

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD JULY 20, 2015

The regular meeting of the Devils Lake City Commission was held Monday, July 20, 2015 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 Robbins moved to approve the minutes of the regular City Commission meeting held July 6, 2015. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Robbins - The Public Ways Supervisor stated some activity will be ongoing at the cemetery. Evergreen trees have gotten too big in some areas and are tipping headstones. The families have been notified since the families are responsible for removing the trees. Some families have hired contractors to remove the trees.

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

Commissioner Morse - The Public Ways Supervisor reported crack sealing is ongoing. Three and one-half streets are left from Mike's list. Weeds are being sprayed on Highway 2 and grass is being continuously cut.

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

Commissioner Heisler – The City Engineer indicated work had started on the water main replacement project - currently working in the area of 4th Ave NE, Kelly Ave NE and 3rd Ave NE. The work here will be ongoing for approximately three weeks. Once the work is finished here, the contractor will start in the other areas. People are working in the area, and temporary water service is being run.

The City Assessor stated some of the roof area in the sanitation building was cut down to look at the water damage. A building engineer will be taking a look at it and coming back with proposals. One bay has been cleaned out and the ceiling opened up. It will probably be a complete rebuild. Most of Search and Rescue's items are still in the building. The building will need to be cleaned out for construction. Discussion followed on needing Search and Rescue items out of the building, the City needing the space and the upkeep and maintenance the City has done on the building. The City Attorney said there are liability concerns especially if someone gets hurt. Discussion continued on the City's liability if the contents were damaged. The consensus of the Commission was to have Steve Heilman, Search and Rescue and Steve Nelson, Ramsey County Sheriff attend the next City Commission meeting.

Commissioner Stromme - The Police Chief said the person who was offered the school resource officer position declined due to the pay cut.

President Johnson - The City Administrator stated a circus is scheduled for tomorrow night, but they did not have a permit. Clark and Barnes submitted an application along with payment today.

Commissioner Heisler moved to approve the circus permit application submitted by Clark & Barnes LLC for July 21, 2015 to be held at the Burdick Arena. The motion was seconded by Craig Stromme, and the motion carried unanimously.

The Fire Chief indicated one of the Shade Tree employees has accepted a position in the Public Ways Department. Shade Tree still has two employees, and things are going well. The transmission on the dump truck went out, and they are getting prices to fix it. In the meantime, they are using roll off containers.

The City Attorney said everything was fine.

Commissioner Stromme moved to approve the second and final reading of Ordinance No. 926 –Sales Tax Revenue Bonds – An ordinance which upon adoption, shall create Section 3.14.020 of the Devils Lake Municipal Code which authorizes the Board of City Commissioners to issue revenue bonds of the City in an amount not exceeding \$3,000,000 for the

purpose of financing infrastructure including water, sewer and street improvements within the City and providing that the principal and interest on the bonds be payable from the sales and use tax imposed under Chapter 3.08 of the Devils Lake Municipal Code. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Robbins moved to approve the second and final reading of Ordinance No. 927 with the amendments made by the City Engineer –Annexation of Cenex – An ordinance which upon adoption, shall annex to the City of Devils Lake the property described as follows: Replat of Outlots 05-0030 and 05-0031, etc. and containing 25.91 acres more or less and will be known as Braunagel First Addition. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

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

1. Appointment of Randi Anfinson to the Special Assessment Commission for a six year term expiring April 30, 2021;
2. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for a private class reunion supper and dance on August 1, 2015 at the Masonic Temple;
3. Reappointment of Ken Larson and appointment of Chad Peterson to three year terms expiring June 30, 2018 and the reappointment of Richard Jorgenson as alternate for a one year term expiring June 30, 2016 to the Board of Adjustment;
4. Reappointment of Marie Compton to the Lake Region Public Library Board for a three year term expiring June 30, 2018;
5. Permit to sell alcoholic beverages at a special event submitted by Thirstys Bar for the Lunacy Bike Run on August 22, 2015 at Roosevelt Park;
6. Permit for public dance submitted by Thirstys Bar for August 22, 2015 at Roosevelt Park; and
7. Transient merchant permit submitted by Ben Murphy dba Oof-da Tacos for food concession to be held August 18, 19 and 20, 2015 at Leever's Supermarket, 807 Hwy 20 South.

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

Commissioner Stromme moved to approve the Pledge of Assets by Bremer Bank and Ramsey National Bank and Trust Company as recommended by the City Administrator. The motion was seconded by Commissioner Morse, and the motion carried unanimously

Commissioner Stromme moved to approve the resolution creating Street Improvement District No 58-15 (16th St SE, 17th St SE, 10th Ave SE) as recommended by the City Engineer. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Commissioner Heisler moved to approve the resolution declaring the necessity of an improvement for Street Improvement District No 58-15 (16th St SE, 17th St SE, 10th Ave SE) 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 Engineer reviewed the preliminary report for Street Improvement District No 58-15 (16th St SE, 17th St SE, 10th Ave SE). The project scope and district were expanded. The current district will then be created as a tax increment financing district (TIF). Housing that is included within the district that develops from here on out can be used to offset some of the costs not only associated with the graveling of 16th St S, but also the valuation of the TIF could be used to potentially pay for curb, gutter and pavement on 10th Ave and 17th St when that develops. The district was expanded at the request of the adjoining property owners. The gravel street would be completed using TIF dollars, developer's money and city cost share. At some future time when a pavement project is done, those TIF dollars could be used to decrease the cost of the special assessments on 17th St or 10th Ave as well.

Commissioner Robbins moved to approve the resolution approving the preliminary report and directing preparation of plans and specifications for Street Improvement District No 58-15 (16th St SE, 17th St SE, 10th Ave SE). The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Heisler moved to approve payment of Estimate No. 1 to Elshaug Concrete for 2015 Curb, Gutter and

Sidewalk in the amount of \$20,510.52 as recommended by the City Engineer. The motion was seconded by Commissioner Morse. On roll call all Commissioners voted aye, and the motion carried.

Rachel Lindstrom, Executive Director of Forward Devils Lake, requested the release of the mortgage on the former Pugsley building. North Central Planning Council owns the building, and has an offer from the current occupant to purchase the building. The proceeds from the sale of the building will be split between the lenders who funded Pugsleys. The City is owed over \$89,000, and would receive around \$42,000 from the sale. In order for the sale to go through the mortgage needs to be satisfied or released. Since the terms were not met for the mortgage, the release of the mortgage should be done and not a mortgage satisfaction.

Commissioner Heisler moved to approve the release of the mortgage on the former Pugsley building. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Rachel Lindstrom, Executive Director of Forward Devils Lake, requested payment for the second half of the 2015 mill levy funding.

Commissioner Heisler moved to approve the second half of the 2015 mill levy funding to Forward Devils Lake in the amount of \$21,099.00. The motion was seconded by Commissioner Morse. On roll call all Commissioners voted aye, and the motion carried.

The City Engineer reviewed the easement requested by Nodak Electric Cooperative. Nodak currently has overhead lines across some city property near Kraft's Corral. The land was acquired by the City for the embankment. Nodak wishes to bury the line. The City Attorney stated there should be some indemnification to hold harmless the City in case someone gets injured while they are working there. It would protect the City from being sued.

Commissioner Stromme moved to approve the easement for a strip of land 20 feet wide being 10 feet on each side of a centerline located in the N ½ S ½ SW ¼ of Section 8, Twp 153 N, Range 64 W contingent upon language being added to indemnify and hold harmless the City and reviewed by the City Attorney as recommended by the City Engineer. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Bill Fahey, Northland Securities, appeared before the City Commission to discuss the financing plan for improvements. Items discussed were the 2015 project list, the projects funded with refunding improvement bonds, the projects funded with the sales tax bond, calendar or timeline of events, the bond market, the date of sale – August 3rd and the analysis of refunding improvement bonds.

Commissioner Stromme moved to approve receiving bids on August 3, 2015 for the bond funding. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Stromme moved to approve payment of the list of bills as submitted. The motion was seconded by Commissioner Morse. On roll call all Commissioner voted aye, and the motion carried.

President Johnson acknowledged the following reports:

1. Second quarter economic data;
2. City Auditor monthly report;
3. Municipal Court monthly report; and
4. Police Department monthly report

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:26 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT