

Cavalier City Council

February 5, 2024

7:00 PM

Roll Call: Mayor Hinkle, council members Cluchie, Beard, Vaughn, Carter, Berry (7:04 pm)

Absent: Carpenter

Guests: Auditor Krieg, COP Osvoid, Attorney Fleming, Recreation Director Aimee Homstad, Ron Storie, Angell French, Lillian Stegman, Robin Hartz, David Hartz, James Zorn, Gwen Zorn, Adam Koenig, Cindy Dubois Noel Watson, Marie Petry

Additions to the Agenda

VIP Beauty grant application, Cavalier Arts and Crafts gaming permit, Bids for auditorium, MRES Rate Study, James Zorn

Approve Minutes

Motion made to approve the regular meeting minutes from January 2, 2024 M/S/P- Vaughn, Beard; 4:0 mc.

Approve Bills & Financials

Motion made to approve the payment of all city and CMU bills and financials as submitted for January 2024. M/S/P- Beard, Cluchie; 4:0 mc.

Gaming/Raffle/Special Event Permits

Motion made to approve gaming permit for Arts and Crafts Society once Kyle Gagner signs, and Cavalier Fire Department, and Faith in Action. M/S/P- Carter, Vaughn; 5:0 mc. Motion for special events permit for Retail Beer and Bacon Bash. M/S/P- Cluchie, Beard; 5:0 mc

Development

Motion to approve VIP Beauty Business Growth Grant. M/S/P/- Carter, Cluchie; 5:0 mc. Motion to approve Hartz Holding Energy Efficiency Grant. M/S/P- Beard, Cluchie; 5:0 mc. Lillian Stegman presented request from Cavalier Farmer's Market. Motion for \$1000.00 from Growth Fund to be given to Cavalier Farmer's Market for advertising, vendor fee reduction, and training. M/S/P- Vaughn, Cluchie; 5:0 mc. James Zorn seeking letter of support for non-profit food co-op. He will be applying for a grant through the Department of Commerce. Motion made for letter of support from the City of Cavalier to James Zorn for Food Sustainability Grant. M/S/P- Berry, Beard; 5:0 mc. Motion made 2nd reading of Ordinance 2024-01 annexing in parcels 06-020010, 06-0200005, 06-1350005, 06-1350010 and 06-0110000. M/S/P- Vaughn, Beard; 5:0 mc.

CITY OF CAVALIER

ORDINANCE 2024-01

ANNEXATION OF TERRITORY

BE IT ORDAINED, by the city council for the city of Cavalier, to-wit:

IN ACCORDANCE WITH Chapter 40-51.2 of the North Dakota Century Code and in accordance with the attached petition and attachments thereto, the city council of the city of Cavalier, state of North Dakota, hereby declares the annexation of the territory described in said petition to said city. LEGAL DESCRIPTIONS FOR ANNEXATION

PARCEL 1: This parcel is known as Parcel # 06-0200010 on the tax records as maintained by the County Auditor of Pembina County, North Dakota.

A part of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 3, Township 161N, Range 54W, Fifth Principal Meridian, Pembina County, North Dakota, further described as follows: Commencing at the southeast corner of said Northeast Quarter Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$); thence N00°17'27"E along the east line of said Northeast Quarter Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) 47.40 feet to the point of beginning; thence S89°52'00"W 1210.54 feet; thence N00°12'16"E 54.87 feet; thence S89°59'17"E 1210.61 feet to said east line, thence southerly along said east line 51.80 feet to the point of beginning.

The basis of all bearings being the south line of said Northeast Quarter Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) as an assigned bearing of S89°52'59"E.

Parcel contains 1.48 acres.

This legal description was prepared by Joseph S. O'Toole, RLS, PE, PO Box 52, Crystal, ND 58222.

Easement Description:

The grantor reserves the right of access across the property for the use of the farm tenant as well as future potential owners should the seller ever subdivide the adjoining property. The access shall be granted as the present access location. The Grantor or his/her tenant shall not be held responsible for reasonable use of the access.

PARCEL 2: This parcel is known as Parcel # 06-0200005 on the tax records as maintained by the County Auditor of Pembina County, North Dakota.

A parcel of land located in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Three (3), Township One Hundred Sixty-one (161) North, Range Fifty-four (54) West of the Fifth Principal Meridian, Pembina County, North Dakota, more particularly described as follows:

Commencing at the set monument at the southwest corner of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section 3; thence, N 88° 17' 28" E, along the sixteenth line, a distance of 1309.05 feet, more or less, to the found monument at the southeast corner of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section 3; thence, N 01° 44' 57" W, along the sixteenth line, a distance of 99.20 feet, more or less, to the northeast corner of the Annexed Parcel, Plat of Annexation to the City of Cavalier, ND, Document No. 327817; thence, S 88° 11' 10" W, along the north line of said Annexed Parcel, a distance of 1102.68 feet, to the point of beginning of the parcel to be described; thence, N 01° 48' 50" W, a distance of 100.00 feet; thence, S 88° 11' 10" W, a distance of 100.13 feet, more or less, to the east line of the tract described in Pembina County Recorder Document No. 144474; thence, S 01° 53' 15" E, along the east line of said tract, a distance of 100.00 feet, more or less, to the north line of said Annexed Parcel; thence, N 88° 11' 10" E, along said north line, a distance of 100.00 feet, more or less, to the point of beginning.

Said parcel contains 0.23 acres, more or less. Subject to all easements and reservations of record.

This legal description was prepared by Daniel V. Fischer, ND PE/PLS-3856, and is more fully shown on the attached Certificate of Survey.

PARCEL 3: This parcel is known as Parcels # 06-1350005 and 06-1350010 on the tax records as maintained by the County Auditor of Pembina County, North Dakota.

All of our undivided interest in and to a tract of land located in the South Half of the Northwest Quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$) and the North Half of the Southwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$) of Section (10), Township One Hundred Sixty-one (161) North, Range Fifty-four (54) West of the 5th P.M., more particularly described as follows: Commencing at the northwest corner of said Section 10; thence along the west line of the Northwest Quarter of said Section 10, S 00°19'55" E a distance of 1338.80 feet to the north line of the South Half of the Northwest Quarter of Section 10; thence along said north line of the South Half of said Northwest Quarter, N 89°55'09" E a distance of 700.00 feet to the northeast corner of Industrial Park Addition to the City of Cavalier, North Dakota, which is the POINT OF BEGINNING; thence continuing along said north line, N89°55'09"E a distance of 597.50 feet to the southeast corner of City Addition to the City of Cavalier, North Dakota; thence parallel with the west line of said Section 10, S 00°19'55"E a distance of 1400.16 feet; thence parallel with said north line of the South Half of the Northwest Quarter of said Section 10, S89°55'09"W a distance of 597.49 feet to the southeast corner of a parcel described in Document No. 225906; thence north along the east lines of parcels described in Documents No. 225906, 194646, and Industrial Park Addition, said east lines also bring parallel with the west line of said Section 10, N00°19'55"W a distance of 1400.16 feet to the said point of beginning. Said tract contains 836,581 square feet or 19.205 acres. Northwest Quarter: 799,030 S.F. or 18.343 acres. Southwest Quarter:

37551 S.F. or .862 acres. The above description was drafted by Gary G. Caskey ND RLS. Subject to easements, special or improvement taxes and assessments, mineral conveyances, rights-of-way and reservations of record.

PARCEL 4: This parcel is known as parcel #06-0110000 on the tax records as maintained by the County Auditor of Pembina County, North Dakota

A parcel of land situated in the Southwest Quarter of the Northeast Quarter (SW14/NE1/4) of Section Three(3), Township One Hundred Sixty-one North (161N), Range Fifty-four West(54W), more particularly described as follows: Beginning and starting at a point which is 933.4 feet East of the Northwest corner of said Southwest Quarter of the Northeast Quarter (sw1/4NE1/4) of Section Three(3), Township One Hundred Sixty-one North (161N), Range Fifty-four West (54W); thence east 300 feet; thence south 1233.4 feet; thence west 1233.4 feet; thence north 300 feet; thence east 933.4 feet; thence north 933.4 feet to the point of beginning, less the plat of The Pines Addition to the City of Cavalier, Pembina County, North Dakota, filed as document number 209890.

PARCEL 5: This parcel is known as Parcel #06-011000 on the tax records as maintained by the County Auditor of Pembina County, North Dakota.

That part of the Southwest Quarter of the Northeast Quarter (SW1/4NE1/4) and the Northwest Quarter of the Southeast Quarter (NW1/4SE1/4) of Section Three (3), Township One Hundred Sixty-one (161), Range Fifty-four (54), more particularly described and bounded as follows: Beginning at the Northwest corner of said SW1/4NE1/4-3-161-54; thence East nine hundred thirty-three and four tenths (913.4) feet; thence South seventeen hundred six and six tenths (1706.6) feet to the South line of said NW1/4SE1/4-3-161-54; thence west twenty (20) feet to the Southwest corner of said NW1/4SE1/4-3-161-54; thence North twenty six hundred forty (2640) feet along the West line of the Southwest corner of said NW1/4SE1/4-3-161-54; to the place of beginning; Less road or highway right-of-way across the extreme Southern side of described premise along the South line of said NW1/4SE1/4-3-161-54; said premises being a tract upon which the City of Cavalier's sewage disposal lagoon and access road there to are presently located. This legal description is from a previously recorded instrument filed for record on the 18th day of February 1959, at 2:00 o'clock p.m., and recorded in Book C-6 of Deeds on page 392, as document no. 138739

Auditor Krieg presented different options for ARPA funds. Motion made to proceed with improvements to Lift Station #3 and have engineer from AE2S draft scope for project. M/S/P-Carter, Beard; 5:0 mc.

Light Plant

Motion to reject all bids received for the light plant. Mak Construction in the amount of \$1,872,266.00, Innes Construction in the amount of \$2,095,000.00, Mak Construction in the amount of \$1,495,000.00. M/S/P-Cluchie, Vaughn; 5:0 mc.

Pool Update

The bid was reviewed. Motion to accept the lump sum base bid from ICS, Inc for an amount of \$2,343,190 and the price 1 work for an estimated cost of \$40,880 at a unit rate of \$25.55/ounce. M/S/P-Vaughn, Carter; roll call 5:0 mc. Motion to accept the recommended scope modifications for a DEDUCT amount of \$1,077,053. M/S/P- Vaughn, Cluchie; roll call 5:0 mc. Motion authorizing AE2S to prepare a construction agreement for the base bid amount. M/S/P- Vaughn, Beard; roll call 5:0 mc. Motion to concurrently authorize AE2S to prepare a change order to modify the construction scope as presented herein for a DEDUCT amount of \$1,077,053 for a new lump sum construction contract value of \$1,266,137. M/S/P- Vaughn, Beard; roll call 5:0 mc. Motion to accept amendment to owner engineer agreement task order 13 amendment no 3 in the amount of \$4,400. M/S/P- Cluchie, Vaughn; roll call 5:0 mc.

Rec Report

Recreation Director updated council. The skating arena will be open depending on the weather. Cavalier Classic 3 on 3 was a huge success and will return each year. Snowflake ball had 107 in attendance. Spring tumbling will start on February 20th. Auditor Krieg presented quotes for new furnaces with air conditioning. The current furnaces are 29 years old and two are not working. Motion made to accept bid from Jenson A/C and heating for three furnaces and two ac units in the amount of \$25,844 with \$9,888 coming from Recreation and \$15,956 coming from special projects. M/S/P- Beard, Vaughn; roll call 4:1 mc (Cluchie).

Library Report

Director Petry presented a remodel project of the adult fiction room. Motion to approve remodel project of the adult fiction room with funds coming from library budget. M/S/P-Carter, Cluchie; 5:0 mc. Petry updated council on story time, crochet classes, and middle school game night.

PD Report

COP Osvold updated council that zero applicants have applied for open officer position. Discussion was held on opening up to training and City sending applicant through the academy. Motion made to open job posting for Cavalier City Police Officer to include will to train and send candidate to the police academy. M/S/P- Vaughn, Berry 5:0 mc. Officer Taylor will be attending training in March.

Attorney Report

107 Division Ave will need to have asbestos removal of siding. This process can not take place till all snow is melted. Mayor asked Attorney Fleming to send Mr. Swanson a letter to remove his property from the building. Scavenging ordinance was discussed. Motion to do first reading on scavenging ordinance. M- Vaughn motion failed due to lack of a second. Signs are to be put up at the transfer station for no scavenging or entering of bins. A Citizen had made a request to

not allow wood burning for heat on and industrial property. Discussion was held on the legality of that. There is a case pending in city court for nuisance wood burning. Need to allow the ordinance we currently have in place to proceed with the citation that was issued. The council received a request for a parking ordinance specifically on west side of East 2nd Ave. Discussion was held. Motion made to have attorney Fleming draw up ordinance for resident parking only on west side of E 2nd Ave from the corner of Main to Black Street during school hours. M/S/P- Carter, Vaughn; roll call 3:2 mc (Cluchie, Berry).

Administrative Reports

Auditor Krieg presented the council with scope of services for electric rate study from MRES. Motion to approve scope of services for electric rate study with Missouri River Energy Services in the amount of \$9,000. M/S/P- Cluchie, Beard; roll call 5:0 mc.

Mayor and Council Comments

Mayor Hinkle informed the council that the Cavalier web cam was in the top 25 in the world most viewed.

Adjournment

Motion to adjourn 8:49pm Beard, Vaughn

Approved By:

Lacey Hinkle, Mayor

Attested To:

Casey Krieg, City Auditor