

7:30 p.m., Wednesday, December 16, 2015, the meeting of the Rolla City Council was called to order by Mayor Scott Mitchell. Council members present were Albert, Albertson, Bercier, Sparrow and Vollmer. Absent: Patrick Hemmy

Others present: Police Chief Joseph Boehm, Public Works Director Dean Martin, Scott Gailfus, Brenda Bergsrud, Sandra Olson, Ardell Olson and Todd Mears

Agenda Additions: JDA Board appointments; ND Cares Initiative Veterans Program

Consent Agenda: ND Cares Community and Building Permits- NC Grain Coop- commercial bldg; Steve Kakela-propane tank handled separately

Councilmember Albertson moved, Councilmember Bercier seconded, to approve the Consent Agenda of the November 18th council meeting minutes; November Financial Report; Time sheets for 11/30/15 and 12/15/15; Transfer \$ 5,688.45 Water Fund #601 to Water Project Fund #605 for Debt Service; Transfer \$14,000 per 2015 Budget from Sewer #602 to General Fund #100; Transfer \$14,000 per 2015 Budget from General Fund #100 to Garbage Fund #603; Eller Room rental fee increase to \$50 effective January 2016; Library Board appointment – Ashley Holloway; JDA Board re-appointments- Kelly Bursinger and Jason Nordmark, and JDA Board appointment- Rebecca Albert. All members on roll call voted “yes”. None voted “no”. Motion carried.

- Minutes Nov. 18th council meeting
- Financial Report –November- including transfers
- Time Sheets- 11/30/15 PR and 12/15/15 PR
- Transfer \$ 5,688.45 Water Fund #601 to Water Project Fund #605 for Debt service
- Transfer \$14,000 per 2015 Budget from Sewer #602 to General Fund #100
- Transfer \$14,000 per 2015 Budget from General Fund #100 to Garbage Fund # 603
- Eller Room rental fee increase to \$50 effective January 2016
- Library Board- appointment – Ashley Holloway
- JDA Board re-appointments for three year term- Kelly Bursinger and Jason Nordmark
- JDA Board appointment (one year term) - Rebecca Albert

Building Permit- NC Grain Coop- commercial building -Councilmember Albertson moved, Councilmember Albert seconded, to approve the Building Permit- NC Grain Coop- commercial building. All members on roll call voted “yes”. None voted “no”. Motion carried.

Building Permit- Steve Kakela-propane tank - Councilmember Vollmer moved, Councilmember Albertson seconded, to table the Building Permit- Steve Kakela-propane tank. All members on roll call voted “yes”. None voted “no”. Motion carried.

The ND Cares Community Program The ND Cares Community Program was created as an important extension of the mission of ND Cares to strengthen an accessible, seamless network of support for Service Members, Veterans, Families, and Survivors (SMVFS). The ND Cares Community Program will:

- Create a welcoming and supportive environment across North Dakota for SMVFS.
- Increase awareness of local and state support for SMVFS.
- Include every city in North Dakota – no matter how large or small.
- Establish local events to educate the community and to honor SMVFS.
- Serve as North Dakota’s involvement in the Joining Community Forces and Community Military Covenant programs.

On January 8, 2015, Governor Jack Dalrymple officially established the ND Cares Coalition. The coalition is comprised of more than 45 military and civilian professionals throughout the state focused on supporting those who have served and is dedicated to providing awareness and creating a well-recognized brand to help these heroes find the services they need.

All cities and counties are encouraged to join ND Cares by meeting these four requirements:

- A local steering committee (minimum of three people) must be formed at either the city or county level. There may be a group or committee already present in your community that would be a good fit for the ND Cares local steering committee and willing to take on the project.
- A city or county governing board must pass a resolution of support.
- A city or county must hold a minimum of one event each calendar year to educate the community and/or honor Service Members, Veterans, Families, and Survivors.
- An ND Cares sign must be installed on ND DOT city name sign (similar to the former ND Build campaign). If it is a county program, every city in the county must have a road sign identifying the city as an ND Cares community.

Councilmember Bercier moved, Councilmember Albertson seconded, to approve the ND Cares Initiative, provide support and buy signs. All members on roll call voted “yes”. None voted “no”. Motion carried.

Bills to be paid:

HOVI MITCHELL	JDA - ROLLA CEF Campaign Supplies	\$	87.89	55127
YOUNGERMAN, GEORGE	JDA - TRAVEL	\$	88.25	55218
VOIDED	VOIDED	\$	-	55219
US POSTAL SERVICE	BILLING POSTAGE	\$	154.88	55130
COMPUTERS N STUFF	JDA- NEW BUSINESS GRANT	\$	2,500.00	55131
CITY OF ROLLA	RESTITUTION RO-00-K-00001	\$	90.00	55132
TRACY MALATERRE	BOND REFUND	\$	250.00	55133
STARION BOND SERVICE	TEMP REV BOND 2014 PAYOFF	\$	2,200,587.51	55134
DACOTAH BANK	PW PICKUP LOAN DOC. FEE	\$	100.00	55135
PATTI GOOD	BOND REFUND	\$	200.00	55136
CLERK OF DISTRICT COURT	BOND TRANSFER re. T. GOOD	\$	500.00	55137
AFLAC	PREMIUM	\$	127.35	55138
ALLERY, COLT	POLICE-CELLPHONE /COURT	\$	150.00	55139
BANK OF NORTH DAKOTA	COMM. WTR INTEREST PMT	\$	7,738.45	55140
BOEHM, JOSEPH	POLICE- CELL PHONE/COURT	\$	60.00	55141
BURSINGER DRILLING	WELL #2- BULK WTR	\$	3,896.34	55142
BUSINESS FORMS & ACCTS SYSTEM	BILLING FORMS	\$	204.23	55143
CENEX FLEET CARD	POLICE - GAS	\$	1,096.99	55144
CNH (Rolla Imp.chg acct)	STREETS -supplies	\$	214.44	55145
COMPUTERS N STUFF	WATER PLANT flashdrive	\$	21.29	55146
DAKOTA SUPPLY GROUP	WATER - HYDRANT / METER	\$	2,991.75	55147
GAFFANEYS	MAINTENANCE AGREEMENT	\$	623.27	55148
GATTKE EXCAVATING	LAGOON- CLAY DELIVERED	\$	1,440.00	55149
GRAND FORKS CITY	TESTING	\$	130.00	55150
GUSTAFSON OIL	PROPANE/GAS	\$	588.65	55151
GUSTAFSON, NATHAN	POLICE-CELLPHONE /COURT	\$	150.00	55152
HAWKINS	CHEMICALS	\$	1,099.40	55153
INFORMATION TECH. DEPT.	VPN- POLICE	\$	62.80	55154
INFORMATION TECH. DEPT.	VPN-COURT	\$	12.70	55155
JACK AND JILL	POLICE	\$	94.50	55156
KIWANIS CLUB	CITY &JDA- MEMBERSHIP 10/15-9/16	\$	550.00	55157
KJ EXCAVATING	SEWER- VAC TRK-L.STATIONS	\$	600.00	55158
LADUCER SANITATION	SERVICE	\$	17,890.00	55159
LEEVEFS FOODS	POLICE/PUBLIC WORKS	\$	199.54	55160
LINDELL LONGIE	POLICE- TRANSCRIPTION	\$	47.10	55161
MARC	LIFT STATION DEGREASER	\$	1,028.23	55162
MEARS IMPLEMENT	WATER- HYDRANTS	\$	5.98	55163
MOORE ENGINEERING	WTR PLANT INPROV #2015-2	\$	20,960.00	55164
MUNRO ACE HARDWARE	SUPPLIES	\$	147.57	55165
ND LEAGUE OF CITIES	BUDGETING WEBINAR	\$	75.00	55166
ND RURAL WATER SYSTEMS ASSOC	2016 MEMBERSHIP	\$	225.00	55167
NORTH CENTRAL GRAIN COOP	GAS	\$	1,215.50	55168
NORTH CENTRAL TIRE	STREETS	\$	2,976.60	55169
NORTH DAKOTA ONE CALL	SERVICE	\$	9.90	55170
OTTER TAIL POWER	ELECTRICITY	\$	5,740.46	55171
OVERDRIVE	LIBRARY TO GO	\$	1,500.00	55172
PEGGY JOHNSON	LIBRARY- BOOKS	\$	478.07	55173
POWER PLAN OIB	STREETS- BLADE serviced	\$	1,107.52	55174
PREBLE MEDICAL	TESTING	\$	88.00	55175
PRETTY N PINK BY ALICE	POLICE- PATCHES SEWN	\$	24.00	55176
ROLETTE COUNTY JAIL	JAIL BOARD - 13 PERSONS	\$	6,600.00	55177
STARION FINANCIAL	PETTY CASH SLIPS	\$	58.58	55178
TASER INTERNATIONAL	POLICE - 2 TASERS	\$	2,061.87	55179
THEEL MOTORS	STREETS	\$	110.25	55180
TUOMALA PLUMBING AND HEATING	CITY SHOP/WELL#5	\$	156.12	55181
TURTLE MOUNTAIN COMMUNICATION	TELEPHONE	\$	627.05	55182
TURTLE MOUNTAIN STAR	PUBLISHING	\$	508.68	55183
US POSTAL SERVICE	STAMPS	\$	98.00	55184
VERIZON WIRELESS	PUBLIC WORKS	\$	245.57	55185
VISA	POLICE	\$	1,549.78	55186
WESTSIDE SERVICE	CAR WASH TOKENS	\$	40.00	55187
WRIGHT, CHRIS	POLICE- CELL PHONE	\$	20.00	55188

Electronic Payments

Payroll 941 Tax Deposit	Nov. 30, 2015 Payroll	\$	4,165.73
Payroll 941 Tax Deposit	Dec. 15, 2015 Payroll	\$	4,696.30
NDPERS	Def. Compensation-Nov. 30th PR	\$	975.00
NDPERS	Def. Compensation- Dec. 15th PR	\$	975.00
NDPERS	Health Ins- Dec. 2015 premium	\$	5,431.20
NDPERS	Retirement- Nov. 2015	\$	4,081.88
NORTHERN PLAINS ELECTRIC	JDA -LOAN PMT- Dec.	\$	145.86
PAYROLL	11/30/15 PAYROLL	\$	10,503.43
PAYROLL	12/15/15 PAYROLL	\$	12,106.72

STARION FINANCIAL	ACH FEE & SERVICE CHG	\$	33.08
ND CHILD SUPPORT ENFORCEMENT	11/30/15 PR DEDUCTION	\$	740.92
ND CHILD SUPPORT ENFORCEMENT	12/15/15 PR DEDUCTION	\$	768.60
PAYMENT SERVICES NETWORK	NOV. FEES	\$	156.45

Rolla Community Center cash account

VENDOR NAME	DESCRIPTION	AMOUNT	CK #
NORTH CENTRAL GRAIN COOP.	PROPANE	\$ 476.00	2186
OTTER TAIL POWER	ELECTRICITY	\$ 691.99	2187
TUOMALA PLUMBING & HEATING	REPAIRS	\$ 71.61	2188

Councilmember Albertson moved, Councilmember Bercier seconded, to pay bills are read when funds are available. All members on roll call voted "yes". None voted "no". Motion carried.

Committee Reports

Public Works Committee – 12/08/15 committee minutes included in packet and on file in the auditor’s office.

The gate valve by the Post office was clipped and broke the housing. Put on fall schedule to check for gate valve height.

Durapatch demonstration was held on December 2nd. Repairs were made to the overhead door at recycling center. On December 7th Well#5 went down. Sande Electric found the paddle had been broken off the bottom of the flow switch which was replaced and the well was back up and running. A contractor will need to fix the curb stop at Shopko. The gate valve in the valley gutter at 5th St NE and 7th Ave NE is broken deeper than can be dug at this time of year. It was suggested to schedule for spring to put a new gate valve about 30 feet south of current gate valve as in that location the pavement had been opened up.

Police: Minutes of the 12/08/15 committee report were submitted in the council packet and on file in auditor’s office. Two tasers purchased and taser training to be held for the officers. New bullet proof vest purchased for Officer Wright. The department is still researching body cams.

Second Readings of Ordinances No. 414, 415, 416 and 417: Councilmember Albertson moved, Councilmember Vollmer seconded, to have the second and final reading of Ordinances No. 414, 415, 416 and 417. On roll call, all council members voted "yes". None voted "no". Motion carried.

Ordinance No. 414 – Adoption of Chapter 39-20, Chemical Test for Intoxication, Implied Consent

SECTION 1: Adoption of Title 39. The current provisions of Title 39 of the North Dakota Century Code, and all subsequent amendments, shall be and are hereby adopted and incorporated by reference as Ordinance No. 414 of the City of Rolla and in this ordinance.

SECTION 2: Penalty. Any person violating the provisions of Title 39 of the North Dakota Century Code, which is incorporated in its entirety by reference in Chapter 9, shall be punished as provided in Title 39 of the North Dakota Century Code, and all subsequent amendments.

SECTION 3: Definitions. For the purpose of this Section:

- A. The terms "vehicle" shall include any vehicle, trailer, or semi-trailer propelled by mechanical, motor, or muscular power.
- B. Tank truck: Any motor vehicle used for the transportation of anhydrous ammonia, which for such purpose is provided with a tank or tanks mounted on the frame or chassis of such vehicle.
- C. Tank trailer: Any vehicle without its own motor power, but drawn by a motor vehicle used for the transportation of anhydrous ammonia, and which for such purpose is provided with a tank or tanks mounted thereon.
- D. Tank semi-trailer: A vehicle of the trailer type having one or more axles and two or more wheels, so designed and used in conjunction with a motor vehicle that some parts of its own weight and that of its own load rests upon or is carried by another vehicle; used for the transportation of anhydrous ammonia for which purpose is provided with a tank or tanks mounted thereon.
- E. Anhydrous ammonia tank: Any vehicle, tank truck, tank trailer, or tank semi-trailer which can be used to store, haul, or dispense anhydrous ammonia.

SECTION 4: Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

SECTION 5: Effective Date of Ordinance. This ordinance is in force and takes effect from and after its passage and publication as provided by law.

Ordinance No. 415- Unlawful Possession of Marijuana Paraphernalia

SECTION 1: Unlawful Possession of Marijuana Paraphernalia. A person may not use or possess with the intent to use drug paraphernalia to ingest, inhale, or otherwise introduce into the human body marijuana in violation of Chapter 19-03.1 of the North Dakota Century Code, and all subsequent amendments thereto.

SECTION 2: Penalty. Any person violating this ordinance is guilty of a class B misdemeanor.

SECTION 3: Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

SECTION 4: Effective Date of Ordinance. This ordinance is in force and takes effect from and after its passage and publication as provided by law.

Ordinance No. 416- Use of Wireless Communications Device while Driving Prohibited (Texting & Driving)

SECTION 1: Use of wireless communications device while driving prohibited. The operator of a motor vehicle that is part of traffic may not use a wireless communications device to compose, read, or send an electronic message.

SECTION 2: Definitions.

- A. "Electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. The term includes e-mail, a text message, an instant message, a command or request to access a worldwide web page, or other data that uses a commonly recognized electronic communications protocol. The term does not include:
1. Reading, selecting, or entering a telephone number, an extension number, or voice mail retrieval codes and commands into an electronic device for the purpose of initiating or receiving a telephone or cellular phone call or using voice commands to initiate or receive a telephone or cellular phone call;
 2. Inputting, selecting, or reading information on a global position system device or other navigation system device;
 3. Using a device capable of performing multiple functions, such as fleet management systems, dispatching systems, smartphones, citizen band radios, music players, or similar devices, for a purpose that is not otherwise prohibited;
 4. Voice or other data transmitted as a result of making a telephone or cellular phone call; or
 5. Data transmitted automatically by a wireless communication device without direct initiation by an individual.
- B. "Traffic" means operation of a motor vehicle while in motion or for the purposes of travel on any street or highway and includes a temporary stop or halt of motion, such as at an official traffic-control signal or sign. The term does not include a motor vehicle that is lawfully parked.

SECTION 3: This section does not apply if a wireless communications device is used for obtaining emergency assistance to report a traffic accident, medical emergency, or serious traffic hazard or to prevent a crime about to be committed, in the reasonable belief that an individual's life or safety is in immediate danger, or in an authorized emergency vehicle while in performance of official duties.

SECTION 4: Penalty. Any person violating this ordinance is guilty of a traffic infraction and is subject to a fine not to exceed twenty dollars (\$20.00).

SECTION 5: Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

SECTION 6: Effective Date of Ordinance. This ordinance is in force and takes effect from and after its passage and publication as provided by law.

Ordinance No. 417- Vehicle Registration Provisions

SECTION 1: Vehicle registration provisions. It is a violation of this ordinance for any person to commit any of the following acts:

- A. To operate, or for the owner thereof knowingly to permit anyone to operate, upon a highway any vehicle the registration of which has been canceled, or revoked, or for which the registration fees required in Title 39 of the N.D.C.C. have not been paid, or which does not have attached thereto and displayed thereon a number plate, plates, or validation tabs assigned thereto by the director of the Department of Transportation for the current registration period, subject to the exemptions allowed in Title 39 of the N.D.C.C.
- B. To display or cause or permit to be displayed, or to have in possession, any registration card, registration number plate, or validation tabs knowing the same to be fictitious or to have been canceled, revoked, suspended or altered.
- C. To lend any registration number plate, registration card, or validation tabs to any person not entitled thereto, or knowingly permit the use of any registration number plate or registration card by any person not entitled thereto.
- D. To fail or refuse to surrender to the department, upon demand, any registration card, registration number plate, or validation tab which has been suspended, canceled or revoked as provided in Chapter 39-04 of the N.D.C.C.
- E. To use a false or fictitious name or address in any application for the registration of any vehicle, or for any renewal or duplicate thereof, or knowingly to make a false statement or knowingly to conceal a material fact or otherwise to commit a fraud in any application.

SECTION 2: Penalty. Any person violating this ordinance is guilty of an infraction and is subject to a fine not to exceed fifty dollars (\$50.00).

SECTION 3: Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

SECTION 4: Effective Date of Ordinance. This ordinance is in force and takes effect from and after its passage and publication as provided by law.

Other Committees: No report

Councilmember Albertson moved, Councilmember Sparrow seconded, to approve the committee reports. All members on roll call voted "yes". None voted "no". Motion carried.

City Improvement Project # 2013-1: No report

Street Improvement District # 2015-1: Special assessment committee to schedule a meeting: Brian Julius, Moore Engineering, will contact the committee members -- Dennis Neameyer, Lowell Tupa, Alex Albert and Gibbens Law Office, city attorney.

Water Treatment Plant Improvement Project # 2015-2: Moore Engineering submitted plans to USDA-RD for approval- have not received comment back yet. Scheduled special council meeting for January 6, 2015 at 6:15 p.m. to approve plans/specs; set date to advertise for bid, Review funding options and Time schedule for water plant project. Also ballot language for street improvement project

There being no further business, Mayor Scott Mitchell adjourned the meeting at 8:47 p.m.

Scott Mitchell, Mayor

ATTEST:

Mae Murphy, City Auditor