

**City of Buxton
Meeting Minutes**

February 10, 2021 @ 7:00 PM
Buxton Fire Hall

Present: Keaton Flanagan, Travis Soderberg, Holly Aamold, Jeff Siewert, Ben Hershey, Greg Troftgruben, Cole Short, Luke Ellingson, Jessi Hegg, Jen Rogers and Courtney Brenna

Recording: Jackie Siewert, Auditor

Meeting called to order by Mayor Travis Soderberg

Meeting minutes from the December 17, 2020 meeting were read. Motion to approve the minutes was made by Jeff Siewert; seconded by Keaton Flanagan; motion passed unanimous.

The following bills were presented for payment:

Direct	Waste Management	\$3645.35
Direct	Xcel Energy	\$1033.67
Direct	Visa	\$300.14
Direct	North Star Mutual Insurance	\$584.00
Direct	Workforce Safety	\$250.00
12445	Anderson Excavating	\$4278.00
12446	East Central Regional Water Dist	\$201.53
12447	Midco	\$38.10
12448	Nilson Brand Law	\$1225.00
12449	North Dakota One Call	\$2.40
12450	Thomas Moe	\$150.00
12451	Xcel Energy	\$20.90
12452	Jaqueline Siewert	\$1385.25

Holly Aamold motioned to approve the bills, Keaton Flanagan seconded the motion; motion passed unanimous.

Representing the Buxton Daycare was Jessi Hegg, Buxton Daycare's board president, and staff members, Jen Rogers and Courtney Brenna. Jessi Hegg explained to the council that the Buxton Daycare is in financial trouble. A state audit done a year ago raised concerns of the daycare's dependence on the funds from charitable gaming for its primary source of funding. Without any gaming funding, the daycare would have an \$80,000 annual deficit. They presented the council with a spreadsheet of their current financials and their 2021-2022 budget. Besides funding, they are also having staffing issues due to low starting wages. They are contemplating a 25% increase in rates to accommodate higher and more competitive wages. They are licensed for 24 children but currently can only have 14 children due to having only one bathroom and lack of staff. The bathroom remodel is \$25,000.00. Which fortunately, due to recent increased gaming funds, they will be able to complete the bathroom remodel. Once they are able to have 24 children they will need to increase their staff from 4 to 6 workers. They said it is also challenging to find staff that is qualified and longevity. They are requesting any type of subsidy that the city can provide as well as any guidance or suggestions. It is hard to count on gaming funds because it can vary so much. It was also stated that many daycares do a lot of fundraising. Mayor Travis Soderberg said that the council will need to review this information and invited them back to the next council meeting March 10, 2021.

With receiving no petitions against the annexation of Scott Hong's land Mayor Travis Soderberg asked city auditor to do the first reading of the ordinance for the annexation of Scott Hong's land into the Buxton city limits. On roll call vote the following members voted aye: Holly Aamold, Jeff Siewert and Keaton Flanagan. The following members vote nay: None. The following members absent and not voting: None. The majority having voted aye, the motion carried. Therefore accepting the first reading as follows:

AN ORDINANCE EXTENDING THE BOUNDARIES OF THE CITY OF BUXTON, NORTH DAKOTA, AND ANNEXING CERTAIN TRACTS OF LAND ADJACENT TO THE BOUNDARIES OF THE PRESENT CITY LIMITS

Be it ordained by the City Council of the City of Buxton, County of Traill, State of North Dakota as follows:

PREAMBLE

WHEREAS, the City of Buxton has received a written petition to annex to the city limits certain real property contiguous to the City of Buxton; and

WHEREAS, such petition is signed by the not less than three-fourths in assessed value of the property of the territory proposed to be annexed, which such territory is contiguous or adjacent to the incorporated municipality of the City of Buxton and is not embraced within the limits thereof; and

WHEREAS, NDCC §40-51.2-07 permits annexation by ordinance of the governing body upon receipt of such a petition; and

WHEREAS, the City Council of the City of Buxton, North Dakota, desires to annex the property to the City of Buxton for the following reasons: The territory is contiguous to the City of Buxton, and its proposed annexation will contribute to and facilitate the orderly growth and development of both the City and the territory proposed to be annexed; annexation will encourage natural and well-ordered development of the City of Buxton and the territory proposed to be

annexed; annexation will extend municipal government to areas which form a part of the whole community of Buxton; annexation will simplify government structure in the area of the City of Buxton; annexation will recognize the interrelationship and interdependence between the City of Buxton and areas contiguous or adjacent thereto; annexation will contribute to the proper and orderly layout, design and construction of streets, gutters, sidewalks, water mains, sanitary and storm water sewers and drainage facilities, both within the City and within the territory proposed to be annexed; and annexation will provide and facilitate the proper overall planning and zoning of land, and subdivision of lands in the City and the territory proposed to be annexed in a manner most conducive to the welfare of the City and the territory proposed to be annexed;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BUXTON, NORTH DAKOTA, AS FOLLOWS:

Section 1: The following real property, situated, lying and being in the Traill County, State of North Dakota, is hereby annexed to the city limits of the City of Buxton: The property is described as detailed in the attached Exhibit A.

Section 2: A notice of the presentation of the petition and the City Council's consideration of this ordinance shall be given by one publication in the official newspaper of the City.

Section 3: A notice of the time and place of the presentation of the petition and the City Council's consideration of this ordinance shall be mailed, by certified mail, to the owner of each parcel of real property within the area described herein at the person's last-known mailing address. The notice is not required to be sent to any owner of real property who signed the petition requesting annexation. The City has also mailed, by certified mail, the notice described herein to the governing body of Traill County, North Dakota and Buxton Township, Traill County, North Dakota as the county and township are directly affected by the land area petitioned to be annexed.

Section 4: The map attached to this ordinance as Exhibit A is an accurate map of the territory annexed, and such map is hereby adopted as the official map of the territory annexed, and the Mayor of the City of Buxton is hereby authorized and directed to certify that the map is an accurate map of the territory annexed under the provisions of this ordinance together with a certified copy of the official map attached.

Section 5: Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 6: Severability. In the event any section of this Ordinance is held invalid by court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter shall continue in full force and effect.

Section 7: Effective Date: This Ordinance shall be in full force and effect from and after final passage.

First Reading: 2/10/2021

Second Reading: _____

Publication and recording as required by law.

EXHIBIT A

Legal Description:

Block Two (2) of the Southwest Quarter (SW ¼) of Section Twenty-five (25), Township One Hundred Forty-eight (148) Range Fifty-one (51)

Tax Parcel Id 3000104349000

EXHIBIT B

Map of Annexed Area

The second reading will be at the March 10, 2021 council meeting.

Ben Hershey was in attendance of the meeting with interest of filling the vacant council seat. Ben stated that he wants to get more involved with the city. He is available on weekends and a member of the volunteer fire department. Ben is currently on the Buxton park board serving as the secretary/treasurer. The city has reached out to their city attorney to verify if there is any conflict of holding the two positions and is waiting for a reply. Mayor Travis Soderberg suggested that in the meantime that Ben should attempt to find a replacement in the event city attorney, Cassie Tostenson, advises a city official should serve on both. Keaton Flanagan made a motion to appoint Ben Hershey to the fill the vacant city council seat until the next election June 2022; Jeff Siewert seconded the motion; motion passed unanimous.

Luke Ellingson wanted to know what happened to the drainage in his yard. Mayor Travis Soderberg explained to him that since the drain tile was not able to go as far north as originally planned Florian's Excavating was going to do some additional swaling to increase drainage. Since it was not done this fall Florian's will complete the additional swaling for Luke's property and Jim Kirkeby's property first thing in the spring. Greg Troftgruben asked of the city would consider any ditching behind his property. Ben Hershey also inquired if there are any additional areas of drainage left to do. Mayor Travis Soderberg stated that the swaling is the only immediate drainage work. It will really depend on the spring thaw and how everything else works and drains.

Luke Ellingson was also concerned of the amount of trees removed with the clean-up of the ditch north of town. Mayor Travis Soderberg explained many of the trees were damaged and needed to be removed. We are hoping with the clean-up there will be new vegetation.

Jackie Siewert advised the council that the funds in the saving account for the paid storm sewer assessments have now been set up for automatic loan payments.

Kylee Merkel with the Bank of North Dakota emailed Jackie Siewert and stated that loan for the street project was approved March 12, 2020. In the commitment letter, the City needs to request an advance within one year of approval of the loan. Abby Ritz with AE2S prepared a payment request for \$3700.00 for engineering services. Holly Aamold made a motion to approve Payapp# 1 for the Street Improvement project for \$3700; Keaton Flanagan seconded the motion; motion passed unanimous.

Jackie Siewert stated that she has received complaints from some residents in regards to unkempt yards and unlicensed vehicles. The council discussed the area of concern. A letter will be sent to the property owner requesting his attendance at the March 10th council meeting.

The council discussed the city mask resolution that was put in place at November 2020 meeting. The current number of Covid-19 cases have since significantly dropped. There is still currently a mask mandate in place for Traill County. Holly Aamold made a motion to stop the city mask resolution that was placed in November 2020; Keaton Flanagan seconded the motion. On roll call vote the following members voted aye: Holly Aamold, Keaton Flanagan, Jeff Siewert and Ben Hershey. The following members voted nay: None. The following members were absent and not voting: None. The majority having voted aye, the motion carried.

Mayor Travis Soderberg reached out to ND Flag Pole Guy out of Williston, ND for a quote on installing flags at the city welcome signs. He received a quote for 4 flag poles to include the North Dakota flag and US flag and installation for \$8000. Further discussion will be tabled until the March meeting.

Keaton Flanagan looked for trail cameras that will be placed at the lagoon. He said they are about \$150.00.

Airborne Vector Control formally Airborne Custom Spraying sent out their annual renewal for aerial mosquito control service. Keaton Flanagan made a motion to approve Airborne Vector Control for the city's aerial mosquito control service, Jeff Siewert seconded the motion; motion passed unanimous.

Jeff Siewert made a motion to renew the gaming license at the Triple VVV and the Barn & Grill; Ben Hershey seconded the motion; motion passed unanimous.

Ben Hershey stated that it is time to look for a new city mower. Mayor Travis Soderberg suggested that we reach out to Valley Plains Equipment and True North Equipment for pricing.

Jackie Siewert advised the council that she has not yet received a copy of the current Waste Management contract or pricing for bi-monthly recycling pick-ups.

The new 911 address for the annexed property will be 709 Greely Street.

Holly Aamold made a motion to adjourn; Jeff Siewert seconded the motion; motion passed unanimous.

City Auditor

Council Member

Mayor