

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD JANUARY 22, 2013

The regular meeting of the Devils Lake City Commission was held Tuesday, January 22, 2013 at 5:30 P.M. with the following members present: President Richard 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 January 7, 2013. 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 review the final plat for East Bay Walmart Subdivision (Hwy 2 E) with highway commercial and agricultural zoning. Jade Rosenfeldt, Vogel Law Firm representing Walmart, asked for final approval of the plat and contingent approval for the zoning. Zoning would not change until proof that the sale transaction has gone through. Hearing and receiving no other comments, President Johnson closed the public meeting.

Commissioner Heisler moved to approve the recommendation submitted by the Devils Lake Planning Commission to approve the final plat for East Bay Subdivision located in Section 2, Highway 2 E. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Robbins moved to approve conditional zoning as highway commercial and agricultural zoning for East Bay Subdivision located in Section 2, Highway 2 E until the sale transaction has been completed. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

5:30 P.M. – This was the time set for a public hearing to review the final plat for Second Addition to Quiet Acres Subdivision (24th Ave SW, south of County Rd 1) with residential rural suburban zoning. Hearing and receiving no comments, President Johnson closed the public meeting.

Commissioner Morse moved to approve the recommendation submitted by the Devils Lake Planning Commission to approve the final plat for Second Addition to Quiet Acres Subdivision located in Section 16, south of the intersection of Walleye Dr and Cty Rd 1 and zoned as residential rural suburban. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

5:30 P.M. – This was the time set for the bid opening for a police vehicle. The following bids were opened and read:

- | | |
|---|---|
| 1. Lake Motor Company, Devils Lake, ND | Bid \$21,996 plus tax and licensing 2013 Malibu |
| 2. Lake Toyota, Devils Lake, ND | Bid \$22,950 2012 Toyota Camry |
| 3. Marketplace Motors, Devils Lake, ND | Bid \$21,999 2013 Ford Fusion |
| | Bid \$20,652 2013 Ford Fusion |
| 4. Devils Lake Chrysler Center, Devils Lake, ND | Bid \$21,075 2013 Avenger |

Commissioner Morse moved to accept the bids as read, and they be referred to the Police Chief for further review and recommendation. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Glenn Jorde, appeared on behalf of Barbara McCormick, to ask for some forgiveness on the high water bill for the Masonic Temple, 423 6th St NE.

Commissioner Stromme moved to credit Utility Account 00006534 \$377.62 for the above normal sewer charge. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Commissioner Robbins – The Public Utilities Supervisor stated he received three prices for the air hammer. RDO was \$17,000; Butler was \$22,790 and General Equipment was \$15,740. The Supervisor stated hammer was the same one at Butler and General Equipment.

Commissioner Stromme moved to approve the low bid of \$15,740 for the air hammer from General Equipment, Fargo, ND. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

The Public Ways Supervisor said they removed 20 trees. It took two days, but they were not big trees. After the fishing tournament, the Fire Department will mark another 20 trees for the city crews to remove.

Commissioner Morse – The Public Ways Supervisor reported the 1990 orange, single-axel Ford truck needs major repairs for about \$14,000. He will have numbers for the next meeting. He would like to look at buying a different truck through the state sale.

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

Commissioner Heisler – The City Assessor said everything was fine.

The City Engineer stated the fish cleaning station opened on Saturday. Anyone wishing to use the facility must get an access code from Ed's Bait Shop. The facility is free to use, and is opened from 6 am to 9 pm. The facility was made possible through ND Game & Fish, Garrison Diversion Conservancy District, City of Devils, Devils Lake Chamber of Commerce and Tourism. The facility is equipped with surveillance equipment. The facility cost \$125,000, includes two tables and grinders, and holds eight people at a time. Instructions will be posted in the facility. The property and building are city owned property; however Lake Access is in charge of maintenance. Discussion followed on the septic tanks.

Commissioner Stromme – The Police Chief said he will have a recommendation on the vehicle bids at the next meeting.

It was noted that the employee agreement for the new police officer had been drafted and signed by both parties.

The Sanitation Supervisor said everything was fine.

President Johnson - The City Auditor stated a gaming site authorization was just received from the Devils Lake Rural Fire Department for this weekend.

Commissioner Robbins moved to approve the gaming site authorization submitted by the Devils Lake Rural Fire Department for January 24, 2013 through January 26, 2013 at the Memorial Building. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

The City Administrator said everything was fine.

The Fire Chief stated starting Tuesday and running for 19 weeks Firefighters I & II class will be held. Six people are signed up for the class.

The Fire Chief stated the animal committee met on January 15th. They are reviewing ordinances and have asked the City Attorney to draft an ordinance for the next committee meeting.

The fishing tournament starts on Thursday. Courtesy cars are available for the weekend. All tickets have been sold.

The City Attorney has been requested to do some work for Metro Plains and MDI Limited Partnership. He would be the local counsel for financing to be sold through the City. The City has no responsibility for the bonds. He needs Commission approval in order to act as counsel for Metro Plains and MDI Limited Partnership.

Commissioner Stromme moved to allow the City Attorney to act as local counsel for Metro Plains and MDI Limited Partnership. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Attorney indicated the alcohol ordinances are being looked at, and a draft ordinance will be prepared.

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

Permit to sell alcoholic beverages at a special event submitted by Thirsty's Bar for a wedding reception on March 16, 2013 at the Memorial Building.

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

Commissioner Morse moved to approve the Pledge of Assets and a Certified Copy of the Board of Directors Meeting minutes submitted by Bremer Bank as recommended by the City Auditor. At this time no City funds are deposited at American Bank Center, First State Bank of Munich, Ramsey National Bank and Trust Company, US Bank or Western State Bank. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Assessor reviewed the issue with the appraisals and appraisal invoice for the embankment land acquisition project. The project started in the fall of 2009. The City had used Appraisal Associates Inc before, but had not used

Appraisals and Real Estate before. Two appraisers were hired so there would be enough people working on the appraisals after the drawings were received. They started on Phase II and then switched to the Eagle Bend Golf Course Reach. As part of the appraisal process a general data book had to be completed. This book included research on the whole community. The agreement for the appraisals was signed February 16, 2010, and included costs per hour with a maximum appraisal amount. The maximum amount was \$10,000 for the general data book and \$2,000 for a simple appraisal. The appraisers started with the Garske and Chepulis farm land acquisitions, and then moved to the 8 homes in Eagle Bend. One of the appraisals for a home was not completed, and none of the appraisals were completed in a timely fashion. Early in 2011 the City still did not have the appraisals, and turned to Prosource Technologies to handle the work. A Bismarck firm was hired for determining replacement costs since no replacement houses were available in Devils Lake. The agreement with Appraisal Associates was signed in February 2010, and it was a year later in February 2011 before the City received appraisals. The City did not receive any billings from Appraisals Associates Inc until August 18, 2011. It was a one page bill with no documentation and no break down of hours. In March 2012, the City Assessor prepared an alternative billing based on the agreement maximums. The City Assessor and John Albrecht, Corps of Engineers, were scheduled to meet with the two appraisers in July of 2012. The meeting did not take place, but they did meet on October 31, 2012. The appraisers were told additional documentation was needed. If billing by the hour, there should be documentation for the hours. The City Assessor would recommend approving the payments although the costs were higher than expected, and the work was not completed timely. However, the appraisers did extra work for Black Construction, Lake Region Asphalt and the golf course that were not part of the agreement. The Corps of Engineers has approved the whole amount for LEERD credit.

Discussion followed on the work completed by these two appraisers. It was stressed that time was of the essence. Two general data books were completed – one for agricultural land and one for residential land. Each of the homes had three different appraisals – as-is, hypothetical if no flooding and salvage value. The alternate bill prepared by the City Assessor was around \$65,000. Their work was good, but there was not enough documentation to support the bill, and the work was not completed timely.

The consensus of the Commission was to have the City Assessor, City Attorney and City Administrator meet to review the agreement and bill and to come back with a recommendation.

The City Engineer inquired about installing additional safety equipment at the Creel Bay Pump Station. The Corps of Engineers has worked on the design. It would cost \$6,500 to install the safety feature.

Commissioner Morse moved to approve the additional safety device for the Creel Bay Pump Station for \$6,500. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

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

President Johnson acknowledged the following reports:

1. Police Department monthly report; 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