

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD DECEMBER 5, 2016

The regular meeting of the Devils Lake City Commission was held Monday, December 5, 2016 at 5:00 P.M. with the following members present: President Johnson, Commissioners Ben Sander, Craig Stromme, Rick Morse and Dale Robbins. None were absent.

Pledge of allegiance was recited.

Commissioner Stromme moved to approve the minutes of the regular City Commission meeting held November 21, 2016. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

5:30 P.M. - This was the time set for a hearing to decide whether to suspend the taxi cab license issued to Devils Lake Taxi.

The Police Chief presented his findings:

1. November 1 - City hall was notified and received documentation for insurance on additional vehicle for Devils Lake Taxi. City hall requested pictures of the vehicle to ensure the signage was on the vehicle. When she was at city hall, she was notified that we still not have pictures.
2. November 4 - Email sent about pictures;
3. November 8 – Another email sent about pictures;
4. November 10 – Officer at Airport notified the Police Chief that the taxi was operating without proper signage. Ms. Linjatie was cited for not having a sign displayed on her vehicle;
5. November 15 – Ms. Linjatie pled guilty in municipal court.

The Police Chief recommends a three day suspension of Ms. Linjatie's license for running a taxi cab service.

Katie Linjatie, owner of Devils Lake Taxi, did the following:

1. Stated all documentation including a picture was sent to city hall, but her firewall was not letting her send and receive all emails; therefore, she did not receive the emails from the City.
2. Distributed documentation from Roughrider Signs regarding her emails and signage. She stated she couldn't get a copy of her logo because she did not own the copyright, and Xtreme Graphics wanted \$1,500.00 for it.
3. Explained that the day she went to the airport, the vehicle she was driving had been inspected for safety (cost her \$1,000.00) and it was insured for \$300,000. She could not drive her other licensed taxi vehicle because it had a cracked windshield. She talked about the contract with Skywest being extremely stressful, and the decision she made was for the safety of herself and her clients.
4. Talked about the new ordinances and the difficulty in getting employees especially with the increased regulations of the ordinances. She has worked everyday since March.
5. Presented the letter from Chief Schroeder that was sent to all the taxi companies regarding the tampering of competitors' advertising. She has had all four of her vehicle signs stolen.
6. Stated the vehicle she was driving the day she was cited has a yellow taxi light on it. She didn't fail to identify it as a taxi; it just didn't meet all of the criteria in the ordinance.
7. Read a letter from Ms. Olson which requested the license for Devils Lake Taxi not be suspended.
8. Reported on her educational background.

Marlene Jonas voiced her support for Devils Lake Taxi. She is paralyzed and doesn't have transportation. She has tried other taxis, but they were not kind with her wheelchair. Katie is patient, and Marlene is isolated since she is not able to take the bus. The taxi service gives her independence to get groceries or supplies, and she asked not to suspend the license for Devils Lake Taxi because she depends on it.

The Police Chief clarified some of the information presented by Ms. Linjatie. The identification required to be on a licensed taxi is the name of taxi cab company and the license number issued by City. The information required for service calls is the date and time of the call, the name of the driver and the address of the pickup. The other information she is recording is not part of the ordinance. He did not question her education.

Commissioner Robbins questioned if the suspension was due to the accumulation of issues and not just the signage. The issues with the Devils Lake Taxi at the Airport were discussed. Ms. Linjatie refuted some of the claims in the letter. Commissioner Sander reported on witnessing her parking in the handicap spot and doing a u-turn where u-turns are not allowed.

Ms. Linjatie requested more time before a decision was made on the suspension and about getting an injunction. The City Attorney stated if the suspension was approved she may be able to appeal it to the District Court.

Commissioner Stromme moved to suspend the taxi cab license issued to Devils Lake Taxi for three days as recommended by the Police Chief. The motion was seconded by Commissioner Robbins. Commissioner Sander noted his decision was made on following the rules. On roll call all Commissioners voted aye, and the motion carried.

Discussion followed on what days the suspension would be. Tuesdays would have the least impact on her business. Consensus of the Commission was for the Police Chief to determine what days her license would be suspended. It may be 3 consecutive Tuesdays and not 3 consecutive days.

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

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

Commissioner Morse – The Public Ways Supervisor stated the Street Department has everything ready to go for snow removal.

The City Engineer said the contract was awarded to Lunda Construction out of Wisconsin for the west underpass project. Discussion followed on the contract amount, the local share, and how the local share was determined.

Commissioner Sander – The Public Utilities Supervisor stated everything was fine in the Sewer Department.

The City Assessor stated everything was fine.

Commissioner Stromme - The Police Chief stated everything was fine.

The Sanitation Supervisor reported everything was fine.

President Johnson – The City Administrator asked if anyone had any issues to be addressed at the legislative workshop on Wednesday.

The City Administrator noted he is meeting with the Park Board on Thursday to discuss the wellness center.

The lake elevation and the pumping were discussed.

The Fire Chief said everything was fine.

The City Attorney said everything was fine.

The 2nd reading of Ordinance No. 944 – wine license in retail store was held. The license would allow on sale and off sale of wine. No public comments were received. Discussion followed on the gross sales of wine being less than 25% of the sales.

Commissioner Robbins moved to approve the second and final reading of Ordinance No. 944 – wine license in retail store – An ordinance which upon adoption, shall enact what will be codified as Section 5.24.050(F)(9) of

the Devils Lake Municipal. The motion was seconded by Commissioner Stromme. On roll call all Commissioners vote aye, and the motion carried.

Discussion followed on setting the fee for the new wine retail store liquor license. The City's beer and wine license is \$425.00/year, and it would be an additional \$75.00/year for Sunday openings.

Commissioner Stromme moved to approve setting the fee for the on-sale/off-sale wine license at \$425.00/year plus an additional \$75.00/year if the business wants the license for Sunday openings as recommended by the City Administrator. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The 2nd reading of Ordinance No. 945 – accessory units was held. No public comments were received. Commissioner Stromme questioned what happens when the purpose it is built for no longer exists.

Commissioner Sander moved to approve the second and final reading of Ordinance No. 945 – accessory units – An ordinance which upon adoption, shall amend and enact the ordinances which have been codified in Sections 17.08.020, 17.16.030(G), 17.20.030(G), 17.24.030(K), 17.28.030(L), 17.38.030(F) and 17.76.130 of the Devils Lake Municipal. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

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

Game of chance permits for the month of November 2016

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

Commissioner Morse moved to approve the contract agreement with the North Dakota Department of Health – Laboratory Services Division – Division of Microbiology for the period of January 1 2017 through December 31, 2017. The motion was seconded by Commissioner Sander, and the motion carried unanimously.

Commissioner Stromme moved to approve payment of Estimate No. 2-Final to Naastad Brothers Inc for Street Improvement #58-15 – 16th St SE in the amount of \$5,458.50 as recommended by the City Engineer. The motion was seconded by Commissioner Robbins. On roll call all Commissioners voted aye, and the motion carried.

The Public Ways Supervisor reviewed the request from St Joseph Catholic Church for the City to buy lots in the cemetery. When the City acquired the cemetery in 1949 from the Catholic Church, all those spaces were just set aside for the Sisters of Mercy. The lots were probably never bought from the City. The spaces are 8-foot so a full grave can not go on the spaces. Seven spaces could be use for ashes only. The other spaces would be combined so there would be 15 spaces for full burial. If the City bought all spaces, they still could not be used for full burials.

Commissioner Stromme moved to approve purchasing spaces (7 for ashes and 15 for full burial) from St. Joseph Catholic Church in the amount of \$1,650.00 as recommended by the Public Ways Supervisor. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

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

President Johnson acknowledged the following reports:

1. City Auditor monthly report; and
2. Police Department monthly report.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:24 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT