

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD MARCH 3, 2014

The regular meeting of the Devils Lake City Commission was held Monday, March 3, 2014 at 5:30 P.M. with the following members present: President Johnson, Commissioners Craig Stromme, Rick Morse and Dale Robbins. Commissioner Tim Heisler was absent.

Pledge of allegiance was recited.

Commissioner Stromme moved to approve the minutes of the regular City Commission meeting held February 18, 2014. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

John Kuntz appeared before the City Commissioner to inquire if they had met about his relocation payment. The committee is meeting Wednesday, March 5th, at 2:00 P.M. and will come back to the Commission with a recommendation. Mr. Kuntz stated the house will be arriving March 13th or 14th, and the money is needed for payment. The Commission will not be meeting until March 17th on this matter.

Commissioner Robbins - The Public Utilities Supervisor said there were a few water breaks.

The Public Ways Supervisor has sent in the application for aerial mosquito spraying, but he needs a date for spraying. Consensus of the City Commission was to spray July 2nd with July 3rd as an alternate date.

Commissioner Morse – The Public Ways Supervisor said everything was fine.

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

Commissioner Stromme - The Sanitation Supervisor reviewed the sales of recyclables and the cost savings for not having to haul these items to Grand Forks for 2013. Discussion followed on the price of cardboard being down.

The Police Chief requested that the 2007 Jeep Commander seized be declared surplus and be advertised for public sale.

Commissioner Stromme moved to declare the seized 2007 Jeep Commander as surplus and advertise it for public sale as order by the court and recommended by the Police Chief. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The Police Chief indicated a new officer was hired, and the department is back at full staff.

President Johnson - The City Engineer indicated the City has been approached by a property owner adjacent to the flood protection at Eagle Bend for a sewer easement across City property in order for him to access a sewer line. The easement would be outside the vegetation free zone. The Corps of Engineers will allow the easement outside of the vegetation free zone, but adjacent to it. The consensus of the City Commission was to allow this sewer easement. The easement would not be written up until a later date. Discussion followed on this easement being only for sewer and not for water. This would be a private sewer line providing service to one house.

The City Assessor stated everything was fine.

The City Administrator stated Devils Lake Kids inquired about any extra computers. The auditing department just replaced one, and he is requesting to declare it surplus and to donate it to Devils Lake Kids.

Commissioner Robbins moved to declare an auditing computer surplus and to donate it to the Devils Lake Kids. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Administrator requested permission to have the human resource consultant review the City's pay scale since the City is having trouble replacing people. Public ways has a position which two people have refused, and the water department will have an opening after Wednesday.

The City Administrator reviewed the economic data for the first two months of this year.

The City Attorney said everything was fine.

The Public Utilities Supervisor reviewed his recommendation for the skid steer loader. The bid from Bobcat was for a low flow loader, but when contacted they stated a high flow loader could be provided for an additional \$400.00.

The City Attorney recommended rejecting and re-bidding the loader since the high flow aspect was negotiated.

Commissioner Morse moved to reject the bids for the skid steer loader and to re-bid as recommended by the City Attorney. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Commissioner Morse moved to approve the consent agenda which included the following

1. Game of chance permits for February 2014;
2. Appointing Mercedes Schmidt as the City inspector for the June 10, 2014 election;
3. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for Pheasant Forever Banquet to be held March 17, 2014 at the Memorial Building;
4. Permit to sell alcoholic beverages at a special event submitted by Thirstys Bar for the Heritage Center's private fundraiser to be held April 11, 2014 at the Heritage Center; and
5. Permit to serve alcoholic beverages at a special event submitted by Ye Olde Tavern for the wedding dance for Chris Landis and Kristi Trotter to be held April 12, 2014 at the Burdick Arena.

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

The first reading of Ordinance No. 919 – Warrantless Arrests for Assault of Family or Household Member was held. This ordinance will bring the City into accordance with State law.

The first reading of Ordinance No. 920 – Violations and Penalties was held.

The first reading of Ordinance No. 921 – Use of Wireless Communication Devices Prohibited was held.

The City Engineer reviewed the cost participation agreement with ND Department of Transportation for the mill and overlay of 5th Ave SE (Hwy 2 to 1st St NE) & 5th St SE (5th Ave to 8th Ave).

Commissioner Robbins moved to approve the cost participation, construction and maintenance agreement for Project SU-3-982(019)023 with the ND Department of Transportation for the mill and overlay, curb and gutter, sidewalk and incidentals for of 5th Ave SE (Hwy 2 to 1st St NE) & 5th St SE (5th Ave to 8th Ave). The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Engineer indicated Federal funds would be utilized to reduce the local share for Street Improvement District No. 51-13. The property owners will be assessed 25% of the 20% local share.

Commissioner Robbins moved to approve the resolution creating Street Improvement District No. 51-13 (5th St SE) and ordering preparation of a preliminary report. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Chief Schroeder indicated the City of Bismarck ran into a situation where they charged out the noise violation, and the defense attorney requested they subpoena an expert witness from the EPA on decibel levels. The noise committee is working to set up a time to meet.

Commissioner Morse 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.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 5:58 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT