

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD AUGUST 3, 2015

The regular meeting of the Devils Lake City Commission was held Monday, August 3, 2015 at 5:30 P.M. with the following members present: President Johnson, Commissioners 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 July 20, 2015. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Heisler – The City Engineer reported the temporary roof on the water treatment plant was lost last week with the high winds. He stated the City needs to declare an emergency to get the roof repaired. They have worked through the warranties and developed a set of specifications. The project will go through insurance since the warranty will not cover the repairs. Proposals will be solicited.

Commissioner Heisler moved to declare an emergency for the roof at the water treatment plant and for the City Engineer to solicit proposals. The motion was seconded by Commissioner Robbins. Discussion followed on the insurance deductible and the warranty. A letter was received from the membrane manufacturer saying it is not a warranty item because of some construction aspects and how this board was or was not secured. The insurance company has agreed to cover it since the City has insurance, but they may go after the general contractor who installed the decking. The motion carried unanimously.

The City Engineer provided an update on the following projects:

1. 2nd street sanitary sewer improvements from Prairie View going westerly approximately two blocks - Some cured-in-place pipe installers have been contacted. During this process the street is not open-cut and the sewer is not excavated. The existing sewer is cleaned, and then lined with another pipe from one manhole to the next manhole. Robotics go into the pipes to cut open the sanitary sewer services. The project will be completed under the bid threshold of \$30,000.00 and should be completed this fall.
2. Cenex – The project was on hold due to the building permits and the soils underneath the building. Additional investigations related to the soils have delayed the project. The development agreement with Cenex is in place. Cenex would like to install infrastructure this fall. The project is also part of a special assessment district. Ordinance No. 927 was approved for the annexation of Cenex. However, the County would not record the ordinance due to the words “Replat of” at the beginning of paragraph three; therefore, the ordinance needs to be revised. The final plat was not approved due to some adjustments needed for the utilities. The final plat is 95% complete, but in order to meet the timeline for Cenex, the special assessment resolutions will need to be reviewed at the budget meeting on Wednesday. The land needs to be annexed before the special assessment district can be created at the next meeting.
3. Smith Drive – Water and sewer is being installed. The project should be completed within two weeks.

The City Assessor stated everything was fine.

The only change to Ordinance No. 927 was to remove “Replat of” from the beginning of paragraph 3. The final plat should be ready this week. The Planning Commission should meet on it next week, and it should be presented at the next commission meeting.

Commissioner Heisler moved to approve the final passage and adoption of Ordinance No. 927 – Annexation of Cenex as recommended by the City Engineer – An ordinance which upon adoption, shall annex to the City of Devils Lake the property described as follows: 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 Morse, and the motion carried unanimously.

Commissioner Robbins - The Public Ways Supervisor reviewed the information concerning Amanda Eback's dispute of cemetery charges related to the burial of her father's cremains. Amanda claims she was not informed of all the costs. Discussion followed on the normal process of how the family is informed of the costs, on working out an arrangement for payments, and on implementing a process where written documentation is presented and signed off by the families showing all possible costs. Consensus of the City Commission was to work out a low-cost payment plan with Amanda Eback for the full price of \$475.00. If Amanda wishes to disinter the cremains, the City will do it at no cost.

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

Commissioner Morse - The Public Ways Supervisor reported crack sealing is on going, and the department is currently doing the bike path. Every morning the first hour or two has been spent picking up tree branches.

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

President Johnson – The Police Chief said the street dance for the class reunion at Thirsty's tried to use traffic cones for their beer gardens. That does not work; fencing is needed. The area needs to be enclosed to try to maintain people within the area. Better notification for those having street dances is needed, and those people need to have the area cordoned off with a fence of some sort.

The Police Chief indicated only four applications were received for the open position.

The Sanitation Supervisor indicated they have been hauling lots of trees.

The City Auditor stated Ben Murphy from Oof-da-Tacos had called about changing the dates for his transient permit if the weather is too hot on August 18, 19 and 20. Any change of dates would need Commission approval.

The City Administrator said the first budget meeting is at noon on Wednesday, August 5th.

The Fire Chief requested out-of-state travel for two volunteers to attend railroad safety training in Pueblo, CO on August 16, 2015 through August 20, 2015.

Commissioner Robbins moved to approve out-of-state travel for two volunteers to attend railroad safety training in Pueblo, CO from August 16, 2015 through August 20, 2015. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

The Fire Chief stated the Battle of the Badges blood drive will be held August 19th, 20th and 21st.

The City Attorney said everything was fine.

Steve Nelson, Ramsey County Sheriff, appeared before the City Commission to discuss Search and Rescue's use of the City's building.

President Johnson stated the condition of the city building used by Search & Rescue is a liability issue due to the unstable roof and substructure.

The City Assessor said a structural engineer looked at the building, and the bay furthest to the east is really bad, and the second bay is almost as bad. One heater has also been damaged.

President Johnson asked about the long term plan of Search and Rescue. It will probably be over \$100,000.00 for the City to fix the building.

Steven Nelson replied they were waiting to see what the City was going to do with the building, and at this time they have no long term plan. They have had discussions on what options are available and feelers have been put out on costs, where, what and why. They have cleaned out the two end stalls; however, they still have two boats in there. Search and Rescue is struggling with finding a place to put the boats.

Steven Nelson indicated Search and Rescue is a completely volunteer organization. The only funding they get is a grant from Game & Fish for water search and rescue. Other funds are from their fundraisers. In order to build a building, they would need funding. No matter what their plan is, it will be a couple of years before it comes to fruition. They are waiting to see what the costs of the repairs will be or even if the city building will be repaired.

President Johnson indicated Search and Rescue provides a vital service to the whole area, but the dynamics changed when the unsafe condition of the roof was discovered.

Search and Rescue have moved their airboat and pickup. They are having trouble finding a place for their equipment. All the equipment needs to be heated so cold storage won't work.

Discussion followed on the former Greater Ramsey Water District building. Steve Nelson stated the building was not large enough, and that the Ramsey County Highway Department has taken over the building. The City Fire Department is storing the air tanks for Search and Rescue. The airboat and Tahoe are in Benson County, and most of the other equipment is still in the City's building including the dive gear, 3 boats, van and pickup.

Discussion followed on the City needing the space for the Sanitation Department and on if the City's building is repaired, if Search and Rescue could use the building on a short term basis until they can find a permanent building.

Also discussed was the possibility of heating the former Dean Black building which is owned by the City for Search and Rescue to use.

Consensus of the City Commission was for Steve Nelson to work with the City Engineer.

The City Attorney asserted that Search and Rescue needs to remove everything out of the City's building now due to the liability issue.

The City Assessor indicated the whole roof will need to come off so the building will need to be empty.

Also mentioned was the desire to have all the equipment for Search and Rescue in one place in order to keep response time to a minimum.

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

1. Game of chance permits for the month of July 2015;
2. Authorizing the City Auditor to cancel Check No 107955 dated June 25, 2015 in the amount of \$14.00 to ND Department of Transportation (Lake Region Narcotics Task Force, Non-departmental Expenses – Miscellaneous Expense). The amount of the check has changed and will be reissued at a later date; and
3. Taxicab license application for July 2015 through June 2016 submitted by Joseph Stutelberg.

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

The first reading of Ordinance No .928 – Drug Paraphernalia was held. The Police Chief indicated the last legislative session reduced the penalty for possession of marijuana paraphernalia for personal use from a Class A misdemeanor to a Class B misdemeanor. A Class B misdemeanor can be heard in municipal court.

The first reading of Ordinance No. 929- Taxi Cab Definition was held. It was questioned whether this ordinance was to include party buses. For now, party buses are excluded.

The health insurance contract for 2016 was reviewed. The City Administrator budgeted a \$100.00 increase for a family policy which will bring the monthly premium up to \$1,450.00. This amount is split 80/20 with the employee paying 20% of the monthly premium.

Commissioner Heisler moved to approve the Blue Cross Blue Shield contract for the period of January 1, 2016 through December 31, 2016. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Bill Fahey, Northland Securities, reviewed the sale of bonds held today. The credit reports for the sales tax revenue bond and the refunding improvement bond have been rated A1 by Moody's. Population, wealth and size play into the rating.

Next Bill Fahey reviewed the bond sale summary. Thirty thousand dollars less in bonds were sold due to the interest rate coming in lower than anticipated; therefore, the issue is for \$2,875,000.00. The average interest rate on the bonds is 2.552%, and the all in cost is 3.001%. The average annual debt service is \$266,201.00, and the total interest cost is \$585,607.00. Northland Securities bought the bonds which were then resold. Many of the area banks purchased the bonds. Devils Lake banks always get first chance to purchase when Northland sells the City of Devils Lake's bonds.

Commissioner Morse moved to approve the certificate of minutes relating to \$2,875,000.00 Sales Tax Revenue Bonds, Series 2015B and the resolution providing for the issuance and sale of Sales Tax Revenue Bonds, Series 2015B and related matters, and authorizing the Devils Lake City Commission President, the City Auditor and the City Administrator to sign documents. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Engineer reviewed the cost participation agreement with ND Department of Transportation (DOT) for the mill and overlay on Hwy 20 and Hwy 19 including portions within city limits (College Dr and 4th St NW). The City Engineer has asked DOT why the City should take over maintenance of a section of roadway for a \$75,000 mill and overlay project. Since the City Engineer has not received a response, he is requesting the agreement be tabled. The agreement includes work only on Hwy 20.

Commissioner Robbins moved to table the cost participation, construction and maintenance agreement for Project SU-NHU-3-020(080)104 with the ND Department of Transportation for the minor rehabilitation roadway overlay for Hwy 20 and Hwy 19 including portions within city limits - College Dr and 4th St NW as recommended by the City Engineer. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Heisler moved to table increasing the façade revolving loan fund from \$50,000.00 to \$100,000.00. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Engineer reviewed the contract for funding from the Heritage Fund for lake access. The application and report guidelines will be made part of this contract. The contract requires signing acknowledging funding for the project from the Heritage Fund. Administration and engineering cannot be used as in-kind match; however, the City Commission had authorized \$100,000.00 for out-of-pocket costs. The City Engineer stated some site development work would be completed this year – parking lots, roads and items adjacent to the water; whereas, ramps and docks would be installed next year.

Commissioner Morse moved to approve Contract No. 005-075 between the State of North Dakota, Industrial Commission, and the City of Devils Lake for the Devils Lake Access Improvements for Handicapped, Elderly and Mobility Impaired 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 Murphy Pipeline Contractors for Watermain Improvement District 24-15 – various locations in the amount of \$212,552.20 as recommended by the City Engineer. The motion was seconded by Commissioner Robbins. On roll call all Commissioners voted aye, and the motion carried.

Suzie Kenner appeared before the City Commission on behalf of Lake Access. The last agreement was from 2003 so it was time to update the agreement between the Devils Lake Park Board, Ramsey County, the City of Devils Lake, Lake Region Anglers and the Devils Lake Chamber of Commerce.

Commissioner Morse moved to approve the public access committee agreement. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

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

President Johnson acknowledged the following report:

2014 Audit – State Auditors have stated entire projects can no longer be added to another opened project as a change order.

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