

City of Wilton
July 3, 2024
Organization Meeting Agenda

1. Call Meeting to Order
2. Roll Call
3. Finalize Agenda
4. Appointments
 - a. Auditor
 - b. Assessor
 - c. Zoning Members
 - 4 Year: Bob Ell and Bruce Wagendorf
 - 2 Year: Tim Smallbeck and Matt Leidy
 - d. Street Commissioner
 - e. Police Commissioner
 - f. Finance Commissioner
 - g. Water Commissioner
5. Adjournment

July 3, 2024
City of Wilton
Agenda

1. Call Meeting to Order
2. Pledge of Allegiance
3. Roll Call
4. Approve Meeting Minutes
5. Finalize Agenda
6. City Maintenance Report

7. Old Business
 - A. Water Deposit
 - B. 2025 Budget
 - C.
 - D.

8. New Business
 - A. 2025 Police Contract
 - B.
 - C.

9. Reports
 - A. Moore Engineering - Larks Game
10. Bills
11. Adjournment

Maintenance Report

07/03/24

Mowed and sprayed.

Tand started paving and the concrete crew is here.

Assisted Tand when needed.

Depot bathroom is finished.

Worked on sweeper.

We are going to sweep starting Monday.

Flags are up for the 4th of July.

Property Owner	Tenant	Physical
Alan Wagner	Alex Applegate	320 Dakota
Ben Perkerwicz	Casey Howe	104 Burleigh Road
Ben Perkerwicz	Traci Lagerquist	203 Burleigh Road
Ben Perkerwicz	Ray Copeland	301 N 5th St
BOERSMA 2007 REVOCABLE TRUST DAVID W & ANNE MARIA TRUSTEE	DG Retail LLC Store 23515	708 Whitman Ave
Capstar Assets	US Post Office	25 Dakota Ave
Casey Krush	Vacant	36 Burleigh Ave
Deb Knuth	Vacant	312 Dakota Ave
Doug Johnson	Karl Arnold	600 Whitman Ave
Eli Judah	Myrna Hochhalter	212 N 3rd St
First Presbyterian Church	Jaron Hakason	304 Dakota Ave
Gail Bauer	Betty McGinnis	204 Louise Ave
HFW Properties	Jim Mertz	235 Burleigh Road
Johnathan Seefeld	Darold Seefeld	32 Mclean Ave
Josh Steinert	Carrisa Axt	34 Burleigh Road
Kathy Speten	Kellie Tamaino	222 Burlie Road
Kathy Speten	Mike Schmit	302 N 7th St
Kathy Speten	Tiara Misa-VaiVai	304 N 7th St.
Kathy Speten	Miguel Wise	31 Burleigh Road
Landis Bloms	Tina Ringuette	114 Burleigh Road
Larry Hubbard	Mark Dinga	412 Dakota Ave
Lodee Arnold	LuWayne & Judy Krush	204 Minnie Ave
Lois Lange	Vacant	505 Dakota Ave
Lori Schacher	Elaine Flinn	212 N Railway St
Nick and Nicole Schmidt	Jane Giles	320 Louise Ave
Nicole Willitt	Hannah Slocka	214 S 4th St.
Noah Lorentz	Hallie Shereck	212 N 1st St
Samuel Brossart	Addison Lawyer	306 Burleigh Road
Stephen Desciak	Trevor Leidy	203 McLean Ave
Sunne Lutheran Church	Vacant	209 Louise Ave
Tammy Fetzer	Mike Fetzer	315 McLean Ave
Tana Bentz	Lyle Aune	223 Burleigh Road

from said utility except for the purpose of extinguishing said fire; and upon the sounding of a fire alarm, it shall be the duty of every such person to see that all water services are tightly closed and that no water is used, except for necessary household purposes during said fire.

7.0221 Waterworks Customers May Lay Larger Pipes with Hydrants- When

Whenever proprietors of lumber yards, manufactories, halls, stores, hotels, public buildings or regular customers from the water works wish to lay larger pipes with hydrants and hose couplings, to be used only in case of fire, they will be permitted to connect with the street main at their own expense, upon application for a permit to the city auditor, and under the direction of the City Council will be allowed the use of water, for fire purposes only, free of charge. No standpipe will be allowed on the premises where the water is not taken for other than fire purposes.

7.0222 Rates and Charges

Water and sewer rates shall be fixed from time to time by resolution of the governing body and the City reserves the right to change the rates from time to time as it deems best. The resolution fixing water and sewer rates and charges shall be kept on file in the office of the city auditor and shall be open for public inspection. Any change in the rates or charges shall be published at least one time within ten (10) days from adoption in the official newspaper of the city.

7.0223 Rates and Charges- Liability for

The owner or owners of all real property in the City furnished water or sewer service or service line repairs shall be responsible for the payment of any and all such charges regardless of who the occupant or tenant may be. Owners of premises where water or sewer service is supplied shall notify the water or sewer department or the city auditor in case any tenant moves from said premises, prior to such moving. On request of the owner or owners, the city auditor will bill or cause to be billed the occupant or tenant for such charges, but if such charges are not paid when due by the occupant or tenant, the owner or owners shall be responsible for such charges and they shall be assessed to the property served. It shall be the duty of the city auditor to certify to the county auditor such unpaid water or service charges that are unpaid in the same manner and at the same time as other assessments are certified, and they shall be assessed and collected in the same manner.

7.0224 Duty to Report to Auditor

Every owner or operator of a multiple dwelling unit shall file with the City Auditor a report indicating the total number of units under his control. Every owner or operator of a mobile home park shall file with the City Auditor a report indicating the total number of units in the

CHAPTER 49-04 DUTIES OF PUBLIC UTILITIES

49-04-01. Public utility to provide adequate service.

Every public utility shall furnish, provide, and maintain such service, instrumentalities, equipment, and facilities as shall promote the safety, health, comfort, and convenience of its patrons, employees, and the public, and as shall be in all respects adequate, convenient, just, and reasonable, and without any unjust discrimination or preference.

49-04-02. Reasonable charges for services and commodities of public utility.

All rates and charges made, demanded, or received by any public utility or by any two or more public utilities for any product or commodity furnished or to be furnished, or any service rendered or to be rendered, shall be just and reasonable. Every unjust and unreasonable rate or charge made, demanded, or received for such product, commodity, or service is prohibited and unlawful.

49-04-02.1. Customer deposits - Interest.

A public utility may require from a customer a deposit for service in accordance with commission rules. A public utility shall pay interest on all customer deposits for service held by such utility at a rate to be determined by the commission.

49-04-03. Violation of prescribed system of accounts unlawful.

When the commission shall have prescribed the forms for accounts, records, or memoranda to be kept by any public utility for any of its business, it thereafter shall be unlawful for such public utility to keep any accounts, records, or memoranda of such business other than those prescribed by the commission and those prescribed by or under authority of any other state or of the United States, with the exception of such accounts, records, or memoranda as shall be explanatory of and supplemental to the accounts, records, or memoranda prescribed by the commission.

49-04-04. Power of public utility to issue evidence of indebtedness.

The power of a public utility to issue stocks, bonds, notes, and other evidences of indebtedness or to create liens upon its property situated in this state, except such as are payable within one year from date of issue, is a special privilege and shall be exercised by such utility under the supervision, regulation, restriction, and control of the commission, subject to such rules and regulations as the commission may prescribe. This section does not apply to the issuance by public utilities of securities registered with the federal securities and exchange commission or to the issuance by public utilities of securities not involving any public offering.

49-04-05. Commission approval required to dispose of or encumber franchises, works, or systems - Exceptions.

A public utility may not dispose of, encumber, merge, or consolidate its franchise, works, or system necessary or useful in the performance of its duties to the public without prior commission approval. This section does not apply to:

1. Disposal or encumbrance of tangible property valued at less than five hundred thousand dollars.
2. Sale of securities registered with the federal securities and exchange commission.

49-04-06. Acquiring stock or membership interest or business of another utility - Authorization by commission.

No public utility, directly or indirectly, shall acquire the stock, membership interest, or business of any other corporation or limited liability company incorporated for or organized for or engaged in the same or a similar business or proposing to operate or operating under a franchise from the same or any other authority unless authorized to do so by the commission. No such transaction shall be binding upon the public without the approval of the commission.

49-04-07. Unreasonable preferences or advantages prohibited.

No public utility shall make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, limited liability company, or locality, or to any particular character of traffic or service in any respect whatsoever, nor subject any particular person, firm, corporation, limited liability company, company, or locality, or any particular character of traffic or service to any undue or unreasonable prejudice or disadvantage in any respect. No public utility corporation, directly or indirectly, by any special rate, rebate, drawback, or other device or method, shall charge, demand, collect, or receive from any person, firm, corporation, or limited liability company a greater or less compensation for any service rendered or to be rendered than it charges, demands, collects, or receives from any other person, firm, corporation, or limited liability company for doing a like and contemporaneous service under the same or substantially similar circumstances and conditions. Nothing in this chapter shall prohibit a public utility from entering into any reasonable agreement with its customers, consumers, or employees or from providing for a sliding scale of charges, unless the same is prohibited by the terms of the franchise or permit under which such public utility is operated. No such agreement or sliding scale shall be lawful unless and until the same shall be filed with and approved by the commission.

49-04-08. Certain discriminations allowed.

Nothing contained in this chapter shall affect:

1. The carriage, storage, or handling of property free or at reduced rates for the United States, this state, municipal governments, for charitable purposes, or to and from fairs and expositions for exhibition, or for the employees of the common carrier and their families, or private property or goods for the family use of employees of the carrier.
2. The giving by a common carrier of a preference as to time of shipment of livestock, uncured meats, and other perishable property.
3. The prescribing of a less rate per one hundred pounds [45.36 kilograms] in a carload lot than is charged, collected, or received for the same kind of freight in less than a carload lot.

49-04-09. Long and short hauls.

It shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of a like kind of freight or property, for a shorter than for a longer distance, all or any portion of the shorter haul being included within the longer. A common carrier shall charge no more for transporting passengers or freight to or from any point than a fair and just rate as compared with the price it charges for the same kind of transportation to or from any other point. All the provisions of this section shall apply to the transportation of passengers and all kinds of freight and property shipped and transported over one or more connecting lines. Such connecting lines shall transfer car lots without extra compensation, and shall transfer less than car lots at actual cost for such transfer. Rates shall be made and published by connecting lines for continuous shipment upon demand of any shipper or shippers and such rates so made by two or more connecting lines shall be no greater in the aggregate than the rate would be if shipped continuously upon one line of road. The commission may, upon application by a common carrier, permit and prescribe the extent to which any such carrier may be relieved from the operation of the principles contained in this section.

49-04-10. Freight pooling.

It shall be unlawful for any common carrier to enter into any contract, agreement, or combination with any other common carrier for the pooling of freight of different and competing common carriers, or to divide between them the aggregate or net proceeds of the earnings of such carriers or any portion thereof. In any case of an agreement for the pooling of freights, each day of its continuance shall be deemed a separate offense.

49-04-11. Free passes restricted.

Repealed by S.L. 1975, ch. 431, § 9.

49-04-12. Free transportation authorized in certain cases.

Repealed by S.L. 1975, ch. 431, § 9.

49-04-13. Definitions.

Repealed by S.L. 1975, ch. 431, § 9.

49-04-14. Penalty for issuing free passes.

Repealed by S.L. 1975, ch. 431, § 9.

49-04-15. Public utility tax report - Furnished to commission on request.

Upon request of the commission, a public utility shall furnish to the commission a verified copy of the public utility's tax reports filed by it with the state tax commissioner. Such tax reports shall be admissible in evidence before the commission in any matter or proceeding or in any action or proceeding in any of the courts of this state.

49-04-16. Orders from commission - Observance by public utility.

Every public utility shall obey and comply with each requirement of every order, decision, direction, rule, or regulation made or prescribed by the commission in any matter in any way relating to or affecting its business as a public utility, and shall do everything necessary or proper in order to secure compliance with and observation of every such order, decision, direction, rule, or regulation by all of its officers, agents, and employees.

49-04-17. Reasonable rules and regulations by public utility.

All rules and regulations made by any public utility affecting or pertaining to its rates or services to the public shall be just and reasonable.

49-04-18. Public utility reports furnished to commission.

Every public utility shall furnish annually to the commission, at such time and in such form as the commission may require, a report in which the utility shall answer specifically all questions propounded by the commission upon or concerning which the commission may desire information to carry into effect the provisions of this title. The commission shall have the authority to require any public utility to file periodical or special reports concerning any matter about which the commission is authorized by this title to inquire or to keep itself informed, or which it is required to enforce. The reports shall be under oath when required by the commission.

49-04-19. Security interests against transmitting utilities - Filing instruments with secretary of state.

1. When used in this section, the term "transmitting utility" means persons, corporations, limited liability companies, or other legal entities, and lessees, trustees and receivers, now or hereafter operating, maintaining, or controlling in this state equipment or facilities for the production, generation, transmission, or distribution of electric or telecommunications services or the transmission or distribution of crude oil, gas, petroleum products, steam, or water by pipeline.
2.
 - a. Notwithstanding the provisions of section 41-09-30 and sections 41-09-72 through 41-09-97, all filings required under the Uniform Commercial Code in order to perfect a security interest against the personal property or fixtures of a debtor transmitting utility shall be made and maintained only in the office of the secretary of state of North Dakota.
 - b. When the financing statement covers goods of a transmitting utility as herein defined which are or are to become fixtures, no description of the real estate to which such fixtures are or may become attached is required.

- c. Filing of a financing statement against the property of a transmitting utility is effective until five years after the maturity date contained therein in the case of personal property and until fifteen years after the maturity date in the case of fixtures annexed to real property, or if no maturity date is contained therein, until released or terminated.
3. Unless displaced by the specific provisions of this section, the Uniform Commercial Code and other applicable laws remain in full force and effect and supplement the provisions of this section.

49-04-20. Notification before discontinuance of utility service.

1. A public utility shall provide notice to a customer of the utility's intention to discontinue utility service for payment delinquency in accordance with commission rules.
2. A public utility shall provide notice to a third party designated by a customer of the utility's intention to discontinue electric or natural gas service to the customer for payment delinquency. The customer shall designate the third party on a form provided by or approved by the public utility. The public utility may elect to provide notice to a designated third party by mail or electronic means. Notice by mail must be made not less than five days before discontinuance and notice by electronic means must be made not less than three days before discontinuance. A public utility is immune from civil liability for failing to provide notice or providing incorrect notice to a third party of its intention to discontinue utility service to a customer.

LAW ENFORCEMENT SERVICES MEMORANDUM OF AGREEMENT

THIS LAW ENFORCEMENT SERVICES MEMORANDUM OF AGREEMENT ("AGREEMENT"), dated _____, 2024, between McLean County (the "County"), by and through its Sheriff, whose address is 712 5th Avenue, Washburn, North Dakota 58577-1108, and the City of Wilton (the "City").

TERMS

1. The McLean County Sheriff (the "Sheriff") will provide law enforcement services within the corporate limits of Wilton. These services include:
 - a. The duties and functions within the jurisdiction of the McLean County Sheriff's Office under the state laws of North Dakota.
 - b. Enforcement of city ordinances; the City does hereby empower the McLean County Sheriff's Office to exercise all police powers and duties of city police officers while enforcing local ordinances. The McLean County Sheriff's Department will investigate and address ordinance violation complaints, and will proactively enforce ordinance violations for specific circumstances agreed to by the Sheriff and the City.
 - c. The County shall provide 3977.76 hours of dedicated law enforcement service to the City. Hours of service will be tracked by the Sheriff's Office through calls for service and provided to the City at their request. The annual cost of the contract to the City shall be \$105,349.08.
 - d. This contract's effective dates are January 1, 2025, to December 31, 2025. The County will send the annual contracts to the City by May 1st of each year and the City will agree to or deny the contract by July 1st of that year. Payment for

the contract will be made by the City by January 10th of the upcoming year unless other payment arrangements are made with the County, such as monthly or quarterly payments. The County reserves the right under the contract to withhold any delinquent payments from other disbursements allowed to the City by other sources if the City becomes delinquent in its agreed upon payment terms.

e. If either the County or the City wants to withdraw from the following years annual police contract, it will provide the other party written notice of that before July 1st of that year, and earlier, if possible. The County agrees to have officials appear before the City Commission/Council to discuss the police contract or other law enforcement issues when requested by the City to do so.

IN WITNESS WHEREOF, the City of Wilton, by resolution duly adopted by it City Commission/Council, caused this agreement to be signed by its Mayor and attested by its City Auditor, and the County of McLean, by order of its Board of County Commissioners, has agreed to the same.

City Auditor

Mayor

County Auditor

Chairman, County Commissioners

Approved as to Form:

State's Attorney

Select Payment Option	
Pay In Full	☐
Monthly Payments	☐
\$ <u>8,779.09</u>	
Quarterly Payments	☐
\$ <u>26,337.27</u>	

Bill Summary
July 3, 2024

-99603 Visa	125th Expenses	974.87
-89573 Aflac	Insurance	54.86
-89572 Void		-
-89571 NDPERS	Def. Comp	225.00
-89570 NDPERS	Retirement	2,229.51
21839 Premier Pyrotechnics	125th Expenses	6,250.00
21840 Farmers Union Oil	Fuel	991.26
21841 NABCO	Insurance	81.52
21842 Ottertail Power	Utilities	2,346.88
21843 Wilton Park Board	2nd Qtr Rev Share	3,336.27
21844 Advanced Business Methods	Office Supplies	83.49
21845 State of North Dakota	Notary Renewal	36.00
21846 Northern Improvement	Cold Mix	1,318.74
21847 Farmers Union Elevator	Chemicals	263.65
21848 Farmers Union Insurance	Insurance	3,182.00
21849 Boarder States	Fittings	12.24
21850 Power Plan	Loader Parts	559.91
21851 Steins Inc	Dust Mops, Cleaning Chemicals	327.25
21852 Dakota Supply Group	Water Supplies	268.27
21853 ND Rural Water	Dues	265.00
21854 Dennis Dockter	Salary	1,577.81
21855 William Kary	Salary	1,385.25
21856 Dean Larson	Salary	1,645.99
21857 Pattie Solberg	Salary	1,965.98
21858 Tru Community Bank	HSA	410.00
21859 Tru Community Bank	HSA	100.00
		\$ 29,891.75