

Cavalier City Council

September 6, 2022

7:00 PM

Roll Call: Mayor Hinkle, council members Carpenter, Berry, Carter, Vaughn, Beard, Cluchie

Guests: Acting Auditor Werner, OM Walton, Attorney Fleming, Recreation Director Krieg, Police Chief Osvold, Jeff Stevenson, Lizzie Crowston, Ron Storie, Jim Brownlee, Ron Jenson, Robin Hartz, Rachel Morrison, Rebekah Laxdal, Nicole Safranski, Ashley Nordstrom, Kyle Gagner, Amber Sagert, Holly Stegman, Jordan Sagert, Meredith Quinn, David Hartz, Brad Westman, Adam McFadden, Marie Petry

Mayor Hinkle requested a roll call; with 6 members present a quorum was declared.

Amendments to the agenda- Pitney Bowes attorney letter, Memorandum of understanding flood mitigation study

Approve Minutes- Motion made to approve regular city council meeting from 8/1/2022, special meeting minutes from 8/15/2022 and 8/22/2022 M/S/P- Vaughn, Beard; 6:0 mc

Approve Bills & Financials- Discussion had on financials and budget report in packet, all these items will be included in board packets from now on to be able to review with plenty of time before meeting. Motion made to approve the payment of all city and CMU bills and financials as submitted for August 2022. M/S/P-Beard, Vaughn; 6:0 mc

Gaming/Raffle/Special Event Permits- Motion made to approve gaming permit for PCMH Auxiliary M/S/P- Berry, Carter; 6:0 mc

Ground Storage Reservoir- Meredith updated the council on the GSR; substantial completion walk through has been performed. Final close out will be the end of September. Letter will be drafted giving deadline of September 20, 2022 to have all items complete.

2nd Ave Sewer Extension- Meredith updated council on the completion of the sewer extension. Final walk through completed. Meredith presented pay final pay app for AE2S in amount of \$14,225.00. Motion to approve final pay app with funds coming from special projects RCV M/S/P- Carpenter, Carter; 6:0 mc Meredith presented final pay app for Molstad in the amount of \$29,690.25. Motion to approve final pay app with funds coming from special projects RCV M/S/P- Berry, Beard; 6:0 mc

Flood Mitigation- Krieg updated council on status of application. Application has been submitted for City of Cavalier Flood Risk Reduction Project- Feasibility Study. City has applied with Pembina County Water Board. Fleming gave further update need for memorandum of understanding with the PCWB. Motion made to sign memorandum of understanding M/S/P- Vaughn, Carpenter; 6:0 mc

Audit- Jim Brownlee gave audit report to council. Reconciliation had not been completed since February 2022. Reconciling items from old software system to new need to be balanced out.

Budget report needs to be given to council every month. Went over process on how budget is created. Mayor Hinkle updated council on changes that will happen in the city office to ensure all items are taken care of each month. Mayor thanked the current office staff for the hard work performed the last three weeks.

Development- Acting Auditor Werner presented store front improvement grant and energy efficiency grant for Jenson A/C & Heating. Motion made to approve the store front grant in the amount of \$1620.00 and energy efficiency grant in the amount of \$1000.00 funds coming from the growth fund. M/S/P- Berry, Beard; 5:1 mc. (Vaughn)

Cavalier Chamber- Presented request for an additional \$1500.00 per year. Currently they receive \$2500.00 that has been in place since 2002. Motion made to increase amount given to the Chamber to a total of \$4,000.00 per year to be paid in August starting with 2022. Funds to come from the JDA. M/S/P- Berry, Vaughn; 6:0 mc Chamber presented need to replace sign at gazebo with potential cost of \$45,000. Council asked that chamber put together proposal with full costs using indigo sign and present at regular council meeting in October.

Rec Report- Krieg reported ideas to replace current baseball field behind pines. Fleming will reach out to adjacent landowner to sport complex about acquiring land for ball field. Recreation will host tailgate on September 23rd with funds going towards ball field improvements. Tumbling has 76 kids registered so far and will start on September 27th and run 10 weeks. Getting quotes to replace water fountain in auditorium. Events coming up October trunk or treat, November breakfast with Santa, Santa parade, vendor show, December rolling skating night in auditorium, January mother/son and father daughter dances.

Library Report- Marie Petry Library Director presented update on Friends of the Library. Library will be replacing bookshelves. Applied for grant for strategic board games. Ladies' night out will be hosted on September 26th.

PD Report- COP Osvold updated the council on active shooter training. Chiefs training will be September 21st.

Attorney Report- Attorney Fleming informed council no new update on Quam. Presented sales tax ordinance for 1st reading. 2nd reading will happen at special meeting on September 28th before budget hearing. Motion to approve the first reading of the sale tax ordinance. RCV M/S/P- Carpenter, Beard; 6:0 mc. Attorney Fleming presented for second reading the noise ordinance.

2nd Reading Noise Ordinance

12.0302 Loud, Disturbing, Unnecessary Noises – Prohibited

The making, creating or maintenance of loud, unnatural or unusual and disturbing noises are a detriment to public health, comfort, convenience, safety and welfare, and are hereby declared to be unlawful and a public nuisance. The following acts, among others, are declared to be prohibited noises in violation of this section, but such enumeration is not exclusive:

1. The sounding of horns or signaling devices on any motor vehicle or motorcycle on any street or public place except as a danger warning.

2. The using, operating or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated, and who are voluntary listeners thereto. The operations of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.
3. The using, operating or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph, loudspeaker, amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of advertising or attracting the attention of the public to any structure, other than those which shall be used from time to time to promote those special or holiday events sponsored by retail businesses.
4. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
5. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed indicating that a school, hospital, or court is in the vicinity.
6. Noise control upon braking or slowing. The driver of any vehicle, including but not limited to motor carriers, trucks, semi-trailers and tractors, shall not cause their vehicle to brake or slow by any method which increases the noise emissions levels of the engine, including but not limited to the method commonly known as "jake braking" wherein engine compression is used to slow the vehicle in lieu of applying the clutch to brakes.
7. A violation of this Section shall be an infraction. The first offense shall incur a fine of not less than fifty dollars (\$50.00). The second offense within a two (2) year period shall incur a fine of not less than one hundred dollars (\$100.00). A third or subsequent offense within a two (2) year period shall incur a fine of not less than two hundred fifty dollars (\$250.00).

Motion to approve the second reading of the noise ordinance. RCV M/S/P- Berry, Cluchie; 6:0 mc. Attorney Fleming presented letter sent to Zelda Hartje regarding 2nd check sent by mistake, requesting the return of funds. Attorney Fleming presented Pitney Bose letter denying amount owed after contract was cancelled.

Administrative Reports- Applications for Auditor position where discussed, Mayor Hinkle will set up interviews for council to attend. Acting Auditor Werner presented road closure application on September 9th from 6pm to 11pm at the corner of Boundary Road and East 1st Ave to the 1st alleyway. Motion to approve road closure application. M/S/P- Berry, Carpenter; 6:0 mc. Acting Auditor Werner presented new ach account application for UVB. UVB is changing how the city would need to submit payroll and this application needs to be approved by council. Motion to approve signing ach application. M/S/P- Vaughn, Cluchie; 6:0 mc. Budget hearing is set for September 28th at 7pm. Mayor Hinkle presented request from Bill Robbins to have his mowing assessment forgiven. Motion to deny request. M/S/P- Cluchie, Carpenter; 6:0 mc.

Mayor and Council Comments- Mayor Hinkle again thanked Danielle and Casey for their hard work and effort. Councilman Cluchie request going forward giving appointee's more notice before unappointing. Councilman Vaughn requested policy to be created for delinquent CMU

accounts. Councilman Berry remarked on positive comments received about mural. Wants to make sure plants will not grow to tall and block. Councilman Carpenter asked for clarification as to why Icelandic flag in mural. Mayor Hinkle advised that artist wanted to pay tribute to Icelandic heritage in the citizens of Cavalier. Cavalier has the highest per capita of Icelandic heritage.

Adjournment

Motion to adjourn 9:15 PM Cluchie, Berry

Approved By:

Lacey Hinkle, Mayor

Attested To:

Danielle Werner, Acting City Auditor