

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD JULY 21, 2014

The regular meeting of the Devils Lake City Commission was held Monday, July 21, 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 Robbins moved to approve the minutes of the regular City Commission meeting held July 7, 2014. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Jessica Ramey appeared before the City Commission to read an article she had written regarding the Law Enforcement Center.

Commissioner Heisler – The City Engineer reviewed the following projects:

1. Highland Park – work continues; gravel is down and other areas are being prepared for gravel;
2. Agassiz - water and sewer is installed; the final tie-in was completed today; testing will be completed; and roadway work will start later this week;
3. Mill and overlay on 5th Ave & 5th St will start after Agassiz dirt work is completed; and work on 4th Street, 5th Street and 6th Street will follow;
4. Wal-Mart – public improvements are substantially completed; and traffic signals are in place.

Discussion followed on once milling starts it will continue and on Strata being the contractor for Agassiz, 5th Ave and Highland.

The City Assessor stated the property next to city hall was compacted and passed testing. The upstairs of the storage garage is done; however, the outside needs to be updated and the west wall of city hall needs painting.

President Johnson commended the Engineering Department for all the work done in getting the Wal-Mart traffic signals completed.

Commissioner Stromme – The Sanitation Supervisor stated everything was fine.

The Police Chief reviewed a letter from Burlington Northern Santa Fe (BNSF) regarding the speed of trains through town. A letter of protest was sent. A meeting with BNSF officials is scheduled for July 28th.

The Police Chief stated he is working on getting trailers on the Lake Region RV lot moved since the RVs are in the line of sight at the intersection.

The Police Chief requested out-of-state travel for himself to attend training in South Dakota from August 19th through August 21st.

Commissioner Stromme moved to approve out-of-state travel for the Police Chief to attend training in South Dakota on August 19, 20 and 21, 2014. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The Police Chief stated the Department will be enforcing the moving of vehicles for street cleaning.

Commissioner Robbins - The Public Utilities Supervisor stated everything was fine in the Sewer Department.

The Public Ways Supervisor said everything was fine.

Commissioner Robbins reviewed additional maintenance items at the day care center that need to be fixed. The commercial grade stove has two elements burnt out which would cost approximately \$1,500. The tiles need to be buffed, and the carpet professionally cleaned. Other items in need of repair include ceiling tiles, heating in the entryway, and window mechanisms. Discussion followed on the operation of the day care center. The current clientele are paying their bills. There is a demand for daycare, but more staff is needed.

Rachel Lindstrom, Executive Director of Forward Devils Lake, indicated all the old outstanding bills, except the IRS bill, have been paid. The June financials show the day care had cleared a profit. The IRS issue should be cleared up in the

next few months. The day care would like to market the facility and have an open house; however, they would like to clean up the building first. Discussion continued on the financial responsibility of the City and on the facility being a city-owned building.

The City Assessor stated the City has previously paid for the professional maintenance of the flooring, and the items are delayed maintenance. The City is responsible for the upkeep of the building. Also discussed was the day care being eligible for grants once their 501(c)3 is reinstated. The consensus of the Commission was to have Commissioner Robbins bring an itemized list and estimated cost to the next meeting.

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

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

The City Auditor stated everything was fine.

The City Administrator said everything was fine.

The Fire Chief reviewed the tree survey information. He estimated 160 dead trees. Shade Tree has actually been taking down 4 to 5 trees per day. If the crew can work through October, 80-100 trees should be taken down. If the Street Department helps this fall, another 32 trees can be taken down, and with a grant for 18 trees, they may not need an extra contractor. However, if a contractor is needed, it would cost \$12,100 or \$550 per tree. Discussion followed on stump removal which is a separate budget line item. Twelve thousand dollars is available for stump removal.

The Fire Chief requested out-of-state travel for three employees on July 22nd for Brandon, SD to inspect the fire truck.

Commissioner Stromme moved to approve out-of-state travel for three Fire Department employees to travel to Brandon, SD on July 22, 2014 to inspect the fire truck. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

The City Attorney said he would like to have an executive session at the end of the meeting.

The Fire Chief reviewed the report on the blighted properties.

Commissioner Heisler moved to refer the three blighted properties to the City Attorney's office for commencement of legal action on these properties in accordance with the city ordinance. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Rachel Lindstrom, Executive Director of Forward Devils Lake, presented an update on the wellness and event centers. The committee wishes to hold a special city election on October 7th to vote on a half-cent sales tax for the centers.

Discussion followed on interest by developers in building a hotel near the event center and on the projects being bonded for 25 years. The bond advisor suggested doing two bonds issues – one for engineering before the end of this year and a second bond after bids are in. The sales tax would have a sunset clause. The City Attorney will draft the ballot for the election. Discussion continued on the sales tax being used just for capital costs and not for operating costs, on the wellness center needing 700 member to breakeven without the college students, on the students paying \$6 per credit up to 12 credits for the use of the center, and on the college providing \$100,000 each year for operating. Also reviewed was the convention center selling or renting the pods, on the amount of rent to be charged for events, the number of people the center could hold and on the center needing 100 event days to breakeven. It was noted the City would end up paying for any shortfalls for operation of the centers.

Commissioner Stromme moved to approve holding a special election on October 7, 2014 for a half percent sales tax for the wellness and convention centers. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Myke Baugh, Roughrider Signs and Awnings, appeared before the City Commission to review his proposal for placing benches in Devils Lake for public seating with advertising on the back. He currently has benches in Jamestown and is negotiating with other communities.

The Beautification Committee met last year and would like to see benches in town. The City would choose the locations.

Businesses would need to okay having a bench located by their business. There would be no more than two benches per intersection.

The City Attorney needs to research if the City can give Roughrider Signs and Awnings the exclusive right for the benches.

Commissioner Robbins moved to approve the agreement with Roughrider Signs and Awnings for placement of benches in Devils Lake contingent upon the City Attorney's review and approval. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

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

Appointment of Mercedes Schmidt as a member of the Special Assessment Commission to fill an unexpired term expiring April 30, 2015 and appointment of Richard Anderson as an alternate member of the Special Assessment Commission to fill an unexpired term expiring April 30, 2017.

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

Elizabeth Bonney, tobacco prevention coordinator for Lake Region District Health, appeared before the City Commission to discuss amending the ordinances related to tobacco and minors to prohibit the sale of electronic cigarettes to minors. She stated there are no FDA or local ordinances for prohibiting the sale of electronic cigarettes to minors. Her goal is to have electronic cigarettes defined as tobacco and located behind counters or in locked cases. Discussion followed on the State statute for electronic cigarettes applying only to smoking in public places.

Consensus of the City Commission was to have the City Attorney research amending the City's ordinances to prohibit the sale of electronic cigarettes to minors.

Rachel Lindstrom, Executive Director of Forward Devils Lake, reviewed a flex pace funding application submitted by Gessner Iron Works, LLC. The business would occupy three acres in the old Industrial Park. It is a new business and would have three employees.

Commissioner Heisler moved to approve the request from FORWARD Devils Lake for a flex pace buy-down of the loan for Gessner Iron Works, LLC in the amount of \$50,000.00 as recommend by Forward Devils Lake. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Commissioner Stromme moved to approve payment of Estimate No. 2 to Elshaug Concrete for 2014 Curb, Gutter and Sidewalk in the amount of \$9,142.99 as recommended by the City Engineer. The motion was seconded by Commissioner Robbins. On roll call all Commissioners voted aye, and the motion carried.

The City Assessor reviewed the payment to Howatt's Excavating for the demolition of the city-owned house at 417 6th St NE.

Commissioner Robbins moved to approve the final payment to Howatt's Excavating for the demolition and site reclamation of the city-owned house at 417 6th St NE in the amount of \$2,000.00 as recommended by the City Assessor. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The City Auditor indicated letters were sent to all the financial institutions that are depositories for the City; however, at the end of June the City had deposits only at Bremer Bank.

Commissioner Stromme moved to approve the Pledge of Assets by Bremer Bank as recommended by the City Auditor. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Heisler moved to approve payment of the list of bills as submitted. The motion was seconded by Commissioner Robbins. On roll call all Commissioners voted aye, and the motion carried.

President Johnson acknowledged the following reports:

1. City Auditor monthly report;
2. Municipal Court monthly report; and
3. Police Department monthly report.

The City Attorney requested the Commission go into closed executive session to discuss legal settlement on the Mertens Farms land acquisition case.

Commissioner Stromme moved to enter into executive session to discuss legal settlement on the Mertens Farms land acquisition case. The motion was seconded by Commissioner Robbins. On roll call all Commissioners voted aye, and the motion carried.

Executive session of the Commission was called to order at 6:49 P.M. on July 21, 2014 with Commissioners Tim Heisler, Craig Stromme, Dale Robbins and President Johnson. Commissioner Rick Morse was absent.

During the executive session the City Commission met with the City Attorney to discuss a legal settlement on the Mertens Farms land acquisition case. Since this discussion is considered attorney consultation it is exempt from open meeting laws according to NDCC 44-04-19.1.

Commissioner Robbins moved to adjourn the executive session at 7:14 P.M. on July 21, 2014. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 7:15 P.M.

**LINDA LYBECK
CITY AUDITOR**

**RICHARD S. JOHNSON
PRESIDENT**