

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD JANUARY 4, 2016

The regular meeting of the Devils Lake City Commission was held Monday, January 4, 2016 at 5:30 P.M. with the following members present: President Johnson, Commissioners Tim Heisler, Craig Stromme and Rick Morse. Commissioner Dale Robbins was absent.

Pledge of allegiance was recited.

Commissioner Stromme moved to approve the minutes of the regular City Commission meeting held December 21, 2015. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Heisler – The City Engineer said everything was fine.

The City Assessor stated everything was fine.

Commissioner Stromme - The Police Chief stated everything was fine.

The Sanitation Supervisor reported they were picking up Christmas trees this week.

Commissioner Morse – The Public Ways Supervisor informed the Commission that the Skar Family has left \$1,500.00 to the cemetery fund.

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

President Johnson – The Public Utilities Supervisor said everything was fine in the Water Department.

The City Auditor stated everything was fine.

The City Administrator said everything was fine.

The Fire Chief stated there were 2 attic fires due to electricity and one fish locator fire. This is the third fish locator fire in three years.

Discussion followed on the Hardee's site being cleaned up with the intent to start re-building this winter.

The City Attorney has had contact with Eagles Ledge concerning the oil refinery development agreement and the repayment of fees incurred by the City for this project. The City Attorney requested authorization to commence legal proceedings to collect the fees from Eagles Ledge.

Commissioner Heisler moved to authorize the City Attorney to commence legal action to collect fees owed by Eagles Ledge to the City for due diligence costs, other consultant costs and legal fees incurred for this project. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

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

Game of chance permits for December 2015

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

Rachel Lindstrom, Executive Director of Forward of Devils Lake, reviewed the request from Johnson Family Dentistry for flex funding. The project entails remodeling the old bread store and an addition for a total project cost of \$720,000. Two to three jobs may be created. The City's share would be \$50,000.00 which would be repaid at the end of the Bank of North Dakota loan.

Discussion followed about a competitor who requested funding over six years ago and was denied. Rachel Lindstrom spoke with this owner, and he has no issue with the funding of the current application.

Commissioner Heisler moved to approve the flex funding application for Johnson Family Dentistry as recommended by Forward Devils Lake. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Morse moved to approve Budget Amendment #07-15 – Library. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The City Engineer reviewed the ND DOT project for rehabilitation of Hwy 20 N. The City's share would be \$9,245.00 and would be for work going north from 20th St to Stone Ridge Estates. The City is responsible for 10% of work within city limits. Maintenance would be the same as it is now.

Commissioner Stromme moved to approve the cost participation and maintenance agreement for minor rehabilitation roadway overlay on ND 20 North to ND 17, project #SS-NHU-3-020(091)104 as recommended by the City Engineer. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

The City Engineer reviewed the ND DOT project for retroreflectivity signing improvements. The City's share would be \$376.00 for replacing signs in the US 2 Hwy corridor and on Hwy 20. The City is responsible for maintenance of the signs in the Hwy 2 corridor from Hwy 19 to Goulding's Road and on Hwy 20 from US Hwy 2 north to city limits.

Commissioner Morse moved to approve the cost participation and maintenance agreement for retroreflectivity signing improvements of US 2, ND 19 and ND 20, project #SHE-9-999(346) as recommended by the City Engineer. The motion was seconded by Commissioner Heisler. Discussion followed on the differences in local share percentages between the two agreements. The motion carried unanimously.

Commissioner Stromme moved to approve designating American Bank Center, the Bank of North Dakota, Bremer Bank, Horizon Financial Bank, Ramsey National Bank and Trust Co, US Bank and Western State Bank as financial institutions for depositories of City funds as required by the North Dakota Century Code and as recommended by the City Auditor. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Attorney reviewed the supplemental agreement for John and Penelope Knudson. This agreement modifies the original agreement dated September 19, 2011. Modification of the agreement was needed due to changes made in drainage and ponding.

Commissioner Stromme moved to approve the supplemental agreement for John and Penelope Knudson as it relates to land acquisition for the embankment as recommended by the City Attorney. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Assessor reviewed the resolution for the Thompson/LaFleur property needed for the embankment. The resolution increases the deposit for the Eagle Bend Properties from \$148,115.00 (appraisal value plus 10%) to \$150,400.00 due to a new appraisal being received.

Commissioner Stromme moved to approve the resolution for the increase in the deposit amount for the land owned by Allan E Thompson and Evon C Thompson, husband and wife; Susan K LaFleur and Boyd Y LaFleur Trustees under the Susan K LaFleur Living Trust dated May 12, 1999; Boyd Y LaFleur and Susan K LaFleur Trustees under the Boyd Y LaFleur Living Trust dated May 12, 1999; Richard C LaFleur and Shirley LaFleur, Trustees under the Richard C LaFleur Living Trust dated May 13 1999; and Shirley LaFleur and Richard C LaFleur, Trustees under the Shirley LaFleur Living Trust dated May 13 1999, and needed for the embankment and to deposit an additional \$2,285.00 with the Clerk of Court for the increase in the appraised value as recommended by Dan Gaustad Acting City Attorney. The motion was seconded by Commissioner Heisler, 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 2016 through December 31, 2016. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Commissioner Heisler moved to approve funding for the first quarter of 2016 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 voted aye, and the motion carried.

Commissioner Morse 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 report:
4th quarter economic data.

It was noted that Dan Gaustad, Acting City Attorney, is negotiating with Ultra Green Packaging for the repayment of funds to the City in regards to the \$2million business incentive.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:06 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT