

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD JUNE 20, 2016

The regular meeting of the Devils Lake City Commission was held Monday, June 20, 2016 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.

A moment of silence was held for Curt Hofstad.

Pledge of allegiance was recited.

Commissioner Stromme moved to approve the minutes of the regular City Commission meeting held June 6, 2016. 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 request for a change in zoning from agricultural to residential rural suburban for a parcel of land described as Outlot Plat 05-0095 which is part of Outlot Plat 05-0061 in the E ½ of the SW ¼ of Section 9. The location of the project and the amount of public notice given for the hearings were discussed. The Planning Commission usually sends letters within a certain area of the project; but the letters are not required. Public notices for the Planning Commission meeting and the City Commission meeting are published. Hearing and receiving no other comments, President Johnson closed the public hearing.

Commissioner Stromme moved to approve a change in zoning from agricultural to residential rural suburban for a parcel of land described as Outlot Plat 05-0095 which is part of Outlot Plat 05-0061 in the E ½ of the SW ¼ of Section 9 and submitted by Joel Elvrum as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

5:30 P.M. - This was the time set for a public hearing to review a request for a conditional use permit for an outdoor storage yard in an area zoned as highway commercial and described as proposed Eddy's Acres Subdivision, a replat of a part of Outlot Plat 05-0060 in Government Lot 6, Section 3. Discussion was held on the types of items to be stored. Hearing and receiving no other comments, President Johnson closed the public hearing.

Commissioner Morse moved to table a conditional use permit for an outdoor storage yard in an area zoned as highway commercial and described as proposed Eddy's Acres Subdivision, a replat of a part of Outlot Plat 05-0060 in Government Lot 6, Section 3 as recommended by the Devils Lake Planning Commission. The request will be reviewed upon submittal of the fencing material information. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Robbins – The Public Ways Supervisor said they have been ground spraying for mosquitoes. Aerial spraying is set for June 30th with an alternative date of July 1st.

The Public Utilities Supervisor stated they have finished flushing hydrants from 10th St NE going north, and will now start going south of 10th St NE to the railroad tracks.

Commissioner Morse – The Public Ways Supervisor stated Tri-State is completing street repairs; city crews are setting manholes; and he has hired a new employee with a start date of July 5th.

The Public Utilities Supervisor said they have been mowing and spraying the dike. The slope mower will be here Friday. Currently, they are using a sprayer with a 60-foot boom from Summer's Manufacturing. The City may want to look at purchasing this type of sprayer in the future.

President Johnson inquired about the cemetery fence not being started yet. The Public Ways Supervisor will contact the contractor. Discussion followed on cleaning the existing fence and on Dakota Mud Jacking trying to fix some head stones that are tilting.

Commissioner Stromme - The Sanitation Supervisor reported everything was fine.

The Police Chief indicated the monthly report was generated from a new system.

Commissioner Heisler – The City Engineer reviewed the following projects:

1. 5th St NE watermain – new main is in place, but not connected; fire hydrants are not installed; after 5th St, 10th Ave will be started followed by 1st St;
2. Cenex storm sewer – being installed by the east welcome sign;
3. Cenex road – being prepared from welcome sign to Cobblestone Inn;
4. BNSF – will be working on the crossing on Elk's Dr so it will be closed Thursday, Friday and Saturday;
5. Water treatment plant roof – Issues still remain on the intermediate deck. Temporary measures were taken, but a permanent fix needs to be completed. Since the work would exceed \$30,000 the City is required to bid; however, if a new contractor gets the bid he would be relying on some other contractor's work. The specifications will be written up accordingly.

Commissioner Heisler moved to authorize the call for bids for the water treatment plant roof as recommended by the City Engineer. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Discussion followed on how much of the roof will be covered by insurance. Discussion continued on the issues with the lower decks, and the warranty representatives being aware of the issues.

6. East Ditch recreation area – working on specifications for gangway and pier.

Commissioner Heisler moved to authorize the call for bids for the East Ditch recreation area for the gangway and pier as recommended by the City Engineer. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

President Johnson – The City Auditor stated everything was fine.

The City Administrator stated the organizational meeting will be held on Tuesday, June 28, 2016 at noon.

The City Attorney said everything was fine.

The City Administrator recommended awarding the custodial contract for city hall to ServiceMaster.

Commissioner Stromme moved to award the contract for custodial services for the city office to ServiceMaster of Devils Lake in the amount of \$595.00/month. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Engineer recommended awarding Street Improvement District No 58-15 – 16th St SE to the low bidder, Naastad Brothers.

Commissioner Stromme moved to award Street Improvement District No 58-16 – 16th St SE to Naastad Brothers, Inc of Hatton, ND in the amount of \$118,533.60. The motion was seconded by Commissioner Heisler. This project will extend 16th St S, but as a gravel section. It will be built for future pavement. The motion carried unanimously.

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

1. 2016-2017 permit/license applicants effective July 1, 2016 through June 30, 2017;
2. Authorizing the City Auditor to cancel Check No 109817 dated May 3, 2016 in the amount of \$958.90 to AT&T Mobility (various funds-various departments-telephone) – The check was lost and was reissued;

3. Gaming site authorization submitted by Devils Lake Rural Fire Department Inc for July 1, 2016 through June 30, 2017 at the Great American Inn & Suites Inc – 1116 Hwy 2 E;
4. Gaming site authorization submitted by Neathery Simensen Post #756 VFW of the US for July 1, 2016 through June 30, 2017 at the VFW Club – 314 3rd Ave NE;
5. Parade permit submitted by Devils Lake Fire Department on July 4, 2016 to begin at 11:00 A.M.;
6. Permit to sell alcoholic beverages at a special event submitted by Thirstys Bar for a wedding reception and dance to be held July 23, 2016 at the Memorial Building; and
7. Permit to sell alcoholic beverages at a special event submitted by Thirstys Bar for a Women's Ag to be held July 27, 2016 at the Memorial Building.

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

The City Attorney reviewed the settlement agreement and warranty deeds for the City court case against John and Nancy Kuntz and the Airport court case against John and Nancy Kuntz and Kim Swanson. The \$365,000 takes care of their attorney fees, interest and extra costs.

Commissioner Morse moved to approve the settlement agreement of \$365,000.00 to John and Nancy Kuntz in exchange for the warranty deed to the City and the warranty deed to the Airport. The motion was seconded by Commissioner Robbins. Vern Bertsch asked how much did it amount to per acre. President Johnson stated the payments were not based on just acreage. It was complicated with the different parties involved and with the FAA relocation requirements. Discussion followed on how \$66,330 was for land acquisition for the embankment, \$304,700 was for land acquisition for the airport, and \$269,321.03 was for relocation expenses required by FAA for the airport project. This payment of \$365,000 is for final settlement and includes their attorney fees and other expenses. Payments totaled \$1,005,351.03. On roll call all Commissioners voted aye, and the motion carried unanimously.

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

President Johnson acknowledged the following reports:

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

President Johnson and the City Commissioners thanked Commissioner Tim Heisler for 16 years of dedicated service to the City.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:08 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT