

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD JANUARY 20, 2015

The regular meeting of the Devils Lake City Commission was held Tuesday, January 20, 2015 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 January 5, 2015. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

5:30 PM – This was the time set for a public hearing to consider the annexation and including with the property to be annexed the following described property: NE1/4SE1/4 of Section 20-154-64; West 33' of Lot 1, Block A, Riggins Acres; West 33' of a parcel of land situated in the W1/2 of Section 28-154N-64W etc.; Portion of railroad right of way adjacent to southerly edge of Outlot 44-0002 and Outlot 44-0003, Ramsey County and portion of railroad right of way located in the West 33' of Section 28-154-64; West 33' of NW1/4 of Section 28-154-64 and West 33' of Section 21-154-64. Morgan Fee read an email from Rich Sager opposing annexing any land east of the section line because land does not need to be annexed to build a road. The Fees oppose having their land annexed. Marian Chattin asked about the contingency of the land being conveyed to Eagles Ledge. Conveying means when the deed is transfer, and in this case, it is the City's understanding, the land will be purchased by Eagles Ledge. Al Freidig stated Eagles Ledge is only purchasing the two north quarters and a forty. They are not purchasing the whole property outlined in red. Hearing and receiving no other comments, President Johnson closed the public hearing.

Discussion followed on the additional property being added to accommodate utilities, roadway and right-of-way. Also discussed was the taxation of the property. The specific piece discussed which is agricultural would stay as agricultural; the difference would be in the mill levy rate.

Commissioner Robbins moved to approve including in the annexation the following described property: NE1/4SE1/4 of Section 20-154-64; West 33' of Lot 1, Block A, Riggins Acres; West 33' of a parcel of land situated in the W1/2 of Section 28-154N-64W etc.; Portion of railroad right of way adjacent to southerly edge of Outlot 44-0002 and Outlot 44-0003, Ramsey County and portion of railroad right of way located in the West 33' of Section 28-154-64; West 33' of NW1/4 of Section 28-154-64 and West 33' of Section 21-154-64 as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Morse. On roll call all Commissioners vote aye, and the motion carried.

Mary Lundy appeared before the City Commission to discuss the proposed oil refinery. She wanted to know why the citizens' questions concerning the oil refinery have not been answered in a timely manner. Seventy-five days have passed since citizens were told to email their questions. She wanted to know why there was a time limit for public comment on the annexation, but there was no time limit for answering the citizens' questions. She also questioned why Earl Pomeroy's law office is now answering the questions, and who is paying him. She questioned how citizens can make an informed decision on the annexation when their questions still have not been answered. She would like the public comment period on the annexation extended or not start until their questions have been answered.

President Johnson stated it took time to answer the questions, because of the multitude of questions asked and the number of people needed to be involved to answer the questions. The questions and the due diligence report should be released by the end of the week.

Rachel Lindstrom, Executive Director of Forward Devils Lake, indicated the project and questions are not being ignored. A lot of time has been spent on the project on both the positives and the negatives, and they want to make sure the questions are answered 100% accurately. Time is needed to answer the questions, especially with the attorney being in Washington DC and the engineer in Texas. Earl Pomeroy is not answering the questions, but preparing the due diligence report. Forward Devils Lake is answering the questions.

Suzie Kenner, Executive Director of Devils Lake Convention & Visitors Bureau, presented the 2014 Tourism update. Highlighted for 2014 were the following:

1. Paying back the \$120,000 to the State in \$5,000 increments which started in November 2014;
2. Lake Access allocating funds to the four-season fish cleaning station;
3. Showing movies in Roosevelt Park;
4. Distributing \$28,000 in grants for hosting different events in the City;
5. \$242,000 being put into marketing and promotions due to increase revenues from restaurant and lodging taxes;
6. Hosting the masters walleye circuit championship which aired on NBC Sports which allowed \$5,000 to be added to the conservation funds for Lake Access;
7. Attending sport shows and travel shows in St. Paul, Milwaukee, St. Cloud, Minneapolis, Minot and partnering with Forward Devils Lake at the ND Petroleum Conference in Bismarck;
8. Attending the Association of Great Lakes Outdoor Writers Conference; and
9. Partnering with Blue42 who specializes in social media.

The following were mentioned for 2015:

1. Hosting two national tournaments this summer which will air on NBC Sports– masters walleye circuit in August and national tour walleye tournament in September;
2. Sending out monthly press releases to over 90 media contacts;
3. Attending four sports shows/travel shows;
4. Working with TrainND to produce a customer service and hospitality training video;
5. Hosting two media events this summer;
6. The traffic on the mobile website and full website; and
7. Attending Tourism Day at the legislature.

Commissioner Robbins – The Public Utilities Supervisor said everything was fine in the Water Department.

The Public Ways Supervisor stated the department finished taking all the dead trees out of the cemetery.

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

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

Commissioner Stromme - The Police Chief stated an engine was blown on one of the vehicles. This vehicle was going to be replaced with the new one. It would cost \$8,000.00 to replace the engine which won't be recouped. Marketplace has offered to purchase the vehicle for \$2,000.00.

Commissioner Heisler moved to approve selling the Police Department vehicle to Marketplace Motors for \$2,000.00 as recommended by the Police Chief. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The Police Chief will be attending Law Day at the Capitol on Thursday. There will be a chiefs and sheriffs meeting.

The Sanitation Supervisor reported everything was fine.

Commissioner Heisler - The City Engineer stated everything was fine.

The City Assessor reviewed the information concerning the fire panel at the day care center building. Simplex cannot find parts for it, and it is operating on backup batteries. To replace the panel, some of the horns will need to be replaced. A proposal from Simplex was received for \$2,886.00 to replace the panels and horns/strobes. Additionally, the City will have to hire an electrician to install the panel and horns/strobes. This is a city-owned building.

Commissioner Heisler moved to approve replacing the fire panel and horns/strobes in the day care center building and installing the items by an electrician in an amount not to exceed \$4,000.00 as recommended by the City Assessor. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

President Johnson - The City Administrator said everything was fine.

The Fire Chief stated starting tomorrow night there will be a 19-week fire fighting course going on. Fourteen students are enrolled in the course. Testing will be in June.

The City Attorney said everything was fine.

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

Permit to sell alcoholic beverages at a special event submitted by Ye Olde Tavern for the Tad Thompson wedding dance on February 14, 2015 at the Memorial Building.

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

The first reading of Ordinance No. 924 – Annexation was held.

Commissioner Robbins moved to approve including the following property in Ordinance No 924 to be annexed: NE1/4SE1/4 of Section 20-154-64; West 33' of Lot 1, Block A, Riggins Acres; West 33' of a parcel of land situated in the W1/2 of Section 28-154N-64W etc.; Portion of railroad right of way adjacent to southerly edge of Outlot 44-0002 and Outlot 44-0003, Ramsey County and portion of railroad right of way located in the West 33' of Section 28-154-64; West 33' of NW1/4 of Section 28-154-64 and West 33' of Section 21-154-64 as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The second reading of Ordinance No. 924 will be held at the February 2nd City Commission meeting.

Al McKay, Lake Region District Health, appeared before the City Commission to propose a new ordinance requiring all alcohol servers to attend server training. A meeting was held with the bar owners. Comments from the meeting included having the training readily available due to the high turnover of workers and to have a grace period. The training would be provided by the Police Department. The larger cities require server training, and some of the smaller cities have voluntary server training. The college tried voluntary server training in Devils Lake a few years ago, but it wasn't successful. A big part would be to know when a patron has had too much and how to handle it. It is a two-hour course, and there is a test. If they fail the test, they would have to retake the course. The course would be for all employees. It was questioned if the county would be doing the same and requiring the training. Discussion followed on how this would impact the Police Department. The Police Department would do the training, and they would have to monitor the certificates since they are only good for three years. The bar owners would have to keep a record of their employees. The fine would be on the individual and not the bar owner.

Louise Prozinski, bar owner, stated as long as the employees have a grace period to get trained and it doesn't cost the owners a lot of money, she had no issues with it.

Commissioner Robbins moved to have the City Attorney draft a server training ordinance. President Johnson called for a second to the motion three times. The motion died for the lack of a second.

Rachel Lindstrom, Executive Director of Forward of Devils Lake, reviewed the following requests:

EAE Enterprises, LLC requested pace funding for the crematorium. The three acres the City allocated to the business would fulfill the City's share for the project. It would not cost the City anything.

Commissioner Stromme moved to approve PACE funding for EAE Enterprises, LLC with the three acres being the City's share of the project as recommended by Forward Devils Lake. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Forward Devils Lake would like to allocate \$250,000.00 for a 4th round of multi-family housing incentives under the North Dakota PACE buydown program through the Bank of North Dakota. The vacancy rate in Devils Lake is 3%. The City is repaid at the end of the loan.

Commissioner Heisler moved to approve allocating \$250,000.00 for a fourth round of multi-family housing incentives under the North Dakota PACE buydown program through the Bank of North Dakota as recommended by Forward Devils Lake. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Forward Devils Lake has requested funds in the amount of \$25,000 .00 to cover a part-time assistant. The position is part-time, temporary.

Commissioner Stromme moved to approve \$25,000.00 to Forward Devils Lake administration budget for a part-time assistant. The motion was seconded by Commissioner Morse. On roll call, all Commissioners voted aye, and the motion carried.

Forward Devils Lake has requested reimbursement for three mini grants. Rilos & Mimi is a new business which sells online. Lake Region Roofing is a new company in Devils Lake and will take over residential roofing since Tecta America Dakota will no longer be doing residential roofing. Blueline Seamless Rain Gutters will be doing seamless gutters for customers.

Commissioner Stromme moved to approve payment of \$15,000.00 to Forward Devils Lake for reimbursement of the mini-grant fund. The motion was seconded by Commissioner Morse. On roll call all Commissioners voted aye, and the motion carried.

Forward Devils Lake received requests for land in the industrial park from Gessner Iron Works, Wise Guys Insulation and Lake Region Roofing.

Commissioner Morse moved to approve selling three acres of land in the old industrial park to Gessner Iron Works in the amount of \$1.00, selling three acres of land in the old industrial park to Wise Guys Insulation in the amount of \$1.00 and selling two acres of land in the old industrial park to Lake Region Roofing in the amount of \$1.00 with the contingency that property development must take place within twenty-four months for the three projects as recommended by Forward Devils Lake. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Morse moved to approve the contract agreement with the North Dakota Department of Health – Laboratory Services Division – Chemistry Laboratory for the period of January 1, 2015 through December 31, 2015. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Commissioner Stromme moved to approve the Pledge of Assets and a Certified Copy of the Board of Directors Meeting minutes submitted by Bremer Bank and Ramsey National Bank and Trust Company as recommended by the City Administrator. At this time no City funds are deposited with American Bank Center, Horizon Financial Bank, US Bank or Western State Bank. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

The City Attorney reviewed the resolution annexing a parcel of land – 14th St NE. A resolution for annexing a parcel of land was approved by the Commission on June 20, 1977; however, the resolution was never recorded. The parcel has been treated as part of the City since the resolution was approved in 1977. Therefore, the City Commission needs to reaffirm the prior annexation.

Commissioner Stromme moved to approve the resolution for annexing a parcel of land for 14th St NE as recommended by the City Attorney. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Engineer reviewed the resolution creating a water and sewer improvement district for Smith Drive. A request has been received to provide improvements behind O'Reilly's Auto Parts.

Commissioner Morse moved to approve the resolution creating Water and Sewer Improvement District No. 59-14 (Smith Drive) and ordering the preparation of a preliminary report as recommended by the City Engineer. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Robbins 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. 4th quarter economic data; and
2. Municipal court monthly report.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:55 P.M.

**LINDA LYBECK
CITY AUDITOR**

**RICHARD S. JOHNSON
PRESIDENT**