

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD JANUARY 6, 2014

The regular meeting of the Devils Lake City Commission was held Monday, January 6, 2014 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 16, 2013. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

5:30 P.M. - This was the time set for the bid opening for a four wheel drive loader for the Sanitation Department. The following bids were opened and read:

1. Ironhide Inc – Bobcat of Devils Lake, Devils Lake, ND Bid \$199,000
2. RDO Equipment, Devils Lake, ND Bid \$215,500

Commissioner Morse moved to accept the bids as read, and refer them to the Sanitation Department for further review and recommendation. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Jessica Ramey Gillam appeared before the City Commission to question the involvement of Forward Devils Lake in bringing an oil refinery to Devils Lake. Ms. Gillam's questions included who initiated contact with the oil refinery and when; how many Commissioners were privy to the information; why the public was not notified of the project; who has accountability for Forward Devils Lake using tax payer dollars for projects; and a request for meeting records.

The developer had contacted the former executive director of Forward Devils Lake about 1 ½ years to 2 years ago with conversation centering on the capacity for water and transportation. The former executive director had inquired with property owners if they would be interested in selling land, but nothing was negotiated. If the property wasn't available there would be no point for the developers to continue pursuing the project in Devils Lake. No project has been brought to the City Commission. Forward Devils Lake has the authority to have conversations with potential developers. The City Attorney stated it is common practice and is allowable under ND Century Code for economic developers to have the authority to develop projects to present to their board and ultimately the city commission. Forward Devils Lake has not received a project request from the developer; therefore, the Commission does not have a project to consider. Without a project, there are no public meetings. Once a project is approved by Forward Devils Lake, the appropriate public meetings are held. The City Commission has final approval of projects requesting funds from Forward Devils Lake. As for records, the former executive director had verbal communications with the developer, and there are no written notes. The minutes from the last Forward Devils Lake meeting were provided since that is when the executive director indicated to the board that a potential project could be requesting funds.

Ms. Gillam read a statement on oil refineries and oil from the Bakken.

The Fire Chief indicated his department is aware of what the train cars are carrying when they pass through Devils Lake. The Fire Department has had trainings for possible incidents including training with the railroad.

Commissioner Heisler – The City Assessor stated everything was fine.

The City Engineer indicated everything was fine.

Commissioner Stromme - The Sanitation Supervisor said everything was fine.

The Police Chief stated everything was fine.

Commissioner Morse – The Public Ways Supervisor indicated Christmas decorations would be taken down, and College Drive has been cleaned up from the fire at Dakota Dry Bean.

The Public Utilities Supervisor said everything was fine. Discussion followed on the storm sewer system at the sight of the fire. The system is eight to nine feet deep, and it goes to the Ford lift station. The station filled up and pumped out with no problems. Also discussed was approximately 1.7 million gallons of water being used for the fire.

President Johnson - The Public Utilities Supervisor said a fire hydrant on 13th Street and 2nd Avenue NW had been hit.

The City Auditor stated everything was fine.

The Fire Chief thanked the Police Department, the Street Department, the Public Utilities Department and the community for all their support while they were fighting the Dakota Dry Bean fire. The fire was under control by noon today although a monitor nozzle is on it to keep it cool. Between the City Fire Department and the Volunteers, there were 60 firefighters at the fire. Two individuals were treated for minor frost bite, and two individuals slipped on icy trucks.

The Commissioners indicated how appreciative the Commissioners and the community are for the firefighters.

The City Attorney said everything was fine.

The second reading of Ordinance No. 918 – Noise was held.

Chris Jaeger inquired how the decibel levels were decided. The ordinance based the levels on other cities' ordinances and on a study from Florida. Mr. Jaeger had documentation from several sources including the Department of Transportation on normal everyday decibel levels. He indicated the levels in the ordinance were low for average stock vehicles. He asked the Commission to reevaluate the levels.

The Police Chief stated ordinances from Minot, Mandan, West Fargo and Bismarck were reviewed. He suggested modifying the wording from at 25 feet to at a minimum distance of 25 feet. It was noted that the ordinances are not used widely in the other cities.

President Johnson indicated that several comments were received with all of them opposing the ordinance.

Jessica Ramey Gillam thinks the industry standards are important.

The Police Chief stated they need some standard to go by. Without a standard there is no way to enforce it since what is acceptable to one may not be acceptable to another. Discussion followed on the complaints that initiated the ordinance.

Korey Kvelstad, owner of Alken Glass, stated he sells car audio equipment, and this ordinance affects his bottom line because of where the levels are set. He thinks the ordinance is unnecessary since the City has six or seven ordinances already that deal with noise. Discussion followed on the logistics of enforcing the ordinance.

Thomas Gratton stated the ordinance is a means to an end, but with no end for the crotch rockets. His concern is not only the noise of these cycles, but the activities of these riders. He believes the levels in the ordinance are too low.

Discussion followed on setting up a committee to research the noise ordinance and the decibel levels.

Commissioner Stromme moved to table Ordinance No. 918 – Noise and to form a committee of seven to research the ordinance and the decibel levels. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Heisler moved to approve the consent agenda which included the following

1. Game of chance permits for December 2013;
2. Gaming site authorization submitted by the Devils Lake Rural Fire Department Inc. at the location of the Memorial Building - #6, 524 4th Ave beginning January 23, 2014 and ending January 25, 2014;
3. Permit to sell alcoholic beverages at a special event submitted by Ye Olde Tavern for the Devils Lake Volunteer Fire Department fishing tournament to be held January 24, 25 and 26, 2014 at the Memorial Building; and
4. Permit to serve alcoholic beverages at a special event submitted by Ye Olde Tavern for a Christmas party for Leading Edge Equipment to be held February 1, 2014 at the Memorial Building.

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

Commissioner Stromme moved to approve Change Order No. 5 for Peterson Construction - Stone Ridge Water and Sewer Improvement District for changes to the Highland Park Project #2 which included relocating a curb stop and adding a 6" gate valve for a net increase in the amount of \$2,800.00 as recommended by the City Engineer. The motion was seconded by Commissioner Heisler, and 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.

Commissioner Heisler moved to approve the Joint Powers Agreement with Ramsey County for the general election, the county's primary election and any special elections. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Heisler moved to approve funding for the first quarter of 2014 for the Lake Region Heritage Center in the amount of \$4,500.00 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.

The City Assessor reviewed the payment for Howatt's Excavating for the removal of the house at 417 6th St NE. Due to the weather, the contractor was unable to complete filling the hole per specification. This work will be completed in the spring.

Commissioner Morse moved to approve payment to Howatt's Excavating for the removal of the city-owned house at 417 6th St NE in the amount of \$15,000.00 as recommended by the City Assessor. The motion was seconded by Commissioner Heisler. On roll call all Commissioners voted aye, and the motion carried.

The City Engineer reviewed the payment of Estimate No. 2 for Peterson Construction for the Highway 2 watermain project. Additional work is needed to connect to the existing line.

Commissioner Stromme moved to approve payment of Estimate No. 2 to Peterson Construction for Watermain Improvement District No. 22-13 – Hwy 2 in the amount of \$8,044.80 as recommended by the City Engineer. The motion was seconded by Commissioner Heisler. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Heisler moved to approve payment of Estimate No. 2 - Final to Peterson Construction for Water and Sewer – Applebee's in the amount of \$1,404.96 as recommended by the City Engineer. The motion was seconded by Commissioner Morse. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Stromme moved to approve payment of Estimate No. 2 - Final to Peterson Construction for Water, Sewer and Street Improvement District No. 48-13 – Highland Park Project #2 for water and sewer in the amount of \$1,696.46 as recommended by the City Engineer. The motion was seconded by Commissioner Morse. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Morse moved to approve payment of Estimate No. 3 - Final to Strata Corporation for Street Improvement District No. 46-12 – Elkhorn in the amount of \$27,097.93 as recommended by the City Engineer. The motion was seconded by Commissioner Heisler. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Morse moved to approve payment of Estimate No. 6 - Final to Strata Corporation for Street Improvement District No. 44-12 – 22nd St and Lincoln Ave in the amount of \$25,970.73 as recommended by the City Engineer. The motion was seconded by Commissioner Heisler. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Morse moved to approve payment of Estimate No. 6 - Final to Strata Corporation for Street Improvement District No. 50-11 – Stone Ridge Streets in the amount of -\$5,789.33 as recommended by the City Engineer. The motion was seconded by Commissioner Stromme. Discussion followed on two projects being on the same project. The quantities were adjusted between the two projects; therefore, this project has a deduction. On roll call all Commissioners voted aye, and the motion carried.

The City Engineer reviewed the payment estimate for Big Eye Hospitalities. As part of the project, the developer paid the contractor for infrastructure costs that were the city's responsibility.

Commissioner Heisler moved to approve payment to Big Eye Hospitalities LLP for Sleep Inn in the amount of \$25,454.88 as recommended by the City Engineer. The motion was seconded by Commissioner Morse. 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 Stromme. On roll call all Commissioners voted aye, and the motion carried.

President Johnson acknowledged the following report:
2014 4th Quarter Economic Data

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