

City Council Meeting December 5, 2011

The City Council met in regular session at 6:00 PM at the SE Region Career & Technology Center-Community Room with the following members present: Mayor Zimmer and Council: Sitzler, Brandriet, Harris, Rosendahl, Forward and Kuipers. Visitors present: Jerry Hollingsworth, Stacy Zimmer, Brad Breitbach, Rhonda Breitbach, and Jeff Wilson—DRN. Employees present: Pat Nelson, Marke Roberts, Gary Neuharth, and April Haring.

Visitors: Brad and Rhonda Breitbach addressed the Council with their concerns of a variance request and building permit application from their neighbor. The variance has not been approved and further discussions will need to be held with the applicant regarding the current plan of the building permit application.

Committee Report: Pat Nelson reported the garbage truck is in need of repairs to update the system; parts have been ordered. Truck route signs installation will also be complete this week.

Visitor: Jeff Wilson, Dickey Rural Networks General Manager, discussed the company's concern regarding the increased franchise fees proposed by the City at last month's meeting. The current fee is \$200/year and the proposed fee is \$500/month. He requests the City to reconsider the increase due to many factors including the unfair competitive advantage of the cable satellite companies. These nationwide companies do not have to pay property taxes or sales taxes.

Moore Engineering:

2010-1 Phase 2; Forward moved, Rosendahl second to approve Change Order #3 \$7,310.20 for correction to subcontracts, carried. Kuipers moved, Harris second to approve Pay Estimate #9 to Kvamsdal Construction for \$24,319.20, carried. Sitzler moved, Brandriet second to approve engineering invoice to Moore Engineering for \$19,014.60, carried.

2012-1 Phase 3; Sitzler moved, Forward second to approve engineering invoice to Moore Engineering \$79,730.00, carried. Sitzler moved, Kuipers second to introduce and approve RESOLUTION TO APPROVE PLANS AND SPECIFICATIONS FOR 2012-1 PHASE 3 IMPROVEMENTS, roll call approved. Brandriet moved, Harris second to introduce and approve RESOLUTION TO AUTHORIZE ADVERTISEMENT OF BIDS, roll call approved.

Phase 4; Sitzler moved, Brandriet second to instruct engineer to submit application to Rural Development for phase 4 funding, carried.

Hwy 1 Project; Sitzler moved, Forward second to approve payment estimate #1 to NDDOT for \$54,096.93, carried.

Survey Invoices; Brandriet moved, Rosendahl second to approve payment of survey invoices to Moore Engineering for the following, carried:

- NW Oakes Drainage Improvements (Area West of City, By James River) \$2,500
- NE Oakes Drainage Improvements (Industrial Park) \$2,000
- Central Oakes Drainage Improvements (RRVW Railroad Ditch) \$2,000

Minutes, Auditor and Court Reports: Kuipers moved, Sitzler second to approve minutes and all other reports as presented, carried.

Building Permits:

Sitzler moved, Harris second to approve building permits as listed, carried:

1. American Legion, Lots 16 thru 20 Block 8 OP, new roof

Building Inspector, building permit application and approval process will be reviewed to address concerns of improper construction and time frames.

Bills:

Sitzler moved, Brandriet second to approve the bills as listed, roll call approved:

CSE	275.54	Capital Bank & Trust	50.00
FCCU	37.50	NDPERS 457	57.50
Waste Management	5,333.70	Dougherty & Company	6,500.00
Midwest Testing	17,369.63	Moore Engineering	246,946.21
Ohnstad Twichell	2,750.00	Quam Construction	28,253.00
Starion Bond Services	750.00	FCCU	37.50
Flex	1,300.00	NDPERS 457	57.50
Oakes Food Center	14.95	CSE	275.54
AFLAC	159.06	American Welding Supplies	8.70
Ameripride Linen	66.22	AT&T	266.26
Brokers National Life	619.30	Butler Machinery Company	352.32
Circle R	323.55	Computer Express	355.50
Dacotah Paper	33.04	Dakota Improvement	347.50
Dakota Plains Cooperative	2,276.80	Dakota Supply Group	256.20
Dakota Valley Electric	2,592.60	Dickey Rural Communications	740.94
Economy Propane	171.22	Fargo Water Equipment	80.86
Farmland CoOp	4,749.65	Galls	363.79
Neuharth Law Office	375.00	Hawkins	2,500.85
Hwy 1 Fuel & Service	316.55	ITD	27.75
Jacobson Implement	129.67	Gerald Schumacker	730.00
Flex	520.00	KLJ	3,446.69
Mertz Lumber & Supply	921.75	Modern Marketing	138.06
Napa	685.42	ND Department of Health	32.00
Newman Signs	230.18	Oakes Area Chamber of Commerce	67.00
OEI	11,506.81	Oakes Ready Mix	135.80
Oakes Times	307.30	Oakes Truck & Trailer	2,742.08
Oakes True Value	50.91	Oakes Vet	30.00
One Call	18.20	Otter Tail Power	6,259.14
Quill	121.41	Red River Electric	19,203.88
Rods Cleaning	190.00	Seyer Plumbing & Heating	331.96
Sweeney Controls	2,527.25	Sweets & Stories	212.19
Verizon Wireless	28.72	Visa	584.46
Vistos Carquest	26.31	Waste Management-Recycling	2,869.60
Zacks Repair	576.72	Arnie Widmer	76.16
K&H Electric	798.00	NDPERS-Group Insurance	9,877.74
NDPERS-Retirement	5,023.60	Travel-PN	135.15
Redplum Media	1,088.69	Visa	707.02
Zs Trees	15,300.00	Payroll Taxes (November)	14,573.13
Quarter Salaries	2,155.89	Salaries	46,766.30
Starion – Bank Fees	84.03	Kvamsdal Construction	835,576.92
Moore Engineering	24,987.96	Dougherty & Company	4,500.00
Ohnstad Twichell	3,500.00	Starion Bond Services	750.00
Veit & Company	33,150.00		

Capital Asset and Inventory Changes: Brandriet moved, Forward second to approve Inventory changes Capital Asset Records and changes for 2011, carried. Sitzler moved, Kuipers second to change value of capital asset to \$5,000, carried.

Budget Amendments: Brandriet moved, Forward second to approve the following budget amendments for 2011 fiscal year decreasing the overall budget by \$51,234.63, carried.

<u>FUND</u>	<u>AMMENDED TO</u>	<u>REASON</u>
Streets	140,000.00	Repairs and Fuel for Snow Removal
Advertising	34,000.00	Marketing Materials (Grant)
Emergency	8,800.00	Flood Staking
Forestry	22,000.00	Tree Removal
Cemetery	11,000.00	Summer Help Wages
Armory	95,000.00	Improvements and Repairs (Grants)
Sales Tax-Park	105,000.00	Revenue Match Expenses
Sales Tax-City	105,000.00	Revenue Match Expenses
Sales Tax-OEI	105,000.00	Revenue Match Expenses
Sales Tax-Infrastructure	105,000.00	Revenue Match Expenses
Public Safety Grant	0.00	(decrease, No Purchases)
Police Vehicle Replacement	0.00	(decrease, No Purchases)
General Building Repairs	2,000.00	(decrease, No Major Repairs)
Public Works Building	1,000.00	Repairs to Complete Shop
Public Works Equipment	30,000.00	(decrease, No Major Purchases)
Public Works Grant	0.00	(decrease, No Purchases)
Oakes Development	0.00	(decrease, No Projects)
Flood Emergency	663.10	Emergency Costs (Revenue Matched)
Storm—July 2011	158,000.00	Emergency Recovery
2003-3	11527.36	Service Fees
Pilot Drain	1,665.00	(decrease)
2003-4 JVG	30,087.65	Service Fees
JVG Street	32,928.50	Service Fees
2009-2 Main Avenue	5,973.17	Service Fees
2009-2 Phase 1	145,000.00	(decrease)
2010-2 JVG/SDWG	0.00	(decrease, Payment Made Through Construction Fund)
Pool Project	78,134.50	Service Fees
Water	315,000.00	Water Treatment Plant Support, Repairs
Water Contingency	20,000.00	(decrease)
Sewer Contingency	0.00	(decrease)
Garbage Equipment	0.00	(decrease)
Flex-Dependent Care	4,000.16	(decrease)
Airport	90,000.00	Engineering, Airshow Costs
411 Main Avenue	77,000.00	Building Demolition Fees

Destruction of Records: Sitzler moved, Forward second to approve the following destruction of records, carried.

2005-Bank Statements and Past Employee Records

2005-Payroll Records and Time Cards

2006-Employee Applications

2006-General Ledgers, Accounts Payable/Vouchers, Cash Balance Report, Statement of Expenditures and Revenues, Check Register, Utility Billing Registers, Receipt Books, Meter Reading Records

2008-Agenda and Correspondence

2005-Pledge of Securities

2007-Building Permits

2004-Oaths of Office

2006-Alcohol Permits
2004-Gaming Permits
2005-Landfill Inspections
2001-Wastewater Discharge Reports
1998-Water & Waste Reports

Committee Reports:

Fire, Chief Hollingsworth requested approval for installation of flood lights on the outside of the Fire Hall and to install a generator hook-up, he will obtain estimates and present to Council. Reported work to begin the creation of a Fire District will begin after the new year and the department is also looking at purchasing a truck next year. **Police**, discussion was held regarding police vehicle replacement. Patrol vehicles are on schedule for replacement and funding is available. Forward moved, Brandriet second to purchase a Dodge Charger and trade in one of the current Ford Expeditions for a new model, roll call approved.

Unfinished Business:

2nd Reading Payment Ordinance, Sitzler moved, Forward second to approve ordinance allowing City Auditor to pay normal expenses if due outside the Council Meeting, carried.

New Business:

Franchise Fees, Rosendahl moved, Harris second to approve amendments franchise agreements to state franchise fees to be 2% of annual gross revenue within the City of Oakes for Otter Tail Power Company and \$500 per month for Dickey Rural Networks, carried.

NDIRF Insurance Agent, Brandriet moved, Harris second to continue contract with Western Agency, Inc for another three year term, carried.

Delinquent Tax Property, Kuipers moved, Sitzler second to forgive special assessments through 2011 for property transferred at Dickey County Tax Sale, carried.

Salary Adjustment, discussion was held regarding employee evaluations and salary adjustments for 2012. Sitzler moved, Brandriet second to approve cost of living adjustment and step increase for April Haring and cost of living adjustment and two step increase for Zasha Johnson, carried. Forward moved, Sitzler second to approve cost of living adjustment and step increase for police department personnel, carried. Harris moved, Kuipers second to approve cost of living adjustment and step increase for Kevin Haring and cost of living adjustment and no step increase for Pat Nelson, Bob Thompson, and Lee Bredeson, carried.

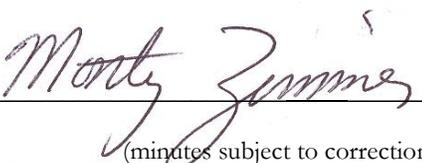
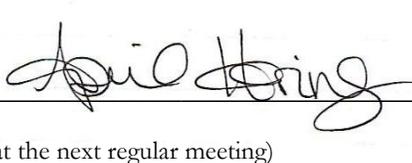
Employee Appreciation, Sitzler moved, Rosendahl second to give \$100.00 in Oakes Bucks to each City employee as an appreciation gift, carried.

Announcements & Correspondence:

Starion Financial congratulations on City of the Year award and offered to sponsor a sign or other permanent marker to recognize the achievement. Sitzler moved, Brandriet second to purchase two signs from Roughriders to place along Highway 1, carried.

Next regular meeting will be Monday, January 9, 2012 at 6PM.

Brandriet moved, Sitzler second to adjourn meeting at 9:38 PM.

MAYOR  ATTEST 

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