

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD SEPTEMBER 3, 2013

The regular meeting of the Devils Lake City Commission was held Tuesday, September 3, 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.

Pledge of allegiance was recited.

Commissioner Stromme moved to approve the minutes of the regular City Commission meeting held August 19, 2013. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Norm Janzen appeared before the City Commission to discuss loud noises within the City. Mufflers, straight pipes, baffles on motorcycles and barking dogs were among the items causing the loud noises. He doesn't think the noise ordinance is being enforced, and he would like to know what can be done about it.

Discussion followed on if people have called the Police Department or Commissioners. People need to come forward and give details of when and where the problem is. The Police Chief has had one person call a few times about 6th St & College Dr. Also an individual on 14th Ave NE came in with specific times. The Police Department, Sheriff's Office and the Highway Patrol are aware of the motorcycle group, but have not been able to determine if it is the group or certain individuals within the group. Also discussed were identifying an area and time for having an officer present, the ordinance not being based on decibel levels but on nuisance, and the differences between the two types of ordinances. The Police Chief has been researching noise ordinances. A person can take down a license number and call it in, but you still need to identify who was actually driving the vehicle.

Commissioner Robbins – The Public Utilities Supervisor said everything was fine in the Water Department.

The Public Ways Supervisor stated everything was fine at the cemetery.

Commissioner Morse – The Public Ways Supervisor stated he is advertising the position again.

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

Commissioner Heisler – The City Assessor said everything was fine.

The City Engineer reviewed the following:

1. Curb and top soil have been placed at Elkhorn. Gravel is being bladed, and the asphalt should be done in a week or two.
2. The sanitary sewer is being installed at Highland Park.
3. The City needs to call for bids for the water line at Wal-mart.

Commissioner Heisler moved to authorize the City Engineer to call for bids for the waterline at Wal-mart. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

4. Neal and Roberta Ackerman's purchase agreement allowed them to remove fill as long as it met the requirements set out in the agreement. The agreement states a grading plan is required, and the plan needs to be approved by the Corps of Engineers. When the grading plan is approved by the Corps of Engineers, he would like authorization to be able to approve it. Consensus of the Commission was to have the City Engineer approve removing of the fill after receiving approval from the Corps of Engineers.
5. The ND Department of Transportation has received a request from Camp Grafton for a sign at their entrance. The sign would be placed in the embankment's vegetation free zone and has to be approved by the Corp of Engineers. Once the approval is received from the Corps of Engineers, the City would need to sign off on it. He would like the Mayor to have authorization to sign.
Commissioner Heisler moved to authorize the mayor to sign off on the placement of the sign for Camp Grafton in the city's embankment vegetation free zone. The motion was seconded by Commissioner Morse, and the motion carried unanimously.
6. Flood protection work continues. The paperwork states the work will be completed this year, but he doesn't think it will be completed. The plan is to seed this year, but the Corps of Engineers has a grown-in period. Discussion continued on the former site of Black Construction. The site needs to be cleaned up. The culverts and building are unattractive next to the residential area. The building is full of equipment from the old pump stations. The building could be left there and used since the City is always short on storage;

- however, it would need to be enhanced. The City needs to decide what to do with the equipment and culverts. The area is still a work area for the embankment, and it would be best to move the pipes after there is frost because the ground is soft there.
7. It was questioned if any storm sewer projects were being completed at the Wal-mart site or the other new developments. A limited amount will be placed at the parking area of Wal-mart and adjacent to the parking lot will be some storm water retention ponds. A limited amount was placed at the Sleep Inn which also has a storm water retention pond and culvert leading to the City's system. Nothing will be placed in Highland. The roadway will sheet the water, and a valley gutter will be just north of Lincoln. The roadway will be graded up to the vacant lot. Since the size of the pump station has been increased at Ford lift station for the embankment, it has been discussed about increasing the horsepower when those pumps are replaced to increase the capacity. Storm sewer is included in the Agassiz development.

Commissioner Stromme - The Police Chief stated everything was fine.

The Sanitation Supervisor reported everything was fine.

President Johnson – The City Auditor stated a letter was received from the Residential Reentry Center requesting a Commissioner be on a board to study housing issues. Commissioner Robbins agreed to attend the meeting.

The City Administrator said everything was fine

The Fire Chief stated the new employee will start on September 9th. Also, a letter will be sent to the landlords and a public meeting will be held concerning the start of the building inspections. In addition a list of blighted structures will be compiled.

The City Attorney said everything was fine.

The City Administrator reviewed the 2014 Budget Overview.

Following are the significant items or changes discussed during the 2014 budget meetings.

1. Cost of living increase for January 1, 2014 is 2%.
2. Retirement contribution increases from 8% to 8.5%.
3. The family insurance plan will stay the same and shared at 80/20. The City pays \$1,040, and the employee pays \$260.
4. Budgeted to fund ½ of the cost of the officer for the Lake Region Narcotics Task Force.
5. The equipment purchases for 2014 are a loader for \$230,000, a skidsteer for \$42,000, a dump truck for \$35,000, a trailer for \$8,000 and a mower for \$16,000.
6. The landfill closure charge is eliminated.
7. The sanitation rate for one can increases \$.50; two can service increases \$1.00.
8. The dumpster charge increase averages about \$4.00/month.
9. The water usage charge increases from \$2.60/1000 gallons to \$2.80/1000 gallons.
10. Overall the average residential utility account per month will increase approximately \$1.20.
11. \$900,000 is budgeted for infrastructure projects.
12. The net decrease in the City mill levy is 10.4 mills, and property tax dollars levied are the same the last five years.
13. Sales tax is budgeted at \$3.3 million versus \$3.2 million in 2013.

Commissioner Morse moved to approve the 2014 preliminary budget as presented. The motion was seconded by Commissioner Robbins. On roll call all Commissioners voted aye, and the motion carried.

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

1. Game of chance permits for the month of August 2013;
2. Parade permit submitted by Devils Lake High School for Saturday, September 14, 2013 at 10:00 A.M.;
3. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for the wedding reception and dance for Chad Peterson and Amanda Kenner to be held September 14, 2013 at the Memorial Building; and
4. Permit to sell alcoholic beverages at a special event submitted by Thirsty's for a wedding dance to be held October 12, 2013 at the Memorial Building.

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

The City Engineer stated the change order for Berger Enterprises was due to the increase gauge of the culverts.

Commissioner Stromme moved to approve Change Order No.1 for Berger Enterprises for the landfill expansion to adjust the culvert gauge from 16 to 14 gauge for a net increase in the amount of \$347.88 as recommended by the City Engineer. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

The City Engineer reviewed the cost participation and maintenance agreement with ND Department of Transportation for the mill and hot bituminous pavement overlay and pedestrian ramp improvements for the US 2 interchange with ND 19 & ND 20. It was noted the City will pay no cost for the work. The project is not for reconstruction, but is for asphalt mill and overlay on the old portions of the concrete. The roadway will need to be reconstructed in five to seven years. This project will make sure the light sensors are operational and the ramps are ADA compliant.

Commissioner Morse moved to approve the cost participation and maintenance agreement with ND Department of Transportation for the mill and hot bituminous pavement overlay and pedestrian ramp improvements for the US 2 interchange with ND 19 & ND 20, Project No. S-NHU-3-002(143)268, as recommended by the City Engineer. The motion was seconded by Commissioner Heisler. The City is responsible for all maintenance. The motion carried unanimously.

The City Administrator requested parcel 39-1911-00003-000 (Lot 1 Block 2 Stromquist 4th Addition) and parcel 39-1911-00004-000 (Lot 2 Block 2 Stromquist 4th Addition) be declared surplus property and sold by bid. A party is interested in purchasing the lots although there are major easements. After declaring the property surplus, it could be listed with a realtor for sale or it could be bid.

Commissioner Heisler moved to approve declaring parcel 39-1911-00003-000 (Lot 1 Block 2 Stromquist 4th Addition) and parcel 39-1911-00004-000 (Lot 2 Block 2 Stromquist 4th Addition) as surplus. Discussion followed on the property being subject to easements and the need for the Otter Tail Power easement. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Robbins moved for parcel 39-1911-00003-000 (Lot 1 Block 2 Stromquist 4th Addition) and parcel 39-1911-00004-000 (Lot 2 Block 2 Stromquist 4th Addition) to be sold by written bids with the option to orally raise the bids at the bid opening. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Morse moved to approve payment of Estimate No.5 to Berger Enterprises for Landfill Expansion in the amount of \$54,945.54 as recommended by the City Engineer. The motion was seconded by Commissioner Robbins. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Morse 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.

President Johnson acknowledged the following report:
2012 Audit

President Johnson stated the ground breaking for Wal-mart will be Tuesday at 10:30 A.M.

The City Engineer thanked the Street Department for the improvements at the fish cleaning station.

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