office is immune from speeding tickets, stopping at stop signs, and a whole list of things he can do with a squad car. The problem with this case is that the siren on his vehicle did not work. He came through town at 90 mph with no siren working. Yes, his lights were working, but his siren was not. He was not entitled to being immune to those rules because his squad car was not equipped properly. It was asked if the BCI was involved. Atty Fleming said they are but only in the light of a felony charge. Rob doesn’t think that council can deter attorney decision. The Mayor said the potential for something more was there. Storie recommends tabling it until the Police Commission can meet. Fleming said this case was handled like every other prosecution. Nothing has changed with this case that we do not do with every other case. Motion to hold off on charges and take the information to the Police Commission for them to make recommendation. M/S/P – Storie, Vaughn: RCV: Storie -Y, Vaughn-Y, Menzies-Y, Hinkle-Y, Carpenter -Y: 5:0, mc.  
Meeting was set up for Police Commission for Wednesday, May 9<sup>th</sup>, 5pm. A discussion ensued of the relationship between both departments. COP Ziegler asked if there was going to be refusal to assist from Pembina County Sheriff’s Office if indeed these charges are filed. Meidinger says his men feel as if they cannot assist on calls if they feel they will be getting in trouble. He also feels Deputy Swift shouldn’t be charged and he should be allowed to handle it internally.

- BJORNSON DRIVE DRAINAGE** – Attorney Fleming reported that he, Barry Walton, and Auditor Werner met with Rick Kendall and came up with a plan using the lidar which would appear to be fairly reasonably priced. A 30” culvert N of the nursing home going right into the river as the lidar indicated that the water in the field would run North and East and go right into the river. OM Walton and Auditor Werner met with Matt Bjornson. He gave them some plans he had from 1987, but the plans had called for a ditch into the river and his dad was not for that. He has no problem with doing something like what they suggested, but he would also like to see a gate at the end of that culvert and a pumping station. This way if the river is high they can turn pumps on and get the water into the river. There is a 50’ lot by McFadden’s house and Bjornson’s own that lot. OM Walton was waiting to get prices from Kendall until he gave the landowners an opportunity to discuss the project. Don Thomson is also a landowner in this area. What Matt’s concern is that sometimes the river gets so high that even culverts do not help with the water. He

Regular Meeting May 7, 2018

doesn't want to move problems from one place to another. Auditor Werner and OM Walton will talk with Bjornson's and Don Thomson about plans and look at pricing the project.

### **MAIN STREET BEAUTIFUCATION PROJECT**

Auditor Werner presented a plan to revitalize the empty lot on the corner of W 1<sup>st</sup> Ave N and Main Street. This lot is used a lot by the public for events and such and is in need of some attention. She has consulted with Todd's Landscaping for the project. There would be landscaping & hardscaping, pads for picnic tables, seating, etc. She did give the council an estimate which was a little higher than she would like. She is willing to scale it back a bit to get to a better budget. The paver part of the project and the picnic pads and plants are included in the price of the \$29,500. The \$8,000 is for the wall along the pavers. The pergola is too expensive. \$18,000 for the sidewalk to extend the length of the lot is too high, we will just get by with replacing the current sidewalk and look into possibly stamping and staining the concrete. There is money in the Growth Fund that is available to help pay for this project as well as money in the beautification fund. The City has also applied for a grant through AARP for \$10,000 as well as the Cavalier Community Foundation grant for \$1,000. Motion made to move forward with project at \$29,500 for patios, landscaping and a wall. The sidewalk will be decided at a later date once pricing can be looked at. Funding will come from any grants that are awarded, \$5,000 from the Beautification Fund and the remainder from the Growth Fund. M/S/P – Hinkle, Vaughn: RCV: Carpenter -Y, Menzies-Y, Storie-N, Vaughn-Y, Hinkle -Y: 4:1, mc.

### **AUDITOR COMMENTS**

- **2019 BUDGET**

Auditor Werner reported that the deadline has been moved up a month in order to comply with the new State mandates. SB 2288, Truth in Taxation requires us to submit a preliminary budget to the County by August 10<sup>th</sup>. The County will prepare consolidated notices for the school, the city, and the county so you know how much each entity is increasing/decreasing. It is supposed to be clearer, and more transparent. She is requesting a budget meeting to discuss items the council wishes to implement. All the department heads have gotten their budget sheets now and have been asked to get their numbers to her by the end of the month. A meeting needs to be set up for end of May early June.

- **UGLY'S BAR**

Ugly's has changed their name to The Back Alley

- **PROPERTY ASSESSING 101 WEBINAR**

Auditor Werner has signed up to watch this on Thursday, May 10, from 10-11am. In light of everything that happened with our equalization, she felt this would be a good one to listen to. It will be addressing the assessment and equalization process, how the property assessment really works, and transparency. She will be watching it at her office if anyone would like to join her.

### **COUNCIL COMMENTS**

- **Storie**-Semis are on lot again. Vaughn commented they are cleaning out building and storage trailers have been sold per a conversation with owner.
- **Vaughn**-Asked about the Arena and whether it would be rented out to anyone this summer. He says people have asked about using it for other activities (roller skating, roller derby). Feel it should be used for rec purposes first. Mayor asked for past renters to be contacted to make sure they don't want to rent it.

- **Menzies** – Is the Arena sign ever going to be replaced?
- **Hinkle** – Asked about lights for Main Street. OM Walton said they are in and they should be putting them up this week or next. They will also work on Motorcycle Ride In banners
- **Carpenter**-asked about fireworks law on storing them.

**ADJOURNMENT**

Motion to adjourn at 8:45 p.m.

**APPROVED BY:**

---

**Kenneth Brieese, Mayor**

**ATTESTED TO:**

---

**Katie Werner, City Auditor**