

Public notices

McLean County Commission proceedings

Tuesday, August 18, 2020

The final regular August meeting of the Board of Commissioners was called to order at 8:30 a.m. by Chairperson Steve Cottingham. Present were Commissioners Cottingham, Steve Lee, and Barry Suydam. Also present were Highway Superintendent Jim Grey, Auditor Beth A. Knutson, and Deputy Auditor Nancy Leidholm.

Moved by Lee, seconded by Suydam, to approve the minutes of the previous meeting as submitted. Roll Call Vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

Highway Superintendent Jim Grey was present with department updates. He reported that gravelling and mowing are continuing throughout the county. Grey stated that a John Deere sickle mower has broken down and Shop Mechanic Troy Kittler is tearing it apart in hopes of fixing it as parts can no longer be found. Discussion followed with regards to the purchase of a new one with Grey stating that they can get by if they have to. He has been checking prices and one can be purchased for around \$5,000.00. Cottingham questioned if there was money in the budget to which Grey and Knutson said yes. Lee would like to hold the purchase off until next year. Grey went on to report that bottom ash has been hauled in to the Garrison and Washburn shops adding that he has to order salt to blend in preparation for eventual winter roads. He reported that he'd ordered the requested road oil to top off his supply. Discussion followed regarding a possible gravel pit in the county.

County Agent Calandria Edwards joined the meeting to introduce new Family and Community Wellness Extension Agent Courtney Hoikkala. Hoikkala presented a handout of the educational programs offered by NDSU Extension and requested the commission's input as to what has worked in the past and for any insight they may have to help meet county needs. Discussion followed.

Knutson discussed an expense for the rescue boat from Garrison Farmers Union billed to the Garrison Fire Department but sent to the county for payment. Discussion followed regarding the ownership and responsibility of the rescue boat. Knutson stated that the county doesn't pay to maintain boats belonging to other cities in the county. Suydam would like to see the boat remain with the county. Lee would like to see Sheriff Kerzmann involved in the discussion. Cottingham wants clarification as to who is responsible for the rescue boat and would like to see this issue resolved. The commission approved paying the expense.

Knutson presented a request from Building Maintenance Supervisor Curt Malo for an estimate to repair an air handler in the courthouse that lost a bearing. Lee feels Malo can use his discretion to get someone in to fix the air handler.

Chief Deputy Lori Foss joined the meeting for a discussion regarding polling locations for the 2020 General Election on November 3, 2020. The commission would like to see the three usual vote centers and polling place open for voting. Discussion followed regarding the struggle to find enough election workers to staff the locations which includes additional workers to clean and monitor the number and social distancing of voter's inside each location; using additional county employees and possibly city employees to help staff the locations; PPE; and opening the courthouse on Saturday's to extend the hours for absentee voting in hopes of alleviating some congestion on Election Day.

Moved by Lee, seconded by Cottingham, to approve the following polling locations for the 2020 General Election: Garrison Vote Center at the Garrison City Auditorium; Turtle Lake Vote Center at the Turtle Lake American Legion Hall; Washburn Vote Center at the Washburn Memorial Hall; and White Shield/Ziegler Precinct at the White Shield Complex. Lee stated that safety protocols can be fine-tuned and if enough workers can't be found to work the locations, a special meeting can be held before August 31 to discuss the issue again and make possible changes. Roll Call Vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

The board conducted the second reading of proposed changes to the following personnel policies:

Policy 106 – Minimum Wage and Policy 314 – Military Leave Updated to show housekeeping revisions to comply

with current law.

Policy 406 – Overtime and Compensatory Time Changed to read, "The county requires that all compensatory time earned is taken before using annual or sick leave and the employee is strongly encouraged to make every effort to use it by end of the month following the month that it is earned." This change will take effect January 1, 2021.

Policy 1300 – COVID-19 Families First Coronavirus Response Act Leave This policy is being added to provide a basis for dealing with COVID-19 absences under the letter of the law.

Moved by Suydam, seconded by Lee, to approve the personnel policy changes as submitted. Roll Call Vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

Knutson presented the list of delinquent taxpayers owing more than \$4,000.00 showing 60 taxpayers owing \$487,126.40.

Moved by Lee, seconded by Suydam, to approve the following agreement: USE AND SUBROGATION AGREEMENT

This Use and Subrogation Agreement (Agreement) is made and entered this 18th day of August, 2020 (the Effective Date) by and between McLean County, North Dakota, a political subdivision organized and existing under the laws of the State of North Dakota (the "County") and Garrison Diversion Conservancy District, a political subdivision organized and existing under the laws of the state of North Dakota with its principal place of business at 401 US-281, Carrington, North Dakota 58421 ("Garrison Diversion").

The parties hereto agree to the following facts:

Garrison Diversion is undertaking construction of the Red River Valley Water Supply Project (the "Project") in order to provide a reliable supplemental water supply to eastern and central North Dakota.

Garrison Diversion has entered into an agreement to buy certain real property within the Northeast Quarter (NE 1/4) of Section 5, Township 143 North, Range 81 West of the 5th PM, McLean County, North Dakota (the "Parcel") upon a portion of which the County has a Perpetual Easement ("Easement") dated April 14, 1967 and recorded as Document Number 246531 for bank stabilization and protection as well as specified recreational activities.

Garrison Diversion intends to use and construct an intake facility and related installations (Facilities) on the Parcel in order to pump water from the Missouri River.

The intake facility will be constructed, entirely or partially, within the Easement.

The Easement provides a reservation to the grantor and its assigns of all rights and privileges in the land covered by the Easement as may be used and enjoyed without interfering with or abridging the rights and easements granted to the County by virtue of the Easement.

The County does not believe that construction and use of the Facilities will interfere nor abridge the rights of the County, person or other entity affiliated or associated to the rights granted in the Easement and the County desires to grant Garrison Diversion the right to construct and use the Facilities within the Easement.

Now, therefore, the parties further agree as follows:

1. The County hereby subrogates its rights under the Easement to Garrison Diversion to the extent of the construction, operation, use, access to and from and maintenance of the Facilities constructed by Garrison Diversion within the easement along with any associated uses and installations for the construction, operation, use, access to and from and maintenance of the Facilities.

2. The County further, to the extent necessary to achieve the intentions of this agreement, consents, and grants to Garrison Diversion the right, to the construction, operation, use, access to and from and maintenance of the Facilities within the Easement.

3. This agreement is subject to Garrison Diversion's acquisition of the Parcel, attached hereto as Plat of Outlot B the description of which was prepared by Todd Norton, a registered land surveyor, Advanced Engineering and Environmental Services, 1815 Schafter St. Ste. 301, Bismarck, ND 58501, which plat was previously recorded.

4. This Agreement is binding on the heirs, successors and assigns of the parties hereto.

5. Wherever possible, each provision

of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable law. If any provision of this Agreement shall be found invalid or unenforceable, this shall not affect the validity of the remaining provisions of this Agreement, and the remaining provisions shall remain in full force and effect.

6. This Agreement was drafted with review and comment from each party's attorney. Accordingly, the parties agree that the legal doctrine of construction against the drafter will not be applied should any dispute arise concerning this Agreement.

7. This Agreement shall be in full force and effect until termination by the mutual agreement of the parties in writing.

McLean County Board of County Commissioners

By: Steve Cottingham, Chairperson
Garrison Diversion Conservancy District

By: Duane DeKrey, General Manager
Roll Call Vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

Moved by Suydam, seconded by Lee, to approve the following vouchers for payment:

DIAMOND MOWER INC INPUT CONNECTION SHIELD 107.25; ENERBASE COOP RESOURCES FUELTO GARRISON 12,337.75; GARRISON FARMERS UNION OIL CO FUEL & GREASE, BRIDGE MATERIALS 107.10; GARRISON CITY GARBAGE/WATER 54.80; ISTATE TRUCK CENTER PARTS 4,440.23; JOHN DEERE FINANCIAL OIL/DEF 573.93; MCLEAN COUNTY IMPLEMENT LLC PARTS 103.02; MDU GAS – WASHBURN, TURTLE LAKE, MAX AND GARRISON SHOPS 116.20; NAPAAUTO PARTS GARRISON PARTS 7.17; NEWMAN SIGNS INC SIGNS 100.47; NW TIRE TIRES FOR MOWERS 443.12; OK AUTOMOTIVE PARTS 285.90; TITAN MACHINERY PARTS 375.60; WAGON WHEEL LUMBER INC PARTS 26.69; WHOLESAL AG PRODUCTS WEST 2.5 GALLONS ORACLE 106.25; MORRIS SEALCOAT TRUCKING INC PROJECT CP-2879(020) CHIP SEAL 327,525.14; WOLD ENGINEERING PC PROJECT B-19-33-CP-2879(020) 19,099.37; JAN HANSON MILEAGE 64.40; ARMOR INTERACTIVE SHERIFF DATTA NAS – SEPT; SERVER BACKUP DEVICES – SEPT; 45 NODES – SEPT 1,700.00

CONNIE KELSCH 6 FT SWIFFER POLE 12.83; CURT MALO REIMBURSE AUGUST CELL PHONE 30.00; CASS COUNTY TREASURER INMATE HOUSING – SHERIFF 85.00; CHASE DRUG STORE INMATE MEDICAL – SHERIFF 677.27; CHARMTEX INC INMATE HYGIENE, FACE MASKS 325.38; DICKS VACUUM SERVICE INC CLEAN OUT DRYER VENT – LEC 220.00; DOCS SHOP BRAKES, AIR FILTER, OIL CHANGES – SHERIFF 2,707.93; CALANDRIA/JARBOE EDWARDS SUPPLIES FOR TRAIN THE TEACHER 78.38; ENERBASE COOP RESOURCES GASOLINE – SHERIFF 74.25; WILTON FARMERS UNION OIL CO GASOLINE – SHERIFF 308.20; GARRISON FARMERS UNION OIL CO RESCUE BOAT – GAS, SEA FOAM 85.89; FARMERS UNION OIL OF TL TPOST CLIPS; GRAZON NEXT – WEED CONTROL 2.02; GARRISON VETERINARY SERVICE DOG FOOD – SHERIFF 182.66; GARRISON LUMBER TAP SCREWS – PARK 1.56; GRIMSLEYS EXHAUST AND FUELS GASOLINE – SHERIFF 306.00; HIWAY 83 EXPRESS GASOLINE – SHERIFF 239.80; INFORMATION TECHNOLOGY DEPT NETMOTION LERM USER FEES – SHERIFF; 1,317.55; T-1 LINE ACCESS; ACTIVE DIRECTORY USER FEES; VPN; AZURE AD PLAN 2; EXCHANGE EMAIL ACCOUNTS JAVAROSE FLORAL FLORAL ARRANGEMENT – CARLSON SERVICE 55.00; KENS BODY SHOP RAND HAND BUMPER & GRILL, TOW SQUAD CAR TO MANDAN, IMPOUNDS – SHERIFF 4,425.00; KRAUSES MARKET INMATE MEALS – SHERIFF; COFFEE, HAND SOAP 251.75; MCLEAN COUNTY AUDITOR JULY POSTAGE – COUNTY AGENT 35.25; MDU GAS – COURT-HOUSE, LEC 269.95; MENARDS BUCKET WINDOW WASH KIT 34.99

A303308 MERCER CO SHERIFFS DEPT INMATE HOUSING – SHERIFF 675.00; MIDCONTINENT CABLE CO LEC CABLE TV 105.00; MOORE ENGINEERING INC ENGINEERING – PAINTED WOODS 14,755.70; NAPAAUTO PARTS GARRISON WIPER BLADES – PARK; ANTIFREEZE, OIL FILTER – WEED CONTROL 42.97; D DEPT OF HUMAN SERVICES STATE PROCESSING FEE – SHERIFF 176.22; ND DEPT. OF HEALTH COVID TESTING – SHERIFF 20.00; ROUGH RIDER INDUSTRIES WELLNESS BARRIERS 300.00; AARON MATTIES GASOLINE – SHERIFF 23.49; S AND J HARDWARE GARDEN PLUG, BIT, BUG SPRAY, ENTRY KNOB, LOCKSET, BREAKER – PARK 86.11; MCLEAN SOIL CONSERVATION/HORTICULTURE SUPPLIES – COUNTY AGENT 45.00; SRT COMMUNICATIONS INC LINE RECORD/TRUNKING 694.08; RYAN OBERG REIMBURSE AUGUST CELL PHONE 30.00; TURTLE LAKE MAIN ST MARKET INMATE MEALS – SHERIFF 4,640.39; UNDERGROUND VAULTS LEASE RENTAL – MFILM BOX – REORDER 212.00; UNDERWOOD WASHBURN CLINICS INMATE MEDICAL – SHERIFF 1,392.00; UNIFORM CENTER SHIRTS, PANTS – SHERIFF 1,572.98; UNICOM GRILL LIGHTS – SHERIFF 219.00; US FOODS INMATE MEALS – SHERIFF 1,272.51; WARD CO CORRECTIONAL CENTER CORRECTIONS OFFICE ACADEMY 150.00; WATER PURITY INC WATER DELIVERED – SHERIFF 70.00; WEST

RIVER TELECOMM911 TRUNKING RECURRING – E-911 494.36; WESTERN LIGHTING TECH INC (4) LED HYBRID TUBES, RETROFIT FIXTURES 79.96; WEX BANK GASOLINE – SHERIFF 6,901.15
Roll Call Vote: Aye: Suydam, Lee, and Cottingham. Nay: None. Motion carried.

Director of the McLean Mercer Regional Library, Beth Bruestle, and Library Board member Kayla Oberlander, joined the meeting. Discussion followed concerning Mercer County suggesting getting rid of the bookmobile; the fuel, maintenance and rent expense of the bookmobile; and alternative options for transporting books between the County Library and schools. Knutson stated that Mercer County has approved the bookmobile in their Preliminary Budget for 2021. Lee speculated if Mercer County cuts the bookmobile, does McLean County follow suit or fully fund it.

There being no further business, the chairperson declared the meeting adjourned at 9:59 a.m. until the next regularly scheduled meeting on Tuesday, September 1, 2020. The commission minutes and agenda can be found on the county website at <http://www.mcleancountynod.gov>.

Steve Cottingham, Chairperson
Nancy Leidholm, Deputy Auditor
(Sept. 3, 2020)

Public notice of real estate sale

IN THE STATE OF NORTH DAKOTA, COUNTY OF MCLEAN IN THE DISTRICT COURT, SOUTH CENTRAL JUDICIAL DISTRICT

PennyMac Loan Services, LLC, Plaintiff,

v.
Larry Sullwold and Reyna Sullwold and State of North Dakota Acting by and through the Tax Commissioner and Three Sons Investments LLC, and any person in possession, and all persons unknown, claiming any estate or interest in, or lien or encumbrance upon, the real estate described in the complaint,

Defendants.

NOTICE OF REAL ESTATE SALE CIVIL NUMBER: 28-2019-CV-00237

1. Judgment in the amount of \$147,955.17, having been entered in favor of Plaintiff and against Defendants, which Judgment was filed with the Clerk of Courts of McLean County, North Dakota, on July 9, 2020, for the foreclosure of a real estate mortgage.

2. Notice is hereby given pursuant to said Judgment that the real property described in the Mortgage dated June 9, 2017, which Mortgages, Larry Sullwold, Reyna Sullwold, executed and delivered to Mortgage Electronic Registration Systems, Inc. as nominee for Plains Commerce Bank, its successors and assigns.

Lots 14 and 15, Block 6, Riverview Addition to the City of Washburn, McLean County, North Dakota. 515 6th Avenue, Washburn, ND 58577

and recorded in the office of the Clerk and Recorder of McLean County, North Dakota, on June 9, 2017, Instrument Number 3392045. Said Mortgage was assigned to Plaintiff, its successors or assigns, by Assignment of Mortgage recorded August 28, 2019, Instrument Number 3398487.

3. In order to realize the amount of \$147,955.17, as of July 9, 2020, plus interest accruing thereafter on said amount at the rate of 3.75000% per year together with the costs and expenses of sale, will be sold subject to redemption as provided by law as one parcel of land at public auction, subject to the lien for unpaid real estate taxes and assessments of McLean County, North Dakota, and easements and restrictions of record, to the highest bidder for cash under the direction of the Sheriff of McLean County, North Dakota, at the main entrance of the McLean County Courthouse located at 712 5th Avenue, Washburn, North Dakota 58577, on September 24, 2020 ("Sale Date"), at 10:00 AM.

4. If the sale is set aside for reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The purchaser shall have no further recourse against the Mortgagor, the Mortgagee or the Mortgagee's attorney.

DATED this 10th day of August, 2020.
SHERIFF OF MCLEAN COUNTY
J.R. Kerzmann

By: Capt. David Pederson
Sheriff / Deputy Sheriff of Mclean

Halliday, Watkins & Mann, P.C.

By Benjamin J. Mann
Attorneys for Plaintiff
376 East 400 South, Suite 300
Salt Lake City, UT 84111
801-355-2886
Email: benjamin@hwmlawfirm.com
Bar: 08371
(Aug. 20, 27, Sept. 3, 2020)

NOTICE OF INTENT TO ADOPT AND AMEND ADMINISTRATIVE RULES AND NOTICE OF PUBLIC HEARING

Relating to Weights and Measures, and Pipeline Safety.

North Dakota Public Service Commission

will hold a public hearing to address proposed amendment to Article 69-10 and to amend Section 69-09-03-02.

**Commission Hearing Rm.
12th Floor
State Capitol
Bismarck, ND
Mon., September 28, 2020
10:00 a.m. CT**

The public is also encouraged to view the hearing electronically via <https://psc.nd.gov/public/meetings/live.php> or listen telephonically via 1-888-585-9008 with room code 259-316-322.

A copy of the proposed rules, analyses, and statements may be obtained at or by writing the Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480, 701-328-2400, toll free 1-877-245-6685, Relay North Dakota TTY: 1-800-366-6888, or ndpsc@nd.gov. This information is also available to view on the Public Service Commission's web site at www.psc.nd.gov under "Formal Actions/Case Search". Oral or Written comments may be submitted to the Public Service Commission may be submitted to the above address, email, and phone numbers until the close of business on October 8, 2020. Interested persons may attend and submit comments at the hearing. If an interested person not attending the hearing in person would like to provide input during the hearing, call 701-328-4081 to be placed on a list. On September 28, 2020, the Commission will call you back to receive your input at the time determined by the hearing officer. If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the agency at the above telephone number or address at least 24 hours prior to the public hearing.

PUBLIC SERVICE COMMISSION
Julie Fedorchak
Commissioner
Brian Kroshus
Chairman
Randy Christmann
Commissioner

MAYVILLE CITY COUNCIL

The Mayville City Council met in session for the Organization Meeting at 6 pm in the Council Chambers with Mayor Bensen presiding and the following Aldermen responding in person to call of the roll: Carr, Bohnsack, O'Brien, Petersen, Moen, Gates. Absent: 0 Also, in attendance: Gail Olstad, Julie Christianson, Cassie Tostenson, Shelia Anderson, Brandon Reber.

O'Brien made the motion for the acceptance of election results as received from Traill County Auditor. Bohnsack seconded the motion, the motion carried.

Council Member Mayville (Vote for Three) Bill Bohnsack, 320; Ben Gates, 303; Larry O'Brien, 289; Write-In: Byron Kleven, 2; Write-In: Karl Jorgenson, 1; Write-In: Perry Paschke, 1; Write-In: Tom Stocking, 1; Scattered, 0.

Park Board Member Mayville Park Unexpired 2yr Term (Vote for One): Jeremy Marquardt, 347; Scattered, 0.

Park Board Member Mayville Park (Vote for Three): Jennifer Kohls, 313; Emily Halvorson, 312; Albert Koshney, 302; Write-In: Christian Gage, 2; Scattered, 1.

Mayville City Publishing Minutes: Yes, 347; No, 16.

Ben Gates was welcomed to the Council.

It was decided that Larry O'Brien will be President of the Council and Mike Carr will be Vice-President. Moen made the motion to accept this with Bohnsack seconding the motion, the motion carried.

Carr made a motion to accept the Mayor's committee assignments as follows: Physical Plant: Mike Carr-Chair, Bill Bohnsack, Ben Gates; Administrative Committee: Larry O'Brien-Chair, Ray Petersen, Charlie Moen. Petersen seconded the motion, the motion carried.

Regular Committee Meetings will be scheduled as follows:

Administrative Committee: 4:30p - 6p right before Regular Monthly Council Meeting (1st Monday of the month - if Council is rescheduled Administrative

Committee will be as well).

Physical Plant Committee: Noon the Wednesday prior to Regular Monthly Council Meetings (1st Monday of the month - if Council is rescheduled Physical Plant Committee will be as well).

O'Brien made the motion to accept the Mayor's appointment of City Auditor - Gail Olstad. Moen seconded the motion, the motion carried.

The Mayor appointed the City Attorney as Nilson Brand Law. Carr made the motion to accept this motion. Gates seconded the motion, the motion carried.

Petersen made the motion to accept Ben Gates as our new Councilman, replacing Kim Meshefski-Labine. Carr seconded the motion, the motion carried.

Position Member: Library; Julie Christianson, Park board; Bill Bohnsack, LARC; Bill Bohnsack, RZA; Larry O'Brien, JP; Larry O'Brien, Gail Olstad; Hospital; Ray Petersen, RRVWSP/LAWA; Bill Bohnsack, P&Z; Ben Gates, Special Assessment, tbd; MPEDC, Bill Bohnsack; Riverwood Build, Ray Petersen; College, Mike Carr; Fire Department, Charlie Moen; Emergency Planning, Ben Gates; Flood Plain, Gail Olstad; Armory, Gail Olstad; Ray Petersen; Don Moen, Airport, Don Moen; Sheriff, Gail Olstad; Engineers, Gail Olstad; Assessor, Gail Olstad; Judge, Gail Olstad; Other:

Carr made the motion to adjourn the Organization meeting with Gates seconding the motion, the motion carried.

The Mayville City Council met in regular session on July 6, 2020 at 6:00 pm in the council chambers with Mayor Bensen presiding and the following Aldermen responding in person to call of the roll: Carr, Bohnsack, O'Brien, Petersen, Moen, Gates. Absent: 0 Also, in attendance: Gail Olstad, Julie Christianson, Cassie Tostenson, Shelia Anderson, Brandon Reber.

O'Brien made a motion to accept the approval agenda on the following items: **Minutes from 06-01-20 meeting.** **Auditor's Office approval:** Up & Away licensed to sell fireworks within City limits until 7-5-2020.

Conferences & Training Opportunities: ND League of Cities - 2020 Virtual Newly Elected Officials Workshop July 8, 9:30 am to 5:00 pm

City Streets: Street maintenance has begun filling major pot holes and street cracks with hot mix. The holes need to be dry for the hot mix to adhere properly. This will be an ongoing process.

COVID-19 (Coronavirus): This pandemic is having a significant impact on our citizens and communities. City Offices are open by appointments only, Library and Armory are open. Several businesses have reopened but must adhere to CDC guidelines and limit number of patrons. Governor Burgum continue news conference that provide helpful and timely information for citizens and businesses in these challenging times. COVID-19 Costs, if greater than #3,300, are reimbursable from FEMA. To date City cost have been minimal.

Highway 18 Forced Main Update: Lakeside Construction dug but did not locate pipe.

Water Plant Heater/Dehumidifier:

NOTICE TO CREDITORS

THOMAS R. MOE
39 1ST AVE. NW
MAYVILLE, N.D. 58257
Probate No. 49-2020-PR-00031
(701)786-2442
ATTORNEY-AT-LAW

IN THE DISTRICT COURT OF TRAILL COUNTY, STATE OF NORTH DAKOTA
In the Matter of the Estate of DONALD RYGG, Deceased.

NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal representative of the above estate. All persons having claims against the said deceased are required to present their claims within three (3) months after the date of the first publication of this notice or said claims will be forever barred. Claims must either be presented to Deborah E. Swift, 115 4th Ave NE, Mayville, North Dakota 58257, or filed with the Court.

Dated this 6th day of August, 2020.

DEBORAH E. SWIFT
Personal Representative of the Estate of DONALD RYGG

THOMAS R. MOE
39 1st AVE. NW
MAYVILLE, NORTH DAKOTA
(701)-786-2442
Attorney for the Personal Representative
ND Bar #03799

Publish: August 22, 29 and Sept. 5, 2020

Not functioning, hopefully, assessed next week.

Mosquito Spraying: City began spraying last week. Will continue as needed.

Pallet Fence at Trailer Court: Structure is substandard. City Auditor will contact tenant about removal.

ND Fire and Tornado Insurance Coverage: Currently buildings only; adding other structures.

Landfill area: A large ravine has developed from water runoff adjacent to city landfill. Naastad Brothers is consulting on possible options.

Dakota Natural Gas: Continued progress on permits. Began pipework near Nielsville, MN.

Financial Audit: Onsite fieldwork complete; Follow-up and draft report to follow.

Census: Progressing. MaSU will provide training space later this month.

Traill County Mini Grants: \$250 to \$1,000 grants available to businesses and others for properly beautification.

Petersen seconded the motion, motion carried.

Mayville Street Project: Moore Engineering Street Project Study Update: Surveyors are in town. They are focusing on the sanitary & storm sewer right now. Jet Way will be cleaning and televising sewer & storm sewer lines. Jet Way's bill will be \$10800.00 that will come on an invoice with Moore Engineering. Moore Engineering had an invoice for \$15218.65 worth of work done so far. Brandon Reber stated that some committees will need to be formed. One of them will be Special Assessments Committee which should be 3 people that are non-council. Another group should be some employees along with some council members. City Auditor made the mention of Cal Peterson, head of Streets and Dan Overmoe head of Water Plant with Moen and Gates volunteering to be in on this group. Petersen made a motion to accept this invoice for the work so far. Bohnsack seconded the motion and upon a roll call the following voted: Yea: Petersen, Carr, Moen, Gates, O'Brien, Bohnsack; Nay: 0; Absent: 0.

Carr made the motion to approve the actual bills for June 2020 and July 2020 estimated expenses.

Bills for council meeting 07-06-20:
16105 420 Praxair streets maint/operation \$27.33
16106 Aasen Drug water treat & dist. office supplies \$6.99
16107 Aasen Drug library office supplies \$31.99
16108 Aflac all insurance \$800.92
16109 American Funds all retirement \$3,903.31
16110 Baker & Taylor library books \$235.29
16111 Brady Martz all audit fee \$11,000.00
16112 Cardmember Services all misc. \$1,095.36
16113 Dacotah Paper all paper products \$148.43
16114 Dakota Supply Group water treatment repair/maintenance \$1,035.55
16115 Drew Petersen cemetery mowing contract \$2,750.00
16116 East Central Regional Water District water treatment purchase of raw water \$5,162.16
16117 Farmers Union Oil all fuel for vehicles \$1,859.62
16118 Ferguson water distribution meter for new cement plant \$1,262.17
16119 First State Bank water distribution collection fee \$0.96
16120 Goose River Bank water distribution collection fee \$33.76
16121 Grand Forks Utility Billing water treatment samples \$70.00
16122 Great America all lease on copier \$487.67
16123 Hatton Granite Company cemetery repair/maintenance \$200.00
16124 Hawkins

water treatment chemicals \$2,200.70

16125 Hub International all fire & tornado \$4,165.00

16126 In Control Inc waste water collection repair/maintenance \$680.69

16127 Julie Christianson library cleaning aide \$93.50

16128 MayPort Auto & Truck Parts Inc ww coll & treatment maint/operation \$9.78

16129 MayPort Farmers Co-op streets & sanitation fuel for vehicles \$252.13

16130 MayPort Hardware Hank all maint/operation \$71.02

16155 Mayville Airport Authority airport May's spec rec'd in June \$837.95

16156 Mayville State University sales tax May's sales tax rec'd in June \$12,036.65

16131 McFarlane water treatment repair/maintenance \$978.53

16132 Midco all internet & cable \$1,046.96

16133 Miller's Fresh Foods library maint/operation \$71.03

16134 Miller's Fresh Foods city hall misc. \$67.75

16157 MPEDC sales tax May's sales tax rec'd in June \$4,092.46

ACH NDPERS all insurance \$5,187.14

16135 NDSWRA ww treatment dues \$90.00

16136 Network Center all datto backup \$165.00

16137 Nilson Brand Law all retainer & legal issues \$910.00

16138 Northdale Oil all prepaid propane \$5,000.00

16139 One Call Concepts water distribution maint/operation \$17.45

16140 Paulson Gravel Services armory maint/operation \$638.00

16141 PC Plus library tech support \$80.00

16142 Polar auditor lease on phones \$60.77

16143 Quinton Bidon water distribution overpayment of water bill \$1.02

16144 Reliance Standard all life insurance \$287.75

16145 Septic Tank Servicing streets maint/operation \$200.00

16146 Soholt Bakery Inc city hall misc. \$50.00

16147 The Saturday Evening Post library periodicals \$15.00

16148 Traill County Treasurer sheriff monthly contract \$22,084.97

16149 Traill County Tribune non dept misc. \$37.04

16150 USPS water distribution postage for water bills \$246.81

16151 Valley United waste water treatment maint/operation \$255.55

16152 Verizon Wireless all cell phones \$278.43

16153 Waste Management sanitation garbage & recycling \$23,376.31

16154 Xcel Energy all electricity \$8,767.67

16104 Xcel Energy all streets lights \$86.26

H2O Deposits refunded Total: \$124,550.83

Gates seconded the motion, the motion carried.

No new financial reports to report since last month's meeting.

Comet Athletic Club to provide a raffle at Mayville City Armory on September 26, 2020. Petersen made a motion to accept this gaming site authorization. Moen seconded the motion, the motion carried.

Bohnsack made the motion to accept the sale of property located at 530 7th Ave SE in Mayville ND to buyers Chad and Minda Strand for the purchase price of \$3,750. Legal description of property: S1/2 Lot 2 and Lot 3 Eastvold 4th Addition contingent on approval of plans by Riverwood Build Committee and Mayville Planning and Zoning. Moen seconded the motion and upon a roll call vote the following voted: Yea: Petersen, Moen, Carr, Bohnsack, O'Brien, Gates; Nay: 0; Absent: 0.

Opoien's would like to build on non-river lots 13 & 14. Initial information not enough will need additional information with initial plans. It will be contingent on final plans. Petersen made the motion to accept this knowing that more information is needed. Carr seconded the motion, the motion carried.

The City of Mayville received a proposal for review to build on the Forrester Lot (Lot 20, River-lot) if purchased. It is contingent on approval by Riverwood Build Committee and Mayville Planning & Zoning. (Mel Nagel) City is not involved in the sale of the property from Forrester to Nagel at cost but all covenants apply. Initial plans. Bohnsack made the motion to accept this proposal. Moen seconded the motion, the motion carried.

O'Brien made a motion to accept to have Brad Beck to take down the tree between the Fire Hall & locomotive Garage at a cost of \$1,000. Bohnsack seconded the motion and upon a roll call the following voted: Yea: Moen, O'Brien, Gates, Petersen, Carr, Bohnsack; Nay: 0; Absent: 0.

Petersen made a motion to move the council meeting in September from September 7th to September 14th, 2020 at its regular time as September 7th is Labor Day and all city offices are closed. Moen seconded the motion, the motion carried.

Discussion on reviewing calendars: August 10th is Preliminary Budget is due; Final Budget Hearing is October 5th, 2020. Gates made the motion to accept the calendars as presented. Petersen seconded the motion, the motion carried.

Quotes were obtained to lift generator and raise pad back to level at the water plant. Recommend awards to Precision, \$2,800; and AR Foam Insulation, \$2,450 for a total of \$5,250. Action approved at June Council meeting. Hold at present time considering additional options.

Moen made a motion to replace the computer board on the Main Lift Station VFD as it is not functioning. The price to replace the computer board is \$3,000 to \$4,000. Carr seconded the motion and upon a roll call the following voted: Yea: O'Brien, Gates, Petersen, Carr, Moen; Nay: 0; Absent: Bohnsack.

Physical Plant Committee recommends that the Armory & Library can open. They recommend that all City offices remain closed till next council meeting. Carr made the motion to accept these recommendations. O'Brien seconded the motion, the motion carried.

2021 Budget Preparation: Snow removal, street maintenance, equipment needs, Sheriff's budget, other 2021 budget items. Projections that State revenue will be reduced through 2021 by 20%.

2020-2021 Propane supply: 2019-2020 received only 1 bid, have received a proposal from current supplier to remain the same as last year - what would council like to do? O'Brien made the motion to stay with the current supplier at the same price as last year \$1.09 per gallon. Gates seconded the motion and upon a roll call the following voted: Yea: Gates, Petersen, Carr, Moen, O'Brien; Nay: 0; Absent: Bohnsack.

O'Brien made a motion to accept the second reading of the Ordinance to Determine the Amount to Be Levied City of Mayville, State of North Dakota Ordinance No. AN ORDINANCE TO DETERMINE THE AMOUNT TO BE LEVIED

After completing the final budget for the following year, the council shall proceed to make the annual tax levy in an amount sufficient to meet the expenses for the ensuing year as determined at the budget meeting. In determining the amount required to be levied, the council first shall ascertain its net current resources by adding the estimated revenue for the ensuing year other than property taxes, any transfers in, and the estimated fund balance at the end of the current year. Then the council shall ascertain its appropriation and reserve by adding the final appropriation for the ensuing year, any transfers out, and the cash reserve. The net current resources must be deducted from the appropriation and reserve, and the balance shall be considered the amount that is required to be raised by taxation during the ensuing year.

The city council shall direct an annual certification of mills levied based on the revenue requirements of the proposed budget in its entirety without regard to the specific dedications of mill levies to specific purposes as authorized and provided for in article 3, section 2 of the Home Rule Charter. Total mills levied shall not exceed the total levies authorized by the state constitution and state statutes for cities under N.D.C.C. ch. 57-15, unless authorized by a vote of the city's electors. The levy as finally adopted must be approved by a majority vote of the members of the council and noted in the record of official proceedings.

CITY OF MAYVILLE
Steven Bensen, Mayor
ATTEST:
Gail Olstad, City Auditor

Date of First Reading: 6-1-20
Date of Second Reading: 7-6-20

Carr seconded the motion and upon a roll call vote the following voted: Yea: O'Brien, Gates, Moen, Carr, Petersen; Nay: 0; Absent: Bohnsack

Moen made the motion to re-establish Planning & Zoning Committee. Petersen seconded the motion, the motion carried.

O'Brien made the motion to adjourn the meeting. Moen seconded the motion, motion carried.

Mayor:
Steve Bensen
Attest:
Julie Christianson
Deputy Auditor

Publish: Sept. 5, 2020

NOTICE OF INTENT TO ADOPT AND AMEND ADMINISTRATIVE RULES AND NOTICE OF PUBLIC HEARING
Relating to Weights and Measures, and Pipeline Safety.

North Dakota Public Service Commission
will hold a public hearing to address proposed amendment to Article 69-10 and to amend Section 69-09-03-02.

Commission Hearing Rm. 12th Floor State Capitol Bismarck, ND Mon., September 28, 2020 10:00 a.m. CT

The public is also encouraged to view the hearing electronically via <https://psc.nd.gov/publicmeetings/live.php> or listen telephonically via 1-888-585-9008 with room code 259-316-322.

A copy of the proposed rules, analyses, and statements may be obtained at or by writing the Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480, 701-328-2400, toll free 1-877-245-6685, Relay North Dakota TTY: 1-800-366-6888, or ndpsc@nd.gov. This information is also available to view on the Public Service Commission's web site at www.psc.nd.gov under "Formal Actions/Case Search". Oral or Written comments may be submitted to the Public Service Commission may be submitted to the above address, email, and phone numbers until the close of business on October 8, 2020. Interested persons may attend and submit comments at the hearing. If an interested person not attending the hearing in person would like to provide input during the hearing, call 701-328-4081 to be placed on a list. On September 28, 2020, the Commission will call you back to receive your input at the time determined by the hearing officer. If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the agency at the above telephone number or address at least 24 hours prior to the public hearing.

PUBLIC SERVICE COMMISSION
Julie Fedorchak
Commissioner
Brian Kroshus
Chairman
Randy Christmann
Commissioner

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YOUR NEWS

PAYNE: Victim reported being attached and shot at by the defendant, and they had been arguing before the shooting

CONTINUED FROM PAGE 2

person who brandished the firearm, Daily News previously reported. Wahpeton police seized an AR-15 rifle and several loaded magazines.

Based upon a victim statement, eyewitness statements and an investigation by Wahpeton police, Payne is also accused of allegedly placing another human being in fear for his or her safety or, in reckless disregard for the risk of causing such terror, threatening to commit a crime of violence or act dangerous to human life, as well as allegedly willfully firing a firearm at another human being.

The victim, court documents state, called Richland County Dis-

patch on Thursday, Aug. 27. They reported being attacked and shot at by an individual identified as Payne. The victim told a Wahpeton officer that they and Payne were arguing, when Payne told them to leave.

Payne allegedly grabbed a gun, pointed it at the victim while they were gathering clothes and fired it once. According to the victim, the gun fired out an open window, but they were told to leave "or next time (I) won't miss."

An officer observed that the victim appeared to be in shock about the incident, documents continue. Several neighbors interviewed said they heard a loud noise that sounded like a gunshot. An officer ob-

served what appeared to be a round exit hole in the bedroom window of Payne's residence.

"(The victim) identified an AR-15 rifle found inside the defendant's residence as the gun that the defendant fired," documents continue.

A Wahpeton officer also observed what appeared to be a marijuana smoking device in Payne's residence, according to documents. Occupants of the residence did not have valid marijuana registration cards from the state of North Dakota. A search warrant was obtained and the residence was searched.

"During the search, officers seized the following from a bedroom: a glass jar containing a

green, leafy substance believed to be marijuana, with an approximate weight of 27 grams; a black zip up bag containing a green, leafy substance believed to be marijuana, with an approximate weight of 10 grams, including package weight; a zip top baggie containing numerous other zip top baggies; and \$50 in U.S. currency," documents continue.

A digital scale was also seized from the residence's kitchen. Court documents state that a stimulant, a Schedule II controlled substance, as well as marijuana paraphernalia, were found in a vehicle operated by Payne.

Richland County Assistant State's Attorney

Casey Moen represents the prosecution in the district-level case. A defense attorney has not yet been named for either the city or district-level cases. A prosecutor has not yet been named for the city case. Judge Don Krassin will preside in Wahpeton Municipal Court. Judge Bradley Cruft presides in Richland County District Court.

During Payne's initial appearance in district court, Judge Cruft entered not guilty pleas for the misdemeanor and infraction controlled substance and paraphernalia charges. Cruft also ordered that Payne undergo drug testing and have no contact with the victim. Bail was set at \$10,000 cash or surety.

The maximum penalty for a class B felony is 10 years imprisonment, a \$20,000 fine, or both. The maximum penalty for a class C felony is five years imprisonment, a \$10,000 fine, or both.

The maximum penalty for a class A misdemeanor is 360 days imprisonment, a \$3,000 fine, or both. The maximum penalty for a class B misdemeanor is 90 days imprisonment, a \$1,500 fine, or both. The maximum penalty for an infraction is a \$1,000 fine.

Payne is currently confined in the Richland County Jail.

RESTART: Act that the campaign is urging Congress to pass extends the PPP, which closed Aug. 8

CONTINUED FROM PAGE 2

Paul, Minnesota sites like the Minnesota Opera, Target Center, the Guthrie, Xcel Energy Center, U.S. Bank Stadium and Stone Arch Bridge were also lit. While the event was scheduled specifically for Sept. 1, ACATA and LRAC will keep their lights on for the remainder of the week.

The RESTART Act that the campaign is urging Congress to pass extends the Paycheck Protection Program (PPP), which closed Aug. 8, to help small businesses keep employees on the payroll. The campaign's other goal is to expand the Pandemic Unemployment Assistance (PUA) and Federal Unemployment Compensation programs.

"The RESTART bill is something of a simple bill, it is asking for additional PPP money and money for artists, and it's not just artist orga-

nizations, it's also the industry: museums and art galleries and all of those folks," said Michael Burggraf, ACATA's executive director. "It's a piece of a bill that is out there helping those of us who are anticipating being some of the very last organizations able to reopen."

The event is timely, Burggraf said, since Columbia Artists Management Inc. (CAMI), an international talent management agency that was founded in 1930, announced this week that they were shutting down.

"As an artist management agency, we have used them many times, and I'm afraid COVID has done them in. This is now putting hundreds and hundreds of artists scrambling to find a new agent as well," Burggraf said. "Our industry is indeed suffering."

ACATA and LRAC will have explanations for the lights on their doors as well as on their Facebook page. Although

ACATA has had to cancel many of their live shows, they've been able to adapt somewhat with some outdoor concerts and online live shows.

"Especially the local artists that we have hired to come in and do

a fifty-fifty split with us with some of our live concerts, they've been so super and incredibly appreciative because they have virtually nothing else coming in," Burggraf said. "I know of one area artist who is ac-

tually delivering groceries because all of their gigs were canceled. We can say canceled or postponed, whatever it is, they're still not working. There is no income coming in."

WOHLERS: Memorial Path will provide people with a safe walking route

CONTINUED FROM PAGE 1

before 2020 ends, Tschakert said he expects it will likely start in spring 2021.

To date, \$924 is needed to meet the organizers' goal. Donations have been accepted through GoFundMe since June 2020, Daily News previously reported. Donations are also accepted through the "Tyler Wohlers Walkway Fund" account through Bremer Bank, Wahpeton and Breckenridge, Minnesota.

Wohlers, 21, was fatally struck by a car in an early morning hit and run along the highway on July 6, 2019. A Wahpeton resident, Wohlers had been walking home after a night with friends.

"The Minnesota State Patrol reported that Wohlers tripped and fell into the northbound traf-

fic lane," Daily News previously reported. "A vehicle, which witnesses said was a smaller, white or silver-colored sedan, was traveling northbound. The vehicle hit Wohlers and continued traveling without stopping."

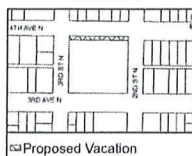
Supporters of the Wohlers Memorial Path say it will provide Ottertail residents and visitors a safe way for walking from the city to a public access road. It will include the intersection of highways 78 and 108, as well as along Highway 78 on the west side, from the intersection to the Pelican Bay public water access on Otter Tail Lake, Minnesota.

"I just want to thank the donors again and let them know we're working pretty hard to get this going," Tschakert said.

PUBLIC NOTICE

CITY OF WAHPETON
NOTICE OF HEARING ON RIGHT OF WAY VACATION
(A Part of Fourth Avenue N Lying Between Second Street N and Third Street N)
PLEASE TAKE NOTICE that the Board of the City Council of the City of Wahpeton for the vacation of the following described right of way:
The South 20 feet of North Avenue North, lying between Second Street North and Third Street North, Original Townships, Wahpeton, North Dakota.
(As more fully set forth on the map attached hereto).

Exhibit A



Said petition will be heard and considered by the City Council of the City of Wahpeton on October 5, 2020 at 6:00 p.m. at City Hall, 1800 4th St. N, Wahpeton, North Dakota. The hearing will be a joint public hearing with the Wahpeton Planning Commission. Dated this 21st day of August, 2020.

DN Darcie E. Evans
Denise E. Power
Finance Director/City Auditor
Wahpeton, North Dakota

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DAILY NEWS

Send to: Daily News, PO Box 760, Wahpeton, ND 58074

NOTICE OF INTENT TO ADOPT AND AMEND ADMINISTRATIVE RULES AND NOTICE OF PUBLIC HEARING

Relating to Weights and Measures, and Pipeline Safety.

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Oral or written comments may be submitted to the Public Service Commission by the deadline to the above address, email, and phone numbers until the close of business on October 8, 2020. Interested persons may attend and submit comments at the hearing. If an interested person not attending the hearing in person would like to provide input during the hearing, call 701-328-4981 to be placed on a list. On September 28, 2020, the Commission will call you back to receive your input at the time determined by the hearing officer. If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the agency at the above telephone number or address at least 24 hours prior to the public hearing.

PUBLIC SERVICE COMMISSION
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Chairman
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