

**City of Buxton
Meeting Minutes**

February 8, 2023 @ 7:00 PM
Buxton Fire Hall

Present: Travis Soderberg, Keaton Flanagan, Ben Hershey, Jeff Siewert, Holly Aamold, Paula Walden, Ross Walden and Cole Short

Recording: Jackie Siewert, Auditor

Meeting called to order by Mayor Travis Soderberg

Meeting minutes from the January 11, 2023 meeting were read. Motion to approve the minutes was made by Jeff Sierwert seconded by Holly Aamold; motion passed unanimous.

The following bills were presented for payment:

Direct	North Star Mutual Insurance	\$651.00
Direct	Waste Management	\$4102.73
Direct	Xcel Energy	\$1012.78
12781	A2Z Road Blading	\$228.50
12782	Central Valley Post Prom	\$200.00
12783	East Central Regional Water Dist	\$289.22
12784	Midco	\$49.17
12785	Nilson Brand Law	\$1175.00
12786	TEAM LAB	\$975.00
12787	Thomas Moe	\$150.00
12788	Xcel Energy	\$51.60
12789	Jaqueline Siewert	\$1385.25
12790	Hillsboro Banner	\$204.05

Holly Aamold motioned to approve the bills, Jeff Siewert seconded the motion; motion passed unanimous.

Paula and Ross Walden, representing Mother Clucker Farms, approached the council with their new business selling eggs and chicken. They would like to make the city of Buxton their hub. They would like to set up in town once a week to sell their eggs and chickens. Depending on the popularity of it may also introduce a subscription plan so they can better serve their regular customers. They would also like to sell produce when in season possibly two days a week, such as Wednesday and Saturday. The Walden's would welcome any other residents to sell their fresh produce too perhaps eventually creating a local farmer's market. Mayor Soderberg asked if there was a location that they had in mind. A location has not yet been determined. They wanted to first get the city's approval to operate in the city of Buxton. Mayor Soderberg stated that he sees no issues in operating within the city as long as they find a suitable location to sell their products. Jackie Siewert, city auditor, said that she would reach out to the Chuck Christians, manager of Farmers Union Oil Co, to inquire on the use of a spot at their cardtrol location. Council member, Holly Aamold, commented that she liked the idea and that it could be a draw to pull people in Buxton.

Jackie Siewert, city auditor, received a letter in the mail from the Central Valley Post Prom committee asking for donations for the 2023 post prom event. Keaton Flanagan made a motion to donate \$200.00 to the Central Valley Post Prom; Ben Hershey seconded the motion; motion passed unanimous.

Jackie Siewert, city auditor, reviewed the current year to date budget comparison. She advised the council that the recent payments made to A2Z Road Blading were changed to a snow removal expense instead of street maintenance. It will be switched back to street maintenance after the snow season.

Mayor Soderberg advised the council that an updated revision of the city's current parking ordinance was received and reads as follows:

**AN ORDINANCE TO AMEND CHAPTER 9, ARTICLE 20 OF THE REVISED ORDINANCES OF
2018 OF THE CITY OF BUXTON AMENDING ORDINANCE NO. 9.2006**

BE IT ORDAINED BY THE CITY COUNCIL AND MAYOR OF THE CITY OF BUXTON, NORTH DAKOTA:

That Chapter 9, Article 20 be amended as follows:

9.2006 — Stopping — Parking — Over 48 Hours

~~It shall be unlawful for anyone to park or leave standing on any public street or highway in the city any vehicle, trailer, camper, motorhome, boat, implement or any other such device for a period longer than forty-eight (48) hours consecutively, provided this section shall not include any area where a shorter time is provided for parking, nor shall this section be construed to permit parking for a longer time than is provided in such areas.~~

~~Any vehicle, trailer, camper, motor home, boat, implement or any other such device found to be in violation of this ordinance shall be immediately removed from any public street or highway by the owner or said item shall be impounded by the city.~~

9.2006 – Stopping

1. No driver of any vehicle shall stop the vehicle on any street, avenue, lane or alley of the City in such a manner as to hinder or prevent other vehicles or persons from passing at all times, nor shall any driver of any vehicle stop the same at any regular crossing of said street, alley, lane or avenue, so as to prevent the free passage of persons traveling or passing on foot.

2. No vehicle shall be left standing upon any of the streets, avenues, roadways, public ways, boulevards, public property or alleys of the City of Buxton for a longer period than twenty-four (24) hours. When said twenty-four (24) hours shall have elapsed and said vehicle shall not have been moved for a distance of more than one (1) block or three hundred (300) feet, whichever is less, then said vehicle shall be construed to have remained stationary. A fine will be enforced unto according to N.D.C.C §39-06.1-06 plus an additional one hundred percent for a total of double the statutory fine as prescribed in said N.D.C.C §39-06.1-06.

Jeff Siewert made a motion to accept the first reading of the revised ordinance for stopping on city streets; Keaton Flanagan seconded the motion upon a roll call vote. Ayes: Jeff Siewert, Keaton Flanagan, Holly Aamold and Ben Hershey. Nays: None. Absent: None. Motion carried.

Mayor Soderberg also stated that a proposed ordinance was received for RV Parking and it reads as follows:

AN ORDINANCE TO AMEND CHAPTER 9, ARTICLE 20 OF THE REVISED ORDINANCES OF 2018 OF THE CITY OF BUXTON

BE IT ORDAINED BY THE CITY COUNCIL AND MAYOR OF THE CITY OF BUXTON, NORTH DAKOTA:

That Chapter 9, Article 20 to be amended as follows:

9-2008. Mobile Home and Recreational Vehicle

- a. "Mobile Home"-a detached residential unit designed for transportation arriving complete and ready for occupancy at the site where it is to be occupied except for connections to utilities. A recreation travel trailer is not to be considered a mobile home.
- b. "Recreational vehicle" - a vehicular unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are travel trailer, camping trailer, fifth-wheel trailer, truck camper and motor home.
- c. It is unlawful for any person to park a mobile home or recreational vehicle on any street, alley, highway, or public place or on any tract of land owned by any person, occupied or unoccupied, within the city except as provided in this section.
- d. Emergency or temporary stopping or parking is permitted on any street, alley or highway for no longer than 24 hours, subject to any other or further traffic or parking limits imposed on such streets, alleys, or highways.
- e. Mobile homes or recreational vehicles may be used for temporary construction offices and sales rooms when a special use permit is first secured as required by these ordinances.
- f. Recreational vehicles may be parked upon private premises, if vacant and not used for human habitation. A recreational vehicle may not be occupied or used for human habitation unless located in a licensed recreational vehicle park, or except for special events at designated locations approved by the building official.

- g. Mobile homes may be allowed on parcels of land that are properly zoned and platted for such use as allowed.
- h. Penalty: A fine will be enforced unto according to N.D.C.C §39-06.1-06 plus an additional one hundred percent for a total of double the statutory fine as prescribed in said N.D.C.C §39-06.1-06.

Effective Date. This ordinance shall be in full force and effect from and after the date of its second reading and final passage.

Ben Hershey made a motion to accept the first reading of the revised ordinance for Mobile Home and Recerational Vehicle; Jeff Siewert seconded the motion upon a roll call vote. Ayes: Jeff Siewert, Keaton Flanagan, Holly Aamold and Ben Hershey. Nays: None. Absent: None. Motion carried.

Mayor Soderberg advised the council that Cassie Tostenson, city attorney, reached out to ECRWD's attorney. They still say that they aren't responsible for any re-paving. Cassie still feels that we are solid ground. The attorneys are still negotiating. Council member Ben Hershey inquired on the cost and how much is the city willing to spend on this matter. Mayor Soderberg would like to get a franchise agreement for the future. Mayor Soderberg also stated that Neil Breidenbach and the water board are still working on funding for the anticipated water line replacement.

The Buxton Daycare gaming permit was presented to the council for renewal. Holly Aamold made a motion to renew the Buxton Daycare gaming permit for the Triple VVV and the Barn N Grill; Keaton Flanagan seconded the motion; motion passed unanimous.

Mayor Travis Soderberg advised the council that a proposed policy and resolution was received for the council's consideration for offering 5 year tax exemptions for improvements to existing homes and buildings. The proposed policy and resolution reads as follows:

PROPERTY TAX EXEMPTION OF IMPROVEMENTS TO COMMERCIAL AND RESIDENTIAL BUILDINGS

The City of Buxton through its city council may, in its discretion, determine eligible real property within the city limits to be exempt from assessment and taxation, in whole or in part, pursuant to North Dakota Century Code 57-02.2-03 upon the following conditions and/or limitations:

I. Improvements Which Qualify.

A. Residential.

1. To qualify for the exemption of an improvement to a residential building, the building must be renovated, remodeled, or altered. It cannot be the complete replacement of one building with another building. For these purposes, "renovate" shall mean to restore to a previous condition or to a good state of repair; "remodel" shall mean changing the plan, form, or style of a building, to correct functional deficiencies; "alter" shall mean to effect change, modify, or vary, to change materially.
2. A new addition to an existing residential building would qualify for exemption the same as any renovation, remodeling or alteration.
3. Renovation, remodeling, or alteration of a nonresidential building into a residential building is eligible for an exemption.
4. Any exemption for renovation, remodeling or alteration for residential purposes is limited to a building or structure at least 25 years old on the assessment date preceding the application.
5. Improvements must increase the market value of the existing building at least 10% or \$5,000.00, whichever is least.
6. Improvements solely resulting from local, state, or federal government grants shall not be eligible for the exemption.

B. Commercial.

1. To qualify for the exemption of an improvement to a commercial building, the building must be

renovated, remodeled, or altered. It cannot be the complete replacement of one building with another building. For these purposes, "renovate" shall mean to restore to a previous condition or to a good state of repair; "remodel" shall mean changing the plan, form, or style of a building, to correct functional deficiencies; "alter" shall mean to effect change, modify, or vary, to change materially.

2. A new addition to an existing commercial building would qualify for exemption the same as any renovation, remodeling or alteration.
3. Renovation, remodeling, or alteration of a residential building into a commercial building is eligible for an exemption.
4. Improvements must increase the market value of the existing building by at least \$5,000.00 and 10% of the market value of the existing building prior to improvements.
5. Improvements solely resulting from local, state, or federal government grants shall not be eligible for the exemption.
6. The maximum exemption allowable for a commercial property is the sum of \$1,000,000 representing an increase in market value due to renovation, remodeling or alterations.

II. Application

1. An application for the exemption must be filed with the Assessor within 12 months of the initiation of improvements or within 60 days of mailing of a notice of increase whichever date comes first.
2. The Assessor shall initially determine if the improvements qualify for the exemption, however, the City Council must approve any exemption before it is effective.
3. If the renovation, remodeling, or alterations qualify, an exemption may be granted for up to five (5) years. Upon the granting of any exemption, the last assessment on the building will remain for the period of exemption unless an equalization percentage change is made or a re-evaluation program for commercial or residential buildings is completed.
4. Values of the land excluding improvements may be changed whenever justified.
5. Any exemption provided by the City Council shall apply only to that part of the valuation resulting from the improvements which is over and above the assessed valuation, exclusive of the land, placed upon the building or structure for the last assessment period immediately preceding the date of commencement of the improvements. Upon determination of exemption, the exemption shall be valid for the prescribed period and shall not terminate upon the sale or exchange of the property but shall be transferable to subsequent owners.
6. If the application is not filed as provided herein, the Assessor shall regard the improvements as nonexempt and shall assess them as such.
7. The effective date of this resolution is February 8, 2023 and would apply to all renovation, remodeling or alteration applications approvals after this date.

RESOLUTION APPROVING POLICY FOR PROPERTY TAX EXEMPTIONS GRANTED UNDER NDCC § 57-02.2.

WHEREAS, the City of Buxton pursuant to the authority granted under North Dakota Century Code Chapter 57-02.2 may in its discretion, determine eligible real property within the city limits be exempt from assessment and taxation in whole or in part;

WHEREAS, the City of Buxton wishes to adopt a policy for the determining and administering said exemptions and propose adopting a policy consistent with the requirements of N.D.C.C. §57-02.2.

NOW THEREFORE:

BE IT RESOLVED by the City Council of the City of Buxton, North Dakota, does hereby adopt a policy for property tax exemptions granted under North Dakota Century Code Chapter 57-02.2 related to tax exemptions for improvement to commercial and residential buildings as presented and attached to this Resolution.

Jeff Siewert made a motion to accept the tax exemption policy and resolution for offering 5 year tax exemptions for improvements to existing homes and buildings; Keaton Flanagan seconded the motion; motion passed unanimous. Jackie Siewert, city auditor, will reach out to Janet Meyer for the remodel exemption application.

Mayor Soderberg thanked Jeff Siewert and Ben Hershey for representing the City of Buxton at the Traill County Showcase. Ben Hershey said that the showcase had a good attendance but a lot of builders weren't present mainly due to this being their down season. A few fliers were handed out.

Mayor Soderberg advised the council that there was another fire siren that sounded as a steady siren. Jackie Siewert spoke to Sheriff Steve Hunt in regards to this. He stated that we will need to schedule a day to test the siren. He stated that the weather warning siren is in a different location than the emergency siren so it isn't dispatcher error. Mayor Soderberg will reach out the Stone's Mobile Radio to set up a test date. Jackie Siewert also presented the council members with an emergency siren instruction sheet that will be put on the next quarterly Buxton Beat. After further discussion Jackie will make a few updates and present it again at the March meeting.

Mayor Soderberg stated that he has not received a final dollar amount for the Christmas lights and lift. Some donations have been received. Mayor Soderberg also suggested that when the weather conditions are favorable and a lift is rented again we should just take down the star and leave the Christmas lights on the tree.

Mayor Soderberg stated that there hasn't been a park board meeting yet

Keaton Flanagan attended the Multi Hazard Mitigation Plan meeting held at the Traill County Courthouse January 25th. Keaton stated that the current project list needs to be updated. Although, for the most part the City of Buxton has completed several items and continues to follow the plan with ongoing items. A future meeting has not yet been scheduled. Keaton also stated there was very good discussion with hazmat.

Jackie Siewert, City Auditor, advised the council that a US Census Bureau boundary census was received. She completed the census and verified the boundary changes made last year had been updated.

Mayor Soderberg advised the council he has received word that as soon as the 17th of February the city of Buxton could receive \$76,364.20 in Prairie Dog funds. He asked the council to think of ways that the funding could be used if the city in fact does receive these funds. Mayor Soderberg would like to get an updated quote from Hayley at Iron Hide Equipment for the Bobcat Toolcat. He would also like to share the expense with the Park Board in replacing/upgrading the basketball court. Keaton Flanagan also suggested looking into electronic signage for the city again. Jackie Siewert, city auditor, said that she would continue to follow any Prairie Dog fund information for update on any restrictions of how the funds are used.

Ben Hershey on behalf of the Park Board stated that they are considering applying for a grant through the Garrison Diversion Funds for the basketball court.

Mayor Soderberg confirmed the next city council meeting will be held March 8, 2023 @ 7pm.

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

City Auditor

Council Member

Mayor