

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD MAY 4, 2015

The regular meeting of the Devils Lake City Commission was held Monday, May 4, 2015 at 5:30 P.M. with the following members present: President Johnson, Commissioners Tim Heisler and Dale Robbins. Commissioners Craig Stromme and Rick Morse were absent.

Pledge of allegiance was recited.

Commissioner Robbins moved to approve the minutes of the regular City Commission meeting held April 20, 2015. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

5:30 P.M. - This was the time set for the bid opening for 2015 Curb, Gutter, and Sidewalk. The following bid was opened and read:

- | | |
|--|------------------|
| 1. Elshaug Concrete Construction LLC - Devils Lake, ND | Bid \$153,997.50 |
| License No 47700 B Cashier's Check \$3,079.95 | |

Commissioner Robbins moved to accept the bid as read, and refer it to the City Engineer for further review and recommendation. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

5:30 P.M. - This was the time set for the bid opening for Water & Sewer Improvement District 59-14 – Smith Dr SW. The following bid was opened and read:

- | | |
|--------------------------------------|------------------|
| 1. Naastad Brothers Inc - Hatton, ND | Bid \$142,050.00 |
| License No 2904 A Bid Bond 5% | |

Commissioner Heisler moved to accept the bid as read, and refer it to the City Engineer for further review and recommendation. 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 to review a renaissance zone application for a remodel of a vacant duplex at 717 2nd Ave NE. Discussion was held on the type of work to be done. This would be for a state tax benefit. Hearing and receiving no other comments, President Johnson closed the public meeting.

Commissioner Heisler moved to approve the Renaissance Zone application for Lamotte Properties to renovate a home at 717 2nd Ave NE as recommended by the Renaissance Zone Authority. 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 to review a renaissance zone application for remodel of a vacant house at 614 5th St NE into a rental property. The cost of improvements was discussed. This would be for a state tax benefit. Hearing and receiving no other comments, President Johnson closed the public meeting.

Commissioner Robbins moved to approve the Renaissance Zone application for Lamotte Properties for renovation of a home at 614 5th St NE as recommended by the Renaissance Zone Authority. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

5:30 P.M. – This was the time set for a public hearing to review a renaissance zone application to remodel the vacant upper story at 205 5th St NE into 5 apartments. The value of improvements and the building location were discussed. This would be for a state tax benefit. Hearing and receiving no other comments, President Johnson closed the public meeting.

Commissioner Robbins moved to approve the Renaissance Zone application for Lamotte Properties for renovation of 5 apartments on the 2nd floor of a building at 205 5th St NE as recommended by the Renaissance Zone Authority. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

5:30 P.M. – This was the time set for a public hearing to review a request to change zoning from residential to highway commercial for a parcel of land described as a tract in the NE corner of Lot 6, Section 3, T153N, R64W (Hwy 20 S). The

City Engineer noted the property was previously zoned as highway commercial, and that the owner is requesting the change in order to construct a storage building for his classic cars. Hearing and receiving no other comments, President Johnson closed the public meeting.

Commissioner Heisler moved to approve a request submitted by Benard and Diane Axtman to change the zoning from residential to highway commercial for a parcel of land described as a tract in the NE corner of Lot 6, Section 3, T153N, R64W (Hwy 20 S) as recommended by the Devils Lake Planning Commission. 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 to review an outlot plat dedicating public right-of-way for 9th Ave SE between 5th St and Hwy 2. The City Engineer stated this was to clean up some of the area, and to make sure everyone has legal access. Hearing and receiving no comments, President Johnson closed the public meeting.

Commissioner Heisler moved to approve a request to dedicate right-of-way for a portion of 5th St SE and 8th St SE as well as 9th Ave SE as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Heisler moved to sign a proclamation proclaiming May 22, 2015 as “**Arbor Day**” and urging all citizens to celebrate and to support efforts to protect trees and woodlands. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Robbins – The Public Utilities Supervisor said there was a small leak on 13th St NW. The Department will start flushing hydrants this week beginning with 10th St NE going north and doing the west side.

The Public Ways Supervisor stated everything was fine.

Commissioner Heisler – The City Engineer said the bids for the drainage contract were over the estimated costs. The Corps of Engineers is negotiating with contractors for the project.

The City Assessor will be interviewing on Wednesday and Thursday for the building inspector position.

President Johnson - The Public Ways Supervisor stated street repairs are ongoing. They will continue with crack sealing until the third week of May.

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

The Police Chief said they would be interviewing next Friday for the open position.

The City Auditor stated everything was fine.

The City Administrator reported everything was fine.

The Fire Chief stated everything is fine.

The City Attorney indicated everything was fine.

The City Administrator reviewed the temporary employee salary schedule.

Commissioner Heisler moved to approve changing the temporary employee salary schedules to \$9-\$11 for Level One, \$11-\$13 for Level Two and \$13-\$15 for Level Three. The motion was seconded by Commissioner Robbins. Discussion followed on department heads having discretion for starting potential employees above the minimum in each level. The motion carried unanimously.

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

1. Authorizing the City Auditor to call for bids for 2015 asphalt and street repair bids to be opened on Monday, May 18, 2015 at 5:30 P.M. at the City Office as recommended by the Public Ways Supervisor;
2. Designating the *Devils Lake Journal* as the official newspaper for the City of Devils Lake;
3. Fireworks permit submitted by American Promotion Events dba TNT Fireworks;
4. Fireworks permit submitted by Memory Fireworks;
5. Game of chance permits for the month of April 2015;
6. Going out of business permit submitted by Soothing Solutions Therapeutic Massage;
7. Parade permit submitted by Spirit Lake Riders MC for May 23, 2015 starting at 12:00 P.M.;
8. Permit to sell alcoholic beverages at a special event submitted by Ye Olde Tavern for a wedding dance for Ashley Ebenstiener to be held June 20, 2015 at the Memorial Building;
9. Permit to sell alcoholic beverages at a special event submitted by Ye Olde Tavern for a wedding dance for Cassie Logie and Ben Thohm to be held July 18, 2015 at the Memorial Building;
10. Permit to sell alcoholic beverages at a special event submitted by Ye Olde Tavern for a wedding dance for Brandi Knutson and Blaine Rau to be held July 25, 2015 at the Memorial Building;
11. Permit to sell alcoholic beverages at a special event submitted by Ye Olde Tavern for a wedding dance for Ben Erickstad to be held August 1, 2015 at the Memorial Building;
12. Reappointment of Terry Wallace, Mark Olson, Helen Carlson, Bill Hodous and Cathy Olson as members of the Devils Lake Shade Tree Committee for three-year terms expiring June 30, 2018;
13. Reappointment of Ray Sletteland as a member of the Devils Lake Planning Commission for a five-year term expiring June 30, 2020; and
14. Reappointment of Rick Anderson and appointment of Sandy Shively and Tim Greene as members of the Renaissance Zone Authority for three-year terms expiring June 30, 2018.

The motion was seconded by Commissioner Heisler. Discussion was held on the call for bids, and if the process for bidding should be done earlier. Bids will be opened and awarded at the next meeting. The motion carried unanimously.

Commissioner Robbins moved to approve the North Dakota Department of Transportation Agreement for Temporary Highway Closure to close ND Highway 19 from College Dr and Highway 2 from 6:00 A.M. on May 30, 2015 to 3:00 P.M. on May 31, 2015 for the Devils Run car show as recommended by the City Engineer. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

The City Assessor reviewed the request for a five-year tax exemption for the improvements for the old Wal-Mart building. The building does not come off of the tax rolls. The values of the improvements can be held off the tax rolls up to five years.

Commissioner Heisler moved to approve a five-year tax exemption for the improvements on the building at 210 Hwy 2 West owned by City Plaza Properties. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Assessor reviewed the request for the purchase of four lots in the Roundhouse Subdivision. The lots have to be built on within two years. There is a concern of giving up four lots at once and building duplexes on corner lots while trying to meet all the setbacks required. If the four lots are sold, only three small lots remain available in the Roundhouse Subdivision.

Commissioner Heisler moved to approve selling Lot 2, Block 11 and Lot 1, Block 13, Roundhouse Subdivision for \$2,000.00 per lot plus the outstanding special assessment principal balances of \$801.88 for Lot 2, Block 11 and \$805.89 for Lot 1, Block 13 to Kevin Rushton and Kevin Kvalevog with the stipulation that the lots be built on within two years as recommended by the City Assessor. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Engineer reviewed the preliminary report for Water Main Improvement District No 24-15. The waterline for area one was installed in the 1950s. The line in area two dates back to 1910. Areas three and four includes some waterlines over 100 years old, and there have been issues with lines freezing and water breaks. The roads in this area are in tough shape so the underlying issues need to be taken care of before the road is fixed. Area five is where the vast

majority of the breaks have occurred. The total project is estimated at \$2.3 million with the City paying 75% and 25% being special assessed.

Commissioner Heisler moved to approve the resolution approving a preliminary report and directing preparation of plans and specifications for Water Main Improvement District No 24-15 (various locations) as recommended by the City Engineer. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Robbins moved to approve the resolution approving plans and specifications and directing advertisement for bids for Water Main Improvement District No 24-15 (various areas) as recommended by the City Engineer. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

The City Engineer reviewed areas where the sewer mains need replacement.

Commissioner Heisler moved to approve the resolution creating Sewer Main Rehabilitation District No 13-15 (various locations) and ordering the preparation of a preliminary report as recommended by the City Engineer. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Assessor reviewed the right-of-entries. The outlots are being and sold, and titles issues are being cleaned up so the lots cannot be deeded yet. The right-of-entries would allow the new owners to start construction before the title is conveyed.

Commissioner Heisler moved to approve the right-of-entry for Joseph and Terri Mertens for Outlot 05-0067 and RPT Enterprises for Outlot 05-0068 as recommended by the City Assessor. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Assessor reviewed the base acre reduction. The City owns a quarter of land outside of the embankment. Most of it is under water. It was rented previously to Mertens Farms.

Commissioner Robbins moved to approve the USDA voluntary permanent base acre reduction for Farm No. 5869 and to change the base acre to zero as recommended by the City Assessor. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Commissioner Robbins 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:
City Auditor monthly report.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:27 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT