

## City Council Meeting September 10, 2012

The City Council met at 6:00 PM at SE Regional Career and Technology Center-Community Room with the following members present: Mayor Zimmer and Council: Forward, Brandriet, Strutz, Engel and Sitzler. Harris was absent. Visitors present: Jerry Hollingsworth, Connie Boe-Quandt, Stacy Zimmer, Brye Zimmer, Nick Olson-Titan Machinery, Jim Hill-RDO Equipment, Mike Mullen-Swanston Equipment, Gary Strutz, Russ Larson, Jerod Klabunde--Moore Engineering and Gary Fitzgerald. Employees present: Pat Nelson, Marke Roberts, and April Haring.

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

Game of Chance Permit: Forward moved, Brandriet second to approve application for game of chance permit for Dakota 4-H Shooting Club raffle, carried.

Payloader Bids: Bids were received from Swanston Equipment, RDO Equipment, and Titan Machinery for the purchase of a new payloader. Brandriet moved, Forward second to table bid award until next meeting to review proposals, carried.

### Variance Applications:

Sitzler moved, Brandriet second to approve Variance Request as listed, carried:

1. Travis Engquist, Lots 13-15 and Vacated Alley Block 16 Original Plat, to allow construction of garage over allowed size and height
2. Kevin and Shelli Wertz, Lots 5 and 6 Block 23 Washburns, to allow construction of deck within allowed set back

Sitzler moved, Engel second to deny Variance Request for Russell Larson, West 84' of Lots 15, 16, and 17 Block 15 McCarthys, to allow construction of addition to garage within allowed set back of alley. Roll Call: Sitzler-yes, Engel-yes, Strutz-abstain, Brandriet-yes, Forward-yes, carried. The Variance Request asked for construction within two feet of the alley. The Council felt it was too close for equipment to pass safely and asked the property owner to look at redesigning the addition.

### Building Permits:

Engel moved, Strutz second to approve building permits as listed but deny application from O'Brien as correct process wasn't followed, carried:

1. Travis Engquist, Lots 13-15 and Vacated Alley Block 16 OP, garage
2. Travis Engquist, East ½ Lot 23 and all Lot 12 Block 15 OP, move garage in
3. Henry Wright, Lot 12 Nagalas, deck
4. Kevin and Shelli Wertz, Lots 9 and 10 Block 2 Koot 1<sup>st</sup>, deck
5. Lynn and Carol Gulsvig, Lot 8 Block 9 McCarthy's, fence
6. Hwy 1 Fuel and Service, All Block 1 Vistos, concrete work

### Engineer Report:

**2012-2 Phase 3**, Sitzler moved, Forward second to approve partial pay estimate #5 to Kvamsdal Construction for \$299,823.58, carried. Forward moved, Strutz second to approve engineering invoice to Moore Engineering for \$8,505.90, carried. Withholding \$50,000 from the contractor for concerns over seeding, will review at next meeting. Sitzler moved, Engel second to introduce and approve RESOLUTION CREATING WATER AND SEWER SYSTEM IMPROVEMENT DISTRICT 2012-1 PHASE 3. Roll call approved. Strutz moved, Sitzler second to introduce and approve RESOLUTION TO APPROVE LEGAL SERVICES AGREEMENT WITH OHNSTAD TWICHELL AS BOND COUNSEL FOR IMPROVEMENT DISTRICT 2012-1 PHASE 3. Roll call approved. Sitzler moved, Strutz second to introduce and approve RESOLUTION DECLARING WORK NECESSARY FOR WATER AND SEWER IMPROVEMENT DISTRICT 2012-1 PHASE 3. Roll call approved. Strutz moved, Brandriet

second to introduce and approve RESOLUTION TO DIRECTING ASSESSMENTS TO BE LEVIED FOR IMPROVEMENT DISTRICT 2012-1 PHASE 3. Roll call approved. Brandriet moved, Sitzler second to introduce and approve RESOLUTION TO GIVE NOTICE TO THE CHAIRPERSON OF THE SPECIAL ASSESSMENT COMMISSION OF ASSESSMENT TO BE LEVIED FOR IMPROVEMENT DISTRICT 2012-1 PHASE 3. Roll call approved.

**2012-2 Phase 4**, Forward moved, Strutz second to approve partial pay estimate #1 to Kuechle Underground for \$184,287.84, carried. Sitzler moved, Brandriet second to approve engineering invoice to Moore Engineering for \$3,090.00, carried. Construction has started, additional repairs to the lagoon and a plugged sewer main are possibly being added to project. Estimates and discussion will be at the next meeting. Forward moved, Brandriet second to introduce and approve RESOLUTION TO AMEND CREATED IMPROVEMENT DISTRICT 2012-2 PHASE 4. Roll call approved. Strutz moved, Brandriet second to introduce and approve RESOLUTION TO APPROVE LEGAL SERVICES AGREEMENT WITH OHNSTAD TWICHELL AS COND COUNSEL FOR IMPROVEMENT DISTRICT 2012-2 PHASE 4. Roll call approved. Sitzler moved, Engel second to introduce and approve RESOLUTION DECLARING WORK NECESSARY FOR WATER AND SEWER IMPROVEMENT DISTRICT 2012-2 PHASE 4. Roll call approved. Strutz moved, Forward second to introduce and approve RESOLUTION TO DIRECTING ASSESSMENTS TO BE LEVIED FOR IMPROVEMENT DISTRICT 2012-2 PHASE 4. Roll call approved. Engel moved, Brandriet second to introduce and approve RESOLUTION TO GIVE NOTICE TO THE CHAIRPERSON OF THE SPECIAL ASSESSMENT COMMISSION OF ASSESSMENT TO BE LEVIED FOR IMPROVEMENT DISTRICT 2012-2 PHASE 4. Roll call approved.

**Cline's Addition Extension**, Brandriet moved, Sitzler second to table the project and delay construction start per request of property owner until further notice, carried.

**Water Treatment Plant**, Sitzler moved, Forward second to approve technical support invoice to Moore Engineering for \$4,800.00 for support in June, July and August, carried. Discussion was held on replacement of membranes. Moore Engineering gave proposals and cost estimates for their involvement in the project. Project will be reviewed by Water Committee and discussed at next meeting.

Visitors: Connie Boe-Quandt questioned the Council about property clean-up notices she and her daughter have been receiving, she asked for clarity and reasoning of the notices. April Haring stated City Hall has not sent out notices since this spring and Connie, nor her daughter were on the list of properties this year. It was suggested to bring the notices in to see where they are coming from. Connie also addressed the Council regarding a fence on her daughter's property. The neighbor installed a fence along the property line but the posts are on her daughter's property, she asked if they could use the posts for a dog fence, it was recommended she discuss it with the neighbor and reach an agreement together.

Public Advertisement Application: Forward moved, Strutz second to approve Request for Placement of Public Advertisement for American Legion and Oakes Ambulance Service at 5<sup>th</sup> Street and Main Avenue, carried.

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

CSE	275.54	FCCU	37.50
American Funds Service	50.00	Computer Express	1,965.00
Dickey County Registrar	32.00	ITD	27.75
NDPERS 457	57.50	Waste Management-Cardboard	481.50
Waste Management-Recycling	5,799.04	ND Department of Health	75.00
CSE	275.54	American Funds Service	50.00
FCCU	37.50	NDPERS 457	57.50
Modern Marketing	173.30	Hawkins	5,575.74
Hwy 1 Fuel & Service	770.32	Kustom Machine	30.00
Lau Motors	107.46	Marshall & Swift	263.95
Neuharth Law Office	375.00	Millers Fresh Foods	42.85
Dickey Rural Communications	702.79	Napa	194.87
Novak Electric	95.00	Oakes Chamber of Commerce	67.00
OEI	13,479.93	Oakes Times	302.17
Oakes True Value	73.75	Oakes Veterinary Services	60.00

Mertz Lumber	5.49	Computer Express	90.00
AFLAC	106.04	American Welding Supplies	10.85
Ameripride	141.42	AT&T Mobility	203.30
B&K Murphy Plumbing	488.44	Brokers National Life	739.80
Farmland CoOp	2,925.53	City of Fargo	56.00
Galls	70.47	Dacotah Paper	76.63
Dakota Communications	138.00	Dakota Supply Group	1,082.81
Dakota Valley Electric	2,592.60	Red River Electric	5,234.98
Ecolab	87.99	Ferguson Waterworks	199.59
Circle R	372.19	JTE Solutions	43,573.10
Prairie Printing & Design	670.00	Waste Management-Cardboard	293.39
Waste Management-Landfill	2,226.25	Waste Management-Recycling	2,946.47
Dahlstrom Funeral Home	1,669.50	Dakota Improvement	65.00
Dallman Services	3,386.00	John Deere Financial	305.70
Jacobson Implement	86.53	GS Services	4,000.00
Moore Engineering	4,800.00	NDPERS-Group Insurance	9,887.64
NDPERS-Retirement	4,211.50	Otter Tail Power	6,939.56
Plath Aviation	238.51	Rich Voegeli	975.00
Swanson Flo-System	1,578.10	Dickey County Registrar	7.00
Visa	430.80	Praskas Hardware Hank	352.66
Visa	1,283.06	Rods Cleaning	232.50
Sanitation Products	99.47	Sweeney Controls	1,889.60
Sweets & Stories	124.89	Team Laboratory	664.00
Waste Management	4,798.78	Verizon Wireless	28.72
ND One Call	20.00	Vistos Carquest	104.69
Western Agency	185.00	Zacks Repair	166.51
Dakota Supply Group	93.15	Dakota Valley Electric	27.00
Dakota Valley Electric	145.00	ITD	27.75
Van Diest Supply	1,015.00	Starion – Bank Fees	44.27
Payroll Taxes	10,316.12	Salaries	32,535.79
Quarter Salaries	2,155.89		

#### Committee Reports:

**Garbage**, Clean-Up Week will be scheduled for the week of October 8<sup>th</sup>; information will be published prior to week. **Water Tower**, estimates were presented for making safety improvements and painting of the water tower. Water Committee will review and make recommendation at next meeting. **Finances**, Strutz moved, Brandriet second to authorize the Mayor to execute required documents for funding through the Red River Corridor Program, carried.

#### Unfinished Business:

**Dangerous Building**, notices have been sent to recorded property owner of 715 Main Avenue; City Attorney Neuharth recommended waiting until proof of delivery was received before proceeding any further. Tabled.

#### New Business:

**2<sup>nd</sup> Reading Sales Tax Request**, Forward moved, Sitzler second to approve Sales Tax Request from Oakes Police Department for \$4,585.00 for upgrade of communication system, carried.

**Propane Bid**, Sitzler moved, Strutz second to accept bid for propane from Farmland Co-Op of \$1.25 for the 2012-2013 season, carried.

**Tree Inventory Program**, Brandriet moved, Forward second to proceed with free service from the ND Forestry Service to inventory trees on public land, carried.

#### Announcements & Correspondence:

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

**Notice of Application of Water Permit** for irrigation from John Quandt.

**Water System Inspection** by ND Department of Health, concerns with fencing around lagoon and painting of water tower.

Strutz moved, Sitzler second to adjourn meeting at 7:45 PM.

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