

City of Buxton
Meeting Minutes
March 10, 2021 @ 7:00 PM
Buxton Fire Hall

Present: Keaton Flanagan, Travis Soderberg, Holly Aamold, Jeff Siewert, Ben Hershey, Cole Short, Joe Lofquist, Jessi Hegg, and Jen Rogers

Recording: Jackie Siewert, Auditor

Meeting called to order by Mayor Travis Soderberg

Meeting minutes from the February 10, 2021 meeting were read. Motion to approve the minutes was made by Holly Aamold; seconded by Jeff Siewert; motion passed unanimous.

The following bills were presented for payment:

Direct	Waste Management	\$3684.78
Direct	Xcel Energy	\$1023.70
Direct	Visa	\$521.46
12453	AE2S	\$3700.00
12454	Breidenbach Excavating	\$775.00
12455	East Central Regional Water Dist	\$146.20
12456	Midco	\$38.10
12457	Nilson Brand Law	\$375.00
12458	VOID	VOID
12459	Thomas Moe	\$150.00
12460	Trail County Tribune	\$195.12
12461	Ohnstad Twichell, P.C.	\$3500.00
12462	Jaqueline Siewert	\$1385.25

Keaton Flanagan motioned to approve the bills, Jeff Siewert seconded the motion; motion passed unanimous.

With the reading of the annexation request of Scott Hong's land into the Buxton city limits included within the February 10, 2021 minutes, Mayor Travis Soderberg accepted that to serve as also the 2nd reading of the annexation. Keaton Flanagan made a motion to accept the 2nd and final reading of the annexation of Scott Hongs's land into the Buxton city limits; Holly Aamold seconded the motion. On roll call vote the following members voted aye: Holly Aamold, Jeff Siewert Ben Hershey 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 second and final 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: 3/10/2021

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

Jessi Hegg, Buxton Daycare's board president, updated the council that although the Buxton Daycare is still in financial trouble they have received some private donations since the publishing of the article in the Hillsboro Banner and also with the revisions of the PPP program they now qualify to apply for a loan through that which helps. Jessi Hegg also stated that the Traill County Economic Development has reached out to the Buxton Daycare board to offer their assistance in applying for grants and loans. The bathroom remodel has unfortunately turned into a much larger than anticipated project than planned to be ADA compliant. An architect will be coming to draw up a plan. They are trying to cut costs wherever they can without cutting the quality of the daycare. Mayor Travis Soderberg stated that the city recognizes the importance of the daycare and how vital it is to the community and to the city. Mayor Soderberg and the council want to help out however they can but the city itself is limited on what they can do financially. It was discussed on the probability of reducing the special assessment that has recently been placed on the properties in Buxton. It will also be addressed when the assessment committee meets for the next upcoming street improvement assessment. Ben Hershey made a motion to reduce the Buxton Daycare's current annual assessment by half; Jeff Siewert seconded the motion; motion passed unanimous.

Joe Lofquist requested the city's approval to put up another garage at his residence at 622 Greely. His current garage is 40' x 25'. He plans on a basic two stall garage comparable or smaller with alley access. There were no objections by the council. Once a building size is decided Joe Lofquist will get a building permit.

A certified letter was sent to the property owner of a previously discussed unkempt property requesting his attendance at the March 10th council meeting. The owner was not present. Mayor Travis Soderberg will reach out to the property owner. A timeline will be given for clean-up before the city takes further legal action.

A motion was made at February 10, 2021 council meeting by Holly Aamold to stop the city mask resolution that was placed in November 2020; Keaton Flanagan seconded the motion. A resolution has since been drafted in reference of the February 10, 2021 motion. Holly Aamold made a motion to accept the resolution to terminate the required use of face-coverings and terminating the temporary minimum health standards for certain businesses; Ben Hershey seconded the motion; motion passed unanimous. Jackie Siewert read the following newly enacted resolution:

A RESOLUTION OF CITY COUNCIL OF THE CITY OF BUXTON, NORTH DAKOTA

**Terminating the Required Use of Face-Coverings and Terminating the
Temporary Minimum Health Standards for Certain Businesses**

WHEREAS, on November 12, 2020 the City Council adopting a resolution requiring the use of Face-Coverings and other health standards for certain businesses in order to combat the Covid-19 pandemic;

WHEREAS, the Governor of North Dakota has lifted the statewide mask mandate because North Dakota State Department of Health has determined that the state has entered the "Green Level" or low risk level that the City has determine that it should end the requirements in its resolution adopted on March 13, 2020

BE IT RESOLVED, That the City of Buxton shall end its requirement that citizen's wear face coverings and that provisions requiring businesses comply with certain social distancing or sanitation requirements be terminated;

BE IT FURTHER RESOLVED, Citizens are still encouraged to be vigilant and take necessary precautions to limit the spread of covid-19 and that bars and restaurants and other businesses implement measures to encourage social distancing by avoiding congregation areas around entrances, hallways, restrooms and any other areas where patrons could congregate in close proximity;

BE IT FURTHER RESOLVED, that nothing herein waives or alters any other provision of the city's current ordinances or any resolution, policy or procedure of the City, or order by the Mayor, and if there is any conflict exists with the terms of this Resolution, the terms and provisions of the city's ordinances, or other resolution, policy or procedure of the City, or order of the Mayor shall prevail;

THEREFORE, BE IT FINALLY RESOLVED, this resolution shall take effect immediately, and shall remain in effect until further order of the City Council for the City of Buxton.

Ben Hershey asked about re-addressing a proposal that was submitted June 15, 2020 for upgrading the city's fire whistle/warning system. He said that there are many grants available and also the possibility of some local donations although to move forward he needs to know how much the city would be able to or willing to pay. The council agreed that they would be willing to cost share 50/50 with the fire department less any donations and /or grants received.

Mayor Travis Soderberg received two bids for a new city mower. TrueNorth submitted a bid for \$5250.00 and \$7150.00 to include rear when assist. Valley Plains Equipment submitted a bid for \$7500.00 and \$8950.00 to include rear wheel assist. Mayor Soderberg stated that he feels that the rear wheel assist would carry the mower much better especially since there is more area to mow at the lagoon now. The Buxton City Park Board will pay half of the cost. Jeremy Billings stated that Ben Hershey can speak on behalf of the park board. Keaton Flanagan made a motion to accept the bid of \$7150 for a rear wheel assist John Deere mower from TrueNorth; Holly Aamold seconded the motion; motion passed unanimous.

Keaton Flanagan will get a camera for the new tree pile area at the lagoon. Travis Soderberg will look into the signage needed including the specifications required by the ND Department of Health. Jackie Siewert said she would reach out to a local party that may have railroad ties available to make a bunker for grass clippings.

The City of Buxton received a postcard from Team Lab out of Detroit Lakes, MN for lagoon chemical for weed and vegetation control. Mayor Travis Soderberg will contact the company to see if this chemical would be useable at the city's lagoon. Mayor Soderberg said if any chemical is purchased he would willing to donate his time and the use of his mower to spray the lagoon.

Jackie Siewert was contacted by Janet Meyer in regards to available dates for the tax equalization meeting. April 14, 2021 is available and would fall on the same day for the April city council meeting. The tax equalization meeting would be held at 7pm with the regular council meeting to follow. Keaton Flanagan made a motion to schedule the tax equalization meeting for April 14, 2021 at 7:00pm with the city council meeting to follow; Holly Aamold seconded the motion; motion passed unanimous.

Ben Hershey was recently motioned in to fill the vacant council seat that was left after Travis Soderberg was appointed mayor. A resolution was drafted confirming Ben Hershey's seat on the council for the City of Buxton. Jeff Siewert made a motion to accept the resolution appointing Ben Hershey as a new city council member; Keaton Flanagan seconded the motion. . On roll call vote the following members voted aye: Holly Aamold, Jeff Siewert Ben Hershey 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. The resolution is as follows:

**CITY OF BUXTON
A RESOLUTION APPOINTING A NEW COUNCIL MEMBER
March 10, 2021**

WHEREAS, on January 13, 2021, that the Travis Soderberg was appointed as Mayor of the City of Buxton, leaving a vacancy on the city council;

WHEREAS, in accordance with the provisions of Buxton City Ordinances and North Dakota Century Code § 40-08-08., the city council may appoint a person to serve in the vacant council position until the next election and until a council member is elected and qualified.

WHEREAS, more than fifteen days has past since the date of the vacancy.

NOW, THEREFORE, BE IT RESOLVED, that after considering the qualifications, a majority of the City Council of the City of Buxton has decided to appoint Ben Hershey to fill the vacancy left by Travis Soderberg to the city council of the City of Buxton, and

BE IT FURTHER RESOLVED that this appointment will be effective for the date of the adoption of this resolution and until the next city election where a successor is elected and qualified.

With the likelihood of an early spring the council is considering a possible earlier date for the city roll-offs. Mayor Travis Soderberg will call around and get prices and available dates.

Mayor Travis Soderberg appointed Jeff Siewert as the new president of the city council and Keaton Flanagan as vice-president of the city council.

Ben Hershey stated that the Buxton Improvement Group has set July 10, 2021 as the tentative date for the BIG day.

Ben Hershey stated that the fire district board is looking for someone to represent the city of Buxton.

Keaton Flanagan made a motion to adjourn; Holly Aarnold seconded the motion; motion passed unanimous.

City Auditor

Council Member

Mayor