

City Council Meeting  
November 1, 2010

The Special Assessment Hearing for Main Avenue Improvement District 2009-2 Phase 1 Part C and Improvement District 2010-2 JVG/SDWG for the Oakes City Council was held at 6:00 PM at SE Regional Career and Technology Center Community Room with the following members present: Mayor Zimmer and Council: Kuipers, Rosendahl, Brandriet, Forward; Sitzler arrived at 6:20 PM and Harris arrived at 6:30 PM. Visitors present: Bernie Vculek, Dick Bourne, Les Gebhardt, Stacy Zimmer, Kim Schmit, Brent Ptacek, Brady Ptacek, Austin Kelly, Grayson Roney, Tristan Roney, Tyler Renken, Chris Schmit, Brandon Franz, Dorothea Rath and Jerod Klabunde-Moore Engineering. Employees present: Gary Neuharth, Pat Nelson, Marke Roberts, and April Haring.

No protests or appeals were filed.

Forward moved, Kuipers second to introduce and approve RESOLUTION CONFIRMING ASSESSMENTS AND DIRECTING CERTIFICATION AND LEVY FOR MAIN AVENUE IMPROVEMENT DISTRICT 2009-2 PHASE 1 PART C AND WATER, SEWER, STREET IMPROVEMENT DISTRICT 2010-2 JVG/SDWG, roll call approved.

Special Assessment Hearing adjourned.

The regular City Council was called to order at with the same members and visitors present.

Boy Scouts were welcomed and thanked for attending and observing the City Council meeting.

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

Kuipers moved, Forward second to approve list of delinquent utility accounts and direct certification, carried. A revised policy was presented changing the terms of delinquency and disconnects, this will be included with the upcoming Ordinance revisions for adoption.

Building Permits:

Kuipers moved, Rosendahl second to approve building permits as listed, carried:

1. Four Star Ag; Lease Site# 4104H (Honey Plant); new roof, heating system and rooms

Game of Chance Permits:

Forward moved, Rosendahl second to approve game of chance permits as listed, carried:

1. Knights of Columbus, raffle
2. Knights of Columbus, bingo
3. Ludden Sportsman Club, raffle

Bills:

Brandriet moved, Kuipers second to approve bills as listed, carried:

Capital Bank & Trust	50.00	FCCU	37.50
NDPERS 457	50.00	Aggregate Industries	372.00
Alco	50.49	Alltel	253.59
Alltel	144.08	Brokers National Life	618.30
Computer Express	99.99	Cretex Concrete	4,954.90
Dakota Improvement	2,470.92	Dakota Valley Electric	2,592.60

Economy Oil	216.25	Economy Propane	37.33
Farmland Ampride	1,577.20	Ferguson Waterworks	1,366.25
Gary Neuharth	725.00	General Irrigation	2,817.97
Gerald Schumacker	725.00	Hawkins	2,931.48
Holiday Inn	395.80	Hwy 1 Fuel	387.27
ITD	27.75	Larson Electric	137.00
Maguire Iron	1,980.00	Midwest Pest Control	105.00
ND Sewage Pump Lift Station	1,555.00	ND Water & Pollution Conf	280.00
NDLC	510.00	NDPERS – Group Insurance	10,083.19
NDPERS-PT Retirement	57.04	NDPERS-Retirement	3,271.88
Newman Traffic Signs	102.85	Novak Electric	62.50
Oakes Area Chamber	70.00	Oakes Enhancement	8,781.58
Oakes Times	230.07	Oakes Truck & Trailer	1,572.63
Oakes True Value	273.14	Oakes Veterinary	30.00
One Call Concepts	20.80	Otter Tail Power	4,551.58
Petty Cash	4.85	Quill	284.70
Rod's Cleaning	225.00	Sanitation Products	183.96
Sweets & Stories	58.57	Team Laboratory	1,946.00
Visa	468.33	Waste Management	4,596.96
Waste Management-Cardboard	115.70	Workforce Safety	350.00
Zack's Repair	113.00	AFLAC	245.04
Ameripride Linen	127.96	AC – Garbage Labor	260.00
Brummund Construction	682.50	Cass County Sheriff Dept	36.00
Circle R	171.84	Computer Express	199.96
Dickey Rural Networks	736.39	Lau Motors	3.42
Mark Sand & Gravel	6,500.00	ND Dept of Health	32.00
Oakes Feed	3,172.77	Praska Hardware	189.25
R Farm Inc	1,594.42	Sanitation Products	80.59
Ohnstad Twichell	5,500.00	Newman Traffic Signs	635.77
Dallmans Services	5,544.50	Oakes Times	24.84
Salaries	31,522.94	Starion – Bank Fees	23.40

411 Main Avenue Building: The City was granted the Ex Parte Motion for Order Permitting Entry to Land Without Interference last Thursday. Comstock Construction was able to start demolition today. Discussion was held regarding the payment terms of demolition expenses, Forward and Rosendahl will meet with Bill Geffre to negotiate payment.

Visitors:

**Les Gebhardt** addressed the Council in regards to the future construction of a shop near his home. He recently opened a trucking business but has been notified of concerns regarding truck parking in the residential area. He was advised the truck cannot be parked in a manner which it blocks or impedes traffic on the roadway. Ordinances are being reviewed and he will be contacted if any changes are made to truck restrictions on the roads in his area.

Committee Reports:

**Garbage**, Brandriet moved, Sitzler second to change landfill fees for 4-Wheel Trailers to \$25 and Tandem Axle Trucks to \$34, carried. Sitzler moved, Brandriet second to schedule recycling for electronics (e-cycling) the week of November 15-19 at the City Shop, charge will be \$1 per lb, carried. **Streets**, Pat Nelson, City Supervisor, presented estimates for snow blowers and/or lawn tractors. It was discussed and agreed upon to wait and see how snow removal runs this winter before purchasing anything. Pat will contact Jerry Schumacker for use of his equipment if needed.

Asphalt at the landfill still needs to be ground up, Moore Engineering will check into possibly using this product in the upcoming construction. **Landfill**, the debris from the demolition of 411 Main Avenue will fill up the existing cell. Comstock will cover and dig a new cell. **Water Treatment Plant**, Forward moved, Kuipers second to require the Water Treatment Plant Operator, Ralph Packulak, have his Level II Certification within 30 days or pay will be adjusted. In December 2009, his pay was increased to a Level II but he is still at Level I, carried. **Sidewalks**, options for ice removal are being researched for the new concrete sidewalks. Sand or regular salt are the best options and will do the least amount of damage. The City Council agreed to provide the product for this winter season, notices will be sent to the property/business owners.

Reorganization, Brandriet moved, Kuipers second to approve the following Committee Appointments (the first person listed is the chairman), carried:

Fire and Ambulance-Brandriet & Kuipers

Finance, Purchasing, Economic Development, Legal, Human Resources-Sitzler & Brandriet

Airport, Trees, Parks, Cemetery-Harris & Forward

Water, Sewer, Garbage-Rosendahl & Harris

Streets, Alleys, Public Buildings, Lights, Sidewalks-Kuipers & Sitzler

Police, Board of Health-Forward & Rosendahl

Moore Engineering:

Jerod Klabunde updated the Council on the current projects.

*2009-2 Phase 1 Water & Sewer Improvements*: A letter was received from Kuechle Underground protesting the possibility of liquidated damages. It was agreed Kuechle Underground did an excellent job but the delay in paving was unacceptable. Forward moved, Sitzler second to assess liquidated damages of \$2,400.00 Kuechle Underground, carried. Sitzler moved, Brandriet second to approve Final Balancing Change Order #3 to Kuechle Underground for an increase of \$104,585.49, carried. Sitzler moved, Kuipers second to approve Final Pay Estimate #9 to Kuechle Underground for \$207,029.76, carried. Kuipers moved, Harris second to approve engineering invoice for \$27,037.89, carried. Council approved Final Inspection and Acceptance of project. Grant money is remaining and can be used for additional improvements within the American Recovery and Reinvestment Act and Rural Development guidelines.

*Main Avenue Improvements*: Sitzler moved, Forward second to approve Change Order #3 to Kuechle Underground for an increase of \$14,384.00, carried. Brandriet moved, Sitzler second to approve Pay Estimate #2 to Kuechle Underground for \$14,516.23, carried. Sitzler moved, Forward second to approve engineering invoice for \$2,800.00, carried. Discussion was held regarding concerns of the base of the street sign poles. The poles are ten to twelve feet high and there is concern regarding the strength of the base. Pat Nelson and Moore Engineering will look at alternative bases and adjustments that can be made to install the poles securely.

*2010-1 Phase 2 Water & Sewer Improvements*: A pre-construction meeting was held on October 22 at City Hall. The contractor stated construction will not begin until Spring 2011. The truck route along 4<sup>th</sup> Street will be worked on first. A meeting will be scheduled with property owners south of the tracks to determine interest in paving and the responsibility of the additional costs.

*James Valley Grain/SDWG Improvements*: Kuipers moved, Sitzler second to approve Pay Estimate #3 for Northern Excavating Inc for \$229,290.68, carried. Sitzler moved, Forward second to approve engineering invoice \$31,145.45, carried.

*Water Treatment Plant* support invoice for \$1,680.00 will be tabled until the date and time of support can be determined.

Bituminous Paving will be in town next summer for Phase 2 work. The company can be hired by individuals for private work such as alleys and parking lots. If anyone would be interested they need to contact City Hall so the work can be coordinated when the paving company is in town and billed accordingly.

Rosendahl moved, Forward second to introduce and approve RESOLUTION CREATING FUND FOR WATER AND SEWER IMPROVEMENT DISTRICT 2010-1 PHASE II PROVIDING FOR AND APPROPRIATING SPECIAL ASSESSMENTS AND THE ASSIGNMENT OF NET REVENUES FOR ITS SUPPORT AND MAINTENANCE AND DIRECTING ISSUANCE OF A TAXABLE IMPROVEMENT WARRANT THEREON (BUILD AMERICA BONDS). Roll call approved.

Sitzler moved, Harris second to introduce and approve RESOLUTION AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR \$2,770,000.00 THROUGH USDA RURAL DEVELOPMENT FOR WATER AND SEWER IMPROVEMENT DISTRICT 2010-1 PHASE 11. Roll call approved.

Unfinished Business:

**Dangerous Building, 222 South 6<sup>th</sup> Street**, Kuipers moved, Sitzler second to begin the process of declaring the building dangerous and contacting Moore Engineering Building Inspector to inspect the property, carried. A list of other properties will be made and notice given to those property owners that their property may also be inspected.

New Business:

**SDWG Anhydrous Relocation**, a statement was read from South Dakota Wheat Growers stating the process of relocating the anhydrous located along Nectarine Avenue has started and will hopefully be completed no later than the summer of 2011.

**Lodging Tax Ordinance** first reading to impose 2% Lodging Tax within the City of Oakes effective April 1, 2011.

**Emergency Snow Route Ordinance** first reading to designate all of 7<sup>th</sup> Street, 2<sup>nd</sup> Street South from Main Avenue to Nectarine Avenue, Grape Avenue from 7<sup>th</sup> Street to 10<sup>th</sup> Street, Main Avenue from 2<sup>nd</sup> Street to 10<sup>th</sup> Street, and Ivy Avenue from 4<sup>th</sup> Street to 10<sup>th</sup> Street as emergency snow routes. No parking will be allowed in these areas November 1 to April 15 from 2am to 6am.

**2<sup>nd</sup> Reading Sales Tax Request, Shop Locally Campaign** Sitzler moved, Kuipers second to table Sales Tax Request for \$4,000.00 until more information can be made available about the program, carried.

Announcements & Correspondence:

**South Central Dakota Regional Council Hearing Notice** for transferring funds from housing to public facilities. Comments can be sent to the Jamestown Office.

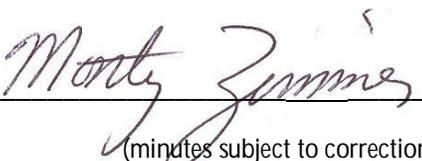
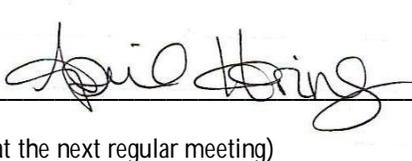
**North Dakota Rural Water Users Convention** registrations.

**Police**, Chief Marke Roberts explained to the Council the police department is looking at purchasing sidearms. Their current weapons are outdated and unsafe. He will work with his Committee members when purchasing.

Special meeting will be Monday, November 8, 2010 at 6pm at City Hall.

Next regular meeting will be Monday, December 6, 2010 at 6PM. City Auditor Haring will check the school calendar for conflicts and notify Council members of possible changes.

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

MAYOR  ATTEST 

(minutes subject to correction and approval at the next regular meeting)