

MINUTES OF THE BOARD OF CITY COMMISSIONERS  
HELD APRIL 3, 2017

The regular meeting of the Devils Lake City Commission was held Monday, April 3, 2017 at 5:30 P.M. with the following members present: President Johnson, Commissioners Ben Sander, Craig Stromme and Dale Robbins. Commissioner Morse was absent.

Pledge of allegiance was recited.

Commissioner Stromme moved to approve the minutes of the regular City Commission meeting held March 20, 2017. The motion was seconded by Commissioner Sander, and the motion carried unanimously.

**Commissioner Robbins** –The Public Ways Supervisor stated the cemetery is open again.

The Public Utilities Supervisor stated there is a small water leak on 5<sup>th</sup> Ave NE between 9<sup>th</sup> and 10<sup>th</sup> Street. The water will be off tomorrow in this area so repairs may be made.

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

The City Assessor requested a date be set for the board of equalization. Consensus of the City Commission was to meet May 17, 2017 at noon.

Commissioner Sander asked about creating a Facebook page for the City to use for announcements. Discussion followed on the page not taking comments and the availability of staff to manage the page.

**Commissioner Stromme** - The Police Chief said Sergeant Frank celebrated 30 years last month.

The Sanitation Supervisor stated garbage is still on the streets.

**President Johnson** – The Public Ways Supervisor said everything was fine.

The City Engineer stated work continues on the road-way improvement projects. Probables for the special assessments should be going out this week. Work on the west underpass should start mid-month.

The City Auditor reported the Lake Region Public Library received \$25,000.00 from the estate of Barbara McCormick.

The City Administrator stated the street projects may have to wait and would like to wait to send probables. Sales tax is down. He needs to go through the list of projects and get costs for the projects to see if funds are available.

The Fire Chief said the truck is enroute from warranty work. He also indicated the early morning fire was caused by inappropriate discarding of smoking materials.

The City Attorney said everything was fine.

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

1. Authorizing the City Auditor to call for bids for the 2017 Curb, Gutter & Sidewalk with bids to be opened on Monday, May 1, 2017 at 5:30 P.M. at the City Office as recommended by the City Engineer;
2. Authorizing the City Auditor to cancel Check No 111739 dated March 21, 2017 in the amount of \$478.00 to Holiday Inn of Minot (Airport-Non-departmentalized-Education & Training) – There was a change in the room rate, and the check was reissued for a smaller amount;
3. Game of chance permits for the month of March 2017; and

4. Reappointment of Ryan Arndt, Suzie Kenner and Rachel Lindstrom as members of the Devils Lake Beautification Committee for three-year terms expiring June 30, 2019;

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

Commissioner Stromme moved to approve the 2017 Budget Amendment No. 01-17 – Airport as recommended by the City Auditor. The motion was seconded by Commissioner Sander, and the motion carried unanimously.

Rachel Lindstrom, Executive Director of Forward Devils Lake, reviewed the request for the daycare building, and read a letter from Jody Pike which stated there is a serious need for daycare in Devils Lake.

Holly Malheim and Taylor Mlynar, owners of Bright Beginnings, appeared before the City Commission to discuss leasing the daycare building. They currently operate a home-based daycare that opened in December 2016 and was at capacity in January 2017. Discussion followed on the timeline for opening, items to be fixed/changed in the building, the staff, funding to meet payroll and the possibility of grant funds from Childcare Aware.

The City Assessor had talked with the realtor that still has the building listed. He is willing to terminate the listing agreement early.

The City Commission directed the City Attorney to draft a contract for leasing the daycare building to Bright Beginnings.

The City Administrator reviewed the IT management agreement.

Commissioner Sander moved to approve the statement of work and the Marco managed IT agreement as recommended by the City Administrator. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Robbins moved to approve the resolution adopting the Ramsey County Multi-Hazard Mitigation Plan. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Commissioner Stromme moved to approve funding for the second quarter of 2017 for the Lake Region Heritage Center in the amount of \$5,500.00 to be paid from general fund (1000-000-55170). The motion was seconded by Commissioner Sander. On roll call all Commissioners voted aye, and the motion carried.

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

President Johnson acknowledged the following report:

1<sup>st</sup> quarter economic data.

The City Attorney requested going into executive session for the consideration of the Police Department Assessment Report.

Commissioner Robbins moved to enter into executive session to discuss the Police Department Assessment Report and possible negotiating strategies. The motion was seconded by Commissioner Sander. On roll call all City Commissioners voted aye, and the motion carried.

The City Commission recessed at 6:00 P.M. for those not allowed at the executive session to exit the meeting, and for the arrival of Commissioner Morse.

The City Commission reconvened at 6:07 P.M.

Executive session of the Commission was called to order at 6:07 P.M. on April 3, 2017 with President Dick Johnson, Commissioners Ben Sander, Craig Stromme, Rick Morse and Dale Robbins, City Administrator Terry Johnston, City Attorney Tom Traynor, and Human Resource Consultant Tanya Wieler. During the executive

session the City Commission met to review the assessment report and pending issues. Pursuant to N.D.C.C. §§ 44-04-19.2, the Commission may convene into executive session for attorney consultation to consider and discuss the Police Department Assessment Report and may consider closed or confidential records and information, negotiating strategy or negotiating instructions as provided by N.D.C.C §§ 44-04-19.1, 44-04-19.2 and 44-04-18.4 .

Commissioner Robbins moved to adjourn the executive session at 7:37 P.M. on April 3, 2017. The motion was seconded by Commissioner Sander. On roll call all Commissioners vote aye, and the motion carried.

The City Commission reconvened into open meeting at 7:39 P.M.

President Johnson indicated discussion was held on the Police Department Assessment Report.

Commissioner Stromme moved to place Police Chief Schroeder and Captain Barnett on paid administrative leave pending further investigation and Commission action on the operations assessment. The motion was seconded by Commissioner Morse. President Johnson noted this was not a situation taken lightly. It is serious business, and the City is concerned about the Police Department and the Police Officers including management and rank and file. Problems were identified that need to be worked on. On roll call all Commissioners voted aye, and the motion carried.

President Johnson asked Sergeant Frank if he would be willing on an interim basis to act as Chief of Police since he is the senior sergeant.

Commissioner Morse moved to appoint Sergeant Frank as acting Chief of Police. The motion was seconded by Commissioner Robbins. On roll call all Commissioners voted aye, and the motion carried.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 7:42 P.M.

**LINDA LYBECK**  
**CITY AUDITOR**

**RICHARD S. JOHNSON**  
**PRESIDENT**