

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD APRIL 7, 2014

The regular meeting of the Devils Lake City Commission was held Monday, April 7, 2014 at 5:30 P.M. with the following members present: President Johnson, Tim Heisler, Craig Stromme and Dale Robbins. Commissioner Rick Morse was absent.

Pledge of allegiance was recited.

Commissioner Stromme moved to approve the minutes of the regular City Commission meeting held March 17, 2014, and of the special City Commission meeting held March 24, 2014. 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 request for a conditional use permit to build a storage garage on Hwy 19 W – Blake’s Marine. Hearing and receiving no comments, President Johnson closed the public meeting.

Commissioner Robbins moved to approve the recommendation submitted by the Devils Lake Planning Commission to approve a conditional use permit to construct a storage garage in an area zoned as highway commercial and submitted by Rick Blake. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Allen Faninn, Justin Johnson and Matt Perleberg, representing Edward D Jones, appeared before the City Commission to discuss ordinance section 9.64.010 – solicitation without invitation. Mr. Faninn, regional leader for Edward D Jones, explained that part of the training process for new employees is to have them go door-to-door to introduce themselves to a community and explain what they do. During this process they are not selling anything. The business culture is face-to-face introductions. It is a way to get to know the community. Justin Johnson testified that when he started with Edward D Jones in Grand Forks, it was a way to get to know people. Matt Perleberg will be opening an Edward D Jones office in Devils Lake, and they do not want to violate any ordinances.

The City Attorney stated if they are not selling anything, it is not a violation of the ordinance.

Jessica Ramey Gillam appeared before the City Commission to discuss open meeting laws. She inquired about the five minute limit for visitors. She also stated there are concerns with the minutes from Forward Devils Lake, and she will be sending information to the Attorney General’s Office.

President Johnson indicated she would need to address Forward Devils Lake’s Board and not the City Commission regarding her concerns.

Mack Traynor, Ultra Green Packaging, distributed products made in the Devils Lake facility. The company is operational and will be expanding the plastic operation. The warehouse is in full operation. Currently they are using pulp from China to make their products. He hopes to start making pulp in Devils Lake this fall. He also stated a new round of equity funding had been closed, and they are still working on the SBA funding. They have received some EB5 funding. The business has hired 15 people, and will be hiring production technicians for fiber molding, lab technicians, maintenance technicians and pulping technicians. Jobs start at \$13/hr plus full benefits after a probationary period.

Commissioner Heisler – The City Engineer stated he is working with the Corps of Engineers on drainage issues, and work is progressing on several different city projects. Discussion followed on completion dates for the embankment.

The City Assessor reviewed two agreements for the embankment in the area of Highway 20 S. Both individuals have property required for the embankment project, and the City has been working on fixing drainage issues. Three new large culverts will be placed under Highway 20 and the frontage road to get better drainage flow. The agreements are for needed land purchases and ditch easements.

The Shipley agreement was reviewed. The City needs to buy .8 acres for the embankment and needs 1.1 acres for the drainage easement. As part of the agreement, 5.5 acres of city-owned property which was purchased from the previous owner during an earlier embankment project located in the middle of Shipley’s property will be given to Shipley with the City retaining an easement. Mr. Shipley has signed a right-of-entry for the ditch easement. The Corps of Engineers has approved the agreement for leerd credit.

The Railing agreement was reviewed. Exhibit A shows the property needed for the embankment. Exhibit B is property the City has an easement on, but will now be given a warranty deed. Exhibit C shows the two new drainage easements. The City will be releasing the existing drainage easement. A right-of-entry for construction and an appraisal waiver have been signed.

Commissioner Robbins moved to approve the agreement with Mark Shipley for land acquisition and easements in the amount of \$4,612.50. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Commissioner Heisler moved to approve the agreement with Eileen Railing for land acquisition and easements in the amount of \$38,105.00. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Stromme - The Sanitation Supervisor stated everything was fine.

The Police Chief said the noise ordinance committee met. More research is being done, and he is trying to find a decibel meter reader to test.

Commissioner Robbins - The Public Utilities Supervisor said the cemetery has been closed to the general public. Services will be taken one at a time

The Public Ways Supervisor stated there was a waterbreak on 5th St NE, a frozen sewer line on the west side and a few service line leaks.

President Johnson - The Public Ways Supervisor indicated everything was fine.

The Public Utilities Supervisor stated the Sewer Department has been running storm lift stations.

The City Auditor stated everything was fine.

The City Administrator said the incumbents on the City Commission and the Park Commission were the only ones to submit petitions for the election.

The Fire Chief requested to declare one complete set of Hurst extrication tools as surplus and offer them for sale with the funds going to the extrication team for equipment purchases.

Commissioner Stromme moved to declare the set of Hurst extrication tools as surplus and offer them for sale with the proceeds going to the extrication team for equipment purchases. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

The Fire Chief stated a grain bin extrication class will be held on Saturday, and forty people have signed up.

The Fire Chief requested out-of-state travel for Cory Meyer to attend a haz-mat conference from May 28th through June 3rd. The training will be reimbursed by a grant.

Commissioner Robbins moved to approve out-of-state travel for Cory Meyer for a haz-mat conference from May 28th through June 3rd. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The Fire Chief stated ISO will be here May 5th and 6th to review the fire protection. Currently, the Fire Department is rated as a class 5 community if a class 4 or class 3 rating can be obtained, it would be beneficial to the commercial insurance rates.

The Fire Chief said the elevator is working to clean up the bins, and the family on 7th St is working on getting that house removed.

The City Attorney said the condemnation cases are moving along.

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

1. Authorizing the City Auditor to call for bids for the 2014 Curb, Gutter & Sidewalk with the bids to be opened on Monday, April 21, 2014 at 5:30 P.M. at the City Office as recommended by the City Engineer;

2. Authorizing the City Auditor to cancel Check No. 105066 dated March 4, 2014 in the amount of \$480.86 payable to Aspen Mills (General-Fire Department-Clothing?). The invoice had been previously paid;
3. Fireworks permit submitted by Mark's Fireworks; and
4. Game of chance permits for March 2014.

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

The City Assessor reviewed the abatement application for Katherine A Thiessen. A resolution was passed in 1997 to grant a two-year residential tax exemption up to the first \$75,000 value of a new home. The application for the tax exemption was sent to the individual; however, she failed to return it. In this case the City can't grant an exemption since the taxes have already been paid. The individual went to the County. The City will only make a recommendation to the County since it is a refund of money. An abatement can only be filed two years after it becomes delinquent. The abatement process is the only way to get a refund.

Commissioner Robbins moved to recommend approval to the Ramsey County Commission for the abatement application for Katherine A Thiessen for 2012 and 2013 as recommended by the City Assessor. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Commissioner Stromme moved to approve the contract agreement with the North Dakota Department of Health – Division of Microbiology for the period of January 1, 2014 through December 31, 2014. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

The 2014 loan agreement for the F-101F Aircraft at the Airport was reviewed.

Commissioner Heisler moved to approve the 2014 Loan Agreement between the National Museum of the United States Air Force and the City of Devils Lake for the period from April 1, 2014 and ending March 31, 2015 for displaying an airplane at the Devils Lake Regional Airport. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The City Engineer reviewed the notice of petition for Summers St NW in the industrial park. The road is in poor condition. Summers Manufacturing owns the property on both sides of the roadway. They wish to vacate the roadway, improve the roadway on their own and use the area for parking. Discussion followed on forklift traffic, safety issues and the hydrants remaining in place. Halvorson and Davis opposed the vacation, but the Planning Commission approved it. Summers Manufacturing talked with Halvorson, and he is now okay with the vacation. The notice is for vacating public right-of-way. An easement for all utilities - water, fire hydrants, sewer and public utilities – will be retained and be open for accessibility. Any vacation needing a section line vacated needs approval from the County. Discussion continued on potential access for lots by using an ingress/egress easement and on the timeline for repairs on roadways in the industrial park.

Commissioner Stromme moved to approve publishing the notice of petition to vacate a portion of property set aside for public use – Summers Street NW which lies between Kelly Drive NW and US Highway 2 within the platted Replat of Devils Lake Industrial Park. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Engineer reviewed the preliminary engineering report for Street Improvement District No. 51-13 – 5th St SE from 5th Ave SE to 8th Ave SE. The area is full of potholes and has poor drainage. The cost estimate is \$140,000, and the City is able to utilize some urban road funds to cover 80% of the roadway cost. The remaining roadway costs and the drainage costs would be split 75% City and 25% property owners.

Commissioner Stromme moved to approve the preliminary report for Street Improvement District No 51-13 – 5th St SE. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Robbins moved to approve the resolution approving preliminary report and directing preparation of plans and specifications for Street Improvement District No 51-13 – 5th St SE. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Commissioner Robbins moved to approve the resolution approving plans and specifications and directing advertisement for bids for Street Improvement District No 51-13 – 5th St SE. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

The request from Lake Region Community Service and Restitution Program was discussed. It was noted the City provided \$4,000.00 last year.

Commissioner Heisler moved to approve the 2014 funding for Lake Region Community Service and Restitution Program in the amount of \$3,000.00 with the contingency that they may request another \$1,000.00 to be paid from the advertising fund (2008-000-43720). The motion was seconded by Commissioner Robbins. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Robbins moved to approve funding for the second quarter of 2014 for the Lake Region Heritage Center in the amount of \$4,500.00 to be paid from general fund (1000-000-55170). The motion was seconded by Commissioner Heisler. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Robbins moved to approve the sale of Lot 2, Block 11, Roundhouse Subdivision to Kermit Schell for \$2,000.00 plus the outstanding special assessment principal balance of \$1,202.82. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Commissioner Stromme 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 reports:

1. 2014 1st 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 6:45 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT