

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD SEPTEMBER 15, 2014

The regular meeting of the Devils Lake City Commission was held Monday, September 15, 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 September 2, 2014. 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 for the 2015 City of Devils Lake Budget. Hearing and receiving no comments, President Johnson closed the public hearing.

Commissioner Morse moved to approve the 2015 City of Devils Lake Budget as presented. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Jessica Ramey appeared before the City Commission to discuss her call from the ND Department of Health concerning the Roundhouse Subdivision.

The Fire Chief, the City Engineer and the Sanitation Supervisor met on the issue. They contacted the ND Department of Health, but the individual at the ND Department of Health had no information on the situation. The only communication the City has received is the nuisance letter from Lake Region District Health. City Staff forwarded this letter to the ND Department of Health.

Mark Kraft, Thirsty's Bar, appeared before the City Commission to discuss their Oktoberfest events. They would like to have the street closed on October 4, 2014 from 4:00 P.M. to 11:00 P.M. The competitions take place on the street. Discussion continued on if alcohol was permitted on the street. Last year, Thirsty's did not have alcohol outside, but they are considering it this year. Thirsty's would need to apply for an extension of premises permit; however, the City Commission does not meet until October 6, 2014. A special meeting could be held, and a late fee would be charged for the permit. The consensus of the City Commission was to hold a special meeting if Thirsty's decided to apply for an extension of premises permit.

John Kuntz appeared before the City Commission to see if a new spreadsheet concerning his payment had been received. The committee has not heard from Terry Faasteen, but will be meeting on September 24, 2014 at 9:00 A.M.

Commissioner Stromme - The Police Chief hired two officers. One will start on October 1st, and there is no official start date for the second one.

The Sanitation Supervisor stated it is free landfill for the next two weeks and the next two Saturdays for City residents.

Commissioner Heisler – The City Engineer reviewed the following:

1. 5th Ave - Striping is being done.
2. Highland Park – Asphalt, curb and gutter are complete. Some tie-in is needed in areas. The top soil is down. Residents are seeding the adjacent areas, and the City will seed the public way areas.

The City Assessor said everything was fine.

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

The Public Ways Supervisor stated the Street Department will be cutting down trees the first two weeks of October.

The Fire Chief said he has requested three proposals for stump removal.

Commissioner Morse – The Public Ways Supervisor stated one employee left employment.

The Public Ways Supervisor indicated the downtown light pole project is going well. It should be done on Thursday.

The Public Ways Supervisor reviewed his recommendation for the salt/sand storage building. Some comparison prices were obtained. The City's building was required to be engineered to withstand the wind and snow; therefore, the price increased. The structure will be west of the public works office where the salt/sand pile is normally placed. The opening will face south. The structure is designed to withstand 90 mph winds and 50-pound ground snow.

Commissioner Heisler moved to award the bid for the sand/salt structure to Structures Unlimited LLC of Stratford, WI in the amount of \$76,410.00 as recommended by the Public Ways Supervisor. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The Public Utilities Supervisor stated the culverts by the cemetery were replaced. Some cleanup work remains.

President Johnson – The City Auditor stated everything was fine.

The Fire Chief indicated the Fire Department was awarded a \$40,711.16 DES grant. Of the grant, \$36,000.00 is for sole source items. This \$36,000.00 is for technical equipment, and the same brand must be purchased so it compatible with current equipment and with the equipment of other fire departments. The vendor is M&T Fire and Safety located in South Dakota.

Commissioner Heisler moved to declare \$36,000.00 of the DES grant as sole source for the purchase of Paratech equipment from M&T Fire as recommended by the Fire Chief. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The Fire Chief stated three weeks ago he met with the City Engineer, the City Administrator, and a representative from Graber Electric to discuss LED lighting on College Dr from Hwy19 to Hwy 2. Lights would be changed on fifteen poles for a cost of \$8,100.00. Payback would be 2 to 3 years from the savings in power and maintenance. The price is for the lights only. The Fire Department would install the lights.

Consensus of the City Commission was to discuss this at the next meeting under old business.

The Fire Chief said the Fire Department will be having an open house on October 8 from 5:00 P.M. to 7:30 P.M. for fire prevention week. An extrication demonstration will be done at 6:00 P.M.

The City Attorney said Werner Kunkle aka Werner Rummer is serving papers on City Commissioners. The case is being defended by the ND Insurance Reserve Fund. If any Commissioners receive papers, they should give the papers to the City Attorney.

The City Attorney stated he would like to enter Executive Session at end of meeting.

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

1. Authorizing the City Auditor to cancel Check No. 105794 dated July 8, 2014 in the amount of \$300.00 payable to Environmental Toxicity Control Inc (Sewer-Wastewater Treatment -Testing) and Check No. 106000 dated August 5, 2014 in the amount of \$78.27 payable to H E Everson Company (General Fund-Police Department-Equipment Maintenance; General Fund-Street Department-Tools & Equipment Expense; General Fund-Street Department-Safety Equipment). Both checks were lost and will be reissued; and
2. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for the wedding reception and dance of Lindsey Birkeland and Jeremy Swanson on October 18, 2014 at the Memorial Building.

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

The City Engineer reviewed the application to place fill in the ponding area of the embankment and submitted by Farmers Union Oil Company. In October 2013, the City Commission approved an application to place fill in the ponding area for Farmers Union Oil Company; however, work did not commence within six months, and the permit elapsed. This application is the same as the original application. So far three permits have been approved to place fill in the ponding area.

Tom Haahr, Farmers Union Oil Company, stated dirt work would be completed this fall to allow it to go through a freeze-thaw cycle. They would build next year, and would like the property to be annexed into the City.

Commissioner Heisler moved to approve the application to fill East Ditch ponding area submitted by Farmers Union Oil Company of Devils Lake as recommended by City Engineer. The motion was seconded by Commissioner

Morse. The amount of fill to be placed was discussed. The City Engineer reviewed the process and indicated the next stage would be the release of the easement. The motion carried unanimously.

Commissioner Morse left the meeting at 6:17 P.M.

The City Engineer reviewed the pay requests for 4th, 5th and 6th streets. Some additional work still needs to be completed. The work on 4th and 5th streets went well. Sixth street is a softer road way. The amounts for 4th and 5th streets are higher because the roads are wider.

Commissioner Stromme moved to approve payment of Estimate No.1 to Strata Corporation for Street Improvement #56-14 – 6th St NE in the amount of \$159,337.33 as recommended by the City Engineer. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Robbins moved to approve payment of Estimate No.1 to Strata Corporation for Street Improvement #54-14 – 5th St NE in the amount of \$202,509.73 as recommended by the City Engineer. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Commissioner Heisler moved to approve payment of Estimate No.1 to Strata Corporation for Street Improvement #55-14 – 4th St NE in the amount of \$221,107.96 as recommended by the City Engineer. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The City Auditor stated the request for the Mayor's Committee should be for the value of one mill which is \$13,150.

Commissioner Robbins moved to approve the payment of \$13,150.00 to the Mayor's Committee on Employment of People with Disabilities as allocated in the City's 2014 budget with funding from the General Fund – 1000-000-44940. The motion was seconded by Commissioner Stromme. On roll call all Commissioners voted, and the motion carried.

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

The City Attorney requested the Commission go into closed executive session to discuss legal proceedings between the City of Devils Lake and Jason Bednarz.

Commissioner Heisler moved to enter into executive session to discuss legal proceedings for the Jason Bednarz case. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The City Commission recessed for everyone to leave the room.

Commissioner Morse returned to the meeting at 6:22 P.M.

The City Commission reconvened at 6:27 P.M.

Executive session of the Commission was called to order at 6:27 P.M. on September 15, 2014 with Commissioners Tim Heisler, Craig Stromme, Rick Morse, Dale Robbins, and President Johnson.

During the executive session the City Commission met with the City Attorney to discuss a legal settlement on the Jason Bednarz land acquisition case. Since this discussion is considered attorney consultation, it is exempt from open meeting laws according to NDCC44-04-19.1.

Commissioner Robbins moved to adjourn the executive session at 6:39 P.M. on September 15, 2014. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

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**