

**Surrey City Council
Regular Monthly Meeting
September 3, 2019**

Present: Lindsay Coca, Travis Dalby, Brent Dickinson, Rod Hjelden, Mike Thiesen, Karla Walsh

Also present: Bob Olson (Interim leader of Public Works), AJ Waller (Public Works employee), Deb Hoffarth (City Attorney)

Karla Walsh called the meeting to order at 7:04 pm.

The Pledge of Allegiance was recited.

CONSENT AGENDA

Interim Mayor Karla Walsh called for a motion to approve the minutes from the August 5th regular Council meeting, the August 13th Special Council meeting, the August 15th Special Council meeting, August 15th City Auditor Hiring Committee meeting, August 19th City Auditor Hiring Committee meeting, August 20th City Auditor Hiring Committee Special meeting, August 20th Special Council meeting, and the August 28th Special Council meeting (addendum). Discussion ensued. Mike Thiesen requested the spelling of his last name be corrected in the August 20th City Auditor Hiring Committee Special meeting minutes. Karla Walsh asked for clarification in the August 13th Special Council meeting minutes whether Rod Hjelden actually resigned. Hjelden stated that was what he said but did not ever formalize that statement in a written resignation. He stated he is not resigning from his elected position on the Council. Thiesen made a motion to accept the minutes. Seconded by Brent Dickinson. Roll: Thiesen – Aye, Dickinson – Aye, Travis Dalby – abstain, Lindsay Coca – Aye, Hjelden – abstain. Motion carried.

Walsh called for a motion to approve the financial reports and other reports. Discussion ensued regarding the status of the Municipal Court calendar and duties. Dalby made a motion to accept the financial reports and other reports. Seconded by Hjelden. Roll: Dalby – Aye, Hjelden – Aye, Coca – Aye, Thiesen – Aye, Dickinson – Aye. Motion carried.

NEW BUSINESS

A recall petition was received on 08/19/19 for Walsh's position as Ward 1 Councilmember. Another petition for a Special Election for the Mayor position was received on 08/26/19. A tentative schedule for the Special Election was presented. The Special Election process was discussed. Discussion ensued. Deb Hoffarth suggested holding both elections at the same time. The City Administrator and City Auditor will work on coordinating the process and will announce the date of the Special Election when it has been determined by Ward County. Walsh called for a motion to approve a Special Election for Walsh's position as Ward 1 Councilperson. Thiesen made a motion to approve a Special Election for Walsh's position as Ward 1 Councilperson pending certification of signatures by the City Auditor and/or City Administrator. Seconded by Dickinson. Roll: Thiesen – Aye, Dickinson – Aye, Dalby – Aye, Coca – Aye, Hjelden – Aye. Motion carried. Walsh called for a motion to approve a Special Election for the Mayor position. Hjelden made a motion to approve a Special Election for the Mayor election pending certification of signatures by the City Auditor and/or City Administrator. Seconded by Coca. Roll: Hjelden – Aye, Coca – Aye, Dalby – Aye, Thiesen – Aye, Dickinson – Aye. Motion carried.

Walsh called for a motion to approve the ND State Health Department Contract – this is a 2-year contract for laboratory analysis of the public water and wastewater systems. Discussion ensued. Dickinson made a motion to approve the ND State Health Department Contract. Seconded by Hjelden. Roll: Dickinson – Aye, Hjelden – Aye, Coca – Aye, Dalby – Aye, Thiesen – Aye. Motion carried.

Walsh called for a motion to appoint Ward County Tax Equalization Office as the City Assessor. Discussion ensued. Dalby made a motion to appoint Ward County Tax Equalization Office as the City Assessor. Seconded by Thiesen. Roll: Dalby – Aye, Thiesen – Aye, Dickinson – Aye, Coca – Aye, Hjelden – Aye. Motion carried.

UNFINISHED BUSINESS

We were informed that the Justice Assistance Grant was denied for this year. Chief Coca stated that the grant funds were planned to pay for new laptops for the officers. He has other grant funds that will cover these costs.

An updated Chain of Command and Organizational Chart were presented (no longer including a Deputy Auditor position). Discussion ensued. Walsh called for a motion to approve the updated figures. Dalby made a motion to approve the updated Chain of Command and Organizational Chart. Seconded by Dickinson. Roll: Dalby – Aye, Dickinson – Aye, Thiesen – Aye, Coca – Aye, Hjelden – Aye. Motion carried.

Discussion ensued regarding the relocation of the RV dump station. The bidding process is not complete (no information on the cost of the electrical portion). Thiesen will assist with getting the cost of the needed electrical work. Walsh will work on how the entire project cost will be funded. No action was taken at this time. The issue will be added to the agenda of the next meeting.

MONTHLY BUSINESS

No monthly business to report.

ENGINEER'S REPORT

The "Safe Routes to School" bike path/sidewalk permit was denied by BNSF. The City's contact has changed and, instead of the City getting an "Encroachment Permit", BNSF now wants us to purchase the right-of-way. They also now want us to conduct a study since this new path would affect the Quiet Zone (with a potential gate or maze, which would be the responsibility of the "owner" of the road) as well. This new contact's requests were not considered necessary by our previous contact. AE2S will work with BNSF to determine what is needed and what is not needed. There is no action needed from the City at this point.

PUBLIC WORKS

The snowplow truck will need new tires soon. The annual budget included \$800.00 for tires. AJ Waller will check on pricing. No action was taken at this time. The issue will be added to the agenda of the next meeting.

There was a suggestion to increase the excavating fee for 403 1st Ave. The contractor, Barry's Excavating, was doing some sewer excavation and did not backfill the area in the required timeframe. Questions arose as to whether the contractor was actually licensed by the City. This issue will be referred to the incoming City Administrator. If we can determine what the costs of this delay were to the City (in labor), we may bill the homeowner or the contractor.

The snowplow needs to be repaired. 4 Acres Welding usually services our snow plow. They provided an estimate that was a range of costs depending upon the level of necessary repairs. Bob Olson said they estimate they would need three hours of time to determine exactly what repairs need to be done and then can provide a more accurate estimate for a full repair. Discussion ensued on possible other options (purchase a new or used plow). Walsh called for a motion to approve 4 Acres Welding to spend three hours of time to provide an estimate for repairs needing to be done on the snow plow. Dalby made a motion to approve 4 Acres Welding to spend three hours of time to provide a detailed estimate for repairs needing to be done on the snow plow. Seconded by Dickinson. Discussion ensued. Roll: Dalby – Aye, Dickinson – Aye, Thiesen – Aye, Coca – Aye, Hjelden – Aye. Motion carried.

There is a gravel road in the Silver Springs development that needs to be graded. Hjelden spoke with the Obasa Group, who is responsible for those upkeep on the roads in the development until the 2nd lift of asphalt is complete. They stated they had no intent on maintaining this specific gravel road for several reasons. Discussion ensued. Dickinson made a motion to approve hiring Kelsey's Bobcat Service at a maximum of three hours or \$360.00 to grade the necessary road and then to send the bill to Obasa Group. Seconded by Thiesen. Discussion ensued. Roll: Dickinson – Aye, Thiesen – Aye, Dalby – Aye, Coca – Aye, Hjelden – No. Motion carried.

Waller opened discussion regarding broken water valve boxes in the gravel of the Silver Springs development. Apparently, North Prairie Rural Water owns those and will not fix them because there is no asphalt laid and, as such, they did not accept it. Public Works has put our cones around those boxes to alert drivers and road maintenance that they are there. Waller will ask North Prairie to put their own hazard cones out there.

Waller reviewed a brief list of Public Works tasks completed during the previous month. He pointed out that the dead ends on the 3rd and 4th Avenue cul-de-sacs in the southwest part of town have not been addressed. There are barricades there to indicate that the roads are closed. Because these are areas where snow will be pushed, something needs to be done to ensure the safety of City employees and equipment since some of the dirt and gravel have washed out behind these barricades. Waller will bring a plan to address this issue. Questions were asked as to who is responsible for re-painting the "RR Xing" on Pleasant Avenue. Since it is a County road, Waller will ask Dana Larson at Ward County who is responsible for that task. He will also inquire who is responsible for the snow maintenance on Pleasant Avenue as well.

MAYOR

Walsh discussed a citizen's question on whether, since she is serving as the Interim Mayor, her seat needed to be filled/appointed. It does not. The Interim Mayor position is a temporary position designated by State statute and, once a Mayor is elected, will return to representing Ward 1. Hoffarth confirmed that this is following State law.

Walsh discussed inquiries on how to handle successive absences of Council members from Council meetings. Hjelden had missed two consecutive meetings (one unexcused and one due to sickness) and the City's ordinance states that, if a Council member has two unexcused absences in succession, the majority of Council may expel the Council member. Hoffarth clarified that "expel" means to ban a member from the next meeting (a temporary remedy) – it does not mean to remove an elected official from the Council board. Generally, the power required to remove an elected Council member is reserved to the voting public in the form of the recall process. The Century Code discusses punishing Council members for poor conduct via expulsion as well but, it should be noted, the Code states that a Council member cannot be expelled for the same violation twice. Hoffarth clarified the difference between expulsion and censure wherein censure is essentially a reprimand from the Council while expulsion is usually reserved for more extreme cases such as bribery and corruption. Hoffarth stated she did not feel either expulsion or censure applied in the situation with Hjelden since his second absence was not "willful or unnecessary".

POLICE

Chief Coca stated that, although the Justice Assistance Grant was denied for this year, the new Enbridge grant will cover the cost of the laptop computers.

Chief Coca finished his internship with Trinity, will soon be a licensed addiction counselor, and has accepted a part-time position with Trinity (16 hours per week, not to interfere with his working hours for the City).

Chief Coca stated he would like to begin the hiring process for the open position soon. It should be added to the agenda of the next meeting.

CITY ADMINISTRATOR

The Nexus/AE2S report was included in the packet. City Auditor started 09/03/19. The City Administrator starts 09/10/19. Karla Harmel will assist with payroll and any additional tasks on an as-needed basis only. The focus will be documentation of processes within the administrative function.

Dickinson made the motion to adjourn. Coca seconded.

Meeting adjourned at 8:14pm.

*** It should be noted that these meeting minutes have not been approved. ***