

City of Buxton
Meeting Minutes

November 12, 2020 @ 7:00 PM
Buxton Fire Hall

Present: Mayor Gene Rosholt, Keaton Flanagan, Travis Soderberg, Holly Aamold, Scott Hong, Curtis Hong, Kristan Phipps and via telephone Jeff Siewert and Mike Bibow

Recording: Jackie Siewert, Auditor

Meeting called to order by Mayor Gene Rosholt

Meeting minutes from the October 13th special meeting, October 14th meeting, October 19th confirmation of special assessments meeting, October 21st special meeting(1) and October 21st special meeting(2) minutes were read. Motion to approve the minutes was made by Holly Aamold; seconded by Keaton Flanagan; motion passed unanimous.

The following bills were presented for payment:

Direct	Visa	\$251.67
Direct	Waste Management	\$3584.42
Direct	Xcel Energy	\$873.14
12403	Florian's & Sons	\$358,706.23
12404	Anthony Siewert	\$873.14
12405	Doug Thompson	\$152.38
12406	Gary Fuglesten	\$152.38
12407	Jaqueline Siewert	\$1385.25
12408	Lenita Larson	\$152.38
12409	East Central Regional Water Dist	\$199.50
12410	Midco	\$37.10
12411	Nilson Brand Law	\$975.00
12412	Septic Tank Servicing	\$435.00
12413	Thomas Moe	\$150.00
12414	Xcel Energy	\$18.34
12415	Steve Larson	\$2934.88
12416	AE2S	\$10744.00

Travis Soderberg motioned to approve the bills, Jeff Siewert seconded the motion; motion passed unanimous.

Kristan Phipps has recently purchased Conrad Murach's trailer which is located in the Buxton Trailer Court. She came forward to the council requesting to move in an additional 10x12 shed. Kristan plans on placing it on green treated wood behind the current two sheds on the lot. She will also have the doors facing north. Travis Soderberg said it sounds as if she has a good plan and didn't see a problem with it. Holly Aamold made a motion to allow Kristan Phipps to bring in another shed; Travis Soderberg seconded the motion; motion passed unanimous.

Kristan Phipps also inquired about putting up a fence on her lot. Travis Soderberg suggested that she first decide what type of fencing she plans on using and a layout of the area she plans to fence in.

Curtis Hong and Scott Hong have someone interested in building on their property west of Gary Fuglesten's property. Travis Soderberg stated that we will need a plan on how the lots will be reached so then we can get a price per lot for the roads. Neil Breidenbach has looked and it is a very good possibility that they could tie into the existing sewer line. Road access is the main concern.

Mike Bibow with AE2S updated the council via telephone. Bruce with Florian's found more dirt and unexpected concrete that had to be removed from the Broadway drainage swale. Instead of submitting a change order for the additional work the area was drill seeded rather than hydro-seeded to off-set the additional work. There are still punch list items to complete. Mike will also make sure that millings are placed in the asphalt driveways that won't be completed until spring. Travis Soderberg said that the gravity drainage ditches have not been done by Jim Kirkeby's property and Luke Ellingson's property.

Florian Excavating submitted a payment request of \$134,741.90. After the deduction of the project retainage fee the total for Pay App #2 is \$128,004.80. Travis Soderberg made a motion to approve Pay App #2 in the amount of \$128,004.80; Keaton Flanagan seconded the motion. On roll call vote the following members voted aye: Travis Soderberg, Holly Aamold, Keaton Flanagan and via telephone Jeff Siewert. The following members voted nay: None. The following members were absent and not voting: None. The majority having voted aye, the motion carried.

AE2S is also submitted a pay request for current construction services for \$41,080.00.

Due to the increasing numbers of positive cases of Covid-19 not just in Traill County but within Buxton itself Mayor Gene Rosholt presented the council with a resolution requiring use of face-coverings and temporary minimum health standards for certain businesses stated as follows:

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

Requiring the Use of Face-Coverings and Temporary Minimum Health
Standards for Certain Businesses

WHEREAS, on March 13, 2020, The President of the United States of America, Donald J. Trump declared a national emergency for SARS-CoV-2, a novel coronavirus (COVID-19). This action came two days after the World Health Organization characterized COVID-19 as a pandemic; and

WHEREAS, on March 13, 2020, The Governor of the State of North Dakota, Douglas J. Burgum, declared a State of Emergency in North Dakota in response to the public health crisis resulting from the novel coronavirus, ordering the activation of the North Dakota State Emergency Operations Plan to assist local and tribal officials, prevent injuries and save lives, alleviate hardships, implement response and recovery actions and future mitigation measures, and facilitate restoration of services and infrastructure; and

WHEREAS, on November 4, 2020 Traill County adopted a resolution mandating Face Covering in the county;

WHEREAS, The City of Buxton declared a state of emergency as a result of the COVID-19 pandemic; and

WHEREAS, "Face coverings" or "masks" are defined as paper or two-layered cloth face masks that cover the nose and mouth completely, and include a paper or disposable face mask and/or religious face covering; and

WHEREAS, The City of Buxton recognizes the sacrifice that individuals and businesses (including employees and other workers) are making in order to stem the rise of COVID-19 cases, such as social distancing, and despite which the number of COVID-19 cases and deaths continue to rise in our community; and

WHEREAS, "Social distancing" is defined as individuals keeping at least six (6) feet of distance from other individuals who are not members of their household;

WHEREAS, "Non-household" is defined as a group of individuals who do not share the same living unit;

WHEREAS, it is necessary to adopt temporary measures applicable to bars and restaurants and other dine-in establishments in order to prevent against the spread of the Covid-19 virus;

NOW THEREFORE, BE IT RESOLVED, that the City of Buxton shall continue its fight against rising COVID-19 cases and deaths, and supporting businesses, the Public School System, and Traill County in remaining open and operational during an unprecedented pandemic;

BE IT FURTHER RESOLVED, That every person shall, within the City of Buxton, wear a face covering (over the mouth and nose in all indoor and outdoor environments where non- household members are present and where a distance of six (6) feet or more cannot be maintained between non-household members who are present at the subject indoor or outdoor environment;

BE IT FURTHER RESOLVED, That the following exemptions shall be included in this resolution and approved from face mask wearing:

- a. Persons younger than school age, although parents and guardians are encouraged to have such younger children wear face coverings when and where appropriate;
- b. Persons with a health, medical condition, disability or safety that prevents wearing a face covering or the compliance with this Resolution is precluded under any federal, state or local law, including the federal Americans with Disability Act (the "ADA");
- c. Persons performing job duties where a six (6) foot distance is not achievable, but a mask is inhibitory to the ability to safely and effectively perform the job duty;
- d. Persons participating in voting in any federal, state, or local election
- e. Persons participating in athletic activities where a six (6) feet distance is not achievable, but a mask is inhibitory to the activity;
- f. Persons actively consuming food or drink;
- g. Persons driving a motor vehicle alone or with passengers from the driver's household;
- h. Persons receiving services that require access to the face for security, surveillance, medical care or other purposes may temporarily remove a face covering while receiving those services;
- i. Persons engaged in religious worship activities; however, face coverings are strongly encouraged;

- j. Persons giving a speech or performance for broadcast or to an audience; however, those persons shall safely distance from nearby individuals;

BE IT FURTHER RESOLVED, that bars and restaurants sanitize customer areas after each sitting with a disinfectant, including but not limited to: tables, tablecloths, chairs/booth seats, table-top condiments and condiment holders.

BE IT FURTHER RESOLVED that bars and restaurants 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, this resolution shall not prohibit law enforcement officers or local officials from enforcing trespass laws or other applicable laws in removing violators at the request of businesses or other property owners;

BE IT FURTHER RESOLVED, that although this resolution is being issued with the strongest possible urging, there is no penalty for non-compliance with this resolution;

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.

Travis Soderberg made a motion to approve the resolution requiring use of face-coverings and temporary minimum health standards for certain businesses; Jeff Siewert seconded the motion. On roll call vote the following members voted aye: Travis Soderberg, Gene Rosholt, and via telephone Jeff Siewert. The following members voted nay: Holly Aamold and Keaton Flanagan. The following members were absent and not voting: None. The majority having voted aye, the motion carried. Jackie Siewert will mail a copy of the passed resolution to the local bars and businesses.

Travis Soderberg spoke to Bruce Otteson and the new pad is in place at the lagoon. Gene Rosholt will have signs made to notify residents that the existing tree pile area is going to be moved to a new location by the lagoon. Gene will also have signs made for the lagoon area separating the areas for yard waste and trees.

Jackie Siewert received an email from Ben Gates in regards to updating the County wide Multi-Hazard Mitigation Plan (MHMP). There was an attached letter that needs to be signed by someone that will be representing the City of Buxton at all of the MHMP meetings. Though everyone is welcome to attend the meetings, one person has to be designated to represent the city to meet grant funds. Keaton Flanagan volunteered to represent the City of Buxton at all of the MHMP meetings. In the event of a conflict, both Travis Soderberg and Gene Rosholt said that they could also represent the City of Buxton.

Travis Soderberg requested that now that we have a nice ditch along Broadway can we remove the old city sign. Keaton Flanagan made a motion to allow someone to cut down the old city sign and haul it to the burn pile; Holly Aamold seconded the motion; motion passed unanimous.

New 15mph speed limit signs have been place throughout town.

Jackie Siewert asked the council if we could change the current name on an account that had originally been set up for another drainage project years ago. It is currently listed as City of Buxton – Lake Agassiz Regional Council Buxton Community Development. Jackie would like to utilize that account for holding the funds/assessments that are received for the Sewer Improvement District #2019-1. Jackie will transfer the assessment funds received monthly from Traill County Auditor to the savings account and transfer out funds as loan payments come due. Holly Aamold made a motion to allow Jackie Siewert to change the account name to Storm Sewer Improvement District #2019-01; Keaton Flanagan seconded the motion; motion passed unanimous.

Gene Rosholt suggested purchasing reflector stake to mark high areas on the streets that have been recently removed for pipe installation and/or repairs.

Travis Soderberg said the sink hole on the corner of Daisy Ave and Ives Street near Ross Henningsgard's residence still has not been repaired. Gene Rosholt said that he would contact Brady Otteson to remind him that this needs to be completed.

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

City Auditor

Council Member

Mayor