

MINUTES OF THE BOARD OF CITY COMMISSIONERS  
HELD FEBRUARY 19, 2013

The regular meeting of the Devils Lake City Commission was held Tuesday, February 19, 2013 at 5:30 P.M. with the following members present: President Johnson, Commissioners Tim Heisler, Craig Stromme, and Dale Robbins. Commissioner Rick Morse was absent.

Commissioner Stromme moved to approve the minutes of the regular City Commission meeting held February 4, 2013. 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 the public utilities pickup. The following bids were opened and read:

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|----|--|-----------------|
| 1. | Marketplace Motors, Devils Lake, ND              | Bid \$24,550.00 |
| 2. | Devils Lake Chrysler Center Inc, Devils Lake, ND | Bid \$23,270.00 |
| 3. | Nelson Motors, Fergus Falls, MN                  | Bid \$23,748.00 |

Commissioner Robbins moved to accept the bids as read, and they be referred to the Public Utilities Supervisor for further review and recommendation. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Brad Haugland, Post Commander for the American Legion, appeared before the Commission to let the community know the organization is here to help and would like to become more involved in the community. They will be meeting the first Tuesday of the month at the VFW. They have 65 members with another 12 transferring back.

**Commissioner Heisler** – The City Engineer stated everything was fine.

The City Assessor said everything was fine.

**Commissioner Stromme** – The Police Captain said everything was fine.

The Sanitation Supervisor stated everything was fine.

**Commissioner Robbins** – The Public Ways Supervisor stated everything was fine in the Cemetery.

The Public Utilities Supervisor stated there have been a few water leaks. One was a hydrant by Lake Lumber, and the other was two leaky valves by 6<sup>th</sup> St NE and 13<sup>th</sup> Ave NE. The leaks have been mechanical and not actual water line breaks. The hydraulic hammer has been received, and it was used on the valve break.

**President Johnson** - The Public Ways Supervisor indicated the Street Department will be picking snow and mixing salt and sand.

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

The City Auditor stated everything was fine.

The City Administrator indicated the yearend financial packets would be completed for the next meeting.

The City Administrator indicated some department heads would like NDPERS to make a presentation. Discussion followed on dates for a noon meeting for this presentation. Consensus of the City Commission was to meet March 5<sup>th</sup> at 12:00 P.M. if this date worked for NDPERS.

The Fire Chief stated next week is the State Fire School. Also there were two fires this week - house fire on Sunday evening and Subway oven fire this morning.

The City Attorney said everything was fine.

The City Administrator reviewed the two copier bids. Advanced Business Methods did not meet all the bid specs, but because of the significantly lower price, the bid was reviewed. Based on the additional features that the copier from Central Business Systems has and on the problems with the current copier from Advanced Business Methods, the City Administrator recommended accepting the bid from Central Business Systems for the city hall copier for three years with

the buyout of the current lease. The city office would be able to print items in-house which are currently printed elsewhere. In addition, the colored printers could be eliminated, and these items could be printed on the copier which would save 10 to 15 cents per sheet.

Commissioner Robbins moved to award the copier bid to Central Business Systems Inc., Jamestown, ND in the amount of \$454.96/month as recommended by the City Administrator. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The first reading of Ordinance No. 908 – Otter Tail Power Franchise was held. The current franchise with the City ends March 31<sup>st</sup>. The franchise would be for twenty years. The City Attorney discussed the differences from the existing ordinance. Section 13.40.10 provides the right for the City to enact a franchise fee and 13.40.11 gives the Grantee permission to remove equipment at their expense from real property if the City sells the property. In addition in Section 13.40.12, Otter Tail Power has requested a Commissioner introduce the ordinance and have it placed for a first and second reading.

Commissioner Heisler moved to introduce Ordinance No. 908 – Otter Tail Power Franchise and have it placed for a first and second reading. The motion was seconded by Commissioner Robbins. Discussion followed on this being a more formal process for reviewing an ordinance. The motion carried unanimously.

Discussion followed on if a twenty year term was the standard, on franchise fees, and on this not being an exclusive agreement.

Tim Greene, Otter Tail Power Company, was in attendance to answer any questions. Some cities charge franchise fees, but it is usually smaller towns.

The City Attorney stated it is advantageous to the City to have the franchise agreement. It addresses running lines on city property. The City Attorney would like to research having franchise agreements for any utility company that wishes to run lines in the city.

The City Engineer reviewed the temporary construction easement from Gary and Mary Haugland for a vacant lot to be used for storage of materials for another eighteen months. Concrete pipes, pumps and other materials from the old pump stations and the embankment project are being salvaged and stored. The items will be stored on the property the City owns, but this property is currently unavailable due to the embankment construction. Until this property is available the items are being stored on Haugland's property.

Commissioner Stromme moved to approve the temporary construction easement from Gary and Mary Haugland for use of a vacant lot for storage of materials for the embankment project in the amount of \$2,250.00 as recommended by the City Engineer. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

The City Administrator reviewed the payment request from Agassiz Properties. The City Engineer reviewed the plan set, and he has a few changes for the asbuilt drawings. The prices were competitive to what the City would have gotten if the project would have been bid out. If the project continues, the engineering should be done in-house.

Commissioner Stromme moved to approve the final payment request to Agassiz Properties for Water, Sewer & Street Improvement District #51-11 for a total of \$170,621.99 as recommended by the City Administrator. The motion was seconded by Commissioner Heisler. Discussion followed on the cash flow of the TIF district. The developer needs to continue with the second phase in order for it to cash flow. No additional infrastructure is needed for the first five units of phase two. On roll call all Commissioners voted aye, and the motion carried.

The City Engineer reviewed the Fish and Wildlife permit needed for the drinking water transmission line. Fish and Wildlife agreed to waive the weed control since the City's project is underground. The permit allows for future repairs of the project.

Commissioner Robbins moved to approve the right-of-way permit with Fish and Wildlife for the water supply line as recommended by the City Engineer. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

President Johnson reviewed the request for an additional authorized position in the Fire Department. Due to the ordinances passed in 2012 for substandard buildings or structures and certificate of tenancy for leased premises, the

number of inspections required has increased. Discussion followed on trying to complete the inspections with current staff.

The Fire Chief stated there are 1,565 apartment dwellings in 332 buildings that would need to be inspected along with the 410 commercial buildings that are already required to be inspected. They have 220 days to complete the inspections which means they would have to perform 8 inspections per day. This does not take into consideration when personnel are on vacation and the other duties assigned to the department – shade tree, street, traffic and school lights, and school presentations. Some inspections would be easy, but some would be harder and require follow-up. Discussion followed on the fire code requiring it be an annual inspection, on imposing a fee, on other cities having building personnel assisting with inspections, on having contractors doing the gas permit inspections and on hiring someone part-time for inspections. To hire an individual means the City would have to carry this position forward for future years. Discussion continued on the time required for handling the lights.

Consensus of the City Commission was to try doing the inspections in-house with current personnel for sixty days.

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

The Public Utilities Supervisor has reviewed the bids for the pickup. He would recommend the low bid from Devils Lake Chrysler Center; however, there are two deviants from the bid. The warranty on the drive train is better than the specs, and it is a quad cab. If the Commission is okay with these deviants he would accept the low bid.

Commissioner Stromme moved to award the bid for a pickup for Public Utilities to Devils Lake Chrysler Center Inc, Devils Lake ND in the amount of \$23,270 as recommended by the Public Utilities Supervisor. The motion was seconded by Commissioner Robbins. On roll call all Commissioners voted aye, and the motion carried.

The City Attorney has not received a response from the appraisal company regarding documentation for their bill.

President Johnson acknowledged the following reports:

1. City Auditor monthly reports; and
2. Police Department monthly report.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:20 P.M.

**LINDA LYBECK  
CITY AUDITOR**

**RICHARD S. JOHNSON  
PRESIDENT**