

## Public Notice

### Carpio City Council Meeting Minutes

May 6, 2024  
Carpio City Hall

The meeting was called to order by Mayor Burkett at 6:29pm. Council members present were Mayor Austin Burkett, Peter Thorp, Kelvin Faul, Dawson Huber and Chris Larson. The Pledge of Allegiance was recited.

Councilman Faul moved that the minutes of the last meeting be approved as submitted. Councilman Huber seconded the motion. Carried by all.

Visitors Present: Linda Laumb & Wayne Laumb

#### Maintenance Report:

Dump grounds: Now open by appointment only if the ground is not too wet. There is a new roll off on site.

Sewer: Nothing new here.

City Hall/Admin: Auditor notary approved. Waiting for the stamp. SAM.gov entity active again. Still working on changing administrative privileges from Colleen to Ann. The safe deposit box was drilled last month. All contents were pertaining to the original sewer project from the 1950's.

#### Unfinished Business:

Lagoon Project: The state approved all the plans but is now requiring an ammonia stripping system to be added. Moore Engineering is working diligently to

work that into the plans and as they are extremely rare in ND, trying to find a contractor that knows how to build them. Cost for the addition will be substantial. The state is also requiring the existing sewer lines throughout the city be lined.

The park board is willing to share the cost of installing camera(s) at the park. We are currently looking for the best way to get internet coverage there for recording purposes.

A review of proposed ordinances 2024-01 & 2024-02 was done. Several verbiage changes were made. The ordinances will be forwarded to the city attorney for review before the first readings at next month's meeting.

First reading of ordinances 2024-03 for the Helseth annexation. There was quite a bit of discussion with Linda & Wayne Laumb regarding the situation. Moved by Councilman Faul, second by Councilman Huber to approve as read. Carried by all.

Certified mail sent to Mary Kaas was returned to the city. The matter will be turned over to Chief Al Schmidt.

#### New Business:

Annual Resolution to make The Kenmare News the city's official newspaper for the year was read. Motion by Councilman Thorp to approve, second by Councilman Faul. Carried by all.

The need to get a city credit

card for the auditor and the mayor so expenses do not need to be paid out of pocket then wait for the next meeting to be reimbursed was discussed. Councilman Huber moved to approve, second by Councilman Thorp. Carried by all.

First reading of ordinance 2024-04 to approve another 20-year contract with SRT to be the phone and internet provider for the city. Councilman Thorp moved to approve as read, second by Councilman Huber. Carried by all.

Graveling of some city roads needs to be done. An attempt is being made to locate some "less sandy" options for better compaction to reduce how often this needs to be done. Motion by Councilman Larson to set a dollar amount for the project of \$10-\$13,000.00, second by Councilman Huber. Carried by all.

Mileage reimbursement was discussed. Councilman Thorp moved to use the current IRS reimbursement amount moving forward. Second by Councilman Faul. Carried by all.

There is tree trimming around the city that needs to be done to avoid damage to snow removal and grading equipment. Councilman Thorp moved we set a \$5,000.00 budget for the project. Second by Councilman Huber. Carried by all.

Several options for a city logo were presented. A unanimous decision on which was the best

was made and red and black were the colors agreed upon. Auditor will contact Lowe's printing with the added colors and to get quotes on letterhead, envelopes and business cards.

Building Permits: None issued

Gambling Permits: Veterans club of Kenmare submitted their July 2024-June 2025 site authorization.

The monthly financial report was reviewed. Councilman Faul moved that the bills be paid. Second by Councilman Huber. Carried by all. Bills paid were as follows: Check 6285 to the IRS for \$32.64; check 6286 to MDU for \$1,035.26; check 6287 to Ann Gates for \$1,687.75; check 6288 to SRT for \$83.98; check 6289 to Circle Sanitation for \$1,843.25; check 6290 to North Prairie Regional Water for \$66.34; check 6291 to Coulee Services for \$220.00; check 6292 to Kenmare News for \$117.25; check 6293 to McGee, Hankla & Backes for \$19.50; check 6294 to Farmers Union Oil for \$554.94; check 6295 to USPS for \$154.00; check 6296 to City of Berthold for \$2,508.74; auto withdrawal to Reinan Business Solutions for \$30.00.

Meeting adjourned at 8:32pm. Next meeting: June 3, 2024, at 6:30pm.

Austin Burkett, Mayor  
Ann Gates, Auditor

## Public Notice

### City of Berthold Council Proceedings Pending Minutes April 1st, 2024

The City Council meeting was called to order by Mayor Steve Ibach @ 7:30 p.m. Present were council members Cindy DeBilt, Randy Kunz, Tracy Neubauer and Troy Enga. Also present is Jade Feldner, Berthold City Auditor and Clerk of Court, Al Schmidt, Police Chief, Rich Blahut, Public Works Director, Jesse Berg and Mallory DiFelice with Moore Engineering.

March minutes are reviewed. Motion to approve March minutes by Troy, 2nd by Randy. All in favor. Motion carried.

Utilities are citations are reviewed. There are 3 residents scheduled for shut off.

Rich Blahut, Public Works Director, gives general maintenance updates. Burlington Electric is scheduled to hook up the new bulk water station. He would like to take down the broken Christmas displays/lights on Main Street. The project to update the sirens was priced at \$12,000.00, he heard that Ward County might fund all or some of that expense. The lead/copper inventory surveying is going well. There is a hole in the Post Office parking lot that will be repaired and a picnic table at the park. Rich has purchased flowers that will be displayed on Main Street.

The Tax Equalization meeting is discussed. Council members will call in.

Campground calls will go to the Auditor. The lock on the lockbox will be cut and replaced.

The Cemetery is discussed. Troy and Randy will work to locate and update records.

There were some negative Facebook posts concerning the Special Assessment Meeting. Mayor Ibach has asked council to explain to residents that it's just a back-up in order to obtain funding, the City does not intend to certify the specials.

Council is to let Mayor Ibach know if they come across any other issues with the main street construction work.

Al, Police Chief, states that canine Bodhi did very well at competitions in Minnesota and South Dakota. An individual who he previously arrested has been making threatening statements to him. How to proceed was discussed. He spoke about some upcoming events he will be attending.

The 4th of July parade and street dance were discussed.

Jesse with Moore Engineering gave updates about the ongoing Main Street project. Construction is to resume in early May. Alec

will be onsite monitoring the progress. Jesse presented council with Bubble concept A and B for the 20 acre parcel that was purchased. Concept A is preferred by council. The next plan will have proposed lot lines and right of way.

Bills are reviewed. Motion to approve bills by Randy, 2nd by Troy. All in favor. Motion carried. Meeting adjourned.

Austin Burkett, Mayor  
Ann Gates, Auditor

### ORDINANCE NO. 2024-03 City of Carpio

**Carpio, North Dakota**  
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARPIO:

The city limits are extended to include as part of the property contained within the corporate city limits of the City of Carpio, the following described property:

OUTLOT 25 OF SECTION 12, TOWNSHIP 157 N, RANGE 86 W

The city auditor published a copy of the ordinance twice in the Kenmare News.

The property will be zoned agricultural.

Passed First Reading: May 6, 2024

Passed Second Reading:

Approved:  
Austin Burkett, Mayor  
Attest: Ann Gates, Auditor  
(May 15, 22)

### RESOLUTION 2024-02

It is, therefore, RESOLVED, this 6th day of May, 2024 by the City of Carpio, North Dakota, that, pursuant to N.D.C.C. Chapter 40-01-0-9, the following newspaper shall be the official newspaper for publication of all city notifications.

**The Kenmare News, Kenmare, North Dakota**  
Dated this 6th day of May, 2024.

Austin Burkett, Mayor  
Attest: Ann Gates, Auditor  
(May 15)

### RESOLUTION 2024-01

It is, therefore, RESOLVED, this 3rd day of April, 2024 by the City of Carpio, North Dakota, that, pursuant to N.D.C.C. Chapter 40-39, the following described alley shall be vacated and the land adjacent to each property shall become the property of the existing owner.

The alley way south of Lots 5, 6, 7, 8, 9, 10, 11 and 12, Block 3, Park View Addition and north of Lot 1 of Section 7, Township 157 North, Range 84 West.

Dated this 3rd day of April, 2024.

Austin Burkett, Mayor  
Attest: Ann Gates, Auditor  
(May 15)

## City of Carpio, ORDINANCE NO. 2024-04

An Ordinance granting to SRT Communications, Inc. a North Dakota Cooperative, its subsidiaries, successors and assigns ("SRT"), permission to erect, construct, install and maintain within the City of Carpio, North Dakota (CITY) a Telephone and Communications System and to operate the same, and to install conduits, poles, wires, cables, buried cables, pipes and other fixtures in, upon and under the streets, alleys, bridges and public grounds of said City for the purpose of furnishing telephone and data communication service to said City and the inhabitants thereof.

Be it ordained by the Governing body of the City of Carpio, North Dakota (Herein after ("City")):

#### 1. Definitions.

For the purpose of this ordinance, the following terms, phrases, words, and their derivations, shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely permissive.

(1) "City" is the City of Carpio, North Dakota.

(2) "SRT" is the grantee of the rights under this franchise.

(3) "Council" is the governing body of the City of Carpio, North Dakota.

(4) "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind.

(5) "indemnify" means that

indemnitor shall save indemnitee harmless from all loss sustained by indemnitee harmless from all loss sustained by indemnitee on account of any suit, judgment, execution, claim or demand, whatsoever, including attorney's fees and court costs, resulting from negligence on the part of the indemnitor arising out of the operations referred to. The indemnitee shall notify the indemnitor within ten (10) days after presentation of any claim or demand, either by suit or otherwise, made against the indemnitee on account of any negligence as aforesaid on the part of the indemnitor.

#### 2. Grant of authority.

There is granted to SRT, a North Dakota cooperative, its subsidiaries, successors, and assigns, hereinafter referred to as "SRT", during the term hereof, the right and privilege of constructing, operating, and maintaining in the City of Carpio, North Dakota, a telephone and communications system, and to use their public right-of-way accordingly, as long as SRT's plant and improvements therein shall be located so as not to interfere unnecessarily with the safety and convenience of ordinary travel along and over said streets, alleys, and public grounds, and provided further that in connection therewith, SRT shall be subject to such reasonable regulation as may be imposed by the Council.

#### 3. Compliance with applicable laws and ordinances.

SRT shall be subject to the present and future laws of the State of North Dakota and the lawful exercise of the police power by the City, and to such reasonable regulations

as the City shall now or hereinafter by ordinance provide.

#### 4. Service standards and company rules.

SRT shall maintain its lines and operate its system so as to provide efficient utility service in accordance with the present and future laws of the State of North Dakota and the reasonable regulation of the public service commission (or such other public authority, including City, which may at some future date be given jurisdiction) and may promulgate rules, regulations, terms and conditions to enable it to do so, subject to said laws and regulations.

#### 5. Conditions on street occupancy.

(1) Placement and fixtures. SRT shall not place poles or fixtures where the same will interfere with sanitary sewer mains, storm sewer mains, water hydrants, water mains, or other utility installations and SRT plans for such usage, restoration, relocation, and placement of fixtures shall be submitted to the City engineer for approval. The City engineer shall approve such usage, location and placement of fixtures if same does not interfere with present or future usage by City utilities, with any disapproval of same bring subject to appeal to the council. The City engineer shall have the right to inspect the placement of SRT fixtures in order to insure compliance with approved plans.

(2) Use and restoration. In erecting, installing, enlarging, repairing, maintaining, moving, removing, or replacing said poles, pole lines, masts, conduit, wires, cables, or any other fixtures or appurtenances installed in pursuance of the authority hereby granted, SRT shall, in all cases, replace the streets, alleys, City utility lines, or public ways in, on, under, over, or across which the same are located, in as good condition as they were prior to said operations, subject to the ordinances made and provided therefor, and SRT shall indemnify City.

(3) Relocation due to vacation or municipal improvement projects. In the event that at any time during the period of this franchise the Council initiates an improvement project which requires the removal or relocation of SRT's facilities, located on public streets, alleys, or public ways, SRT upon reasonable notice by the City, shall remove, relay, and relocate its pole lines, masts, wires, cables, poles and other fixtures or appurtenances without charge to the City. Any relocation, removal, or arrangements of any such facilities made necessary because of the extension into or through the City of a federally aided state trunk highway included within the National System of Interstate Highway as shall be governed by the provisions of Section 24-01-41 of NCCC, and any future amendments thereof. In the event that federal or state grants are made available for financing of any municipal project requiring relocation of SRT's facilities, it is intended that SRT shall be reimbursed for removal or relocation costs to the extent that the federal or state funds are available. It is the intent of this section to provide that the city shall not be required to commit local funds to relocation or removal costs of SRT's facilities located on public streets, alleys, or public ways on any improvement project initiated

by the Council. However, the City shall not vacate any street, alley, or public way for either public or private purposes, after installation of such poles, pole lines, masts, wires, cables or any other fixtures or appurtenances, unless adequate easements for the operation of said facilities are provided or reasonable cost of relocating the same and the loss and expense resulting from such relocation is first paid to SRT (except there shall be no reimbursement if the vacation is solely for a City improvement), and any such vacation shall not operate to deprive SRT of the right to operate such facilities unless this has been accomplished.

(4) Permission to trim trees. There is also granted to SRT, during the terms hereof, permission and authority to trim all trees and shrubs in the streets, alley and public ways of said City, and under its jurisdiction, interfering with the proper erection, repair, and maintenance of any poles, pole lines, masts, wires, cables, or any other fixtures or appurtenances installed in pursuance of the authority hereby granted, provided that SRT shall indemnify City.

#### 6. Liability.

SRT shall use due diligence and care in furnishing service as herein provided but shall not be liable for any loss or damage which may arise from failure of the service, either partial or total, but this shall not be construed to exempt SRT from liability for negligence.

#### 7. Term of franchise.

This ordinance shall be in full force and effect from and after its passage and publication, as provided by law, and shall continue in force and effect for a term of twenty (20) years after the effective date. Upon written request of either party, the terms and conditions of this franchise may be reviewed at the end of each five-year period. Any changes made by written agreement of the parties involved herein as a result of one of these reviews shall become binding insofar as the balance of the franchise term is concerned. SRT shall, if it accepts this ordinance, and the rights hereby granted, file a written acceptance of the franchise rights hereby granted with the City clerk within ninety (90) days from the date of adoption or second reading of this ordinance. If this acceptance is not filed, the provisions of this ordinance shall be null and void.

#### 8. Assignment.

SRT shall have full right and authority to assign to any persons, firm, or corporation all rights conferred upon it by this ordinance, provided that the assignee of such rights, by accepting such assignment, shall become subject to the terms of and provisions of this ordinance, and amendments thereto.

#### 9. Underground of existing overhead facilities.

The City recognizes that a need exists for the placement of telephone facilities underground in certain instances, and it will adopt appropriate ordinances as necessary to meet the needs of the public and municipality in this respect.

#### 10. Effective date.

This ordinance shall become effective upon final passage and approval.


First Reading: May 6, 2004.  
Attest:

I, Ann Gates, City Auditor

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