

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD AUGUST 17, 2015

The regular meeting of the Devils Lake City Commission was held Monday, August 17, 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 Robbins moved to approve the minutes of the regular City Commission meeting held August 3, 2015 and of the special City Commission meeting held August 5, 2015. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

5:30 P.M. – This was the time set to open the request for proposals for the rubber membrane roof system for the water treatment plant. The following proposals were opened and read:

1. Tecta America Dakotas – Devils Lake, ND Bid \$97,215.00
2. D&D Roofing LLP – Aneta, ND Bid \$73,485.00

Commissioner Heisler moved to accept the request for proposals as read and refer them to the City Engineer for further review and recommendation. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Attorney reviewed the legislative change to the Sunday opening for alcoholic beverage permits. It now allows liquor establishments to be open at 11:00 A.M. instead of noon on Sundays. The City has received a request to allow this 11:00 A.M. Sunday opening. Even with the change in the State law, it is still noon under the City's home rule. Consensus of the City Commission was to have the City Attorney draft an ordinance for the next meeting changing the Sunday opening of liquor establishments to 11:00 A.M.

Commissioner Heisler –The City Engineer reported the Corps of Engineers will be in Devils Lake to review the pumps stations and embankment work on Tuesday, Wednesday and part of Thursday. The safety plan for the contractor doing the drainage contract has been approved. Equipment is arriving, and the work should start soon and be completed this year.

Watermain replacement is being done by pipe bursting. Work is being done by the middle school right now. After that work is completed, work will begin on 6th St S by the Highway Department since there is a leak in the main.

Discussion followed on if the roof on the water treatment plant was secured for now.

Commissioner Stromme - The Sanitation Supervisor indicated everything was fine.

The Police Chief said everything was fine.

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

The Public Ways Supervisor said the city surplus sale will be held the last week of October.

Commissioner Morse - The Public Ways Supervisor reported school painting was started today and should be finished this week. The Department will continue to paint for the next few weeks.

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

President Johnson – The City Auditor stated everything was fine.

The City Administrator said a budget meeting would be held Tuesday for the Enterprise Funds. The meeting for Thursday this week needs to be changed. The consensus of the Commission was to meet August 26th at noon.

The Fire Chief said the roof at the fire station needs to be replaced over the office and repaired on apparatus portion. He estimates the cost at \$45,000.00. The roof over the office was done in 2000, and the roof on the apparatus portion is 30 years old.

Commissioner Morse moved to approve the Fire Chief requesting bids for two options on the Fire Hall roof: replace roof over office and apparatus or replace roof over office and repair over apparatus. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

The Fire Chief stated the Department is working with Grand Forks on training.

The second reading of Ordinance No. 928 - Drug Paraphernalia was held.

Commissioner Robbins moved to approve the second and final reading of Ordinance No. 928 – Drug Paraphernalia – An ordinance which upon adoption, shall be codified as Chapter 9.30 of the Devils Lake Municipal Code. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The second reading of Ordinance No. 929 - Taxi Cab Definition was held.

Commissioner Stromme moved to approve the second and final reading of Ordinance No. 929 –Taxi Cab Definition – An ordinance which upon adoption, shall amend that part of Ordinance No. 828 which has been codified as Section 5.36.025 of the Devils Lake Municipal Code. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Rachel Lindstrom, Executive Director of Forward Devils Lake, appeared before the City Commission to request increasing the amount of the façade revolving loan fund. The loans are for \$5,000.00 to \$10,000.00 to update the outside of buildings for businesses. Four businesses were turned away because no funds were available. The loans are at zero percent interest for five years. There are no delinquencies on the façade loans.

Commissioner Heisler moved to approve increasing the façade revolving loan fund from \$50,000.00 to \$100,000.00. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Rachel Lindstrom, Executive Director of Forward Devils Lake, appeared before the City Commission to request flex pace funding for GCR/Bridgestone Americas Tire. Bridgestone will be consolidating the downtown store and their commercial location to this one location. The business will create four to six jobs. The City's share would be \$50,000.00 to be repaid at the end of the fifteen year loan.

Commissioner Morse moved to approve Flex Pace funding for GCR/Bridgestone Americas Tire in the amount of \$50,000.00 as recommended by Forward Devils Lake. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

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

Authorizing the City Auditor to cancel Check No 107836 dated June 2, 2015 in the amount of \$25.00 to Joseph Tirpak (General-Municipal Court-Victim Fees). The check was lost and will be reissued.

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

Betty Compton did not appear before the City Commission to appeal the denial of her taxi cab driver's license. Since she failed to appear the appeal process is no longer available.

Commissioner Stromme moved to approve upholding the Police Chief's denial of Betty Compton's taxi cab drivers license. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Commission reviewed the two letters of interest for appointment to the Lake Region Public Library Board.

Commissioner Heisler moved to refer the appointment to the Lake Region Public Library back to the Library Board for recommendation. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Commissioner Robbins moved to approve Budget Amendment #04-15 – Library. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Engineer reviewed the request from Greater Ramsey Water District (GRWD) to update the water purchase agreement between the City of Devil Lake and Greater Ramsey Water District. The City Engineer stated some meetings were held with the GRWD Board in the past. The meetings were to formulate a bulk water purchase agreement for water to be sold from the City to GRWD & from GRWD to the City. The agreement has not been completed; meanwhile, the City has been approached by NE Regional Water District (NERWD) to buy water from City. NERWD had retained an Engineer to evaluate Devils Lake's system to see what would be required to send NERWD some amount of water. At this time NERWD is unsure of the amount of water they would need. NERWD has hired Advanced Engineering to draft a water purchase agreement. This agreement could be a model for the City of Devils Lake and GRWD since the engineer is drafting the agreement for both a rural water and a city. The agreement would be modified for GRWD. The agreement with GRWD should address items associated with annexation. At this point, the City should have a committee that looks at the agreements and hammers out who needs how much water including peak capacities and the average amount needed each day. We will need to see what is needed to add on to our system. Devils Lake has been supplying GRWD with water throughout the summer. It's been about six weeks with a couple hundred gallons per minute. Based on some meetings in the past, there was a water purchase price agreed to – half of what the City charges its customers. An issue that needs to be hammered out is what is the optimal capacity that somebody may want from the City not only NERWD, but also GRWD. Our system is designed for 3 million gallons per day. Any additional capacity they would want – the 3 million is reserved for the City of Devils Lake – we would need to know how much to expand the system and who is paying. We have enough capacity in our system to supply all of the current needs, but at some future time that may not be the case, and we have to have steps in place. By putting in booster stations and increasing our capacity at this point, you could exceed the useful of the booster station before it is ever needed.

David Hovendick, chairman of GRWD, is concerned that the agreement went to committee in 2013, and everything was agreed on, and now two years later nothing has happened. Now Langdon comes into the picture at a later date, and GRWD is pushed back. He believes the agreement stated GRWD was given first option to purchase Devils Lake water. If anyone came later, GRWD would be given first opportunity. The big concern for GRWD is that they do not want to put this off too long because they are in the middle of an expansion project. GRWD is adding over 300 customers – Pekin and Tri-County Water District has asked GRWD to supply more water to meet the needs of Lakota. It puts GRWD in a hard position because Tri-County wants an agreement with GRWD, and GRWD doesn't have an agreement with the City. GRWD has been waiting two years for an agreement, and they need to move it forward so they can make plans for their projects.

President Johnson indicated the City and GRWD each need to appoint a few members to a committee to formalize an agreement. He said he was unaware of an agreement that stated GRWD had first option if the City had excess capacity.

David Hovendick stated GRWD talked with the City before Langdon, and it was already agreed upon.

President Johnson stated discussions were held, but nothing was formalized. A working committee needs to be formed.

Discussion followed on who met and on what was discussed. The City Engineer stated there were some concepts agreed upon. Before an agreement would be executed with NERWD, an agreement with GRWD would be in place.

Commissioner Stromme stated the possibility of serving Langdon was never intended to be a detriment to serving GRWD. GRWD would be taken care of. Devils Lake has enough water to serve both Langdon and GRWD.

The City Engineer stated at this time the City has enough capacity to serve both. The important things to identify are water rates, who need what capacity – this is the capacity we have; what capacity do GRWD & NERWD want to insure they have; and what capacity does the City want to have for their future needs. We need to spell out who is going to be reserved what capacity, how are we going to get there and who is going to pay for it. At this point the purchase agreement and all of the engineering that NERWD has done, they have done on their own. The City Engineer and City Administrator have met with NERWD a couple of times related to their agreement and what the City could provide. The City cannot reserve capacity for someone for some future project that may or may not happen.

The Public Utilities Supervisor stated the City has to look at the capacity and where we stand on the "what ifs". How reliant are you on the gallons per minute we are giving you? What if we have to shut down two filter beds?

Jay Klemetsrud, member of GRWD Board, stated it is imperative that we recognize this is not a one-way street. The City of Devils Lake as it has expanded over the last couple of years, has taken customers from GRWD. People GRWD had the right to take, but had agreed with the City never to contest that. The City was going to sell GRWD so much water for so much money. There is some frustration here not having an agreement for over two years.

Commissioner Morse stated if GRWD has the agreement that was worked on a couple of years ago that would be a good place to start.

Nels Halgren, GRWD Manager, questioned whether Commissioner Morse was referring to the water service area agreement. GRWD is just looking for a water purchase agreement so they can serve customers. He thinks the water service area agreement could be done at a later date. There is a pipe in the ground to serve Lakota. All that is needed is to turn the valve on, and Lakota is anxious to get the water from GRWD since they have a major problem with their treatment plant.

The City Engineer said that agreement does not reserve any capacity and does not guarantee the volume. Those details need to be looked at. GRWD will not get an agreement before GRWD, but capacity needs to be looked at. If GRWD is going to give Lakota a bulk water agreement that says GRWD will supply this then the City of Devils Lake needs to know that so Devils Lake can see the capacity and timing of the water needs.

Commissioner Morse said GRWD is constantly trying to grow, and by doing that they require more water. All those things need to be looked at, and at some point along the line a base needs to come up and be addressed or an expansion.

Consensus of the City Commission was the GRWD will be taken care of first.

Nels Halgren said things have changed in the last year; before they just needed water for emergency uses.

The City Engineer stated as far as the capacity, GRWD was told Devils Lake wants the 3 million reserved for the city so anything they are looking at is over and beyond that on a long term basis. The agreement that GRWD is drafting could serve as a model, and paragraphs could be added for GRWD. The territory agreement could be pulled into it. GRWD would get a good rate on water, and GRWD would be fair when the City expands.

GRWD is looking for an agreement by October. Nels Halgren says bringing in the water service area agreement gets it too complicated. They would just like to see a water purchase agreement. It gets sticky because you need maps of the infrastructure in place, and every time we pull that out we get bogged down by it.

Consensus of the Commission was to appoint Commissioner Stromme, President Johnson, City Administrator, City Engineer and Commissioner Robbins to the committee.

The City Attorney reviewed the Lake Region Public Library's request for updating the City's ordinance. The City Attorney will discuss the proposed changes with the Library Director. Where the ordinance lists dollar amounts it would be better to have the ordinance refer to the fees and rates.

The City Engineer reviewed the pay estimate for the project on Smith Dr SW. The water and sewer are in place. Additional testing needs to take place for the sewer. The water has passed inspection and is available for use.

Commissioner Heisler moved to approve payment of Estimate No. 1 to Naastad Brothers for Water & Sewer Improvement District 59-14 – Smith Dr SW in the amount of \$119,513.45 as recommended by the City Engineer. The motion was seconded by Commissioner Stromme. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Robbins moved to approve payment of Estimate No. 2 to Elshaug Concrete Construction for 2015 Curb, Gutter & Sidewalk in the amount of \$8,698.44 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 Engineer stated the pay estimates for the pipe bursting is being broken out by pay areas for the special assessments.

Commissioner Morse moved to approve payment of Estimate No. 2 to Murphy Pipeline Contractors for Watermain Improvement District 24-15 – various locations in the amount of \$191,570.40 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 Engineer reviewed Sewer Main Rehabilitation District No 13-15 – various locations. This is for work associated with sewer districts on 2nd St between 10th Ave and 12th Ave. A 10-inch concrete pipe is in dire need of replacement. The work will be done by cured-in-place. The project will cost under \$30,000.00, and does not need to be bid. The City will pay 75% of the project, and 25% will be assessed.

Commissioner Heisler moved to approve the resolution approving plans and specifications and directing advertisements for bids for Sewer Main Rehabilitation District No 13-15 (various locations). The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Engineer recommended accepting the proposal from D&D Roofing for the water treatment plant roof. The contractor states the work will be completed between September 14, 2015 and September 30, 2015. Tecta America Dakotas could complete the work two weeks earlier – September 1, 2015 through September 18, 2015; however, the price difference does not justified the higher proposal. The proposal required the vendor to submit their contractor's license and a letter from an approved roofing system manufacturer that would state the vendor is an approved, authorized contractor for that roofing system. Versico provided the letter for D&D Roofing. The City Engineer noted that since this was an emergency and proposals were solicited, no bid bonds or performance bonds were required.

The City thanked Tom Wade for his assistance with the temporary roofing and for the proposals.

Commissioner Robbins moved to approve the low proposal for the rubber membrane roof system for the water treatment plant from D&D Roofing of Aneta, ND in the amount of \$73,485.00 as recommended by the City Engineer. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Morse 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 acknowledged the following reports:

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

The Police Chief inquired when the two ordinances that were approved tonight would go into effect. The taxi ordinance is effective when passed, and the drug paraphernalia is effective when published.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:42 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT