

MINUTES OF THE BOARD OF CITY COMMISSIONERS  
HELD JUNE 16, 2014

The regular meeting of the Devils Lake City Commission was held Monday, June 16, 2014 at 5:30 P.M. with the following members present: President Johnson, Tim Heisler, Rick Morse and Dale Robbins. Commissioner Craig Stromme was absent.

Pledge of allegiance was recited.

Commissioner Morse moved to approve the minutes of the regular City Commission meeting held June 2, 2014. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Jessica Ramey Gillam appeared before the City Commission to talk about the Veterans Administration and the Law Enforcement Center.

Mr. Kuntz appeared before the City Commission to inquire about his relocation payment and resolutions passed by the Airport Authority. It was noted a payment of \$42,877.34 was included in the list of bills. The City has not seen any resolutions from the Airport Authority.

**Commissioner Heisler** – The City Engineer updated the Commission on the following:

1. Work has started on 5<sup>th</sup> Ave SE. Some curbs will need to be made ADA compliant.
2. Striping started today on College Drive; and
3. Next Tuesday and Wednesday a walk through on Phase 3 & Phase 2B with the Corp of Engineers will be done.

The City Assessor stated everything was fine.

**Commissioner Robbins** - The Public Ways Supervisor said mosquito control is ongoing. Discussion followed on the GPS unit ordered for the spraying operation. This unit will allow individuals to go online and watch where the department is spraying. It will tell where, when and how many times an area was sprayed. The concept is similar to the crime reports system used by the Police Department which is up and publicly accessible.

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

**Commissioner Morse** - The Public Ways Supervisor reviewed the recommendation for 2014 Sand, Gravel & Rip Rap.

Commissioner Morse moved to accept the bid from Tri State Paving of Grand Forks for screened sand at \$10.75 and Class 13 gravel at \$12.70 as recommended by the Public Ways Supervisor. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

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

**President Johnson** – The Police Chief said Levi Marshall resigned as of June 30, 2014.

The Police Chief briefly discussed the crime report site and a car receiving hail damage.

The Sanitation Supervisor stated everything was fine.

The City Auditor stated everything was fine.

The City Administrator said the canvass meeting was held today. The organizational meeting for the City Commission will be held next Tuesday, June 24, 2014 at noon.

The Fire Chief reported on the following:

1. A siren grant for \$32,940 has been awarded. This grant will replace the siren at Prairie View and provide for a new siren at the new Wal-Mart site. The grant requires a 15% match.
2. A DES grant has been awarded for \$42,000. The funds will be used for fire rescue equipment. There is no match required.

3. Nuisance letters are being followed up on. Three people have not responded yet. Someone is interested in the old church. The elevator is coming down, and the Vang house is gone.
4. Shade tree is having problems with getting employees. A \$10,000 grant was received; however, that will only pay for ten to twelve trees if the City has to hire it done. Discussion followed on if the issue in getting employees was pay related, skills related or both. Shade tree employees need a CDL. Discussion continued on the issue with seasonal employees being a problem all over town. The Public Works Supervisor indicated age is an issue. His crew needs to be 18 years old or older. Sixteen years olds can not drive. Currently, starting pay is \$9.00/hour. Another issue is the seasonal employees leave the second week of August for school. Consensus was to form a committee to discuss seasonal employees with Commissioner Morse as chair.
5. An assessment will be completed to see if another siren is needed for the north end of the city.

The City Attorney said everything was fine.

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

1. 2014-2015 permit/license applicants effective July 1, 2014 through June 30, 2015;
2. Appointment of Barbara Breternitz to the Lake Region Public Library for a three-year term expiring June 30, 2017;
3. Four gaming site authorizations submitted by Devils Lake Blueline Club for July 1, 2014 through June 30, 2015 at the following locations: Devils Lake Elks 1216 – 425 Hwy 2 W; Lake Region Razors Edge – 711 Hwy 19 W; Old Main – 416 4th St NE and Royal Lanes Bowling Center (11<sup>th</sup> Frame) – 915 Hwy 2 E;
4. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for the Duciami/Stanley wedding reception and dance on July 12, 2014 at the Masonic Temple;
5. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for the wedding reception and dance of Jordan Callahan and John Lunde on July 26, 2014 at the Memorial Building;
6. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for the wedding reception and dance for Bittners on August 2, 2014 at the Memorial Building; and
7. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for the Kraft/Reed wedding reception and dance on August 9, 2014 at the Memorial Building,

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

Rachel Lindstrom, Executive Director of Forward Devils Lake, appeared before the City Commission to request allocating additional funds for multi-family housing. Round 1 used of \$200,000 State money with \$100,000 community money for each project. Round 2 had \$100,000 State money with \$50,000 community money for each project. Round 3 will be the same as Round 2. The funding was fully utilized from Round 1 and Round 2. The community needs to recruit employees to Devils Lake, and there is a housing shortage. There is only a 3% vacancy rate for rental property and only 52 houses for sale. Discussion followed on how many units this program has assisted. By allocating \$250,000 that would be for a minimum of five projects of at least four units each. The program is only for rental housing. Discussion followed on the impact of this program on the Growth Fund balance and on the payout of the money for these projects. It is up to a 5% buydown. Our community share is 30% of the 5% with the State doing 70% of the 5%. The community share gets paid back after the loan is paid off.

Commissioner Heisler moved to approve allocating \$250,000 for a third round of multi-family housing under the North Dakota PACE buydown program through the Bank of ND as recommended by Rachel Lindstrom. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The first reading of Ordinance No. 922 – speeding in construction zone was held.

Commissioner Morse moved to approve Budget Amendment No. 05-14 – Library. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Heisler moved to approve the request submitted by the Devils Lake Volunteer Fire Department in the amount of \$1,000.00 for the purchase of the fireworks for July 4, 2014 with the funding coming from the Advertising & Promotion Fund – City Commission Promotion – 2005-000-43720. The motion was seconded by Commissioner Robbins. On roll call all the Commissioners voted aye, and the motion carried.

The City Engineer reviewed the agreement with Nodak Electric Cooperative for power at the East Ditch Pump Station. Discussion followed on the service and amount of power. Construction payments were paid by the embankment project. The City already has a membership with Nodak. The agreement states the City is responsible for the equipment installed

and meeting requirements. The file will contain stipulations addressing each item. Discussion continued on the CI rate, the penalty charged if the pumps are turned on when Nodak is controlling, and on the added controls the City has in place.

Commissioner Robbins moved to approve the agreement for purchase of power with Nodak Electric Cooperative for power at the East Ditch Pump Station as recommended by the City Engineer. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

The City Engineer reviewed the easements with Otter Tail Power for the relocation of overhead line in Stromquist Addition. There are two easements. The permanent easement is for the lots to be improved. The legal for this easement needs to be revised to include the north 40 of Lot 2, and this has been sent to Otter Tail Power. This area is adjacent to 10<sup>th</sup> St SE. The permanent easement includes the guide wire on Lot 2 and is north of 10<sup>th</sup> St. The legal description and drawing need to be adjusted for the easement. The City is providing easements for facilities that already exist. The facilities were on railroad property and a county roadway and were not in a true public right-a-way. Before the City transfers title on the property, the easements will be in place. The temporary easement is for relocation of facilities that the City has tried to get relocated for six to seven years. The temporary easement really encumbers the lots, but it is only for thirteen months. There are not any facilities to be moved for the permanent easement. An easement is being grant for what already exists. There are both overhead lines and underground lines to be relocated with the temporary easement.

Commissioner Heisler moved to approve the temporary and permanent electric line easements with Otter Tail Power Company as recommended by the City Engineer contingent upon the review of the City Engineer and approval by the City Attorney. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Morse left the meeting at 6:22 P.M.

The City Engineer reviewed Street Improvement 53-14. The project includes mill and 2-inch overlay and will cost approximately \$245,000.00. Probable assessments will be sent out this week for these three street projects, and the assessments will average \$1,500.00 to \$2,000.00.

Commissioner Robbins moved to approve the resolution approving the preliminary report and directing preparation of plans and specifications for Street Improvement District No. 53-14 (6th St NE between 6th Ave and 12th Ave). The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Street Improvement 53-14 will be a change order to the 5<sup>th</sup> St SE project.

Commissioner Heisler moved to approve the resolution approving plans and specifications and directing advertisements for bids for Street Improvement 53-14 (6th St NE between 6th Ave and 12th Ave). The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Street Improvement 54-14 is a mill and 2-inch overlay for approximately \$320,000.00.

Commissioner Robbins moved to approve the resolution approving the preliminary report and directing preparation of plans and specifications for Street Improvement District No. 54-14 (5th St NE between 6th Ave and 12th Ave). The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Street Improvement 54-14 will be a change order to the 5<sup>th</sup> St SE project.

Commissioner Heisler moved to approve the resolution approving plans and specifications and directing advertisements for bids for Street Improvement 54-14 (5th St NE between 6th Ave and 12th Ave). The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Street Improvement 55-14 is a mill and 2-inch overlay for \$330,000. There will be minimum curb work on all of these street projects.

Commissioner Heisler moved to approve the resolution approving the preliminary report and directing the preparation of plans and specifications for Street Improvement District No. 55-14 (4th St NE between 6th Ave and 12th Ave). The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Morse returned to the meeting at 6:28 P.M.

Commissioner Robbins moved to approve the resolution approving plans and specifications and directing advertisements for bids for Street Improvement 55-14 (4th St NE between 6th Ave and 12th Ave). The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Engineer met with the phone company, and they have signed off on the water improvement project. This project includes installing a watermain adjacent to the property as part of the Agassiz work. Directional drilling will be used, and the project will be a change order to the Agassiz project.

Commissioner Robbins moved to approve the resolution approving plans and specifications and directing advertisements for bids for Water Improvement District No. 23-14 (9th Ave SE between 5th St SE and Hwy 2). The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The cost estimate for Water Improvement District 23-14 is \$40,000.00.

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 reports:

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

The open house for the Airport will be held Thursday, June 19<sup>th</sup> at 3:00 P.M. Business after hours will follow.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:31 P.M.

**LINDA LYBECK**  
**CITY AUDITOR**

**RICHARD S. JOHNSON**  
**PRESIDENT**