

MINUTES OF THE BOARD OF CITY COMMISSIONERS  
HELD JANUARY 7, 2013

The regular meeting of the Devils Lake City Commission was held Monday, January 7, 2013 at 5:30 P.M. with the following members present: President Johnson, Commissioners Tim Heisler, Craig Stromme, Rick Morse, and Dale Robbins. None were absent.

Commissioner Stromme moved to approve the minutes of the regular City Commission meeting held December 17, 2012. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

**5:30 P.M.** – This was the time set for a public hearing to annex a parcel of land in that part of Southeast Quarter of Section 2, Township 153 North, Range 64 West of the 5<sup>th</sup> P.M. Ramsey County. The two property owners, Tony Braunagel and the City of Devils Lake have requested the annexation. Nels Halgren, Manager of Greater Ramsey Water District, would like to address the letter sent regarding the annexation. Their attorney sent a letter outlining their water district rights. Since the property is in their water district, they have the right to serve the area. Greater Ramsey would like to have a written agreement with the City on the areas being developed and how they will be serviced. Greater Ramsey does not oppose the annexation, but would like to serve the area with water and sewer. It was noted that this is a service issue and not an annexation issue and will be addressed separately. Hearing and receiving no other comments, President Johnson closed the public hearing.

Commissioner Morse moved to approve the resolution annexing a parcel of land in that part of the Southeast Quarter of Section 2, Township 153 North, Range 64 West of the 5<sup>th</sup> P.M. Ramsey County and zoned as agricultural and highway commercial. The motion was seconded by Commissioner Heisler. The City Engineer highlighted the conditions in the resolution for annexation. Discussion followed on the map showing the right-of-ways, and on the Planning Commission meeting on January 10<sup>th</sup> for review of the final plat of the area. On roll call all Commissioners voted aye, and the motion carried.

Suzie Kenner, Executive Director of the Convention & Visitors Bureau (CVB), appeared before the Commission to present the annual tourism update. More revenue was received in 2012 than anticipated; \$124,393.57 was carried over, and will be used for reconstruction of the building and a mobile website. Website use by mobile users is up 222%, and is accessed mostly for tourism. Other items discussed were the downsizing of marketing strategies for target areas, working on obtaining meetings and conventions in town, and completing a research project. The CVB has been working with a writer and now the articles are being picked up for print. Other highlights included adding \$15,000 to the large event fund (which now has \$35,000), giving \$6,000 to summer access for the all seasons fish cleaning station, hosting two national fishing tournaments, and the number of new website visitors.

**Commissioner Heisler** – The City Assessor reviewed a request to purchase lots in the Roundhouse Subdivision for construction of two town homes. The town homes would meet the zoning requirements.

Commissioner Heisler moved to approve the sale of E 1/2 of Lots 20 and all of Lot 21, Block 7, Roundhouse Subdivision and E 40' of Lot 12 and all of Lot 13, Block 10, Roundhouse Subdivision to Dennis Gleason for \$6,000.00 plus the outstanding special assessment principal of \$4,688.09. The motion was seconded by Commissioner Robbins. The purchaser would have two years to build; otherwise, the lots come back to the City. Dennis Gleason stated he plans to build one this year and one next year. The motion carried unanimously.

The City Engineer stated the fish cleaning station should be opened on January 18<sup>th</sup> and work continues on the embankment and pump stations.

**Commissioner Stromme** – The Sanitation Supervisor said everything was fine.

The Police Chief said Captain Jon Barnett was recognized for thirty years of service.

The Police Chief also discussed a hiring issue. The last position had been offered to the top two applicants, but they declined the offers. The next applicant does not have the training, and the City would be required to send her to the academy in May or June. Hiring an applicant without being post board certified is a deviant from policy and would need Commission approval. The post training is 12 weeks and housing is provided. The cost to the City would be her salary and gas. Discussion followed on implementing an employment agreement which would allow the City to recoup the City's costs if she left employment. Discussion followed on having the employment agreement for three years with a

depreciating scale for repayment based on years of service. The City Attorney & City Administrator will work on the agreement.

Commissioner Robbins moved to allow the Police Department to hire an individual for the open position and send them to training contingent upon an employment agreement being drafted and signed by both parties. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

**Commissioner Robbins** – The Public Ways Supervisor stated the Fire Department has marked 20 trees, and public works will start cutting down the trees tomorrow.

The Fire Chief stated a \$10,000 forestry grant has been received. The trees cut down by the city crews can be used as in-kind for the grant.

The Public Utilities Supervisor stated there is a water break on 15<sup>th</sup> St NE. The hydrant blew last night. He couldn't find a backhoe so they couldn't start digging until 7:00 A.M this morning. The water has been off since about 10:00 P.M. last night. The hydrant and lead were fixed, but when the water was turned on there was another break. Now the machine broke, and they have to use a smaller unit so it will take longer to fix. The water is still off for sixteen houses. Discussion followed on purchasing a jack hammer attachment to get through the frost for future needs.

Commissioner Morse moved to declare an emergency to purchase an air hammer attachment not to exceed \$15,000. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

**Commissioner Morse** – The Public Ways Supervisor reported the new sweeper arrived. Training will be lined up for the spring.

The Public Utilities Supervisor said everything was fine in the Sewer Department.

**President Johnson** - The City Auditor requested permission to pay employees' premiums for Unum Life Insurance and USable Life online at the beginning of the month which would occur outside of the Commission meeting dates. The payments would be listed on the list of bills under payments made prior to the meeting. Making these payments online would allow the balance sheet to reflect the items correctly.

Commissioner Stromme moved to approve making the Unum Life Insurance and USable Life payments online. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

The City Administrator stated Jeff Frith has issued an invitation to the Commission to the premier showing of "Mother Nature in Charge" at Lake Region State College on Thursday at 7:00 P.M.

The Fire Chief stated six members are attending a leadership conference in Bismarck this week.

The City Attorney said everything was fine.

Commissioner Robbins moved to approve the consent agenda which included the following:

1. Game of chance permits for December 2012; and
2. Appointment of Dennis Strong to fill the unexpired four-year term of Leroy Axdahl which expires January 1, 2015 and reappointment of Dale Robbins and Cory Meyers to four-year terms expiring on January 1, 2017 for the Weed Control Board.

The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Morse moved to approve the 2013 Budget Amendment 01-13 – Various. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Engineer reviewed the payment of Estimate 4 – final to Mayo Construction for Street Improvement #42-12. The work for 10<sup>th</sup> Ave NE and 3<sup>rd</sup> St NE was a change order for Street Improvement District #42-12 – 7<sup>th</sup> St. The contract amount on this pay estimate is for the change order to add 10<sup>th</sup> Ave NE and 3<sup>rd</sup> St NE. The change order was based on an estimate of quantities, and the project used fewer quantities than estimated. At the last meeting a pay estimate was approved which paid the contractor all the funds. The City was not ready to finalize the project at the last meeting. Now the project has been reviewed, and the City Engineer would like to finalize the project. No additional funds are owed, but the approval of the final pay estimate is needed to close out the documentation for the file.

Commissioner Robbins moved to approve payment of Estimate No.4 - Final to Mayo Construction for Street Improvement No 42-12 Change Orders for 10<sup>th</sup> Ave and 3<sup>rd</sup> St in the amount of \$0.00 as recommended by the City Engineer. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Assessor reviewed the work to be completed at the golf course and the contract retainage.

Commissioner Heisler moved to approve payment of Estimate No. 6 to Duinick Inc for Golf Course Realignment Phase II in the amount of \$124,145.58 as recommended by the City Assessor. The motion was seconded by Commissioner Stromme. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Stromme moved to approve payment of Estimate No. 7 - Final to Elshaug Concrete for 2012 Curb, Gutter & Sidewalk in the amount of \$2,817.34 as recommended by the City Engineer. The motion was seconded by Commissioner Robbins. On roll call all Commissioners voted aye, and the motion carried.

The City Administrator indicated the State has raised the mileage reimbursement rate, and the City follows the state rate. Discussion followed on if a vehicle is available and an employee elects to use their own vehicle, they are reimbursed at a lesser rate.

Commissioner Robbins moved to approve increasing the privately owned vehicle mileage reimbursement rate from \$.555 to \$.565 per mile as of January 1, 2013 in accordance with the federal and state rates. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Stromme moved to approve giving Lake Region Community Service and Restitution Program \$4,000 in 2013 with funding coming out of the Advertising Fund – City Commission Promotion (2005-000-43720). The motion was seconded by Commissioner Heisler. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Heisler moved to approve funding for the first quarter of 2013 for the Lake Region Heritage Center in the amount of \$4,500 to be paid from the general fund (1000-000-55170). The motion was seconded by Commissioner Stromme. On roll call all Commissioners voted aye, and the motion carried.

The City Engineer reviewed the USDA reduction in base acres for the land the City owns in Eddy County. When the City purchased the land it was in CRP, and it continues to be in CRP. USDA has reviewed the cropping history and based on that the number of base acres needs to be reduced since you can't get both CRP and crop subsidy payments.

Commissioner Robbins moved to approve the voluntary permanent base acres reduction for the City's land in Eddy County. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Commissioner Morse moved to approve payment of the list of bills as submitted. The motion was seconded by Commissioner Stromme. On roll call all Commissioners voted aye, and the motion carried.

President Johnson acknowledged the following reports:

1. 2012 4<sup>th</sup> Quarter Economic Data; and
2. Municipal Court monthly report.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:35 P.M.

**LINDA LYBECK**  
**CITY AUDITOR**

**RICHARD S. JOHNSON**  
**PRESIDENT**