

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD APRIL 1, 2013

The regular meeting of the Devils Lake City Commission was held Monday, April 1, 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 Morse moved to approve the minutes of the regular City Commission meeting held March 18, 2013. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

President Johnson recognized Kaylin Krein with a letter and certificate for earning the Girl Scout Gold Award. Accepting the award on behalf of Kaylin were her parents Dr. Kyle and Luanne Krein.

The City Attorney reviewed the ordinance for appealing the denial of the taxi cab drivers license for Jimmie Robinson. According to the ordinance the hearing can be no earlier than ten days, but no later than thirty days from when the request for the hearing is submitted. Since it hasn't been ten days since the request was submitted, Mr. Robinson will need to waive that requirement.

Mr. Robinson did not waive the requirement to have the hearing before the ten days were up. The Commission will not hear the appeal until the next City Commission meeting on April 15, 2013.

Commissioner Heisler – The City Assessor said everything was fine.

Commissioner Stromme – The Police Chief indicated a circus permit was received today, but he has not had a chance to review it or run the background checks. The Devils Lake Park Board has the circus scheduled for April 8, 2013. Discussion followed on approving the permit contingent on the Police Chief's review of the permit and background checks.

Commissioner Robbins moved to approve the circus permit contingent upon the background checks and permit being approved by the Police Chief. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The Police Chief stated there was a robbery at the bowling alley yesterday.

The Police Chief said Aaron Halle has been hired as a police officer and will start April 8, 2013.

The Police Chief requested out-of-state travel to attend a class in Duluth from April 22 through April 25. The City will receive \$600 as reimbursement for the class.

Commissioner Stromme moved to approve out-of-state travel for the Police Chief to attend training to be held April 22-25, 2013 in Duluth, MN. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The Sanitation Supervisor said everything was fine.

Commissioner Robbins – The Public Ways Supervisor said everything was fine at the cemetery.

The Public Utilities Supervisor stated everything was fine in the Water Department.

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

The Public Ways Supervisor reported the cat loader had a cracked head. The cost will be approximately \$10,000.

President Johnson - The City Auditor stated everything was fine.

The City Administrator reviewed the amendment for the UCC filing for Ultra Green Packaging. A different group will be financing all of the pulping equipment. The UCC filed by the City is on all equipment so an amendment needs to be done to release the filing on the pulping equipment. Approximately \$900,000 will be used to buy other equipment. Western State Bank and Dan Gaustad, Attorney for City, were okay with the amendment. Dan Gaustad did state the City will not be able to attach this equipment later.

Chris Schilken, Executive Director of Forward Devils, gave an update on Ultra Green Packaging. Equipment is expected to arrive April 11th. Some equipment is coming from Taiwan and China, and then it will need to be setup. The business is six months behind schedule, but they are producing a limited amount of plastic items.

Commissioner Stromme moved to approve the UCC financing statement amendment which releases the pulping equipment for Ultra Green Packaging Inc. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Administrator stated NDPERS was asked to come to Devils Lake to do a presentation to all employees. However, NDPERS indicated they won't come in person unless they have a resolution from the Commission saying the City will be joining NDPERS. Discussion followed on having another video meeting and the start date if the City joined. Also discussed was how the NPERS contribution rate increases would be handled. The cost-of-living increases would be adjusted to offset the increases for NDPERS. The City's contribution to the current retirement plan and the contribution to NDPERS would be the same. If there is an employer increase in NDPERS, the amount the City contributed to the current retirement plan would also increase.

The City Administrator reviewed the first quarter economic data.

The Fire Chief stated the animal committee met, and the 1st reading of the ordinance will be held April 15, 2013.

The Fire Chief requested out-of-state travel for two different groups to research fire trucks. One group will go April 9th and 10th to Sioux Falls, SD, and the other group will go April 18th and 19th to Brandon, SD. They are looking at replacing one of the older trucks.

Commissioner Robbins moved to approve out-of-state travel for the Fire Department to research fire trucks on April 9th and 10th in Sioux Falls, SD and April 18th and 19th in Brandon, SD. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Attorney said everything was fine.

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

1. Fireworks permit submitted by Devils Lake Dazzlers;
2. Permit to sell alcoholic beverages at a special event submitted by Ye Olde Tavern for a social for soil conservation to be held on July 18, 2013 at the Memorial Building;
3. Permit to sell alcoholic beverages at a special event submitted by Ye Olde Tavern for the wedding dance of Casey Mykelbust and Carley Lysne to be held August 24, 2013 at the Memorial Building;
4. Permit to sell alcoholic beverages at a special event submitted by Ye Olde Tavern for the wedding dance of Dustin Lafleur and Derissa Bina to be held October 5, 2013 at the Memorial Building; and
5. Authorizing the City Auditor to cancel Check No 103005 dated March 19, 2013 in the amount of \$1,250.00 payable to Managed Design, LLC (General- Engineering Department-Education and Training). The check was payable to an incorrect vendor, and will be reissued to the correct vendor.

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

The City Assessor reviewed the request for reimbursement to the golf club for growing grass.

Commissioner Morse moved to approve payment of Reimbursement No. 2 to DL Town & Country for Grow In in the amount of \$16,173.95 as recommended by the City Assessor. The motion was seconded by Commissioner Heisler. On roll call all Commissioners voted aye, and the motion carried.

The City Assessor reviewed the purchase agreement for purchasing land needed for Phase 3- Airport Reach of the embankment project.

Commissioner Stromme moved to approve the agreement to purchase real estate from Margo Ehr, Rodney Kenner and Luann Hirschhorn due to Phase 3 – Airport Reach of the embankment in the amount of \$3,960.00 as recommended by the City Assessor. 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 second 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 Morse. On the roll call all Commissioners voted aye, and the motion carried unanimously.

Commissioner Robbins moved to approve the resolution approving preliminary report and directing preparation of plans and specifications for Street Improvement District No 46-12 (Elkhorn Subdivision) as recommended by the City Engineer. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Heisler 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 report:

1st Quarter Economic Data.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:00 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT