

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD FEBRUARY 3, 2014

The regular meeting of the Devils Lake City Commission was held Monday, February 3, 2014 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 Stromme moved to approve the minutes of the regular City Commission meeting held January 21, 2014. 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 renaissance zone application for lease of a new building at 508 Hwy 2 E. Apple Lake Inc is leasing the new Applebee's building from Apple Core and owned by Dakota Apple Partnership. This would be for a state tax benefit. Hearing and receiving no comments, President Johnson closed the public meeting.

Commissioner Robbins moved to approve the Renaissance Zone application for Apple Lake Inc to lease a new building at 508 Hwy 2 E and owned by Apple Core as recommended by the Renaissance Zone Authority. 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 for revocation of the Class IV retail liquor license #21 from Farnum and Jessica Klindt dba Champions Downtown Bar located at 312 4th St NE. Hearing and receiving no comments, President Johnson closed the public hearing.

The City Attorney stated the grounds for revoking the liquor license is for nonpayment of property taxes for 2012 and 2013.

Commissioner Robbins moved to approve the revocation of the Class IV retail liquor license #21 from Farnum and Jessica Klindt dba Champions Downtown Bar located at 312 4th St NE. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Jessica Ramey Gillam appeared before the Commission about the noise and speed of trains going through town. She also inquired on how to warn residents if there was an emergency. Also, Ms. Gillam asked if the meetings of Forward Devils Lake were open meetings and if meeting notices were posted.

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

The Public Ways Supervisor stated everything was fine.

Commissioner Morse – The Public Utilities Supervisor stated there was plugged sewer main on 15th St NE and Lincoln Ave. The main was televised, but nothing major was found.

The Public Ways Supervisor indicated they are pushing back snow. College Dr and 5th Ave will be picked up this week.

Commissioner Heisler – The City Engineer indicated they are working on projects for this year.

The City Assessor reviewed the request from Ben and Tanya Harkness to purchase lots in the Roundhouse Subdivision.

Commissioner Heisler moved to approve the sale of Lots 7 and 8, Block 10, Roundhouse Subdivision for \$4,500.00 plus the outstanding special assessment principal balance of \$1,598.22 to Ben and Tanya Harkness as recommended by the City Assessor. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Assessor requested permission to donate sick leave for an employee who has used her leave for medical issues. He would like to donate 100 hours of sick leave to her.

Commissioner Heisler moved to approve Mr. Martinson donating up to 100 hours of sick leave for an employee in the Assessing Department. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Commissioner Stromme rescinded his second, and Commissioner Heisler rescinded the motion.

Commissioner Heisler moved to approve city employees donating up to 100 hours of sick leave to an employee in the Assessing Department who has medical issues. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Commissioner Stromme - The Police Chief stated he will be interviewing applicants on Friday.

The Police Chief reviewed what could be done with the deer in town.

The Sanitation Supervisor stated everything was fine.

President Johnson - The City Auditor stated everything was fine.

The City Administrator said a project list will be completed, and the infrastructure committee will meet to prioritize projects.

The Fire Chief is working on getting the sites demolished from the recent fires.

The City Attorney stated everything was fine.

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

1. Authorizing the call for bids for a Public Utilities skid steer loader with bids to be opened on Tuesday, February 18, 2014 at 5:30 P.M. as recommended by the Public Utilities Supervisor;
2. Game of chance permits for January 2014;
3. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for the Lake Region State College retirement party for Duane Schwab be held February 22, 2014 at the Memorial Building; and
4. Permit to serve alcoholic beverages at a special event submitted by Ye Olde Tavern for Derrick and Ashley Reed's wedding dance to be held March 1, 2014 at the Memorial Building.

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

Commissioner Heisler moved to approve the 2013 Budget Amendment No. 06-13 – final adjustment to actual as recommended by the City Auditor. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Robbins moved to approve the certification of the annual maintenance with North Dakota Department of Transportation as recommended by the City Engineer. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Stromme moved to approve payment #2 on the contract for deed for industrial park land from Robert and Helen Weed in the amount of \$47,903.88 as recommended by Forward Devils Lake. The motion was seconded by Commissioner Heisler. On roll call all Commissioners voted aye, and the motion carried.

The City needs to acquire property for the embankment. The City has not been able to negotiate a settlement agreement. The resolution is for land owned by Dustin LaFleur and Derissa LaFleur, husband and wife. The appraisal for this property was for \$20,450.00, and the City offered \$22,495.00 which is the amount the City will need to deposit with the Clerk of Court. The City has been working under a right-of-entry which expires in May.

Commissioner Robbins moved to approve the resolution for the condemnation process for the land owned by Dustin LaFleur and Derissa LaFleur, husband and wife, and needed for the embankment and to deposit the \$22,495.00 offered for the land with the Clerk of Court as recommended by Dan Gaustad, Acting City Attorney. The motion was seconded by Commissioner Morse. Discussion followed on the location of the land. There is a home located on the land. The home will not be touched, and it will still be a conforming lot. The motion carried unanimously.

The City needs to acquire property for the embankment. The City has not been able to negotiate a settlement agreement. The resolution is for 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. The appraisal for this property was for \$134,650.00, and the City offered \$148,115.00 which is the amount the City will need to deposit with the Clerk of Court. Discussion followed on the location and on the land being undeveloped.

Commissioner Robbins moved to approve the resolution for the condemnation process 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 the \$148,115.00 offered for the land with the Clerk of Court as recommended by Dan Gaustad, Acting City Attorney. The motion was seconded by Commissioner Morse. Discussion followed on the City needing fee title and not being able to use an easement. 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 reports:

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

Commissioner Stromme asked about the amount collected for Municipal Court. It was noted that the Auditing Department has not started the collection process for the court system yet. Collection of the parking tickets was done first, and some cross-training with the Auditing Department and the Municipal Court has taken place. The court software system will need to be cleaned up before collection efforts are started.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:20 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT