

City Council Meeting
November 5, 2007

The City Council met in regular session at 6:00 PM at City Hall with the following members present: Mayor Opp and Council: Cline, Rosendahl, Volk, Brandriet, Zimmer, and Sitzler. Visitors present: Bernie Vculek, Marlene Vculek, Marlene Bohanon, Kay McPhail, Craig Rhyan, Mark Kuipers, Gene Skoglund-SD Wheat Growers, Richard Bentley-SD Wheat Growers, Wayne Ulmer, Gary White, Mary Jo Goodman, Ronald Goodman, Leroy Zimbelman, Lorraine Zimbelman, Tracy Gabriel, Caroline Crane, Tom Crane, Terri Kelly, Rup Nagala, Tracy Voightman, Curt Halmrast, Gary Fitzgerald, and Kent Ritterman-Moore Engineering. Employees present: Pat Nelson, Lee Bredeson, Chad Peterson, Marke Roberts, Justin Prochnow, Steph McLean, and April Haring.

Minutes, Police, and Court Reports: Zimmer moved, Sitzler second to approve minutes with corrections of pay estimate amounts and to approve all other reports as presented, roll call approved.

Building Permits: Cline moved, Volk second to approve building permits as listed. Roll call: Rosendahl-yes, Sitzler-yes, Zimmer- yes to all except Good Samaritan Society application, Brandriet-yes, Cline-yes, Volk-yes, carried.

1. Good Samaritan Society, Lots 7-12 Block 5 & Lots 1-6 Block 6 McCarthy's, drilling well
2. Dean Fiala, E 53' Lot 7 & W 57' Lot 8 Block 3 St Charles Court, addition and shingling
3. Richard Paul, Lots 7, 8, 9 Block 5 OP, concrete work
4. Loretta Presler, W ½ Lot 5 & Lot 6 Block 20 Marshall's, remodeling
5. Dennis & Brenda Reich, Lot 3 & 4, Block 3 Resident Park, addition
6. Tara Steiner, Lots 1 & 2 Block 37 EOP, shingling
7. Shirley Walker, N ½ Lot 11, 12 & N 75' of Vacated Alley Block 2 Visto's, garage

Game of Chance Permits: Volk moved, Sitzler second to approve game of chance application as listed, carried:

1. Oakes Boy Scouts - bingo

Bills: Zimmer moved, Rosendahl second to approve bills as listed, roll call approved:

37918	Void	0.00	37919	Starion Bond Services	83,697.76
37920	AFLAC	98.36	37921	Circle R	526.94
37922	Economy Oil	1,101.13	37923	Farmland Co-op	948.67
37924	Mertz Lumber & Supply	168.29	37925	Napa	95.29
37926	Praska's Hardware Hank	475.88	37927	Visto's Carquest	98.77
37928	Waste Management	5,180.00	37929	NDPERS 457	37.50
37930	Chad Peterson-Training	236.95	37931	AFLAC	196.72
37932	Aggregate Industries	434.00	37933	Alltel	250.88
37934	Alltel	54.12	37935	Ameripride Linen & Apparel	120.38
37936	Ameriprise Financial	80.00	37937	A-Tech Sewer	1,550.00
37938	Best Western	110.00	37939	Brokers National Life	433.20
37940	Buhls	54.56	37941	Circle R	425.71
37942	Dakota Improvement	844.48	37943	Dakota Supply Group	103.76
37944	Dakota Valley Electric	178.24	37945	Dakota Valley Electric	2,592.60
37946	Dickey Rural Communications	632.05	37947	Economy Oil	7,175.41
37948	Fargo Water Equipment	5,075.26	37949	Farmland Co-op	1,455.56

37950	Fred Pryor Seminars	128.00	37951	Friends of Fine Arts	50.00
37952	Galls	274.26	37953	Henninger Lawn Mowing	550.00
37954	Jacobson Implement	150.21	37955	Justin Prochnow-Training	151.27
37956	Kelly's Welding	114.93	37957	Larson Electric	1,538.90
37958	LTP Enterprises	1,305.42	37959	Manairco	104.87
37960	Michael Todd & Co	1,631.05	37961	Midwest Pest Control	115.00
37962	Minot Daily News	344.96	37963	Napa Parts Supply	249.94
37964	ND Dept of Health	32.00	37965	ND League of Cities	92.50
37966	ND Sewage Pump Lift Station	800.00	37967	ND State Radio	75.00
37968	ND Surplus Property	50.00	37969	NDPERS 457	37.50
37970	NDPERS-Group Insurance	9,192.59	37971	NDPERS-PT Retirement	44.68
37972	NDPERS-Retirement	44.68	37973	Northern Water Works	6,120.58
37974	Oakes Chamber of Commerce	235.40	37975	OEI	6,410.75
37976	Oakes Feed	1,936.57	37977	Oakes Food Center	47.14
37978	Oakes Times	296.83	37979	Oakes True Value	150.81
37980	Oakes Veterinary Service	30.00	37981	Office Equipment	7.98
37982	Olderness Construction	196.00	37983	One Call Concepts	27.28
37983	Otter Tail Power	3,230.97	37985	Praska's Hardware Hank	404.26
37986	Praxair	135.50	37987	Quill	100.53
37988	Rachel Boe – Training	80.69	37989	Randy Burley	91.80
37990	Rod Rodningen	14.83	37991	Sanitation Products	275.15
37992	Service Master by Rod	30.00	37993	Service Master of Oakes	754.00
37994	Stephen McLean Law	90.75	37995	Sweets & Stories	99.16
37996	Team Laboratory	1,461.50	37997	The Forum	455.80
37998	The Jamestown Sun	177.60	37999	USA Blue Book	50.02
38000	Visa	452.34	38001	Visto's Carquest	55.29
38002	Waste Management	4,919.60	38003	Waste Management-Recycling	2,287.00
38004	Williston Daily Herald	153.60	38005	Workforce Safety & Insurance	14.05
38006	Yellow Transportation	80.63	38007	Zack's Repair	57.34
151	Kvamsdal Construction	14,073.30	152	Swanberg Construction	550,000.00
153	Kvamsdal Construction	37,226.65	154	Moore Engineering	42,881.00
155	Swanberg Construction	553,014.98	156	Water Smith Inc	11,369.12
115	Kvamsdal Construction	56,312.32	116	Kvamsdal Construction	81,067.52
117	Moore Engineering	6,200.00	100	Climate Control	1,510.98
101	Johnston Fargo Culvert	4,120.64	102	Kvamsdal Construction	43,348.50
103	Midwest Testing Laboratory	1,413.00	104	Moore Engineering	3,393.00
105	Stephen McLean Law	1,875.00	2444-2478	Salaries	27,410.84

Transfers: Volk moved, Zimmer second to approve the following transfers, roll call approved:

- \$14,000.00 from Project 2006-1 Savings to Project 2006-1 Checking
- \$56,312.32 from Regular Checking to Project 2006-2 Checking
- \$550,000.00 from Project 2006-1 Savings to Project 2006-1 Checking
- \$1,277.59 form Project 2007-3 Checking to Regular Checking

Visitors:

Terri Kelly stated the proposed site for the Dialysis Center needs to have alley access and asked how an ally can be plotted to grant them permanent alley access. Steph McLean, City Attorney, stated all owners in that block will need to agree to dedicate the appropriate footage to the City for an alley. The names were provided to Terri Kelly to pursue.

Kent Ritterman from Moore Engineering was present to provide updates on current projects.

Project 2006-1 Part 1 Water Improvements. Zimmer moved, Sitzler second to approve Pay Estimate #12 to Swanberg Construction for \$280,775.97 showing 85% construction completion and to approve Engineering Invoice for \$42,881.00 to Moore Engineering. Roll call: Cline-no, Brandriet-yes, Volk-yes, Rosendahl-yes, Sitzler-yes, Zimmer-yes, carried.

Water Main Replacement Improvement. Zimmer moved, Volk second to authorize Moore Engineering to submit Rural Development Application for Loan and Grant funds for water main replacement. Zimmer amended motion to include sewer main replacement, Volk second. Roll call: Rosendahl-yes, Sitzler-yes, Cline-abstain, Brandriet-yes, Volk-yes, Zimmer-yes, carried.

Project 2006-2 Kola Avenue Improvements. Project is 100% complete, closeout documents have been submitted to SRF and NDDOT.

Project 2006-3 Meter Improvement. Sitzler moved, Brandriet second to approve Final Pay Estimate #6 to Fargo Water Equipment for an overpayment of \$1,038.59 showing 100% completion, Fargo Water will be sending a refund, and to approve Engineering Invoice for \$1,920.00 to Moore Engineering. Roll call: Volk-yes, Cline-yes, Zimmer-yes, Rosendahl-yes, Brandriet-yes, Sitzler-yes, carried.

Project 2007-1 JVG Street Improvement. Rosendahl moved, Brandriet second to approve Engineering Invoice for \$9,000.00 to Moore Engineering. Roll call: Zimmer-yes, Sitzler-yes, Volk-yes, Cline-yes, Brandriet-yes, Rosendahl-yes, carried.

Project 2007-3 Sewer Improvement District. Volk moved, Rosendahl second to approve Pay Estimate #2 to Kvamsdal Construction for \$249,639.08 and to approve Engineering Invoice for \$18,009.00 to Moore Engineering. Roll call: Sitzler-yes, Zimmer-yes, Cline-yes, Brandriet-yes, Rosendahl-yes, Volk-yes, carried.

Unfinished Business:

2nd Reading Sales Tax Request, Cline moved Brandriet second to approve Sales Tax Request of \$1,000.00 by Oakes Chamber of Commerce to repair Christmas decorations, roll call approved.

Committee Reports: **Garbage**, Brandriet stated him and Volk have reviewed the volume amounts recorded for the rate study but requests the topic tabled until a meeting can be held with Waste Management to determine a fair method in setting garbage rates. **Streets**, Volk moved, Rosendahl second to have the curb painted yellow along the first block of North 7th Street to have no parking in front of the residential driveway across from Farmland Ampride, carried. **Water**, the Water Treatment Operator applicants will be interviewed next week by Sitzler, Zimmer, Brandriet, and Moore Engineering. **Health**, Haring presented a letter received from the ND Dept of Health regarding the corn chaff in town. The letter stated after their investigation it has been considered a nuisance and the "Department has no way to quantify a nuisance, meaning there isn't much they can do in this matter." **Planning**, Haring presented a proposal from Mort Mazaheri to contract as a city planner and develop planning and zoning codes for the City of Oakes. Haring requested the Council to review the information to make a decision regarding this matter at a later time.

Unfinished Business, continued:

SD Wheat Growers Building Permit Application, members of the community were present at the meeting to express their opposition to the proposed fertilizer plant and storage facility. Steph McLean stated he was unable to represent the City and will need to remove himself as City Attorney on this issue due to his opposition of the permit creating a personal conflict. A letter was received from an attorney retained by the residents opposing the proposed facility. The attorney stated it was

in violation of the zoning ordinances regarding industrial districts. The positive and negative impacts on the community were discussed by the members of the Council and those attending the meeting.

Volk moved, Sitzler second to vote on the building permit application as presented and to not table until the next meeting. Roll call: Rosendahl-yes, Cline-no, Brandriet-yes, Zimmer-yes, Sitzler-yes, Volk-yes, carried. Roll call to approve the SD Wheat Growers Building Permit Application for a fertilizer plant and storage facility: Brandriet-no, Cline-no, Rosendahl-no, Sitzler-no, Volk-no, Zimmer-no, permit denied.

New Business:

Waste Management Contract, Volk requested a letter be sent to Waste Management requesting an addendum be added to the contract regarding skips in recycling route.

Salary Review, Zimmer moved, Rosendahl second to increase employee salaries by the cost of living increase per Job Service of 3.2%. Roll call: Volk-yes, Brandriet-yes, Cline-abstain, Sitzler-yes, Rosendahl-yes, Zimmer-yes, carried.

Announcements & Correspondence:

Thank you was received from Josten Coleman for the City's donation of sales tax funds for the Eagle Scout Project.

Notice of Water Permit Applications were received from Westgate Energy, Barry Vculek, and Dickey-Sargent Irrigation District.

Next regular meeting will be Monday, December 3, 2007, at 6PM.

Zimmer moved, Volk second to adjourn meeting at 8:25 PM.

MAYOR _____ ATTEST _____

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