

**Rolla City Council  
City of Rolla, ND  
Unofficial Minutes**

7:30 pm, Wednesday, April 17, 2019, the meeting of the Rolla City Council was called to order by Mayor John Hardy.

Council Members Present: Blake Gottbreht, Hovi Mitchell, Becky Albert, Leonard Lange, and Kyle Hardy.

Others present: Cliff Rush- Public Works Director; Karla Harmel- AE2S NEXUS, Danielle Mickelson, Sandra Olson, Joan Anderson, Larry Anderson, Dan Anderson, Michael Martin, Wayne Slater, Jody Slater, Mandy Nemitz, Michael Nemitz, Jayton Slater, Ethan Martin, Dennis Neameyer and Sandra Allery- City Auditor

Mayor Hardy requested to add “Swearing in of Officers” to the agenda. Matthew Anderson was sworn in as the Rolla City Chief of Police, Daryl Cameron was sworn in as Rolla City Sergeant, and Jayde Slater was sworn in as Rolla City Police Officer.

Mayor Hardy requested to move the Engineering Report up on agenda to follow the Consent Agenda. Mayor Hardy requested to add Dennis Neameyer to the agenda under “New Business”.

**Consent Agenda**

Council Member Lange moved; Council Member Hardy seconded to approve the Consent Agenda.

All members on roll call voted “yes”. None voted “no”. Motion carried.

- Minutes: March 20, 2019 Regular council meeting
- Minutes April 2, 2019 Special council meeting
- Minutes April 9, 2019 Special council meeting
- Minutes April 9, 2019 Board of Equalization meeting minutes
- Financial Report – March 2019
- Clean-Up Week- May 11-19, 2019

Bills:			
CHECK #	VENDOR NAME	DESCRIPTION	AMOUNT
ACHD03/25/19	DACOTAH BANK	2015 Pickup Payment-	\$595.27
ACHD03/25/19	DACOTAH BANK	Skidsteer Loan #5426721	\$720.78
ACHD03/31/19	STARION BANK	Service Charge 2019 March	\$4.00
ACHD04/15/19	VERIZON WIRELESS	POLICE JET PACK PAYMENT	\$375.83
ACHD04/15/19	VERIZON WIRELESS	PUBLIC WORKS CELL PHONE	\$263.20
ACHD04/05/19	NORTHERN PLAINS ELECTRIC	JDA PAYMENT #81	\$145.86
ACHD05/15/19PR	ND CHILD SUPPORT DIVISION	ND Child Support 04/15/19PR	\$381.60
ACHD03/31/19PR	ND PUB. EMPLOYEE RET. DEF. COM	DEF. COMP 03/31/19 PR	\$75.00
ACHD03/31/19PR	ND CHILD SUPPORT DIVISION	ND Child Support 03/31/19PR	\$463.57
ACHD05/15/19PR	ND PUB. EMPLOYEE RET. DEF. COM	DEF. COMP 04/15/19 PR	\$50.00
ACHD04/2019	ND PUBLIC EMPLOYEE RET	APRIL, 2019 - NDPERS RETIREMENT	\$5,188.20
ACHD04/2019	ND PUBLIC EMPLOYEES RET. INS	APRIL, 2019 - NDPERS HEALTH IN	\$6,339.44
ACHD05/15/19PR	INTERNAL REVENUE SERVICE	941PR 04/15/2019	\$4,577.25
ACHD03/31/19PR	INTERNAL REVENUE SERVICE	941PR 03/31/2019	\$4,161.40
ACHD03/31/19PR	INTERNAL REVENUE SERVICE	941PR 03/31/19 OT	\$984.58
ACHD04/17/19	AFLAC	APRIL 2019 INVOICE	\$192.86
ACHD04/05/19	PAYMENT SERVICE NETWORK	PSN GATEWAY FEE MARCH 2019	\$91.70
Chk# 057322	US POSTAL SERVICE	Utility Bills for March 2019	\$140.00
Chk# 057323	STARION BANK	2019 Police Radio Payment	\$11,259.95
Chk# 057324	STARION BOND SERVICES	\$940,000 BOND 2015 PRINCIPAL	\$91,986.50
Chk# 057325	ABRAHAMSON'S REFRIGERATION	RCC APRIL INVOICE	\$158.68
Chk# 057326	ADVANCED ENGINEERING &	PROFESSIONAL SERVICES 8.5 ADAM	\$1,334.50
Chk# 057327	ANDERSON, MATTHEW	REIMBURSEMENT- POLICE SUPPLIES	\$286.02
Chk# 057328	BANK OF NORTH DAKOTA	JDA - FlexPace Buy Down	\$2,908.63
Chk# 057329	BANYON DATA SYSTEMS	VAULT BACKUP	\$364.00
Chk# 057330	BAYMONT INN & SUITES	ND LIBRARY RENEWAL & DEVELOPME	\$169.20
Chk# 057331	BORDER STATES ELECTRIC SUPPLY	OVX25SWW2D4G ROADWAY FIXTURE	\$1,191.16
Chk# 057332	BRAD RUPPELIUS	Mileage/Meals Bismarck, Water & W	\$347.30
Chk# 057333	CENEX CREDIT CARD	POLICE-GAS	\$735.30

Chk# 057334	CNH INDUSTRIAL CAPITAL	ROLLA IMPLEMENT PARK RIVER	\$94.08
Chk# 057335	CORE & MAIN LP	APRIL INVOICE	\$989.11
Chk# 057336	FIRE EXTINGUISHING SYSTEMS INC	INSPECTION AND MAINTENANCE - 2	\$864.90
Chk# 057337	GALL'S LLC	EVIDENCE BAG VARIETY KIT	\$89.99
Chk# 057338	GIBBENS LAW OFFICE	LEGAL FEES- CHIEF OF POLICE EMP	\$200.00
Chk# 057339	GRAND FORKS UTILITY BILLING	WATER SAMPLE X 2	\$134.00
Chk# 057340	HACH	APRIL INVOICE	\$404.48
Chk# 057341	HAWKINS, INC	APRIL INVOICE	\$2,837.88
Chk# 057342	INFORMATION TECHNOLOGY DEPT	MULTIFACTOR AUTHENTICATION 6 U	\$58.45
Chk# 057343	KEVIN JUNTUNEN	Reimburse/Rolla Business Storefront Grant	\$1,326.27
Chk# 057344	LADUCER SANITATION	MARCH 19 GARBAGE CONTRACT	\$17,890.00
Chk# 057345	LANGE, LEONARD	NDCL MARCH MADNESS CONFERENCE-	\$314.80
Chk# 057346	LEEVERS FOODS	MARCH INVOICE	\$16.36
Chk# 057347	LEGACY COOPERATIVE	OIL AND GAS	\$441.74
Chk# 057348	MARC	LIFT STATION CLEANER 05 7 @ \$	\$2,099.76
Chk# 057349	MEARS AUTO PARTS	421 KR LIGHT	\$145.89
Chk# 057350	Danielle Mickelson	ND Economic Development Roundt	\$223.45
Chk# 057351	MUNRO ACE HARDWARE	RCC - SUPPLIES	\$340.43
Chk# 057352	MURPHY, MAE	WORKING W/AUDITOR 5.5 HRS X \$3	\$192.50
Chk# 057353	ND CHEMISTRY LAB	MARCH INVOICE	\$11.77
Chk# 057354	POST BOARD	PSYCH EVALUATION - SLATER	\$180.00
Chk# 057355	ND SEWAGE PUMP & LIFT STATION	1 - HUDRAULIC KIT #61705842, 1	\$4,760.77
Chk# 057356	NORTHERN PLAINS ELECTRIC	LAGOON acct# 3709000	\$77.45
Chk# 057357	OTTER TAIL POWER CO	RCC ELECTRIC APRIL 2019	\$504.94
Chk# 057358	OTTERTAIL POWER CO	APRIL INVOICE	\$3,717.04
Chk# 057359	POWER PLAN OIB	2019 APRIL INVOICE- GOVERMENTA	\$348.43
Chk# 057360	PREBLE MEDICAL	CLINIC FEE-S SMITH	\$40.00
Chk# 057361	RAMKOTA HOTEL	NDCL March Madness Conference	\$676.80
Chk# 057362	ROLETTE COUNTY	CRIMINAL CASE FILE# 40-2018-CR	\$1,007.60
Chk# 057363	ROLETTE COUNTY JAIL	APRIL INVOICE BOARD__11__ PERS	\$1,125.00
Chk# 057364	ROLLA PARK BOARD	PAYMENT PER 2019 BUDGET	\$9,000.00
Chk# 057365	REBECCA SHERIDAN	ND LIBRARY RENEWAL & DEVELOPME	\$304.30
Chk# 057366	STAPLES CREDIT PLAN	OFFICE SUPPLIES- KERRY	\$222.74
Chk# 057367	STARION BANK	PETTY CASH CHANGE BAG	\$56.94
Chk# 057368	STITCHES AND STUFF	2 PATCHES ON POLICE UNIFORM	\$10.00
Chk# 057369	THEEL MOTORS	VEHICLE MAINTENANCE	\$131.40
Chk# 057370	TURTLE MT. COMMUNICATIONS	APRIL INVOICE	\$632.90
Chk# 057371	TM STAR	NEWSPAPER POSTINGS	\$127.22
Chk# 057372	TUOMALA PLUMBING & HEATING	RCC- BLOWER MTR BELT 1/3-115-1	\$1,749.02
Chk# 057373	UNITED TELEPHONE	1 YEAR SECURITY SYSTEM FOR SON	\$930.00
Chk# 057374	US POSTAL SERVICE	Stamps- \$.01 x 20 = \$.20, \$.05	\$79.20
Chk# 057375	VISA	APRIL INVOICE	\$47.99
Chk# 057376	WENDELL HELD	MileageMeals Bismarck, Water & W	\$347.30
Chk# 500187E	Hourly-Semi Month ACH	03/31/19PR	\$6,752.31
Chk# 500188E	Semi-Monthly- Salary ACH	03/31/19PR	\$6,134.32
Chk# 500189E	Semi-Monthly- Salary ACH	03/31/19PR	\$3,196.99
Chk# 500190E	Hourly-Semi Month ACH	04/15/19PR	\$7,104.83
Chk# 500191E	Semi-Monthly- Salary ACH	04/15/19PR	\$7,102.74
		TOTAL CHECKS AND EFT	\$220,535.87

Council Member Mitchell moved, Council Member Lange seconded, to pay bills as submitted and to check on the Munro Ace Hardware invoice. All members on roll call voted “yes”. None voted “no”. Motion carried.

### Engineer Report

Karla Harmel, AE2S-NEXUS, presented an agreement to render Fund Accounting Review and Assistance Services for the City as needed, until an Auditor is hired.

Council Member Mitchell moved to approve the presented agreement from AE2S NEXUS but not to exceed the current budgeted salary for Auditor, seconded by Council Member Gottbreht. All members on roll-call-voted “yes”. None voted “no”. Motion carried.

## Old Business- First reading of City Ordinance #421

### Ordinance No. 421

**An ordinance repealing Ordinance No. 407 and enacting Ordinance No. 421 to establish and regulate a City Sales, Use and Gross Receipts Tax under the Home Rule Charter of The City of Rolla, and repealing Ordinance No. 407 relating to the Dedication of Tax Proceeds.**

BE IT ORDAINED by the City Council of The City of Rolla, Rolette County, North Dakota:

### **SALES, USE, AND GROSS RECEIPTS TAX**

**SECTION 1: Definitions.** All terms defined in Chapters 40-05.1, 57-39.2, 57-39.4, 57-39.5, 57-39.6, and 57-40.2 of the North Dakota Century Code (NDCC), including any future amendments, are adopted by reference. All references to the NDCC include amendments adopted by the North Dakota Legislative Assembly.

**SECTION 2: Collection and Administration.** Where not in conflict with the provisions of this Ordinance, the provisions of NDCC Chapters 40-05.1, 57-39.2, 57-39.4, 57-39.5, 57-39.6, and 57-40.2 and all administrative rules adopted by the Tax Commissioner, pertaining to the collection and administration of the retail sales use, and gross receipts tax, including provisions for liability, refund penalty, interest or credit, govern the administration by the North Dakota Office of State Tax Commissioner (hereinafter "Tax Commissioner") of the taxes imposed by this Ordinance. Upon receipt of the remittance to the City of Rolla from the tax commissioner the City shall collect its administrative fee on no more than one half of the amount received.

**SECTION 3: Sales Tax Imposed.** Subject to the provisions of NDCC § 40-05.1-06, and except as otherwise provided by this Ordinance, or the sales and use tax laws of the State of North Dakota, a tax of 2.0 percent is imposed upon the gross receipts of retailers from all sales at retail, including the leasing or renting of tangible personal property within the corporate limits of the City of Rolla, North Dakota.

**SECTION 4: Use Tax Imposed.** Subject to the provisions of NDCC § 40-05.1-06, and except as otherwise provided in this Ordinance of the sales and use tax laws of the State of North Dakota, an excise tax is imposed upon the storage, use, or consumption within the corporate limits of the City of Rolla, North Dakota of tangible personal property purchased at retail for storage, use, or consumption in this City, at the rate of Two percent (2%) of the purchase price of the property. An excise tax is imposed on the storage, use, or consumption within the corporate limits of the City of Rolla, North Dakota of tangible personal property not originally purchased for storage, use, or consumption in the City at the rate of Two percent (2%) of the fair market value of the property at the time it was brought into this City.

**SECTION 5: Gross Receipts of Alcoholic Beverages.** Subject to the provisions of NDCC § 40-05.1-06, and except as otherwise provided in this Ordinance, a gross receipts tax of Two percent (2%) is imposed upon all gross receipts from the sale of alcoholic beverages within the City. A person who receives alcoholic beverages for storage, use, or consumption in this state is subject to tax on storage, use, or consumption of those alcoholic beverages at the rate of Two percent (2%).

### **SECTION 6: Exemptions.**

- A. In addition to the exemptions provided by state law, this Ordinance provides exemptions from imposition and computation of the city sales or use tax for sales of new farm machines, farm machine repair parts, and farm irrigation equipment; new mobile homes; gross receipts from coin operated amusements; gross receipts of coin operated vending sales of \$0.99 or less;
- B. Sales to contractors that are exempt under NDCC § 57-39.2-04(15) shall be exempt from any city sales tax, but contractors shall be subject to the city use tax on those items used within the city that would be taxed pursuant to NDCC § 57-40.2-03.3 on which the city sales tax has not previously been paid;
- C. With respect to the purchase price of tangible personal property used by a contractor or subcontractor to fulfill a contract as defined by NDCC § 57-40.2-03.3, the tax imposed by this section applies only to bids submitted on or after June 1, 2017.

**SECTION 7: Maximum Tax Imposed.** Any patron or user paying a tax imposed by this Ordinance in excess of Twenty-Five Dollars (\$25.00) upon any single transaction of one or more items may obtain a refund of the excess tax payment by filing a request for refund upon the forms provided by the Tax Commissioner.

**SECTION 8: Contract with Tax Commissioner.** The Rolla City Auditor is hereby authorized to contract with the Tax Commissioner for administration and collection of taxes imposed by this Ordinance. The City Auditor has all powers granted to the Tax Commissioner and in the absence of a valid contract with the Tax Commissioner or failure of the Tax Commissioner to perform the delegated duties shall perform these duties in place of the Tax Commissioner.

**SECTION 9: Dedication of Tax Proceeds.** It is provided that the percentages in each category shall be reviewed annually and are subject to change by the City Sales Tax Committee appointed by the Mayor and approved by the City Council.

- A. **Ten and One-Half percent (10.5%)** of all revenues raised and collected under this ordinance, less administrative expenses, shall be expended for capital improvements and infrastructure, including but not limited to frontage roads, new streets, community buildings, swimming pools, community recreation, water treatment plant, maintenance of sewer and water systems, streets, sidewalk projects, etc. as well as for promotion of the city and community events. Distribution of these funds will be based on the recommendation of the City Sales Tax Committee and upon approval of the City Council.
- B. **Sixty-Four and One-Half percent (64.5%)** of all revenues raised and collected under this ordinance shall be placed in a Contingency Reserve Fund for capital improvements and infrastructure including but not limited to water treatment plant, maintenance of water and sewer, streets, frontage roads, sidewalk projects, etc. No administrative expenses shall be deducted from this fund.
- C. **Twenty-One percent (21%)** of all revenues raised and collected under this ordinance, less administrative expenses, shall be dedicated to an economic development fund. All revenue shall be maintained in the fund to be known as the Job Development Authority Fund, separate and apart from all other funds except as provided by this section. The revenue contained in such fund shall be used for community economic development projects. Proposed projects may include assisting and promoting the expansion and maintenance of our existing firms and investigating leads for the purpose of creating new business and industry in the local community. The Job Development Authority would have the responsibility of making available low interest limited loan program, which would include capped loans and loan availability only after a firm commitment from the applicant.
- D. **Four percent (4%)** of all revenues raised and collected under this ordinance, less administrative expenses, shall be used for promotion of the City and community events through the Rolla Chamber of Commerce. All revenues shall be maintained in a fund to be known as the City Promotion and Community Events fund. Said funds shall be disbursed to the Rolla Chamber of Commerce only, upon written request by the Chamber and approval by the City Council.

**SECTION 10: Saving Clause.** Should any section, paragraph, sentence, clause or phrase of the ordinance be declared unconstitutional or invalid for any reason, the remainder of the ordinance shall not be affected thereby.

**SECTION 11: Effective Date of Ordinance.** This ordinance is in force and takes effect from and after its passage and publication as provided by law, but not prior to **January 1, 2020.**

**First Reading:** April 17, 2019  
Second Reading: : \_\_\_\_\_  
Approved: \_\_\_\_\_

\_\_\_\_\_  
John Hardy, Mayor

\_\_\_\_\_  
Attest: , City Auditor

Council Member Lange moved to approve the first reading of City Ordinance #421, seconded by Council Member Albert. All members on roll-call-voted “yes”. None voted “no”. Motion carried.

**Committee Reports**

**Administrative:**

Mayor Hardy presented a 6 month evaluation and stated the Administrative Committee recommends a 5% wage increase for Sandra Allery retroactive to April 1, 2019, based on 6-month evaluation.

Council Member Albert moved to approve the requested 5% wage increase and retroactive pay to April 1, 2019, Council Member Gottbreht seconded. All members on roll call voted “yes”. None voted “no”. Motion carried.

**Public Works Committee:**

Cliff Rush, Public Works Director, presented bids for Chlorine Analyzer from Sweeney Controls = \$3,000.00 plus electrician costs and AE2S = \$2,750.00 includes electrician costs.

Council Member Gottbreht moved to approve the bid for Chlorine Analyzer from AE2S for \$2,750.00, Council Member Hardy seconded. All members on roll call voted “yes”. None voted “no”. Motion carried.

Council Member Albert moved to approve a \$.50 per hour wage increase City employees completing his ND Department of Health Water Users Exam, Council Member Lange seconded. All members on roll call voted “yes”. None voted “no”. Motion carried.

**Police:**

Chief of Police Anderson reported on Police department. Discussion regarding vehicle maintenance.

**Library:**

No report submitted

**Forestry:**

Committee voted to appoint Jerry Sparrow as Forestry Committee Chairperson and Cyndy Sparrow as Secretary/Treasurer.

**Cemetery:**

Bids for summer grounds worker were opened by Mayor Hardy. The timeframe covered by the bids was May to September. Bids received were from Noah Swenson for \$10,000 and David Walette for \$1,400.00 per month totaling \$7,000.00.

Council Member Albert moved, Council Member Gottbreht seconded, to hire David Walette from May to September 2019, as the cemetery grounds worker for the bid amount of \$1,400.00 per month, totally \$7,000.00. All members on roll call voted “yes”. None voted “no”. Motion carried.

Council Member Gottbreht moved, Council Member Mitchell seconded, to approve the committee reports. All members on roll call voted “yes”. None voted “no”. Motion carried.

**New Business**

**Dennis Neameyer** – Complaint- Neighbors garbage not cleaned up for months.

Dennis Neameyer requested the City transfer ownership to him and remove the past due utility bills from the properties.

Council Member Lange moved, to remove past due utility bills from the following parcels, Council Member Albert seconded. All members on roll call voted “yes”. None voted “no”. Motion carried.

Parcel #	Tax Year	Original Specia	Adjusted Specials	Cancel Specials
29-0004-29307-000 (5'5" along SW side Lot 1, Blk 102, White's 1st Add)	2016	\$1,019.09	\$37.24	\$981.85
29-0004-29307-000 (5'5" along SW side Lot 1, Blk 102, White's 1st Add)	2017	\$1,172.21	\$31.36	\$1,140.85
29-0004-29307-000 (5'5" along SW side Lot 1, Blk 102, White's 1st Add)	2018	\$1,404.35	\$6.36	\$1,397.99
29-0004-29309-000 (Lot 3, Block 102, White's 1st Add)	2015	\$1,571.37	\$37.78	\$1,533.59

Council Member Albert moved, Council Member Gottbreht seconded, to approve transfer ownership of requested properties from the City of Rolla to Dennis Neameyer at no additional cost to Dennis Neameyer. All members on roll call voted “yes”. None voted “no”. Motion carried.

There being no further business, Mayor Hardy adjourned the meeting at 8:40pm

The next scheduled meeting of the City Council is Wednesday, May 15, 2019.

John Hardy, Mayor

ATTEST:

Sandra M. Allery, City Auditor  
Dated 03/25/2019