

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

The regular meeting of the Devils Lake City Commission was held Monday, July 15, 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 Stromme moved to approve the minutes of the regular City Commission meeting held July 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 change in the zoning ordinance that would allow up to 18 children in a home day care, with more than 18 children requiring a conditional use permit. Carla Bjornson, daycare provider, inquired about the purpose of a conditional use permit and why it is needed if the State guidelines allow more children. The procedure for the permit was reviewed. Jessica Ramey Gilliam questioned if the permit is based on State regulations. It was noted that there is a need for daycare in Devils Lake. Hearing and receiving no other comments, President Johnson closed the public meeting.

The recommendation submitted by the Devils Lake Planning Commission to approve a change to the zoning ordinance which would allow home day cares to have up to 18 children, with more than 18 children in a home day care requiring a conditional use permit will be acted on at the 2nd reading of the ordinance.

Wade Frank, engineer from Kadrmass, Lee and Jackson appeared before the City Commission to present the following overview of the west viaduct project.

1. Need for project due to alkali-silica reaction which impacted the concrete.
2. Alternatives include no build or build.
3. Bridge alternatives include vertical or sloped abutment elevation.
4. Construction details presented included shoofly alignment, temporary traffic control, potential detour routes and maintaining access.
5. Preliminary cost estimates for total construction are \$11.9 to \$13.8 million with funding being 10% local, 10% state and 80% federal.
6. Timeline for the project – July-September 2013 PCR work; November 2013 public hearing; January 2014 categorical exclusion; and November 2015 bid opening.

Discussion followed on how long the construction would take, the time length of the detours, and the funding of the project since the life of the bridge was shorter than expected.

Jessica Ramey Gilliam asked who prepared the environmental report and who is liable if the rail fails.

Mylo Einarson, President and CEO of Nodak Electric Cooperative, appeared before the City Commission to present general business information, and reliability and cost comparisons for Nodak Electric Cooperative in preparation for requesting a franchise from the City.

Commissioner Heisler – The City Assessor stated proposals for demolition of the city-owned house had been received.

The following proposals were opened and read:

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|--|--------------------------|
| 1. Midland Excavating, Devils Lake, ND | Bid \$21,540 |
| | Alternate A Bid \$27,540 |
| 2. Howatt's Excavating, Starkweather, ND | Alternate A Bid \$17,000 |

Commissioner Stromme moved to accept the proposals as read, and refer them to the City Assessor for further review and recommendation. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

The City Engineer stated the east viaduct would be closed Wednesday since the castings arrived. The overlay will be placed, and the road will reopen late Wednesday or early Thursday.

The City Engineer received a change order from ND Department of Transportation (DOT) for work on the relocation of Hwy 20 on the dry side. The work is on the frontage road on the west side of Hwy 20 adjacent to the embankment. There have been tough conditions with the frontage road – real saturated conditions and poor soils. The contract is being

adjusted to address some of the drainage through the installation of culverts and adjusting the profile of the road to get up out of the poor conditions so the roadway lasts longer.

Commissioner Heisler moved to approve Change Order No. 1 for Knife River Materials for subgrade repair, additional aggregate base, two additional culverts, and mountable curb and gutter for a net increase in the amount of \$63,870 and additional time may be required as recommended by the City Engineer and contingent upon Corps approval. The motion was seconded by Commissioner Stromme. On roll call all Commissioners voted aye, and the motion carried.

The pavement being placed is 4 ½ inches. In some areas the water table is as high as the road.

Commissioner Stromme – The Police Captain stated everything was fine.

Commissioner Robbins - The Public Ways Supervisor said mosquito ground spraying will go down to three times a week. A map of the aerial spraying was distributed.

Commissioner Morse – The Public Ways Supervisor reported Tri State Paving will be here this week and next week to repair frost boils and perform other work. Discussion followed on 5th St SE. Water stands in the intersections, and the area is flat. The utility cut will be fixed when Tri State is here.

President Johnson - The City Auditor stated everything was fine.

The City Administrator reviewed the schedule for the budget meetings.

The City Administrator stated the developer for K&K Estates wants to wait on the project until next spring.

The City Administrator reviewed the change to the development agreement for Agassiz Properties LLLP. Any costs to be special assessed will be billed to the developer and not assessed.

Commissioner Stromme moved to amend the development agreement with Agassiz Properties LLLP to allow the payment to be billed directly to the developer and not special assessed. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The Fire Chief stated everything was fine.

The City Attorney said everything was fine.

It was noted the aerial spraying cost \$8,200. Discussion followed on spraying around Labor Day.

Commissioner Morse left the meeting at 6:37 P.M.

Wade Schwan, developer of Stone Ridge, appeared before the City Commission to discuss the supply of electric service to his third unit. The contractor is waiting to start. He stated he cannot get temporary service stubbed in until the issue of who is supplying the power to the area is resolved. He also stated Nodak's facility charge is \$5 more per month than Otter Tail Power. Nodak stated the primary is stubbed in, and a temporary could be put in. Nodak noted the facility charge was included in the cost comparison.

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

1. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for the wedding reception and dance of Callie Hanson and Josh Greene to be held August 10, 2013 at the Memorial Building;
2. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for the wedding reception and dance of Calby and Cierra Beckstrand to be held August 24, 2013 at the Burdick Arena;
3. Permit to sell alcoholic beverages at a special event submitted by Thirstys Bar for a wedding dance to be held September 21, 2013 at the Memorial Building; and
4. Appointment of Pam Moser as a member of the Lake Region Public Library for a three-year term expiring on June 30, 2016;

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

The first reading of Ordinance No. 915 – Home Daycare was held.

The first reading of Ordinance No. 916 – Nodak Franchise was held.

The City Engineer reviewed the permit with ND Department of Transportation to install an outlet pipe in the south ditch for the Wal-Mart project. In the agreement with Wal-Mart, the City is to handle the permitting process. The City Engineer inquired if the other permits could be handled internally as long as there is no financial commitment.

Commissioner Morse returned to the meeting at 6:42 P.M.

Commissioner Heisler moved to approve the permit with ND Department of Transportation to enter the south ditch of US 2 right of way in the SE ¼ Section 2, Township 153 N, Range 64 W for the purpose of installing a 15 inch detention pond outlet pipe for the Wal-Mart project as recommended by the City Engineer. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Robbins moved to authorize the City Engineer to approve the permits for the Wal-Mart project as long as there are no financial obligations. The motion was seconded by Commissioner Morse. The permits will be brought to the City Commission to be acknowledged. The motion carried unanimously.

The City Auditor indicated letters were sent to all the financial institutions that are depositories for the City; however, the City currently has deposits only at Bremer Bank.

Commissioner Stromme moved to approve the Pledge of Assets by Bremer Bank as recommended by the City Auditor. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Engineer reviewed the recommendation for the Urban Roads Program. Some coring of the concrete of 5th Ave was completed because of some of the alkali-silica reaction in other areas, and will be sent for forensic analysis. Once results are received, the City will have to evaluate what they will need to do for rehabilitation of the roadway. Thought was to replace some panels and stitch some together, but depending on the results, may have to do an asphalt overlay to extend the life 5 to 7 years, and then perform a complete reconstruction.

Commissioner Morse moved to approve the recommendation submitted by the Devils Lake Planning Commission to approve the submission of 5th Ave SE from 1st St to Hwy 2 as a ND Department of Transportation Urban Roads Project with work scheduled for 2014. 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. City Auditor monthly report; and
2. Municipal Court monthly report.

President Johnson stated a procedural change for the meetings will take place starting at the August 5, 2013 meeting. The meetings will start with the pledge of allegiance.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:50 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT