

MINUTES OF THE BOARD OF CITY COMMISSIONERS  
HELD JUNE 17, 2013

The regular meeting of the Devils Lake City Commission was held Monday, June 17, 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 June 3, 2013. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Stan Orness appeared before the City Commission to thank the City for all the assistance with Devils Run.

Jessica Ramey Gillam appeared before the City Commission to discuss a permit for a protest. With the latest death on the Spirit Lake Reservation and the constant problems with the child welfare system, she would like to boycott the casino for a week. She does not support commerce of a nation that is asleep at the wheel in care of its youth.

John Dahlen appeared before the City Commission to discuss the resolution for the franchise agreement for utilities. He would like his new development to receive power from Otter Tail Power Company. Previously, arrangements were worked out between Otter Tail Power and Nodak Electric for service. He would like the City to support his request for service from Otter Tail Power. Otter Tail Power has the only franchise to provide power in the City at this time. Discussion followed on future franchise agreements.

**Commissioner Robbins** – The Public Ways Supervisor reviewed the schedule for aerial mosquito spraying. The only date available was July 2<sup>nd</sup>. If unable to spray on the 2<sup>nd</sup>, the next day available is July 6<sup>th</sup>.

Commissioner Morse moved to approve aerial spraying on July 2<sup>nd</sup> with an alternate date of July 6<sup>th</sup>. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

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

**Commission Morse** – The Public Utilities Supervisor stated everything was fine in the Sewer Department.

The Public Ways Supervisor stated everything was fine.

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

The Sanitation Supervisor said everything was fine.

**Commissioner Heisler** – The City Engineer stated work on the 5<sup>th</sup> Ave NE viaduct will begin tomorrow. Fifth Avenue will be closed from 2<sup>nd</sup> St SE to 1<sup>st</sup> St SE. A portion of the concrete will be removed so the storm sewer can be replaced and under drain work completed. The work should be completed within a week. City crews and Midland Excavating are doing the storm sewer work, and Tri State Paving is doing the street work.

The City Engineer indicated the development agreement for Sleep Inn required them to receive three bids for the public improvements for the water & sewer portion. The low bid received was for \$69,202 from Peterson Construction. The City's share would be approximately \$29,000 which includes 25% of the project costs plus the amount for how the special assessments are being prorated. The City Engineer recommended accepting the low bid contingent on receiving a signed easement from the adjoining property owner. Without a signed easement for public utilities the City cannot cost share in those utilities, and the City won't be the owner, operator or maintainer of those utilities.

Commissioner Heisler moved to approve the bid of \$69,202 from Peterson Construction for the work on the Sleep Inn project contingent upon receiving a signed easement for the public utilities. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Engineer said the Devils Lake Joint Water Resource Board will be holding a water tour on Wednesday at 9:00 A.M. Sites to be viewed included Henegar Landing, Creel Bay, Lakewood, and the City's Water Treatment Plant.

**President Johnson** - The City Auditor reviewed the request from Vicky Beckstrom to purchase lots in the Roundhouse Subdivision.

Commissioner Robbins moved to approve the sale of Lots 10 and 11, Block 5, Roundhouse Subdivision for \$4,500 plus the outstanding special assessment principal balance of \$2,130.96 to Vicky Beckstrom as recommended by the City Auditor. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The City Administrator said everything was fine.

The Fire Chief stated everything was fine.

The City Attorney said everything was fine.

The Fire Chief stated the Devils Lake Volunteers recommend accepting the bid from North Central Ambulance of Lester Prairie, MN for the Spartan ERV fire truck. Funding will come from the Volunteers' fishing tournament and from the proceeds of the old fire truck which should be around \$60,000. It will take about a year to build the new truck.

Commissioner Robbins moved to declare Unit 201 surplus and advertise the truck for sale with the proceeds going towards the purchase of the new truck, and to award the bid for the fire truck to North Central Ambulance, Lester Prairie, MN in the amount of \$410,000.00 as recommended by the Fire Chief. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

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

1. 2013-2014 permit/license applicants effective July 1, 2013 through June 30, 2014;
2. Extension of premises application for a special event submitted by County Bottle Shop Inc to be held July 3, 2013;
3. Four gaming site authorizations submitted by the Devil Lake Blue Line Club for July 1, 2013 through June 30, 2014 at the following locations: Devils Lake Elks 1216 – 425 Hwy 2 W; Lake Region Razors Edge – 711 Hwy 19 W; Old Main – 416 4<sup>th</sup> St NE; and Royal Lanes Bowling Center (11<sup>th</sup> Frame) – 915 Hwy 2 E;
4. Six gaming site authorizations submitted by Devils Lake Youth Activities Association for July 1, 2013 through June 30, 2014 at the following locations: Champions Bar – 312 4<sup>th</sup> St NE; Columbus Club & Building Association of Devils Lake – 522 4<sup>th</sup> St NE; Nellies Bar & Lounge Inc – 310 4<sup>th</sup> Ave NE; Proz End of the Line – 101 6<sup>th</sup> St NE; Thirstys LLC – 308 4<sup>th</sup> St NE; and Ye Olde Tavern – 410 4<sup>th</sup> Ave NE;
5. Parade permit submitted by Devils Lake Volunteer Fire Department on July 4, 2013 to begin at 11:00 A.M.;
6. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for the wedding reception and dance of Karen Brown and Ellery Handel to be held June 29, 2013 at the Masonic Temple;
7. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for the wedding reception and dance of Tyler Schiele and Emily Fitzke to be held July 6, 2013 at the Burdick Arena;
8. Permit to sell alcoholic beverages at a special event submitted by Ye Olde Tavern for the wedding dance of Victoria Wobbema and Bruce Johnson to be held August 31, 2013 at the Bill Jerome Arena;
9. Reappointment of Lyle Belleque as a member of the Lake Region Public Library for a three-year term expiring on June 30, 2016; and
10. Appointment of Brianne Langton as a member of the Devils Lake Beautification Committee for a two-year term expiring on June 30, 2015.

The motion was seconded by Commissioner Morse. Discussion was held on the liquor license with outstanding property taxes. Arrangements have been made for the payment of the taxes. If the arrangements are not kept, the rescinding of the license will be addressed at that time. The motion carried unanimously.

The Fire Chief and Airport Manager discussed the need for an additional employee. This employee would perform the annual inspections needed for the Fire Department and assist with the ARFF support at the Airport. The Fire Chief stated with an employee on medical leave and scheduled vacations, the Fire Department has not had time to perform the annual inspections. The Airport Manager reviewed the staffing for ARFF support. The Airport has four part-time ARFF employees. With the addition of the Fire Department, there would be ten employees to cover the evening shifts Monday through Friday. The employees would work one weekend per month. This plan would reduce overtime paid at the airport. With the new runway extension, maintenance costs are expected to increase 20% so the cost savings with the overtime would help greatly. The ARFF employees cover fire-related duties. Discussion followed on advertising now with the position to start August 1<sup>st</sup>, if there are extra funds in the budget to cover the addition of a full-time person, the amount of fees expected to be received for the inspections, the difficulty in hiring part-time ARFF personnel when it requires one full week of training, and the impact on daytime staffing at the Fire Department.

The addition of one full-time employee to the Devils Lake Fire Department with this position responsible for conducting fire inspections per the new city ordinance and providing ARFF support to the Devils Lake Regional Airport was tabled for further review.

Commissioner Robbins moved to approve the contract with the North Dakota State Tax Commissioner for the collection of city sales, use and gross receipts taxes for the period July 1, 2013 through June 30, 2015 as recommended by the City Administrator. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The development agreements for Dahlen and Lafleur were tabled until all the documentation for the agreements could be completed. A special meeting will be held June 24<sup>th</sup> or 25<sup>th</sup> to review the agreements.

Commissioner Stromme moved to approve the request submitted by the Devil Lake Volunteer Fire Department in the amount of \$1,000 for the purchase of the fireworks for July 4, 2013 with the funding coming from the Advertising & Promotion 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.

The City Engineer reviewed the request for the release of an easement from Leever's Foods. When the vacation of 3<sup>rd</sup> Ave NE between 5<sup>th</sup> & 6<sup>th</sup> St was completed, the utility companies asked the City to retain an easement. The utilities companies have agreed to release the easement if there is an easement covering the utilities corridor.

Commissioner Robbins moved to approve releasing the easement on 3<sup>rd</sup> Ave NE in consideration of Leever's Foods granting an easement across 3<sup>rd</sup> Ave NE in the area of the extended alleyway as recommended by the City Engineer. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Karissa Olson, Administrator of Heartland Care Center, indicated they are refinancing their 1998 Bonds Series. The bonds are being refinanced from 6.5% at 4.5% which will save \$900,000, but the same payoff in 2023 will be kept.

Commissioner Stromme moved to approve the resolution approving issuance of Senior Housing Refund Bonds Series 2013 for the Heartland Care Center Project as recommended by the bond attorney. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Engineer indicated the City received a request to improve the roadway at 16<sup>th</sup> St SE from the 12<sup>th</sup> Ave area to 17<sup>th</sup> St. This project would be special assessed at 25% city and 75% property owners. The total project is estimated at \$170,000. The city has lots there. The roadway improvement would be a gravel street, but it would be developed so curb, gutter and pavement could be added later. The adjoining areas are gravel.

Commissioner Stromme moved to approve the resolution approving preliminary report and directing preparation of plans and specifications for Street Improvement District No 47-13 (16<sup>th</sup> St SE) as recommended by the City Engineer. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Commissioner Heisler moved to approve the resolution declaring the necessity of an improvement for Street Improvement District No 47-13 (16<sup>th</sup> St SE) as recommended by the City Engineer. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Commissioner Stromme moved to approve a Resolution to Set the Limit of Liability on the Commercial Blanket Bond of the City of Devils Lake in the amount of \$2,000,000 as recommended by the City Auditor. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Heisler 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. City Auditor monthly report;
2. Fire Department monthly report;
3. Two Municipal Court monthly reports; and
4. Police Department monthly report.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:25 P.M.

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

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