

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD DECEMBER 16, 2013

The regular meeting of the Devils Lake City Commission was held Monday, December 16, 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 December 2, 2013. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

5:30 P.M. – This was the time set for the public hearing to review a transfer of a Class IV retail liquor license held by Proz Inc dba Chronies Speakeasy located at 409 5th Ave NE to Ozark Spirits LLC dba Walmart Stores Inc located at 1424 Hwy 2 E. Hearing and receiving no comments, President Johnson closed the hearing.

The Police Chief indicated the information needed was provided; however, due to changes and time constraints the Police Department was not able to run the corporate background checks. The State will run these background checks as part of the state licensing. A state license is needed to operate.

Commissioner Heisler moved to approve the transfer of a Class IV retail liquor license held by Proz Inc dba Chronies Speakeasy located at 409 5th Ave NE to Ozark Spirits LLC dba Walmart Stores Inc located at 1424 Hwy 2 E. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Robbins – The Public Ways Supervisor stated snowmobiles have been using the roads in the cemetery. President Johnson will mention this issue during his radio report. Fencing for the new part was discussed. The fence will be extended in 2014.

The Public Utilities Supervisor said a water break occurred on December 6th at 3rd Avenue and 10th Street NE.

Commissioner Morse – The Public Ways Supervisor stated the residential areas will be cleaned today and tomorrow. Downtown will be done tomorrow night.

Ron Lang's retirement party is scheduled from 2:00 P.M to 4:00 P.M. on December 31, 2013 at the shop.

The Public Utilities Supervisor stated everything was fine in the sewer department.

Commissioner Heisler – The City Engineer reviewed the meeting with the Governor's Office and the Outlet Advisory Committee. Items discussed were the area being in a wet cycle until 2030, having the west outlet operational before spring, the salinity levels on the east end being 1000-1100 and the west end being 500, the State Water Commission approving ten million to operate the outlets and for downstream erosion projects, the gravity outlet not becoming a reality, the concerns of the Canadians and Minnesotans, and a study being done on the aquatic biota.

Commissioner Stromme - The Police Chief reviewed the following:

1. The paid intern will start in January.
2. Officer Engen accepted the narcotics task force position so the department will need to hire another officer.
3. An awards ceremony was held for the officers involved in the high speed pursuit.

The Sanitation Supervisor requested permission to call for bids for the loader in the 2014 budget.

Commissioner Heisler moved to authorize the City Auditor to call for bids for the loader with the bids to be opened on Monday, January 6, 2014 at 5:30 P.M. at the City Office as recommended by the Sanitation Supervisor. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

President Johnson - The City Auditor stated letters were sent out this fall to the liquor establishments indicating the second half of the property taxes were due by October 15th and had to be paid by this date in order to comply with the licensing requirements. One establishment had made arrangements for a payment plan, and is now behind on the payment plan. Consensus of the City Commission was to have the City Attorney send a letter to the owners stating payment for the

property taxes has to be made by December 31, 2013 or they will have to close the establishment. If the owners don't make payment and don't voluntarily close the business, the City will need to close the business.

The City Auditor indicated letters were sent out for past due parking tickets on December 6th with payments due December 20th. The new procedure for how parking tickets will be handled was discussed.

The City Administrator commended the Auditing Department for taking over the parking tickets, for trying to collect on the delinquent tickets and for setting up a new procedure for handling parking tickets. At some point the Auditing Department will need to request permission to write-off some tickets where the individuals cannot be located.

The Fire Chief reviewed the request for employees to donate sick leave to a co-worker who does not have enough sick leave for a medically necessary procedure. The employee will use his sick leave, vacation and comp time before using the donated hours. There are four co-workers willing to donate between 30 and 40 hours each. Discussion followed on if more than 160 hours were needed opening up the request to other departments.

Commissioner Stromme moved to approve fire department employees donating up to 160 hours of sick leave to a co-worker after all of his sick leave, vacation and comp time are used. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Attorney said everything was fine.

The Public Ways Supervisor stated he has been working on getting trailers moved off the streets for snow removal. The procedure for removing the trailers was discussed.

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

Permit to serve alcoholic beverages at a special event submitted by Proz Inc for the wedding reception and dance for Laura Leiphon and Andrew Burchard to be held December 28, 2013 at the Memorial Building.

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

The first reading of Ordinance No. 918 – Noise was held. It was requested that the Police Chief notify the Commissioners of any waivers granted. A decibel meter will need to be purchased for approximately \$300.00.

The City Administrator reviewed the legal service agreement for the City Attorney. It was noted the State Auditors had requested this agreement and have also requested an agreement for the Municipal Judge.

Commissioner Heisler moved to approve the legal service agreement for the City Attorney with the effective date of January 1, 2014 as recommended by the City Administrator. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Administrator reviewed the change of the contribution rate to NDPERS. At budget time, the rate for the employer's share for the law enforcement plan was 8.57%; however, this has increased to 9.07%. The City Administrator recommended using the extra money in the budget to pay for the difference instead of decreasing the cost-of-living raise.

Commissioner Stromme moved to approve increasing the employer's contribution rate to 9.07% to NDPERS by using the extra money in the budget and not decreasing the cost-of-living raise. Discussion followed on the employer contributing 9.07% for all employees in order to treat employees fairly. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Rachel Lindstrom, Executive Director of Forward Devils Lake appeared before the Commission to request the second-half of the 2013 funding and reimbursement for the mini-grants.

Commissioner Stromme moved to approve payment to Forward Devils Lake Development Corporation for the second ½ of 2013 funding in the amount of \$17,280.00 and for reimbursement of the mini grant fund in the amount of \$11,081.24. The motion was seconded by Commissioner Morse. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Stromme moved to approve writing-off the following uncollectible account: \$155.77 for Gagnon Construction for landfill. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Robbins moved to approve a Resolution Establishing Fees and Rates effective January 1, 2014 as recommended by the City Administrator. The motion was seconded by Commissioner Morse, 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:

- A. City Auditor monthly report;
- B. Fire Department monthly report;
- C. Municipal Court monthly report; and
- D. Police Department monthly report.

Rachel Lindstrom, Executive Director of Forward Devils Lake, answered questions on the possible refinery in Devils Lake. The company is working on a proposal and date to speak to Forward Devils Lake, and then present it to the City Commission. Devils Lake has been picked as the primary site. The facility would be top-of-line; use solar power; and not look like the old ones. It would have its own self-contained lagoon. It would need 300,000 gallons of water per day. The company is working on the quality that the water would need to be as required by the State. The company is American Energy Holdings of Michigan. Devils Lake would be a corporate site with a maximum of 100 employees.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:15 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT