

MINUTES OF THE BOARD OF CITY COMMISSIONERS  
HELD APRIL 15, 2013

The regular meeting of the Devils Lake City Commission was held Monday, April 15, 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 April 1, 2013. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

**5:30 P.M.** – This was the time set for a public hearing to review a conditional use permit to construct a storage garage in an area zoned as highway commercial (Highway 19 W). Hearing and receiving no comments, President Johnson closed the public meeting.

Commissioner Stromme moved to approve the recommendation submitted by the Devils Lake Planning Commission to approve a conditional use permit to allow the construction of a storage building in an area zoned as highway commercial (Hwy 19 W) and submitted by Rick Blake. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

President Johnson signed a proclamation proclaiming April 15, 2013 as **“Mayor’s Day of Recognition for National Service”** and urging all citizens to become familiar with the services and benefits offered by the Retired Senior Volunteer Program (RSVP) and Amachi in this community and encouraging all citizens to support and participate in these programs by volunteering.

President Johnson noted that RSVP had donated 40,000 hours this past year.

President Johnson signed a proclamation proclaiming May 5-11, 2013 as **“Devils Lake Children’s Mental Health Awareness Week”** and urging our citizens and all agencies and organizations interested in meeting every child’s mental health needs to unite on that week in the observance of such exercises as well as acquaint the people of Devils Lake with the fundamental necessity of a year-round program for children and youth with mental health needs and their families.

Jimmie Robinson appeared before the City Commission to appeal the denial of his permit for a taxicab drivers license. Mr. Robinson stated he has applied numerous times and has been denied annually since first applying. He reviewed the four requirements listed in the ordinance to obtain a taxicab drivers license. He believes he meets all the requirements. He stated he has had a colorful past, but the items listed on his record are financial items – NSF, theft by deception and theft of services. Mr. Robinson is certified by the State as a nursing assistant which required background checks. He had an administrative charge for no seat belt in April 2011. He has done his time, and has had no violations during his three years of probation or the last 14 months after his probation was over.

Commissioner Morse arrived at the meeting at 5:40 P.M.

Mr. Robinson stated other individuals have received taxicab driver licenses that have had records including one for embezzlement who is currently on probation and one for corruption of a minor who must register as a sex offender. Others have had escape charges, assault and domestic violence. Chief Schroeder may have not issued the original licenses, but he is charged with the annual renewal.

The Police Chief stated Mr. Robinson’s record speaks for itself. He has had multiple convictions for theft.

President Johnson questioned if being a sex offender disqualifies someone for a license. The Police Chief stated it does. The person in question transports property only such as late baggage from the airport and packages. The company was warned if he was ever caught transporting people they would be sanctioned.

Other items discussed were the number of times Mr. Robinson had applied for a license, the information on his record, the proof of insurance offense and how much time after the offenses would the Police Chief require before reversing his decision.

President Johnson asked for a motion to overturn the Police Chief’s denial of the taxicab drivers license for Jimmie Robinson. The question called for three times, and died for the lack of a motion.

Travis and Angela Sainsbury had talked with the City Engineer and the Police Chief about traffic speeds on 10<sup>th</sup> Ave SE behind Pop's. The Police Chief reviewed the traffic speeds, and instructed the Sainsburys on what type of information the Police Department would need for filing a report and taking action. Based on the current speed limits and traffic patterns the City Engineer cannot justify changes. Special signage which indicates a person's speed may be an option.

The Police Chief ran radar from 5:00 P.M. to 7 P.M. one evening and another officer in an unmarked vehicle ran radar sporadically for four hours throughout one day. Only one car ticketed out of a couple of hundred. Review of crash data indicates only four crashes in the area – 2 parked cars hit and 2 moving crashes. Discussion followed on extra patrols in the area and on speed signs which count traffic and indicate a person's speed. These signs cost around \$3,000.

Jan Shelver withdrew her request to appear before the City Commission. The high water issue has been resolved.

Mack Traynor, CEO of Ultra Green Packaging Inc, appeared before the City Commission to give an update of the business. Two new employees were introduced – one works with the nonwood fiber pulping and the other with plastic manufacturing. Plastic lids are currently being produced, and the first load was shipped in March. The business is six months behind schedule because the building needed more work than anticipated, more financing was needed for additional equipment, and the mold sets took extra time to manufacture in Taiwan. Most of the pulping equipment arrived two weeks ago, and the fiber molding equipment started arriving today. The warehouse should be moved to Devils Lake by the end of May. The business expects to hire 80-90 individuals by the end of the year. They have received over 160 applications without advertising. The company has donated paper products to the local Kiwanis and Women's Ag Night. The installation crew from Taiwan should start installing the equipment at the end of April or beginning of May. The company will first start production with imported pulp from China until their pulping production is going.

Chris Schilken, Executive Director of Forward Devils Lake, appeared before the City Commission to discuss the community center. The consultants were here the first week of April and met with about 30 community members. The business plan and matrix will be prepared next which will help determine the size of the facility. The location of the facility is unknown at this time.

Travis Zahn, ND BCI, appeared before the City Commission to discuss the formation of the Lake Region Narcotics Task Force and funding for the task force. Law enforcement leaders from Benson County, Cavalier County, Towner County, Ramsey County and the City of Devils Lake met to discuss how to address the drug problem in the area. The need for a drug task force was noted. Distributed was a draft of the memorandum of understanding for forming the drug task force. The salary cost would be \$60,000. Grant funds are available for the operating costs which would require a 35% match. The deadline to submit the grant request is May 17<sup>th</sup> for the 2014 funding year. Mr. Zahn explained how the percentages for each agency's share were derived and indicated 95% of the activity happens or comes into Devils Lake. ND BCI would not provide cash match, but they provide services through two officers, and they fund the buy fund. The task force employee would be supervised by Mr. Zahn, but would be an employee of one of the other agencies. Consensus of the City Commission was to include funding for the drug task force in the 2014 budget.

**Commissioner Heisler** – The City Engineer stated the City has received a request from the Nelson County Water Resource District (NCWRD) to continue to use the City's gator pump at no cost. They have been using the gator since 2009 free of charge. NCWRD maintains the pump. Their project has not been fully completed yet. Discussion followed on if the City has a use for the pump. If a situation arises, NCWRD understands that the City would need the pump back.

Commissioner Heisler moved to approve allowing Nelson County Water Resource District to continue to use the City's gator pump and to waive the fees and rates for the use of the pump. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Engineer stated a special meeting within the next week is needed to review a development agreement to expand the City's water and sewer to a hotel within the City. Consensus of the City Commission was to meet at noon on Thursday, April 18, 2013.

The City Assessor indicated the City Commission needs to meet the week of May 20<sup>th</sup> for the annual board of equalization. Consensus of the Commission was to meet at noon on May 22, 2013.

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

The Police Chief indicated the annual report had been given to the Commissioners.

**Commissioner Robbins** – Everything was fine.

**Commissioner Morse** – Everything was fine.

**President Johnson** - The City Auditor stated everything was fine.

The City Administrator said everything was fine.

The Assistant Fire Chief requested out-of-state travel to attend an instructor's conference in Indianapolis, IN next week.

Commissioner Robbins moved to approve out-of-state travel for the Assistant Fire Chief to attend an instructor's conference in Indianapolis, IN. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The Assistant Fire Chief requested permission to call for proposals for a new fire truck with proposals to be opened on May 6<sup>th</sup>.

Commissioner Stromme moved to authorize the call for proposals for a fire truck with proposals to be opened on Monday May 6, 2013 at 5:30 P.M. at the City Office as recommended by the Fire Chief. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

The City Attorney said everything was fine.

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

1. Game of chance permits for the month of March 2013;
2. Fireworks permit submitted by Marks Fireworks;
3. Permit to sell alcoholic beverages at a special event submitted by Thirsty's Bar for a wedding dance to be held June 1, 2013 at the Memorial Building; and
4. Authorizing the City Auditor to call for bids for 2013 Curb, Gutter and Sidewalk with the bids to be opened on Monday, May 6, 2013 at 5:30 P.M. at the City Office as recommended by the City Engineer.

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

Commissioner Heisler moved to approve the first reading of Ordinance No. 909 – Cats Leashed. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Commissioner Robbins moved to approve the first reading of Ordinance No. 910 – Animal Care and Treatment. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Commissioner Stromme moved to approve the first reading of Ordinance No. 911 – Number of Allowable Pets. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Heisler moved to approve the first reading of Ordinance No. 912 – Penalties for Animal Control Ordinances. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Stromme moved to approve the first reading of Ordinance No. 913 – Animal Defecation. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Engineer reviewed the agreement with the North Dakota Forest Service for the tree planting grant and the required match. He is working with Shade Tree and the Devils Lake Park Board.

Commissioner Stromme moved to approve the agreement with the North Dakota Forest Service in the amount of \$5,000 for planting 160 trees parallel to the railroad tracks in the Roundhouse Subdivision and to approve providing match for this grant in cash or in-kind services in the amount up to \$2,270 as recommended by the City Engineer. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

The City Engineer stated plans are ready for the Elkhorn Subdivision street improvement project. He plans to ask Strata, the contractor on Stone Ridge, if they would hold the submitted unit prices and quantities from Stone Ridge for this project. Then the project could be added as a change order; otherwise, the project will be bid out. Probable assessments need to be mailed. The funding would be 60% tax increment financing, 25% City and 15% assessed to property owners.

Commissioner Morse left the meeting at 6:50 P.M.

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

The City Administrator stated Jim Stewart, bond counsel, is working with Heartland Care to refinance their MIDA bonds to take advantage of the lower interest rates. There is no liability to the City.

Commissioner Heisler moved to approve the resolution relating to refunding bonds under the Municipal Industrial Development Act giving the bonds preliminary approval for the Heartland Care Center Project. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

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

President Johnson acknowledged the following reports:

1. City Auditor monthly report;
2. Fire Department monthly report;
3. Municipal Court monthly report; and
4. Police Department monthly report.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:55 P.M.

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

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