

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD JANUARY 21, 2014

The regular meeting of the Devils Lake City Commission was held Tuesday, January 21, 2014 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 Stromme moved to approve the minutes of the regular City Commission meeting held January 6, 2014. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Suzie Kenner, Executive Director of the Convention & Visitors Bureau (CVB), appeared before the Commission to present the annual tourism update. CVB hosted two national fishing tournaments - Master Walleye Circuit (MWC) and National Walleye Tour Championship. The MWC asked if CVB would do an artificial only tournament which gave Devils Lake a lot of media coverage. The CVB agreed to pay the conservation fees instead of paying for MWC to come here; therefore, CVB could specify that the \$5,000 would go to Lake Access.

Ms. Kenner reviewed the marketing, convention and social media strategies. The MWC championship will be back as a televised tournament in October. Six sports shows will be attended as well as the ND Petroleum Conference. The advertising budget is down due to less funding; however, more content media will be used. The facebook was changed so the Chamber of Commerce and Tourism each have their own page. The Chamber's page carries more local events while Tourism's page will target the hunter, fisher, angler and people looking for a weekend get-away. The mobile website use was up 74% over 2012, and the main website had over 97,000 visitors with 77% being new visitors. Most visitors are from Minnesota, Wisconsin and Iowa. Amtrak is important for bringing in the tourists.

Jessica Ramey Gillam inquired about the following:

1. Noise ordinance - President Johnson stated a committee has been setup for the noise ordinance.
2. If Burlington Northern Santa Fe had notified the Fire Chief about H2S in the crude. The Fire Chief said no.
3. Pipeline going over Mauvais Coulee - Enbridge has been working on a pipeline for some time to move oil from the Bakken to Minnesota.
4. Planning for the Industrial Park and if there was an oil line going in there. No plans for the Industrial Park have been drawn.
5. Parts per million of fertilizer that went down the storm drain. The Fire Chief does not have this information. She would have to contact the State Health Department.

Commissioner Robbins - The Public Utilities Supervisor said a water break on 15th St NE occurred. He would like the Commission to consider an improvement in the area. It was noted that the infrastructure committee would be meeting to budget and prioritize projects. Discussion followed on pipe bursting, the area needing the improvement and the timeline for this project.

The Public Ways Supervisor stated everything was fine.

Commissioner Robbins reviewed the issues with Devils Lake Kids. With the past operations of the center, it is financially unstable. The previous directors were not business-oriented and neglected paying bills and collecting from parents. There is between \$10,000 and \$11,000 of old debt. The outstanding receivables due from parents were turned over to collections. The vacancy stats for daycare in Devils Lake were reviewed. According to Jody Pike, licensing director for the county, there are 33 licensed programs in Devils Lake with 766 slots for children; however, there are currently only 17 openings. If the center were to close 40 children would be displaced, and the area only has 17 openings.

Jennifer Eback, current director of Devils Lake Kids, stated she and Lisa Grafsgaard were approached to run the center after the turnover of directors. They agreed in order to keep the center open. She reviewed what actions have been taken to turn the center around. Steps have been taken to keep bills paid; however, there is not enough to pay on the old bills. If the City cannot loan or grant the center funds, she would like some guidance on how to proceed. The center is ineligible for grants because it lost its IRS nonprofit status due to a mix up on EIN numbers for payroll taxes which Commissioner Robbins is working to clear up. If the center has to close, she would like to give the parents notice so they have time to find alternative day care. The directors each work thirty hours a week. The board is working on changing policies such as grace days. The licensing and inspections have been taken care of by the current directors.

Commissioner Robbins made a motion to provide assistance to Devils Lake Kids for the outstanding debt minus the IRS debt contingent upon the City Attorney approving the legality of providing the funds. The motion was seconded by Commissioner Heisler. Discussion followed on receipts being provided to the City and on the in-kind service provided by individuals throughout the community. On roll call all the Commissioners voted aye, and the motion carried.

Commissioner Heisler – The City Engineer indicated plans for 5th Ave SE, going north from Hwy 2 to the east underpass, are being finished for a mill and overlay. The concrete has ASR, but reconstruction is financially infeasible at this time. Also 5th St SE from 5th Ave to 8th Ave will be overlaid with asphalt. NDDOT has recommended changing the four-lane road on 5th Ave SE to a two-lane road with a center turn lane. It would decrease the potential for crashes. The public will have to be made aware of the change.

The City Assessor stated everything was fine.

Commissioner Stromme - The Sanitation Supervisor stated everything was fine.

The Police Captain stated everything was fine.

President Johnson – The Public Ways Supervisor indicated the street crews are working on snow removal. The plan is to do downtown on Thursday morning to get ready for the fishing tournament. Once everything is widened out, the snow in the residential areas will need to be taken out.

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

The City Auditor reviewed the fourth quarter economic report. The State will be increasing the state aid by 10% effective July 1, 2015.

The Fire Chief said there was the elevator fire, a truck fire and two house fires in January.

The City Attorney, at the direction of the Commission, sent a letter to Champions Bar in December related to noncompliance with the ordinance for a city liquor license. At that time, they were given the chance to become compliant by the end of December or close. They chose to close. He would like to proceed with revoking their license.

Commission Robbins moved to approve proceeding with the revocation of Champions Bar liquor license by sending a letter notifying them of their right to a public hearing to be held on February 3, 2014 as recommended by the City Attorney. The motion was seconded by Commissioner Stromme. Discussion followed on the business currently being closed. The motion carried unanimously.

The Sanitation Supervisor reviewed his recommendation for the four wheel drive loader. The Doosan loader would require DEF fluid in order to meet the emission standards which would be costly. Also the Doosan loader does not meet the bid specifications for the differential lock system. Based on the emission standards and the differential lock system, the Sanitation Supervisor recommended purchasing the John Deere loader from RDO. The cost difference on the bids and the bid specifications were discussed.

Commissioner Stromme moved to award the bid for the four wheel drive loader to RDO Equipment, Devils Lake ND in the amount of \$215,500.00 as recommended by the Sanitation Supervisor. The motion was seconded by Commissioner Heister. Discussion followed on who provides the Doosan loader – Bobcat of Devils Lake. The motion carried unanimously.

The City Engineer reviewed the pay estimate for Dakota Apple Partnership. Last year, the City entered into an agreement for work on the public right-a-way, adjacent to Applebee's, to be completed as part of the project. The agreement called for the owner to pay 75%, and the City would reimburse 25% of the eligible costs. The developer paid the contractor for the costs that were the City's responsibility.

Commissioner Heisler moved to approve payment to Dakota Apple Partnership for Applebee's in the amount of \$11,980.43 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 Stromme moved to approve the Pledge of Assets and a Certified Copy of the Board of Directors Meeting minutes submitted by Bremer Bank as recommended by the City Administrator. At this time no City funds are deposited at

American Bank Center, Horizon Financial Bank, Ramsey National Bank and Trust Company, US Bank or Western State Bank. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

A letter asking for forgiveness on a high water bill for 416 3rd St SE was reviewed. The water did not go through the sewer system. In the past, the Commission has forgiven the sewer amount above the customer's normal bill.

Commissioner Stromme moved to credit Utility Account 00008740 \$704.16 for the above normal sewer charge. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Stromme 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:
Police Department monthly report.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:40 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT