

## Zoning Hearing February 8, 2011

The Zoning Hearing was called to order at 6:00 PM at SE Regional Career and Technology Center Community Room with the following members present: Mayor Zimmer and Council: Rosendahl, Brandriet, Kuipers, Forward, Harris and Sitzler. Visitors present: Paul Roney, Rod Rodningen, Gerald Dill-Verner Township, Steve Ketterling, Gary White-Dickey County Commissioner, Joel Durheim-Dickey County Commissioner, Andy Seyer, Jon Hansen, Pat Roney, Darwin Gebhardt-Bear Creek Township, Stacy Zimmer, Myron Jepson, Chris Haugrud-Sanitation Products, Gary Fitzgerald, and Jerod Klabunde-Moore Engineering. Employees present: Pat Nelson, Marke Roberts, Gary Neuharth, and April Haring.

Zoning application received from Affiliated Developers requesting zoning for 1007 Fir Avenue be corrected from low density residential to high density residential, currently the land is being used for high density residential. The Zoning Chairperson recommends the correction of the zoning. Sitzler moved, Forward second to introduce and approve RESOLUTION TO REZONE S 228' OF W 185' OF UNPLATTED PART OF E ½ SW ¼ SOUTH RR MISC OAKES FROM R-1 LOW DENSITY TO R-2 HIGH DENSITY. Roll call approved.

The Zoning Commission met on January 13, 2011 to discuss a request from the City Council to review the zoning in the George Baldwin's Addition. It was their recommendation to leave area zone as Industrial. The City Council agreed with decision, no action taken.

Kuipers moved, Harris second to approve Mayor's appointment of Steve Ketterling and John Zetocha to two-year terms on the Zoning and Planning Commission, carried.

Brandriet moved, Rosendahl second to adjourn hearing.

## City Council Meeting February 8, 2011

The City Council met in regular session at 6:03 PM at SE Regional Career and Technology Center Community Room with the same members and visitors present.

### Visitors:

**Gary White-Dickey County Commissioner** discussed the need for preparation of spring flooding. Planning and work has been started within the City. Forward was appointed to serve on a committee with White to handle further preparations.

### New Business:

**Truck Route, East Main Avenue** Sitzler reported on Dickey County Commissioner Meeting held on February 7 in Ellendale. Motion made by the County Commissioners stated that a committee be formed for the reason of redesigning or reconstructing an alternate route for truck traffic because the city has closed Dickey County Highway 3 to truck traffic. Sitzler suggested to keep Main Avenue closed to truck traffic but allow drivers the ability to contact the police department to obtain permission to pass. Comments, concerns, and questions were heard from visitors and Council Members. The request was to re-open Main Avenue/Dickey County Highway 3 to truck traffic until an alternate route is developed due to the poor road conditions of the current alternate roads being taken. Forward moved, Brandriet second to allow trucks on Main Avenue from 7<sup>th</sup> Street/Highway 1 east to City Limits except during the times of 8:00-9:30 AM and 3:00-4:30 PM on Monday through Friday with a 15mph speed limit until April 15, 2011. Forward moved,

Brandriet second to amend motion to change times of route to be closed at 7:30-9:00 AM and 3:00-4:00 PM. Roll call: Rosendahl-yes, Kuipers-yes, Harris-yes, Sitzler-no, Brandriet-yes, Forward-yes, carried. Commissioner Joel Durheim stated the policy of Dickey County Commissioners is to not accept responsibility for anymore roads and to keep that in mind during continuing discussions of developing an alternate truck route.

**Garbage Truck**, Chris Haugrud of Sanitation Products was present to discuss options of trading the existing garbage truck for a newer model. There would be options of extended warranty for cylinder and service contracts with preventive maintenance plans. Kuipers, Rosendahl, and Harris will review offer and possibility of placing purchase/lease of a new truck on bids.

Moore Engineering:

*JVG/SDWG Improvements*, Rosendahl abstained from voting due to conflict of interest. Paul Roney asked the Council for help and discussed the issues with unpaid subcontractors and City's ability to negotiate with contractor. It was determined the City is unable to withhold payment from contractor to pay subcontractors. The subcontractors will need to continue working with bond company and attorneys. Sitzler moved, Kuipers second to pay Final Pay Estimate to Northern Excavating for \$20,189.70, carried— Forward voted no.

*2009-2 Phase 1 Water and Sewer Improvements* approval from USDA Rural Development has been given to grind up the asphalt chunks at the landfill.

*2010-1 Phase 2 Water and Sewer Improvements* construction is planned to begin as soon as possible this spring and another preconstruction meeting will be held with the contractor and City. Kuipers moved, Rosendahl second to approve Partial Pay Estimate 1 for \$106,220.16 to Kvamsdal Construction, carried.

*Safe Routes to School Project* plans were reviewed. A letter was sent to property owners that may be affected by the project and input was received regarding which route would be best. Kuipers moved, Sitzler second to approve concrete sidewalk to be installed from Main Avenue south along 3<sup>rd</sup> Street to provide a safe path for pedestrians, carried.

*ND Highway #1 Improvement* is projected to be bid in May and completed in the fall. Memorandum of agreement was sent but needs to be amended before the City should sign.

Minutes and Auditor Reports: Forward moved, Harris second to approve minutes and all other reports as presented, carried.

Bills: Sitzler moved, Forward second to approve bills as listed, roll call approved:

Dickey County Registrar	13.00	Comstock Construction	76,457.20
Dickey County Daycare Assoc	250.00	Petty Cash	10.63
Capital Bank & Trust	50.00	FCCU	37.50
NDPERS 457	57.50	Oakes Park Board	3,934.67
A&B Business Inc	78.27	Alltel	252.08
Alltel	150.12	American Welding Supplies	8.06
Ameripride Linen	63.98	B&B Gardens	53.50
Brokers National Life	581.40	Circle R	291.49
Computer Express	544.00	Flex Reimbursement	141.29
Dakota Improvement	97.50	Dakota Valley Electric	2,592.60
Dakota Valley Electric	382.00	Dickey County Sheriff	65.00
Dickey Rural Networks	731.74	Economy Propane	24.89
Farmland Coop	16,548.73	Galls	129.65
Neuharth Law Office	1,350.00	Hawkins	3,084.14
Heritage Insurance	2,327.00	Heritage Insurance	1,424.00
Hwy 1 Fuel & Service	777.56	Information Technology Dept	55.50

Gerald Schumacker	1,525.00	KLJ	15,532.59
Kellys Welding	719.97	Kustom Machine	84.41
Lau Motors	303.33	Mertz Lumber	29.99
Michael Todd & Co	82.63	Midwest Pest Control	105.00
Napa	156.22	ND Public Health Lab	32.00
Oakes Chamber of Commerce	64.00	OEI	7,151.57
Oakes Food Center	17.10	Oakes Times	348.45
Oakes Truck & Trailer Center	257.85	Oakes Truck Value	138.93
Oakes Veterinary Service	30.00	Praskas Hardware Hank	111.01
Quill	451.71	Rods Cleaning	190.00
Service Master of Oakes	245.00	Sweets and Stories	45.81
Visa	272.22	Vistos Carquest	9.79
Waste Management	2,247.40	Capital Bank & Trust	100.00
FCCU	37.50	NDPERS 457	57.50
AFLAC	212.64	Bank of ND	32,340.00
Chris Stanley	81.00	Computer Project of IL	189.70
Dickey County Registrar	35.00	James River Soil Conservation	2,306.25
Lee or Kayla Boyles	147.88	NDPERS-Group Insurance	9,694.64
NDPERS-Retirement	3,551.78	Northside Treats & Eats	72.74
Otter Tail Power Company	8,553.85	SE Crime Conference	50.00
The Home Shop	1,492.88	Flex Reimbursement	300.00
Payroll Taxes	8,722.26	Salaries	30,226.13
Starion – Bank Fees	29.08		

Committee Reports: **Water Treatment Plant Operator** Rosendahl moved, Brandriet second to approve Kevin Haring to fill open position, carried. Rosendahl moved, Harris second to begin salary at E1 with a review in 30 days, carried. **Streets** Brandriet moved, Kuipers second to purchase S185 Bobcat Skid-Steer Loader with attachments, roll call approved. Kuipers moved, Harris second to advertise for bids to sell currently owned Bobcat and attachments, carried. **Police** Forward asked Chief Marke Roberts to research and obtain pricing for replacement of current police vehicles. **Finance** Sitzler moved, Forward second to approve Mayor to execute Memorandum of Understanding with Dickey County regarding the TIF District with the language that the City be included in the waiver of any irregularities for 2001-2008 tax years, carried. City Auditor April Haring presented information regarding taxation and mill levy calculations. Information will be printed in the Oakes Times.

New Business:

**Emergency Snow Declaration** Forward moved, Kuipers second to introduce and approve RESOLUTION DECLARING SNOW EMERGENCY, roll call approved.

**Second Reading Sales Tax Request, Irrigation Days & 125<sup>th</sup> Celebration**, Sitzler moved, Forward second to approve \$3,500.00 funding request advertising and games, carried.

**Second Reading Sales Tax Request, Housing Authority** Forward moved, Rosendahl second to approve \$6,945.00 funding request for the remaining repairs and maintenance costs for 2010, carried—Kuipers and Harris voted no.

**411 Main Avenue** payment agreement was accepted by Mayor with understanding the Council could reject or amend at the regular meeting. The Quit Claim Deed has been signed but the City is unable to record as the taxes have not been paid yet. Forward moved, Sitzler second to accept payment arrangement with amendment to include penalties and payment of taxes on property deeded to City. Roll call: Brandriet-no, Rosendahl-no, Kuipers-no, Harris-no, Forward-yes, Sitzler-yes, motion fails. Rosendahl moved, Kuipers second to accept original payment arrangement with amendments to apply 12% annual interest, penalties if

payment is not made and payment of taxes on property deeded to City. Roll call: Brandriet-yes, Rosendahl-yes, Kuipers-yes, Harris-yes, Forward-yes, Sitzler-yes, carried.

Forward moved, Harris second to grant abatement of special assessments to Lots 6 and 7 Block 9 OP for future years subject to property being owned by the City of Oakes once deed is recorded, carried.

**Armory Cleaning and Improvements** are scheduled for the month of February. The Armory will be closed every Thursday and Friday to clean and make improvements. Brandriet moved, Harris second to approve painting and purchase of wall pads for the gym, carried.

**First Reading Ordinance Revisions**, Mayor appointed Brandriet and Rosendahl to work on a few areas that need more clarification before second reading at next month's meeting.

Announcements & Correspondence:

Upcoming classes and registrations were discussed.

Next regular meeting will be Monday, March 7, 2011, at 6:00 PM.

Brandriet moved, Harris second to adjourn meeting at 8:45 PM.

MAYOR Marty Zimmer ATTEST Paula King  
(minutes subject to correction and approval at the next regular meeting)