

Zoning Hearing September 13, 2010

The Zoning Hearing was called to order at 6:00 PM at City Hall with the following members present: Mayor Zimmer and Council: Rosendahl, Brandriet, Kuipers, Forward, Harris and Sitzler. Visitors present: David Carda, Bill Geffre, Sandy Frojen, Stacy Zimmer, Kevin Huffman, Bernie Vculek, Steve Thompson, Geoff Rath, Larry Engel, Gary Fitzgerald, Jerod Klabunde-Moore Engineering, and Kent Ritterman-Moore Engineering. Employees present: Pat Nelson, Justin Prochnow, Marke Roberts, Gary Neuharth, and April Haring.

Zoning Committee report was read regarding the zoning request by Good Samaritan Society Oakes for the property located at 203 North 10th Street, Lots 5 & 6 Block 5 McCarthy's Addition. The request was to change the zoning from residential to commercial to build a garage and storage unit for the facility. The committee recommendation is to allow the zoning change but restrict use to Good Samaritan Society only and not to allow rental and limiting the height of structure as stated in the zoning ordinance requirements. Property owners within 150 feet were contacted and no protests were noted.

Sitzler moved, Brandriet second to introduce and approve RESOLUTION TO REZONE LOTS 5 AND 6 BLOCK 5 MCCARTHY'S FROM R-1 LOW DENSITY TO C-C CORE COMMERCIAL. Roll call approved.

Brandriet moved, Harris second to adjourn meeting.

City Council Meeting September 13, 2010

The City Council met in regular session at 6:00 PM at City Hall with the same members and visitors present. Sitzler left at 7:55 PM and Harris left at 8:25 PM.

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

Building Permits:

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

1. Sonia Meehl, N ½ Lot 9 & All of Lot 10 Block 11 McCarthy's, replace windows and doors
2. Larry & Randa Gemar, N ½ Lot 8 & All of Lot 9 Block 3 McCarthy's, siding of house and new windows
3. Jim Olson, Lot 10 Block 8 Washburns, garage
4. Leroy Zimbelman, W 7' of Lot 14, All of Lot 15 & E 16' of Lot 16 Block 4 Res Park, shingles
5. Janet Pfeifer, W ½ Lots 1, 2, & 3 Block 17 McCarthy's, shingles
6. Dean Larson, N ½ Lot 8 & All of Lot 9 Block 8 Washburns, window replacement
7. Etta Lewis, Lots 13 & 14 Block 15 McCarthy's, siding and new windows
8. Jeremy Hill, N 45' Lot 1 Block 8 McCarthy's, fence

Game of Chance Permit and Gaming Site Authorization:

Brandriet moved, Harris second to approve game of chance permit and gaming site authorization as listed, carried:

1. Oakes Fire Department, raffle
2. Ducks Unlimited at Angry Beaver Lodge for October 29

Public Advertisement Request: Forward moved, Kuipers second to approve Request for Placement of Public Advertisement for Linebackers for Homecoming Pancake Feed, Yearly and Oakes Ambulance, Yearly at 5th Street and Main Avenue, carried.

Bills:

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

AFLAC	430.50	Capital Bank & Trust	50.00
FCCU	37.50	NDPERS 457	50.00
Capital Bank & Trust	50.00	FCCU	37.50
NDPERS 457	50.00	AFLAC	245.04
Airborne Custom Spraying	2,605.00	Alltel	257.08
Alltel	136.66	American Welding	8.32
Ameripride Linen	63.98	Angry Beaver Lodge	250.00
AC – Landfill	300.00	Brokers National Life	618.30
Butcher Block	37.50	Circle R	304.52
Computer Express	815.38	Dakota Communications	120.00
Dakota Improvement	1,297.44	Dakota Valley Electric	484.00
Dakota Valley Electric	2,592.60	Dickey County Registrar	10.00
Dickey Rural Communication	764.51	Doug Nelson Construction	150.00
Ecolab	81.00	Economy Oil	286.50
Farmland CoOp	3,424.35	Ferguson Waterworks	418.56
Gary Neuharth	900.00	Geffre's Greenhouse	35.43
General Irrigation	156.55	Genesys	2,890.64
Hawkins	4,461.99	Hwy 1 Fuel	1,072.77
ITD	111.00	Jerry Schumacker	5,450.00
KLJ	6,424.61	Kelly's Welding	4.82
Lau Motors	231.94	LB – Travel	75.50
Mertz Lumber & Supply	106.19	Flex	1,200.00
Napa	308.04	ND Dept of Health	2,999.91
ND Dept of Health	32.00	ND League of Cities	1,171.00
ND Sewage Pump & Lift Station	2,640.00	ND State Radio Comm	147.84
ND Surplus Property	400.00	NDPERS – Group Insurance	10,083.19
NDPERS – PT Retirement	57.02	NDPERS – Retirement	3,271.99
Newman Signs	196.96	Chamber of Commerce	70.00
OEI	10,802.84	Oakes Food Center	51.62
Oakes Times	318.66	Oakes Truck & Trailer	4,161.75
Oakes True Value	109.15	Oakes Vet	30.00
Office Equipment	19.06	Olderness Construction	550.00
One Call	29.90	ODIN	217.69
Otter Tail Power	5,315.90	Praska Hardware	150.58
Quill	971.05	RDO Equipment	176.87
RedPlum Media	2,057.80	Rods Cleaning	220.00
Sanitation Products	644.52	Scott's Electric	250.00
State Auditor	165.00	Swanston Equipment	750.00
Sweets & Stories	144.08	Visa	225.08

Visto's Carquest	66.61	Waste Management	5,073.32
Waste Management-Cardboard	121.50	Waste Management-Recycling	2,247.40
Wheat Growers	68.09	Zach Roberts	2,125.00
Quarter Salaries	2,387.24	Salaries	46,765.12

411 Main Avenue Building:

Discussion regarding the status of the building that has been defined as a dangerous building per City Ordinance. Sitzler moved, Brandriet second to accept the bid from Comstock Construction of \$91, 510 for demolition of 411 Main Avenue building and provide protection to 409 Main Avenue, carried. Brandriet moved, Harris second to proceed with demolition based on insurance recommendations and will invoice the costs of demolition and construction to property owners, carried.

Committee Reports:

Water, the water main installed on east Main Avenue will be reviewed to possibly have the line "looped" to improve the water quality. **Garbage**, Brandriet moved, Kuipers second to not allow disposal of trees from non-residents at the City Landfill, carried. **Streets**, Sitzler moved, Kuipers second to remove the truck route on east Main Avenue, carried. The truck routes on 3rd Street and 4th Street will be reviewed. **Cemetery**, Harris reported that Sandy Frojen has started a project to investigate the graves at the cemetery and make sure the names are recorded correctly. **Landfill**, Pat Nelson reported the Department of Health revisited the Landfill and is happy with the corrections and improvements that have been made.

Moore Engineering:

Kent Ritterman and Jerod Klabunde updated the Council on the current projects.

2009-2 Phase 1, Sitzler moved, Kuipers second to accept the following completion dates to begin the one year warranty period: Seeding completed August 15, Concrete completed September 1, and Underground work completed August 1, carried.

Discussed concerns in the times and scheduling and expressed disappointment in delays.

Kuipers moved, Sitzler second to approve Partial Pay Estimate #7 to Kuechle Underground for \$177,372 for construction, carried.

Sitzler moved, Rosendahl second to approve Moore Engineering Invoice for \$43,794.93 for 2009-2 Phase 1, carried.

2010-1 Phase 2, discussions are still being held with the ND Department of Transportation regarding the cost share and plans for Highway 1 construction.

Sitzler moved, Harris second to introduce and approve RESOLUTION TO AWARD CONSTRUCTION BID FOR IMPROVEMENT DISTRICT 2010-1 PHASE 2 TO KVAMSDAL CONSTRUCTION CONTINGENT UPON RURAL DEVELOPMENT APPROVAL AND ND DEPARTMENT OF TRANSPORTATION SCOPE. Roll call: Rosendahl-yes, Brandriet-yes, Kuipers-yes, Forward-yes, Harris-yes, Sitzler-yes, carried.

Rosendahl moved, Brandriet second to approve Moore Engineering Invoice for \$131,100.00 for 2010-1 Phase 2, carried.

2009-2 Phase 1 Part C, Forward moved, Rosendahl second to approve Moore Engineering Invoice for \$4,480, carried.

2010-2 JVG/SDWG, the timeline was discussed. Contractor has asked for extension because of weather and other delays. James Valley Grain and SD Wheat Growers will be contacted regarding their opinion on this request.

Brandriet moved, Sitzler second to approve Partial Pay Estimate #1 to Northern Excavating for \$275,037.57 for construction, carried.

Forward moved, Brandriet second to approve Moore Engineering Invoice for \$31,303.40 for 2010-2, carried.

Unfinished Business:

City Lodging Tax, the benefits and uses of this tax was discussed. Kevin Huffman from the Oakes Parks and Recreation stated the Park Board's support of this revenue to help with upcoming tournaments. More research will be done and topic will be placed on the agenda later in the year.

Landfill, as Pat Nelson mentioned earlier the ND Department of Health revisited the site and was happy with the outcome. A letter was also sent to the Department of Health outlining the work that was done and planned to be done.

New Business:

Main Avenue, Party on the Pavement poster was handed out to Council and Mayor. Volunteers are being asked to help serve. Forward moved, Kuipers second to pay the Oakes Area Chamber of Commerce \$1,000 from the advertising fund to help with this event, carried.

Reimbursement request was received from Wildrose Floral for repairs completed due to the current construction. Forward moved, Rosendahl second to deny reimbursement for repairs to service line in the building and to have them contact Kuechle Underground, carried. Brandriet moved, Rosendahl second to deny request for reimbursement to frame window wells, carried (Harris voted no).

2nd Reading Sales Tax Request from Charles Forward for Eagle Scout Project. Kuipers moved, Brandriet second to approve sales tax request of \$300, carried.

Propane Bid, Forward moved, Rosendahl second to accept bid for propane from Farmland Co-Op of \$1.39 for the 2010-2011 season, carried.

Dog Behavior Report, letter from the Scheuring's Dog Obedience Instructor was read. According to the letter the dog has met the requirements set by the City Council in March 2010 to remain in town.

Zoning Appointment, Kuipers moved, Brandriet second to approve appointments of Jeff Forward and Bill Schmitz to the Zoning and Planning Commission for a three year term each, carried.

Logo, Forward moved, Kuipers second to approve and accept new City Logo and Brand, carried.

Announcements & Correspondence:

Water Tests of picloram levels showed Water Treatment Plant Well was at 0.70 ppb and the finish water was 0.12 ppb.

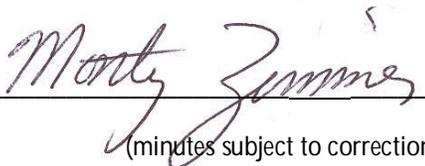
Thank you from the Oakes Chamber of Commerce for the help during Evening in the Park.

ND Water and Pollution Conference registrations.

Next regular meeting will be Monday, October 4, 2010 at 6PM.

Brandriet moved, Rosendahl second to adjourn meeting at 8:27 PM.

MAYOR


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

ATTEST

