

The regular meeting of the Colby Common Council was called to order at 6:37 P.M. by Mayor James Schmidt. On roll call: O'Brien, T Schmidt, Baumgartner, Hesgard, Hederer and Lindeman. Also present were Mayor James Schmidt, Clerk Connie Gurtner, DPW Higley and Engineer Mike Voss.

Agenda was posted by the clerk. The agenda will stand as the order of the meeting.

Minutes of the September 5th meeting minutes were pre-read and reviewed. Motion was made by Schmidt, seconded by Lindeman to approve the minutes as presented. Motion carried with a voice vote.

Financial Statement and Bills were discussed. Motion was made by Hesgard, seconded by O'Brien approve the financial statement and bills. The amounts approved are as follows: General Fund \$92,904.33; Capital Fund \$1,533.72; Water Department \$32,871.90; Sewer Department \$133,058.26; Net payroll \$23,228.86. Motion carried with a voice vote.

Colby/Abbotsford Police Commission met on September 18th.

Minutes and Expenditures were approved by the commission.

Chief's Report: Chief Bauer said the K-9 was deployed seven times in August resulting in four arrests. He said the new K-9 squad should be delivered by the end of September. He said the uptick in juvenile activities during the recent Abbotsford High School homecoming was an irritation. He said the Abbotsford School District was voting on a full-time School Resource Officer (SRO) this evening. He said a discussion will be held with the Colby School Board regarding the SRO issue once Abbotsford made a decision. Chief Bauer said the cost to the CAPD would be no more than the current 25% for one SRO Officer. There were 836 total CAPD activities reported for the month of August 2023. There have been 5,409 total CAPD activities reported for the first eight months of 2023, compared to 6,536 activities for the first eight months of 2022.

Discussion/Action on Funding for the CAPD and Split Between the Cities of Colby and Abbotsford: Discussion points included: maintenance expenses for the CAPD building have been split 55% Abbotsford/45% Colby as per the 2008 agreement; Colby clerks do the books at no charge (approximately \$6,000 in office time annually); Weideman said we have a good police department, and the consensus of the Abbotsford City Council was to keep the 55%/45% funding split in place; Chief Bauer recommended a 60% Abbotsford/40% Colby funding split, because calls have been busier in Abbotsford than in Colby; Chief Bauer said it was not feasible to split the CAPD into two departments and that he did not want to lose any of the current awesome officers; Weideman asked if the Abbotsford share was increased could one more CAPC representative added for Abbotsford, and President Schmidt replied that it would not be approved by the Colby City

Council; discussion was held about the growth potential in both communities and the impact of Tax Incremental Financing Districts; Hederer said the CAPC should consider reducing the CAPD by one officer; Chief Bauer said reducing an officer would save approximately \$84,000 total package annually, but it would result in less than 24/7 coverage. Motion was made by the commission to take back to the two city councils for discussion/action a funding split of 57.5%

Abbotsford/42.5% Colby. Roll call vote: Flink, yes, Diedrich, yes, Weideman, yes, Schmidt, yes, Hesgard, no, Hederer, no. Motion carried 4 yes, 2 no. Motion was made by Schmidt, seconded by O'Brien to approve the 57.5% Abbotsford/42.5% Colby split that was presented from the City of Abbotsford and not revisit the funding split for 5 years. Motion carried with a voice vote.

Motion was made by Schmidt, seconded Hederer to approve the purchase to transfer the K-9 equipment into the new squad at a cost of \$5,883. Motion carried with a voice vote.

Approval of the 2024 Colby/Abbotsford Police Budget: Discussion points included: Fuel costs increased \$5,000 over the current budget; insurance rebate carryover and additional COVID Program funding of \$9,400 included in 2024 budget; large donor contribution of \$55,000 included in the 2024 budget; approximately \$4,500 positive cash flow from metal plate fund anticipated; if each school district requests a full-time SRO position, the CAPD budget includes 12.5% in expenses for each officer, equaling the 25% share in the 2023 budget; the commission voted to recommend to both city councils approval of the 2024 CAPD budget in the amount of \$1,157,197 as presented. Roll call vote: Diedrich, yes, Weideman, yes, Schmidt, yes, Hesgard, yes, Hederer, no, Flink, yes. Motion carried 5-1. Motion was made by Schmidt, seconded by Lindeman to approve the 2024 budget in the amount of \$1,157,197 as presented. Motion carried with a voice vote.

The remainder of the meeting was held in closed session to discuss an update on police chief search.

City Planning Committee met on September 13th and September 27th.

September 13th –

Susan Badtke of West Central Regional Planning presented to the committee information about our comprehensive plan, the project scope, planning process and key milestones. The committee discussed issues and opportunities in the city that will be incorporated in the plan. Susan Badtke will create a craft comprehensive planning public opinion survey for the committee to review. Once the survey has been reviewed and published, the city will promote the survey participation in hardcopy and electronically both in English and Spanish. Council members were asked to submit opinions in time for the final review/approval at the October 2nd council meeting. Motion was made by Schmidt, seconded by

O'Brien to approve the City of Colby Community Survey as present. Motion carried with a voice vote.

September 27th –

Safe Routes to School Program: Patrick Galligan asked the committee to consider looking at a Safe Routes to School Grant with the school district. The grant is an 80/20 split, with 80% funded by the grant and 20% funded by the school or city. He is asking the city to consider helping with the funding of the \$15,000 cost which 20% is approximately \$3,000 towards the cost of a plan. Patrick Galligan will get some more information for the city council meeting. Motion was made by Schmidt, seconded by Baumgartner to participate in the Safe Routes to School Grant plan with the Colby School District in an amount not to exceed \$1,500. Motion carried with a voice vote.

Offer to Purchase from ND Real Estate Holdings for Lots 7, 8, 16, 17, 18, 19 in Colby Industrial Park: ND Real Estate Holdings is looking to build an office building on these lots for a trucking company with potential for future development. The offer is for \$1.00 and contingent on the city and ND Real Estate Holdings agreeing on a developer's agreement. The committee approved the offer to purchase. Motion was made by Hesgard, seconded by O'Brien to accept the offer to purchase with ND Real Estate Holdings as present to the city council. Motion carried with a voice vote.

WCWRPC Downtown Building Workshop: Jason Lindeman reviewed information that he received from the workshop regarding downtown development. He suggested reactivating our Colby Economic Development Corporation. The committee decided to schedule a Colby Economic Development meeting to go over funding and by-laws prior to having a larger meeting. Colby Economic Development Corp will meet at 6:00 PM on October 25, 2023. The committee agreed that this should also be a key factor in our new comprehensive plan. Creating a welcome packet for new residents and an information piece to residents on a quarterly basis promoting our community was discussed. The committee discussed the type of zoning and use regulations in our downtown and highway districts. The committee can look at adding information in our comprehensive plan to include a vision of how we want our downtown to look.

Rahm Estates Vacation of Herman, Hazel and Part of Jackson Streets: Mike Rahm has asked the city to consider vacating the streets that are part of the Re-plat of Rahm Estates so that he is able to sell the property as once parcel rather than a subdivision. The committee voted to recommend to the council to approve vacating Herman, Hazel and part of Jackson Streets in the Re-plat of Rahm Estates as presented. Motion was made by T Schmidt, seconded by Lindeman to approve this recommendation. Motion carried with a voice vote.

Access to City Lots for Sale on Highway 13 – Thru Street vs Frontage Road: The committee looked at the front lot we have for sale and discussed the option to

construct a frontage road rather than a thru street in order to create two equal size lots that are both city frontage rather than just one with Highway 13 frontage. DPW Higley and Clerk Gurtner will look into the details of construction of the road prior to the council meeting.

Personnel/Labor Relations Committee met on September 27th.

The committee met in closed session to discuss employee wages/benefits. The next meeting is scheduled for October 9th.

Central Fire & EMS District met on September 21st.

Nancy O'Brien reported on the meeting of Central Fire & EMS.

Finance Committee met on October 2nd.

Clerk Gurtner started by reviewing the entire 2024 budget with the committee. The proposed property tax levy for 2024 is \$767,398. The general fund/capital budget deficit is \$789,666 which consists of capital expenditures. The current increase in the general fund expenditures is 7.36% and should be about 6% to qualify the city for the expenditure restraints program.

Mayor Schmidt: Mayor Schmidt reported on his meeting of the United Communities of Clark County and the McDevco Meeting.

DPW Higley: The following building permits were issued: Ryan Wintemute, 207 N 2nd St, paved driveway; Jorge Munoz, 316 S 2nd St, porch; Robbie Smazal, 109 S 1st St, update flooring and bar relocation.

DPW Higley reported on the precipitation and flows for September 2023 at the STP. He also reported on the pumpage of water for September 2023.

The city has two property insurance claims this past month – one was a lightning strike and the other was a car hitting a street light on Highway 13.

Operator's License: The city received to operator's licenses: Sierra Apfelbeck, 103A S 6th St, Colby; Max Martyn, 404 E Wausau St, Apt B, Colby - Motion was made by Hesgard, seconded by Hederer to approve the operator's licenses. Motion carried with a voice vote.

Picnic License – Colby Lion's Club Bingo 10/10, 11/14, 12/12, 1/9, 2/13, 3/12: Motion was made by Lindeman, seconded by Hederer to approve the picnic license for the Colby Lion's Club Bingo for the dates requested. Motion carried with a voice vote.

Designate Trick or Treat Hours: Motion was made by Hesgard, seconded by Hederer to designate trick or treat hours for October 31st from 4 PM to 7 PM. Motion carried with a voice vote.

Committee meetings for October: Colby-Abbotsford Police Commission will meet on October 16, 2023 at 6:00 P.M. at the Police Department. Central Fire & EMS District will meet on October 19, 2023 at 7:00 P.M. at Station 2. Personnel/Labor Relations Committee will meet on Monday, October 9, 2023 at 5:00 P.M. Colby Economic Development Corp is meeting on Wednesday, October 25, 2023 at 6:00 P.M. Public Works Committee will meet on Monday, October 23, 2023 at 6:30 P.M.

Adjourn: Motion was made by Hederer, seconded by O'Brien to adjourn at 7:52 P.M. Motion carried with a voice vote.

Approved _____
James W Schmidt, Mayor

Attest _____
Connie Gurtner, Clerk