

MINUTES OF THE BOARD OF CITY COMMISSIONERS
SEPTEMBER 21, 2015

The regular meeting of the Devils Lake City Commission was held Monday, September 21, 2015 at 5:30 P.M. with the following members present: President Johnson, Commissioners Tim Heisler and Dale Robbins. Commissioners Craig Stromme and Rick Morse were absent.

Pledge of allegiance was recited.

Commissioner Robbins moved to approve the minutes of the regular City Commission meeting held September 8, 2015. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

5:30 P.M. – This was the time set for the bid opening for the cemetery fence. No bids were received.

The City Administrator indicated \$25,000 was budgeted this year for the cemetery fence. He would like to carry over this amount for 2016, and then the Public Ways Supervisor would bid the project earlier in the year.

Commissioner Heisler moved to table the cemetery fence until spring of 2016. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

5:30 PM – This was the time set for a public hearing to review a request for a conditional use permit to allow a cold storage building at 5005 79th Ave NE in an area zoned as highway commercial. Doug Goulding, representing Scott Brown, requested that the City Commission follow the recommendation of the Planning Commission. The City Engineer stated the location of the building may be impacted by a DOT project for realigning the roadway with Highway 2. Scott Brown indicated he is working with DOT on this issue. Hearing and receiving no other comments, President Johnson closed the public hearing.

Commissioner Robbins moved to approve the conditional use permit to allow a 60'X200' cold storage building to be constructed at 5005 79th Ave NE in an area zoned as highway commercial as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

5:30 P.M. – This was the time set for a public hearing for the 2016 City of Devils Lake Budget. Hearing and receiving no comments, President Johnson closed the public hearing.

Commissioner Robbins stated he has an issue with the part-time employee budgeted for Forward Devils Lake. He is not in favor of it, and would like to see the \$25,000 removed from the budget for this position.

President Johnson stated the Commission could make a motion to remove the \$25,000, or they could leave it in the budget, but that doesn't mean it would be spent. Discussion followed on how the position would be justified. It could be done by job duties. It was noted that it was probably time to review Forward's operational plan. The issues of the part-time assistant for Forward Devils Lake need to be addressed.

Commissioner Robbins moved to remove \$25,000 from the budget for Forward Devils Lake. Discussion followed on Forward Devils Lake receiving 3 mills from the City and 10% of the sales tax money collected. President Johnson called for a second to the motion three times. The motion died for a lack of a second.

Commissioner Heisler moved to approve the 2016 City of Devils Lake Budget as presented. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Heisler – The City Engineer stated work is progressing on the water main project. Currently work is being done on 14th St NE & 15th St NE. The water main is in place and operational on 4th Ave going north of 12th St. The completion date is next year, but they are hoping to have it completed this year. Any spot where pavement is removed will be replaced this fall.

The City Engineer said work is continuing on the Cenex site. The contractor is installing the sewer pipeline. They hope to have the water and sewer available for the April 2016 opening. Pavement will be placed on the Cenex site this year, but not on the road.

The City Engineer indicated the office has been contacted about a hotel going in adjacent to the Cenex site. Currently the plans and specs do not include water and sewer to this lot.

The City Engineer reviewed the project on 2nd St NE for the cured-in-place pipe. A portion of the sewer pipe will not be able to be replaced by cured-in-place pipe. It will need to be slip line which requires excavating at each individual sewer connection and is more costly. The City does not have plans and specs written up to slip line it. The video will be received tomorrow. The City Engineer would like to declare an emergency to get the sewer main replaced in a timely and cost effective manner.

Commissioner Heisler moved to declare an emergency to replace a portion of the sewer main on 2nd St by the manhole at 10 ½ Ave to 11th Ave. The motion was seconded by Commissioner Robbins. The cost estimate is \$30,000 to \$35,000 if it is slip lined. It will cost more if it has to be open cut. Funding is 25% special assessed and 75% City. The motion carried unanimously.

The City Assessor stated everything was fine

Commissioner Robbins - The Public Ways Supervisor said everything was fine.

The Public Utilities Supervisor said everything was fine in the Water Department.

President Johnson – The Police Chief said the officer that had an on-the- job injury will be on light duty up to 12 weeks.

The Police Chief stated they were approached by the Lake Region Narcotics Task Force on getting a canine. The Task Force would solicit funds from businesses and individuals and request to use asset forfeiture funds for the unit. The Police Department would host the dog. It would cost about \$20,000 to get the dog, training, equipment and any overtime directly related to the canine unit. There is a rule if an officer hosts a dog at his home, he has to be compensated for the daily maintenance of the dog which would be about one hour a day. The Task Force does not have enough people on it to run a dog and do what they are doing so they asked the Police Department to host the dog. The initial cost is high due to the training and equipment needed. The training would be two to ten weeks. The handler would be an existing officer. The training is part of the \$20,000. Ongoing costs would be vet, food, and compensable time of \$3,000-\$4,000/year. If the Task Force gets approval from the State to use asset forfeiture money, it would help with the continuation of the program.

Discussion followed on what happens if the officer hosting the dog leaves.

Right now the Task Force is requesting approval to solicit funds for the initial costs. The canine unit will be used. Right now, the Task Force relies on other agencies for canine use. If the Task Force gets a canine unit, the school district would support it since the school district has to contract out now for canine use. The dog can't be trained dog for more than one person, so whenever the dog is needed, that officer would have to respond. This means an officer is away from the street duty and would build up of comp time or over time.

The City Commission was concerned about the continuing costs, the City getting stuck with additional costs if funding is short, and being short an officer when the canine unit gets called out.

Commissioner Robbins moved to table the canine issue for the Lake Region Task Force for a future meeting. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

The Sanitation Supervisor indicated fall cleanup starts Monday.

The Public Ways Supervisor reported everything was fine.

The Public Utilities Supervisor said everything was fine in the Sewer Department.

The City Auditor stated everything was fine.

The City Administrator said everything was fine.

The Fire Chief stated everything was fine.

The City Attorney said everything was fine.

President Johnson stated the Commissioner who sits on the Law Enforcement Center Board does not have the flexibility in his schedule to attend the Law Enforcement Center meetings. Commissioner Robbins has agreed to add the Law Enforcement Center to his portfolio.

Commissioner Heisler moved to assign Commissioner Robbins to the Law Enforcement Center Board. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The 2nd reading of Ordinance No. 930 – Lake Region Public Library was held.

Commissioner Robbins moved to approve the second and final reading of Ordinance No. 930 –Lake Region Public Library – An ordinance which upon adoption, shall amend Ordinance No. 759 codified as Section 2.48.001, Ordinance No. 477 codified as Section 2.48.010, Ordinance No. 478 codified as Section 2.48.020, Ordinance No. 479 codified as Section 2.48.030, Ordinance No. 480 codified as Section 2.48.040, Ordinance No. 817 codified as Section 2.48.070, Ordinance No. 759 codified as Section 2.48.090, Ordinance No. 771 and 759 codified as Section 2.48.110 and Ordinance No. 759 codified as Section 2.48.130 in the sections of the Devils Lake Municipal Code. The motion was seconded by Commissioner Heisler. It will become effective after publication. The motion carried unanimously.

The 2nd reading of Ordinance No. 931 – Sunday Opening for Liquor Establishments was held.

Commissioner Heisler moved to approve the second and final reading of Ordinance No. 931 – Sunday Opening for Liquor Establishments – An ordinance which upon adoption shall amend Ordinance No. 869 and Ordinance No. 780 which have been codified as Section 5.24.130 of the Devils Lake Municipal Code with an effective day of September 21, 2015. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Assessor reviewed the bids received for the roof on the sanitation building.

The following bids were received:

1. Structures Inc– Grand Forks, ND Bid \$293,108.00
2. ICS Inc – Grand Forks, ND Bid \$349,691.00

The engineer's estimate was \$228,000, and the low bid was 28% higher than the estimate. The higher bids could be due to it being an older building and structure integrity. It is not safe to be in or on the roof. The building will need to shore up in order to do the work, and it is hard to estimate time or cost.

The City Assessor stated the options for the building are to award the bid, shore up the roof and rebid in the spring or tear down the building. There is no guarantee that the bids would be any cheaper in the spring. In 1999 it would have cost \$100,000 to tear down the building, and that was without moving the electrical. To tear down the building, the City could spend a couple of hundred thousand and lose 4500 square feet of usable space. The City Assessor recommended awarding the bid to Structures Inc.

The Sanitation Supervisor said the area would be used as a maintenance area since it has floor drains and better lighting. Then the recycling could be expanded in the current area.

The project would be funding from infrastructure. Two hundred fifty thousand dollars are remaining from projects not being done this year; however, a portion of the money would have to come from next year's infrastructure projects.

It was noted that if the building was not fixed, and the electrical had to be moved, the City would possibly have to update the electrical, and relocating the power would take up space in remaining building. The floor is in excellent shape. The new roof life expectancy is 30 years minimum.

Commissioner Robbins moved to approve awarding the bid for the roof of the sanitation building to Structures, Inc of Grand Forks in the amount of \$293,108.00 as recommended by the City Assessor. The motion was seconded by Commissioner Heisler. On roll call all Commissioners vote aye, and the motion carried.

Liz Bonney, Lake Region District Health, appeared before the City Commission to request an ordinance making responsible server training mandatory for all liquor establishments. The Lake Region District Health received a grant and has been working with the Police Department to offer free responsible server training. Forty bar tenders, servers and owners have taken the class. Mandatory server training ordinances have been adopted in Williston, Dickinson, Jamestown, Grand Forks, Fargo, West Fargo and Watford City. The ordinance would allow a server 60 days to get trained.

President Johnson was concerned with the Police Department putting on the training when they are struggling for officers. He also questioned who keeps track of when new people come on or expirations of licenses.

Lake Region District Health and the State keep track of licenses. It would be a four hour class offered every 2 to 3 months. The license is good for three years. Servers would receive a letter six months before their certification ends. They would be able to go online for a refresher course. The bars would be responsible for notifying them of new hires. The certification is transferable within the State.

Louise Prozinski, bar owner, stated one issue is the high turnover of servers. The training would need to remain free, and 60 days may not be enough time for certification based on timing. Also, the training needs to be offered in the evenings too and not just during the day since a lot of servers work other day jobs.

Commissioner Heisler stated the penalties are too high.

Commissioner Robbins indicated he had contacted several owners, and the people prefer the training be kept as voluntary. The main issue is it is hard to get help. Also some places have people that only work a couple of days per month, and they would probably quit because it isn't worth it.

Consensus of the City Commission was to have the Police Chief call other cities with the mandatory ordinance to see if it is working.

The Police Chief indicated the Grand Forks GF trying to get out of being the responsible party for the training.

Commissioner Robbins moved to approve the consent agenda which included the following:

1. Appointment of Vonda Markestad to the Devils Lake Planning Commission to fill an unexpired term ending June 30, 2017;
2. Appointment of Doris Michaels for a three-year term expiring June 30, 2018 and Angela Reisnouer for an expired term ending June 30, 2015 to the Lake Region Public Library Board, and
3. Gaming site authorization submitted by St. Joseph School to be held June 17, 2016 at the Knights of Columbus – 522 4th St NE.

The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Commissioner Robbins moved to approve payment of Estimate No. 4 to Elshaug Concrete Construction for 2015 Curb, Gutter & Sidewalk in the amount of \$3,287.24 as recommended by the City Engineer. The motion was seconded by Commissioner Heisler. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Heisler moved to approve payment of Estimate No. 4 to Murphy Pipeline Contractors for Watermain Improvement District 24-15 – various locations in the amount of \$142,565.50 as recommended by the City Engineer. The motion was seconded by Commissioner Robbins. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Robbins moved to approve the payment of \$14,400.00 to the Mayor's Committee on Employment of People with Disabilities as allocated in the City's 2015 budget with funding from the General Fund – 1000-000-44940. The motion was seconded by Commissioner Heisler. On roll call all Commissioners voted, and the motion carried.

Commissioner Heisler moved to approve the resolution determining insufficient protests were filed in Street Improvement District No 58-15 (16th St SE, 17th St SE, 10th Ave SE). The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Robbins moved to approve payment of the list of bills as submitted. The motion was seconded by Commissioner Heisler. On roll call all Commissioner voted aye, and the motion carried.

President Johnson acknowledged the following reports:

1. Municipal Court monthly report; and
2. Police Department monthly report.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:48 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT