

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD DECEMBER 19, 2016

The regular meeting of the Devils Lake City Commission was held Monday, December 19, 2016 at 5:30 P.M. with the following members present: President Johnson, Commissioners Ben Sander, Craig Stromme, and Dale Robbins. Commissioner Rick Morse was absent.

Pledge of allegiance was recited.

Commissioner Stromme moved to approve the minutes of the regular City Commission meeting held December 5, 2016. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Sander moved to add Payment of Estimate No. 2 to Farmers Union Oil of DL for Water, Sewer & Street Improvement #60-15 to the agenda. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

5:30 P.M. – This was the time set for a public hearing for the transfer of a Class II retail liquor license held by Old Main Inc located at 416 4th St NE to Peter and Darlene Hoffart dba Old Main Street Café.

Commissioner Stromme moved to approve transferring a Class II retail liquor license held by Old Main Inc located at 416 4th St NE to Peter and Darlene Hoffart dba Old Main Street Café as recommended by the Police Chief. The motion was seconded by Commissioner Sander, and the motion carried unanimously.

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

Commissioner Sander – The City Assessor stated everything was fine.

Commissioner Stromme - The Police Chief said everything was fine.

The Sanitation Supervisor reviewed the letter from the Ramsey County Highway Department which requested hauling the debris from a house demolition to the landfill for free.

Commissioner Stromme moved to approve allowing the Ramsey County Highway Department to haul the debris from a house demolition at 610 5th St NE to the landfill for free as recommended by the Sanitation Supervisor. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

President Johnson – The Public Ways Supervisor stated that the 1997 Cat blade hit a manhole and broke the circle underneath and arms. It could cost up to \$20,000.00 to repair the blade. The blade is scheduled to be replaced in 2017 since it would be 20 years old, and the City's schedule is to replace equipment once it is that old. The blade is not used during the summer. The City Commission discussed leasing a blade from Bulter for \$75.00/hr plus \$2,350.00/month with a minimum lease of four months which would start December 1 each year. The current blade should be worth \$70,000.00-80,000.00. There are only 8,000 hours on this blade. A new blade would cost around \$315,000.00. Discussion followed on the availability of local contractors to help with snow removal if the City decided to repair the blade.

Commissioner Stromme moved to declare an emergency for the repair of the 1997 Cat blade. The motion was seconded by Commissioner Sander, and the motion carried unanimously.

The City Engineer said everything was fine.

The City Auditor requested permission to carry over the remaining funds in the 2016 general fund budget for computer equipment (1000-000-43320) to 2017. There is an issue with the accounting software, and the department is still reviewing different software options.

Commissioner Robbins moved to approve carrying over the remaining funds of approximately \$20,000.00 in the 2016 general fund budget for computer equipment (1000-000-43320) to 2017 as recommended by the City Auditor. The motion was seconded by Commissioner Sander, and the motion carried unanimously.

The City Auditor stated the grant award from the Multijurisdictional Task Force Lottery for the Lake Region Narcotics Task Force has been received for \$15,880.00 with 65% being grant funds and 35% being local funds.

Commissioner Stromme moved to approve accepting and signing the grant award from the Multijurisdictional Task Force Lottery for the Lake Region Narcotics Task Force for 2017 in the amount of \$15,880.00 with a 65%/35% split. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Administrator said everything was fine.

The City Attorney said everything was fine.

President Johnson stated Daisha Azure wanted to meet with the Commissioners about the pit bull ordinance. He told her the Commission could not meet with her as a group because of open meeting laws, and the Commission was not having a special meeting. However, she could contact the Commissioners individually.

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

1. Appointing Paula Vistad as a member of the Lake Region Heritage Center Board;
2. Permit to sell alcoholic beverages at a special event submitted by Ye Olde Tavern for a private Christmas Party for John Deere employees on January 7, 2017 at the Memorial Building;
3. Permit to sell alcoholic beverages at a special Sunday event submitted by the Knights of Columbus for a New Year's Day party on January 1, 2017 at the Knights of Columbus hall; and
4. Public dance permit and a permit to sell alcoholic beverages at a special event submitted by Ye Olde Tavern for the Devils Lake Volunteer Fire Department annual fishing tournament on January 26, 27 and 28, 2017 at the Memorial Building.

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

Commissioner Stromme moved to approve funding for 2016 for Lake Access in the amount of \$6,000.00 to be paid from the general fund (1000-000-55070). The motion was seconded by Commissioner Sander. On roll call all Commissioners vote aye, and the motion carried.

The Police Chief reviewed the lease from the Lake Region Law Enforcement Center for the space rented by the Police Department. The lease includes an increase of \$347.50/month starting on December 1, 2016 for additional space vacated by BCI and to be used by the Police Department. The amount on the new space includes a slight increase per square foot. The City Administrator indicated that the additional amount is not included in the 2016 or 2017 budget. Discussion followed on the rent being below market previously, and adjustments were made to bring it up to market.

Commissioner Robbins moved to approve the lease agreement between the Lake Region Law Enforcement Center and the Devils Lake Police Department for \$2,870.63/month. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Commissioner Stromme moved to approve payment of Estimate No. 8 - Final to Elshaug Concrete Construction for 2016 Curb, Gutter & Sidewalk in the amount of \$4,049.32 as recommended by the City Engineer. The motion was seconded by Commissioner Sander. The payment is for retainage. On roll call all Commissioners voted aye, and the motion carried.

The City Administrator reviewed the fees and rates for 2017. During budget time, the Commission had discussed raising the minimum sewer rate so on average the utility bill will go up approximately \$2.00/month. With the recent snow fall and issues arising from residents pushing snow into the streets, a fine of \$250.00 has been added in the fees and rates for violated this ordinance. Towns of similar size were surveyed, and two of the three do not have gates. In the other towns it is considered a misdemeanor, and the fine is set by the

judge. It becomes a big deal after the City has gone by and cleaned the streets. Also, the snow gets pushed to the next house or two down from the person who pushed the snow into the streets, and then the City gets a call from the neighbors saying they want the snow pile removed. Sometimes, the people push the snow across the street and bury mailboxes. Discussion followed on changing the ordinance so that the offense is a misdemeanor with a maximum fee. Also discussed were four-wheelers with blades and pickup plows moving snow. Currently the ordinance refers to the rates and fees; however, the rates and fees do not address this issue. Discussion continued on how to enforce the \$250.00 fee, on changing the ordinance to have it a misdemeanor or infraction, on this applying to alleys too and on having a fee of \$50/incident until the change is made to the ordinance to have this as an infraction. The ordinance already covers contractors.

Commissioner Robbins moved to set the fee for violation of ordinance 12.13.010 at \$50.00/incident effective immediately. The motion was seconded by Commissioner Stromme. Discussion followed on the ordinance not allowing snow to be moved from the street to another part of the street and on removing the gates and cleaning just curb-to-curb. The motion carried unanimously.

Commissioner Stromme moved to approve a Resolution Establishing Fees and Rates effective January 1, 2017 as recommended by the City Administrator. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Stromme moved to approve writing-off the following uncollectible account: \$30.60 for Richard D Wee for landfill. The motion was seconded by Commissioner Sander, and the motion carried unanimously.

The City Engineer reviewed the pay estimate for the Cenex project. The engineering and soil testing on private property was not allowed and was not included on the reimbursement. The project is being reimbursed at 75% with 25% being City share and 50% being from the tax increment financing district. The asbuilt drawings are still needed, and engineering came in just under 16%. Once the asbuilt drawings are completed, the engineering may be over the 16%.

Commissioner Stromme moved to approve payment of Estimate No. 2 to Farmers Union Oil of DL for Water, Sewer and Street Improvement District #60-15 – Cenex in the amount of \$851,333.97 as recommended by the City Engineer. The motion was seconded by Commissioner Sander. Based on the timeframe for this project, it worked to use outside engineering; however, it is sometimes difficult when the developer is in charge of the improvements. On roll call all Commissioners voted aye, and the motion carried.

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

President Johnson acknowledged the following report:
Municipal Court monthly report.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:38 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT