

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD OCTOBER 21, 2013

The regular meeting of the Devils Lake City Commission was held Monday, October 21, 2013 at 5:30 P.M. with the following members present: President Johnson, Commissioners Tim Heisler, Craig Stromme, and Rick Morse. Commissioner Dale Robbins was absent.

Pledge of allegiance was recited.

Commissioner Morse moved to approve the minutes of the regular City Commission meeting held October 7, 2013. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

5:30 P.M. - This was the time set for a public hearing to review the final plat for Eagle Bend Estates 14th Subdivision (Cty Rd 1). Hearing or receiving no comments, President Johnson closed the public hearing.

Commissioner Stromme moved to approve the recommendation submitted by the Devils Lake Planning Commission to approve the final plat for Eagle Bend Estates 14th Subdivision located adjacent to County Rd 1. The motion was seconded by Commissioner Heisler. Commissioners Heisler, Stromme and President Johnson vote aye. Commissioner Morse vote nay. The motion carried.

5:30 P.M. - This was the time set for a public hearing to review the final plat for Sunny Acres 1st Addition (17th St SE). Hearing or receiving no comments, President Johnson closed the public hearing.

Commissioner Heisler moved to approve the recommendation submitted by the Devils Lake Planning Commission to approve the final plat for Sunny Acres 1st Addition located on 17th St SE. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

President Johnson introduced the new executive director of Forward Devils Lake, Rachel Lindstrom.

Casper and Linda Beck appeared before the City Commission to request the 30 mph speed limit zone on Highway 20 N to start further north of its current location for safety and noise reasons. With more housing being developed in this area there are more people and more traffic entering and exiting Highway 20. Also this is the area where vehicles start to accelerate, and the noise level increases. Discussion also followed on trucks using jake brakes. The City Engineer stated the Department of Transportation (DOT) sets the speed limit zones so he will contact DOT regarding this request.

President Johnson requested the City Attorney research noise ordinances. Discussion continued on the signing placed on Highway 20 regarding noise and jake brakes. Since this is a state highway, signing has to conform to DOT standards.

Commissioner Morse – The Public Ways Supervisor stated the surplus sale was held last week and about \$8,700 was raised.

The Public Utilities Supervisor said a storm water lift station was located in the middle of the golf course. A fairway had to be dug up.

Commissioner Heisler – The City Engineer reviewed the following:

1. Elkhorn – Project is essentially complete.
2. Highland Park – Water and sewer are complete. Flushing and testing will be done. Gravel will be placed for winter and spring access.
3. Hwy 2 Frontage – Waterline is being installed. Completion date is for this week, but it won't be completed by then. There are some miscellaneous items to complete. Discussion followed on the waterline.
4. Agassiz Southview West – Water and sewer will be completed this month.
5. Embankment – Work continues.
6. Hwy 2 – Turn lanes for Wal-mart are being worked on by DOT. The intent is to have the lanes completed before winter.
7. West viaduct – BNSF would like to have three tracks here. Originally BNSF said they needed two tracks throughout the construction, but they are checking to see if one track would be sufficient during construction. Also discussed with BNSF was if they wanted the third track when construction is complete or just the ability to add a third track, and who would be responsible for the cost. BNSF would also like to extend the length of the second track. The issue of a quiet zone may need to be revisited.

Commissioner Stromme - The Police Chief stated one of their grants would be audited on October 28th.

The Sanitation Supervisor reported everything was fine.

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

The Public Ways Supervisor said everything was fine.

The City Administrator stated Suzie Kenner has been serving as the City Commissioner's representative on the Lake Region Heritage Center Board. Her term has expired, but she is willing to serve another term.

Commissioner Stromme moved to reappoint Suzie Kenner as the City Commissioner's representative on the Lake Region Heritage Center Board for another term. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The Fire Chief stated a notice was sent out for a public meeting on November 5, 2011 to all the landlords concerning the inspection process which will begin January 1, 2014.

The Fire Chief stated an IRS audit will begin tomorrow, and on Monday there will be DES audit.

The City Attorney said everything was fine.

The second reading of Ordinance No. 917 – Sale of Fireworks was held.

The public comments received on Ordinance No. 917 were reviewed. All comments received are opposed to having fireworks over the Christmas – New Year holiday season.

Mark Olson stated the sale of fireworks for the December holiday season was voted in by the State legislature. If the City does not pass this ordinance, it only bans it within city limits, and it will be legal to have fireworks in the county. It will just push people to buy the fireworks out-of-town.

It was noted comments had been received to totally ban fireworks within the City.

President Johnson called for the motion to approve Ordinance No. 917 – Sale of Fireworks three times, and Ordinance No. 917 - Sale of Fireworks failed for the lack of a motion.

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

1. Authorizing the City Auditor to cancel Check No. 103818 dated August 6, 2013 in the amount of \$225.00 payable to Mark's Greenhouse (Shade Tree-Nondepartmental-Trees Purchase) and Check No. 103884 dated August 20, 2013 in the amount of 70.00 payable to Cowboy's Towing Service (General-Police Department-Miscellaneous. Both checks were lost and will be reissued; and
2. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for the wedding reception and dance of Kelsey Bachmeier and Brandon Mertens to be held November 2, 2013 at the Memorial Building.

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

The City Engineer reviewed the application to place fill in the ponding area of the embankment and submitted by Farmers Union Oil Company. The rationale for the ponding area was reviewed. Less than 1,000 yards has been approved to be filled with another 2,500 yards pending for the Otter Tail Substation. However, the substation will probably not be built. Farmers Union Oil is requesting to fill 67,000 cubic yards. Only 108,000 cubic yards can be filled. If structures are placed, fill has to be placed above the flood plain which does not impact the 108,000. Some of the area could be for a parking lot and would not need to be filled out of the flood plain. The permit is for the 1445.5 elevation. There is another process for going above that elevation. Farmers Union is planning on selling some of the lots to potential businesses. The fill for structures and parking lots was discussed. The area south of Highway 2 is a separate flood plain area. The infrastructure required will need to be looked at.

Commissioner Heisler moved to approve the application to fill East Ditch ponding area submitted by Farmers Union Oil Company of Devils Lake contingent upon Corps of Engineers' approval. The motion was seconded by Commissioner Morse. Discussion followed on how long Corps approval will take. Also discussed was the annexation of the land into the City. The motion to approve carried unanimously.

Commissioner Stromme moved to approve Budget Amendment No. 04-13 for various departments. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

The memo for accepting credit/debit card payments for municipal court was reviewed.

Commissioner Morse moved to approve allowing the auditing department to transfer monthly the card payments for municipal court items from the general account to the municipal court account outside of the City's normal check cutting schedule. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The City Engineer reviewed the memo for the updated urban boundary. The map was provided to the City by DOT based on the 2010 census.

Commissioner Morse moved to approve the updated urban boundary as recommended by the City Engineer. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The payment of Estimate No.7 - Final to Berger Enterprises for landfill expansion was tabled until the November 4, 2013 meeting.

The City Administrator reviewed the proposals for reroofing the city garage and city hall. Since the City should have a surplus this year, it was thought the work should be completed this year. However, Target Roofing does not think it will be able to complete the work this year. If the contractor cannot do the work this year, the City could set aside the funds for the work to be completed next year. Discussion followed on how long the bid prices were good for and on other construction options available for the garage (wood top with slope).

Commissioner Stromme moved to approve the proposal from Target Roofing for the city garage not to exceed \$14,935.00 with the intention of getting it done this year and negotiating a different design to save money. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Morse moved to approve the proposal from Target Roofing for the city office in the amount of \$34,753.00 with the intention of getting it done this year. If it can't be completed this year the money will be set aside for next year. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

The City Administrator reviewed the resolutions for joining North Dakota Public Employees Retirement System. This is the first step in joining the retirement plan. It will take about six weeks to get everything set up. The resolutions are for the standard PERS and the law enforcement PERS.

Commissioner Heisler moved to approve the resolutions for joining the North Dakota Public Employees Retirement System. The motion was seconded by Commissioner Stromme, 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:

1. Third quarter economic data;
2. City Auditor monthly report; and
3. Municipal Court monthly report.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 7:00 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT