

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD JULY 6, 2015

The regular meeting of the Devils Lake City Commission was held Monday, July 6, 2015 at 5:30 P.M. with the following members present: President Johnson, Commissioners Tim Heisler, Craig Stromme and Dale Robbins. Commissioner Rick Morse was absent.

Pledge of allegiance was recited.

Commissioner Heisler moved to approve the minutes of the regular City Commission meeting held June 15, 2015. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

5:30 P.M. - This was the time set for the bid opening for 2015 sand, gravel and rip rap. The following bids were opened and read

1. Tri State Paving & Concrete Inc - Grand Forks, ND
ND Contractor License No. 39411 Class A

Item	Quantity	Unit Price	Extended Price
Class 44 or 45 Sand	500 CY	no bid	no bid
Screened Sand	500 CY	\$10.75	\$5,375.00
Class 13 Gravel	1500 CY	\$12.70	\$19,050.00
Placement of Gravel	per CY	no bid	no bid
Lagoon Rip Rap	100 CY	no bid	no bid

2. Soper Construction LLP - Devils Lake, ND
ND Contractor License No. 38688 Class B

Item	Quantity	Unit Price	Extended Price
Class 44 or 45 Sand	500 CY	no bid	no bid
Screened Sand	500 CY	no bid	no bid
Class 13 Gravel	1500 CY	\$12.60	\$18,900.00
Placement of Gravel	per CY	\$ 1.00	
Lagoon Rip Rap	100 CY	no bid	no bid

3. Close Construction Company- Milton, ND
ND Contractor License No. 4387 Class A

Item	Quantity	Unit Price	Extended Price
Class 44 or 45 Sand	500 CY	\$11.45	\$ 5,725.00
Screened Sand	500 CY	\$ 9.45	\$ 4,725.00
Class 13 Gravel	1500 CY	\$12.50	\$18,750.00
Placement of Gravel	per CY	\$ 2.00	
Lagoon Rip Rap	100 CY	\$30.50	\$ 3,050.00

Commissioner Stromme moved to accept the bids as read, and refer them to the Public Ways Supervisor for further review and recommendation. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

5:30 P.M. - This was the time set for the bid opening for Water Main Improvement District 24-15 – various locations. The following bids were opened and read:

1. Kemper Construction Company - Minot, ND Bid \$2,369,030.00
License No 278 A Bid Bond 5%
2. Murphy Pipeline Contractors Inc – Jacksonville, FL Bid \$1,937,075.00
License No 34065 A Bid Bond 5%

Commissioner Heisler moved to accept the bids as read, and refer them to the City Engineer for further review and recommendation. 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 final plat for Braunagel Subdivision located adjacent to Hwy 2 E and Gouldings Rd. Jessica Ramey asked how many residential homes were going to be there. This area is for commercial highway. Tentative plans include a travel plaza, fast food restaurant and hotel. She questioned if the sanitary plant would be expanded. The City Engineer noted there is adequate capacity for foreseeable growth. Since the design is not complete on the water and sewer location and on some of the turning movements on the service road, there is no need to approve the final plat and then have to amend it when there will be some slight adjustments to the lots. Hearing and receiving no other comments, President Johnson closed the public meeting.

Commissioner Stromme moved to table the final plat for Braunagel Subdivision until the final details of utility locations and right-of-way can be completed as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

5:30 P.M. - This was the time set for a public hearing to review a final plat for Pine Meadows Subdivision (NE ¼ Section 31). Jessica Ramey had the same issues related to the sanitary sewer. She also questioned the status of replacement of the old pipes, etc within the City. It was noted that this subject has nothing to do with this public hearing. Commissioners indicated that this subdivision is outside of city limits. Discussion followed on the number of lots. Hearing and receiving no other comments, President Johnson closed the public meeting.

Commissioner Robbins moved to approve the final plat for Pine Meadows Subdivision with zoning as single family as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Commissioner Heisler – The City Engineer recommended awarding the water main replacement bid to Murphy Pipeline Contractors.

Commissioner Heisler moved to award the bid for the Water Main Improvement District 24-15 – various locations to Murphy Pipeline Contractors Inc of Jacksonville, FL in the amount of \$1,937,075.00 as recommended by the City Engineer. The motion was seconded by Commissioner Stromme. This contractor was the subcontractor who did all the work last time the City had pipe bursting done. The motion carried unanimously.

The City Engineer indicated Naastad Brothers would be on site next week to start installing water and sewer on Smith Dr. The project will be completed in four to six weeks.

The City Engineer stated he will be meeting with the ND Department of Health on Wednesday to review the cleanup done at the roundhouse site.

The City Assessor stated the new van has arrived. The City will need to decide on how to dispose of the old van.

Commissioner Stromme - The Police Chief reviewed a request for an officer to move outside of city limits. The officer would be living about nine miles outside of city limits.

Commissioner Stromme moved to approve Officer Dalzell's request to move outside of city limits. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The Police Chief noted some laws changed after the legislative session; therefore, some city ordinances may need to be reviewed and revised.

The Police Chief indicated the school resource officer would like to rotate back to patrol. This officer will take the current patrol job opening. The Police Chief has offered the school resource officer job to an individual on the Ft Totten patrol.

The Sanitation Supervisor indicated everything was fine.

Commissioner Robbins - The Public Ways Supervisor stated aerial spraying went well. The company will provide a GPS map of the aerial sprayed.

The Public Utilities Supervisor said everything was fine.

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

The Public Ways Supervisor asked to award the 2015 sand, gravel and rip rap bid to Close Construction for all items except the placement of gravel.

Commissioner Stromme moved to accept the bid from Close Construction Company of Milton for Class 44 or 45 Sand at \$11.45/cy, Screened Sand at \$9.45/cy, Class 13 Gravel at \$12.50/cy and Lagoon Rip Rap at \$30.50/cy as recommended by the Public Ways Supervisor. The motion was seconded by Commissioner Heisler. Discussion followed on placement and on quantities. The motion carried unanimously.

The Public Ways Supervisor stated the Department will finish painting this week. Starting on Monday, for the next two weeks, they will be crack sealing.

The City Auditor stated everything was fine.

The City Administrator reviewed the request for compensation for an employee who has been filling in at a higher job classification while the other employee is on leave.

Commissioner Robbins moved to approve compensating Paul Arends \$150.00/month in addition to his normal pay grade and step during the absence of the Public Utilities Operator II – Water retroactive to June 16, 2015 as recommended by the Public Ways Supervisor. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The City Administrator reviewed the funding request for Lake Region Heritage Center.

Commissioner Heisler moved to approve funding for the third quarter of 2015 for the Lake Region Heritage Center in the amount of \$5,500.00 to be paid from general fund (1000-000-55170). The motion was seconded by Commissioner Stromme. On roll call all Commissioners vote aye, and the motion carried.

The City Administrator distributed the budget meetings schedule.

The Assistant Fire Chief indicated everything was fine.

The City Attorney said everything was fine.

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

1. Four gaming site authorizations submitted by Devils Lake Blueline Inc for July 1, 2015 through June 30, 2016 at Devils Lake Elks 1216 – 425 Hwy 2 W; Old Main Street Café – 416 4th St NE; Midway Properties Inc – 915 Hwy 2 E and Razors Edge – 711 Hwy 19 W;
2. Game of chance permits for the month of June 2015; and
3. Reappointment of Brianne Langton for a three year term expiring June 30, 2018, appointment of Meghan Estvold for a three year term expiring June 30, 2018 and appointment of Ryan Arndt to a one year term expiring June 30, 2016 to the Devils Lake Beautification Committee.

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

The first reading of Ordinance No. 926 – Sales Tax Revenue Bonds was held. The City Administrator stated Bill Fahey would be at the next City Commission meeting to discuss the bonding issue. The financing for the water main improvement projects will be funded partly by a sales tax bond and partly by a refunding improvement bond.

The first reading of Ordinance No. 927 – Annexation of Cenex was held. The City Engineer stated there will be slight adjustments made to the legal description for the area.

The City Engineer reviewed the application to fill ponding area. Aerial photos determined that fill at been placed in the ponding area. The current owner was unaware of the easement. A surveyor was used to determine the amount of fill placed. The Corps of Engineers has approved the application.

Commissioner Stromme moved to approve the application to fill east ditch ponding area submitted by Close Construction Company, Inc as recommended by the City Engineer. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Assessor reviewed the issue of boats being repaired in a residential area. Limited repairs may be done under home occupancy; however, the work must be done inside.

Greg Schafer appeared before the City Commission to appeal the denial of a variance by the Board of Adjustment. He requested the variance because some of the work done will not fit inside his garage. He questioned how a home day care could operate and let kids outside if they are operating under the home occupancy permit. The City Assessor stated day care is a permitted use while home occupancy is permitted using the description under zoning.

Trent Tarvestad, President of the Board of Adjustment, explained the Board went by the regulations which state the work must be conducted within the building.

Terri Gunderson objected to the noise caused by him working outside, especially since she works nights and sleeps during the day.

Ralph Gardner supported the Schafer request. He stated you would never know repairs were being done there. He also stated the other neighbors had signed a petition supporting the request for a variance.

Jeanne Schafer questioned why the Gundersons complain about this now when they have never complained about other noise or kids in the neighborhood.

Roger Gunderson said the city ordinance states the work needs to be done inside, and he doesn't think the Commission wants to open up that can of worms. He reiterated that the area is residential.

Commissioner Stromme moved to uphold the motion made by the Board of Adjustment and not issue the variance to Greg Schafer. The motion was seconded by Commissioner Heisler. Discussion was held on options available to Mr. Schafer. The motion carried unanimously.

Commissioner Heisler moved to approve the request submitted by the Devils Lake Volunteer Fire Department in the amount of \$1,000.00 for the purchase of the fireworks for July 4, 2015 with the funding coming from the Advertising & Promotion Fund – City Commission Promotion – 2005-000-43720. The motion was seconded by Commissioner Robbins. On roll call all the Commissioners voted aye, and the motion carried.

Commissioner Stromme moved to approve payment of Estimate No.3 – Final to Strata Corporation for Street Improvement District #18-13 – Highland Park in the amount of \$11,621.44 as recommended by the City Engineer. The motion was seconded by Commissioner Robbins. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Robbins moved to approve payment of Estimate No.2 – Final to Strata Corporation for WS District #51-11 – Agassiz Subdivision Phase 2 in the amount of \$9,585.23 as recommended by the City Engineer. The motion was seconded by Commissioner Stromme. On roll call all Commissioners voted aye, and the motion carried.

The City Assessor reviewed the planning services proposal submitted by Intelliplanz. Steve Zimmer was the last planner the City of Devils Lake had, and after that he worked for the City of West Fargo. The City Engineer said they would use his services for subdivision reviews while the City Assessor said they might use him for reviewing the zoning manual.

Commissioner Heisler moved to approve the planning services proposal submitted by Intelliplanz as recommended by the City Assessor. The motion was seconded by Commissioner Robbins. Funds for the services will come from planning. The motion carried unanimously.

The City Engineer reviewed the resolution for vacating property. The property is adjacent to Pine Meadows Subdivision.

Commissioner Robbins moved to approve the resolution vacating property set aside for public use for that portion of Cedar Avenue located in the SW ¼ N ¼, Section 31, Township 154N, Range 64W, Ramsey County as recommended by the City Engineer. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

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

President Johnson stated the Devils Lake Executive Committee would be meeting in Devils Lake at 1:00 P.M. on Wednesday.

Discussion was held on trucks doing work on homes in some of the subdivisions, and tearing up the new roads. Consensus was for city staff to enforce the regulations for these trucks.

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