

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD JUNE 5, 2017

The regular meeting of the Devils Lake City Commission was held Monday, June 5, 2017 at 5:30 P.M. with the following members present: President Richard 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 May 15, 2017 and of the Board of Equalization and special City Commission meeting held May 17, 2017. The motion was seconded by Commissioner Sander, and the motion carried unanimously.

5:30 P.M. - This was the time set for a public hearing to review a request to change the zoning from manufactured home residential to highway commercial for Lot 4 Block 2 Stromquist 4th Add, and for a conditional use permit to allow construction of storage garages on the parcel located on the corner of 8th Ave SE and 11th St SE. Hearing and receiving no comments, President Johnson closed the public hearing.

Commissioner Sander moved to approve a change in zoning from manufactured home residential to highway commercial for Lot 4 Block 2 Stromquist 4th Add and to approve a conditional use permit to construct a 60'X120' building to be used for indoor storage units on said lot and submitted by MJ Rentals LLC, as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Jessica Ramey appeared before the City Commission to discuss forming a citizen review committee for law enforcement actions. The committees are not only formed to review excessive force and discharging firearms, but also they are a bridge building mechanism between the community, citizens, and the police department that it serves. The committee would work with law enforcement in a proactive way whether it relates to cultural and gender issues, training, and etc.

Consensus was for the Commission to look at another city's charter to see how these committees function.

Suzie Kenner appeared before the City Commission to request using tourism funds from the restaurant/lodging tax for work outside of the chamber building – painting, potholes, landscaping, signage, etc. The Chamber will be borrowing \$60,140.00. Tourism would pay 35% of the loan, \$21,049.00, over 36 months starting on October 1, 2017. Funds would reduce the amount available for marketing.

Commissioner Sander moved to approve Tourism using restaurant and lodging tax to pay 35% of the loan for work at the Chamber building. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

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

Commissioner Stromme - The Sanitation Supervisor said everything was fine.

The Police Chief stated several complaints were received about the parking downtown during the Devils Run parade.

Stan Orness, organizer for Devils Run, said the uptown was blocked off during the parade. He was wondering who made that decision and why the Chamber or Devils Run were not asked about it. It is not convenient for the parade to go through downtown, but they like to bring people downtown. The City Engineer stated the department had received a request from business owners to block off two blocks. Commissioner Sander stated the Downtown Alliance had wanted the area blocked off so there was more space for more spectators.

The City Commission thanked Stan Orness for all the work he does with Devils Run.

The Police Chief requested to start the hiring process for another patrol officer since the Captain position would be eliminated.

Commissioner Stromme moved to approve the Police Chief starting the hiring process for a patrol officer. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Discussion was held on the need to update the job description for the Police Chief.

The Police Chief indicated costs will start to be incurred for anyone brought in that test 3.0 or greater for alcohol. These individuals will need to be medically cleared which will cost approximately \$1,500.00/occurrence. The medical clearance is a jail regulation coming from the Feds. Soon regulations will require all to be medically cleared.

Commissioner Morse – The Public Ways Supervisor stated the City crew is cracking sealing, and will start painting and replacing signs.

The City Engineer requested authorization to apply for special roads funds for Channel A. If awarded, the grant would pay up to 60% of the gravel. The gravel will cost approximately \$35,000.00 with 60% being grant funds and 40% being from the townships. There would be no cost to the City.

Commissioner Robbins moved to approve the City Engineer applying for special roads funds for gravel for Channel A. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Engineer stated Amtrak has elected not to proceed with work at the depot; therefore, the amendment to the construction and maintenance agreement for Project NHU-3-030(074)103 with the ND Department of Transportation for railroad bridge and roadway reconstruction is no longer needed.

The City Engineer said the work at the west underpass work continues. College Dr will need to be closed for some of the work.

The City Engineer stated the mill and overlay started today at the Central Middle School area; the material arrived at Henegar late Friday for the fishing pier access and the NEWD pipeline is being installed. Also discussed were the speeds by Channel A.

Commissioner Robbins – The Public Ways Supervisor stated the cemetery crew did a good job in getting ready for Memorial Day.

The Public Utilities Supervisor stated everything was fine in the water department.

President Johnson - The City Auditor stated everything was fine.

The City Administrator said everything was fine.

The Fire Chief stated they raise \$8,300.00 for MDA during Devils Run.

Nine firefighters attended the convention in Dickinson, and the City of Devils Lake has been chosen to host the 2020 convention.

The City Attorney is working on transferring City real estate to the Building Authority. However, the City has over 300 parcels in Ramsey County, and it would cost \$6,000.00 for recording fees. Therefore, just the real estate with buildings will be transferred.

President Johnson received a request for the City Commission meetings to be set up on a live feed or to video record the meetings. This will be discussed at the next meeting.

Discussion followed on mosquito spraying. The Public Ways Supervisor stated aerial spraying won't be done until the count is up. They have been checking the water, but there is not much standing water or much larva. The live mosquito trap arrived last week and will be set up.

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

1. Appointing Doug Mohr and Dave Steffan to 3-year terms expiring June 30, 2020 and reappointing Rick Jorgenson as an alternate for a 1-year term expiring June 30, 2018 to the Board of Adjustment;
2. Authorizing the City Auditor to call for bids for 2017 Public Utilities Pickup to be opened on Monday, June 19, 2017 at 5:30 P.M. at the City Office as recommended by the Public Utilities Supervisor;
3. Authorizing the City Auditor to cancel Check No 111859 dated April 4, 2017 in the amount of \$420.00 to Watchguard Video (General-Police Department-Tools & Equip Expense) - the check was lost and will be reissued;
4. Four gaming site authorization submitted by Devils Lake Youth Activities Association for July 1, 2017 through June 30, 2018 at the following locations: Columbus Club and Building Association – 522 4th St NE; Nellies Bar and Lounge Inc – 301 4th Ave NE; Proz End of the Line – 101 6th St NE and Thirsty's LLC – 318 4th St NE;
5. Game of chance permits for the month of May 2017;
6. Parade permit submitted by Devils Lake Fire Department for July 4, 2017 starting at 11:00 A.M.;
7. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for the wedding reception and dance for Ben Wolf and Maren Lysne on June 17, 2017 at the Memorial Building;
8. Permit to sell alcoholic beverages at a special event and a public dance permit submitted by Ye Olde Tavern for the Reel Fund Days to be held June 24, 2017 from 8:00 P.M. to 12 A.M.;
9. Three gaming site authorizations submitted by Devils Lake Rural Fire Department Inc for July 1, 2017 through June 30, 2018 at the following locations: Great American Inn & Suites – 1116 Hwy 2 E; Pop's Package Store – 924 Hwy 2 E and Ye Olde Tavern – 410 4th Ave N; and
10. Reappointment of Kevin Davidson, Larry Liere and Vonda Markestad to 5-year terms expiring June 30, 2022 and appointing Wyatt Hanson to fill an unexpired 5-year term expiring June 30, 2021 to the Devils Lake Planning Commission.

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

The City Administrator reviewed the infrastructure loan information for the City to borrow funds for the Mauve Estates project. Interest is at 2%; there are no upfront costs, and the loan amount would be \$625,000.00. The legislature made changes to this program, and it will now be available for maintenance projects with applications available July 17th. The City Administrator will apply for funds for the west via duct project.

Commissioner Morse moved to authorize the City Administrator to sign documents related to the \$625,000.00 infrastructure loan administered by the Bank of North Dakota. The motion was seconded by Commissioner Sander, and the motion carried unanimously.

The City Administrator reviewed the beautification budget. Due to a policy change, the Commission needs to approve all expenditures of \$5,000.00 or more. This year's budget includes \$5,000.00 for a downtown study. This study does not fall within the guidelines for beautification. Discussion followed on the funds coming from Forward Devils Lake. Originally \$5,000.00 was being requested from Forward DL and \$5,000 from beautification.

Commissioner Morse moved to approve funding the downtown study out of the Growth Fund in the amount of \$10,000.00. The motion was seconded by Commissioner Sander. On roll call all Commissioners voted aye, and the motion carried.

The City Attorney reviewed the cancellation of sale for the playground equipment which is located at the daycare building. Since a new daycare is now occupying the building, they have requested to have the equipment kept there. The purchaser of the equipment has agreed to sell the equipment back to the City with the option of having first chance to buy it back if it becomes available again.

Commissioner Stromme moved to approve the cancellation of sale of the playground equipment located at the daycare building to Bethel Evangelical Free Church. The motion was seconded by Commissioner Sander, and the motion carried unanimously.

Rachel Lindstrom, Executive Director of Forward Devils Lake, requested payment for the first half of the 2017 mill levy funding.

Commissioner Stromme moved to approve the first half of the 2017 mill levy funding to Forward Devils Lake in the amount of \$24,150.00. The motion was seconded by Commissioner Sander. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Stromme moved to approve payment of Estimate No. 1 to Elshaug Concrete Construction for 2017 Curb, Gutter & Sidewalk in the amount of \$13,847.96 as recommended by the City Engineer. The motion was seconded by Commissioner Morse. On roll call all Commissioners voted aye, and the motion carried.

The City Administrator indicated the City will be bidding out the rest of the street projects discussed earlier since the bid prices were so good and funds can be borrowed from the Bank of North Dakota at 2%.

Commissioner Morse moved to approve the resolution approving plans and specifications and directing advertisement for bids for Street Improvement District No 60-17 (Stromquist Subdivision – 10th St SE, 11th St SE, 13th St SE, 15th St SE, 10th Ave SE, 11th Ave SE). The bid opening will be on July 3rd. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Sander moved to approve the resolution creating Water, Sewer, Street Improvement District No 57-17 (Mauve Estates – 3rd St NE) and ordering the preparation of a preliminary report. The motion was seconded by Commissioner Stromme. The City Engineer stated this includes Mauve Estates and the new annexed area north of Mauve Estates. The motion carried unanimously.

The City Engineer indicated the City has an agreement with the owner of Mauve Estates which covers the work to be done. The district includes some adjoining property which is not having work done at this time, but may in the future.

Commissioner Robbins moved to approve the resolution declaring the necessity of an improvement for Water, Sewer, Street Improvement District No 57-17 (Mauve Estates – 3rd St NE). The motion was seconded by Commissioner Sander, and the motion carried unanimously.

The City Engineer reviewed the preliminary engineering report for Water, Sewer, Street Improvement District No 57-17 (3rd St NE – Mauve Estates). The cost listed is the number from the development agreement. Water, sewer, storm sewer and gravel work would be done this year with curb, gutter and pavement work being done next year.

Commissioner Robbins moved to approve the preliminary engineering report for Water, Sewer, Street Improvement District NO 57-17. The motion was seconded by Commissioner Sander, and the motion carried unanimously.

Commissioner Morse moved to approve the resolution approving preliminary report and directing preparation of plans and specifications for Water, Sewer, Street Improvement District No 57-17 (3rd St NE – Mauve Estates). The motion was seconded by Commissioner Sander, and the motion carried unanimously.

Commissioner Morse moved to approve the resolution approving plans and specifications and directing advertisement for bids for Water, Sewer, Street Improvement District No 57-17 (3rd St NE – Mauve Estates). The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Engineer indicated the street project on 5th Ave SE south of Highway 2 was requested by some of the property owners, and it will be bid with the Stromquist project.

Commissioner Morse moved to approve the resolution creating Street Improvement District No 65-17 (5th Ave SE south of Hwy 2) and ordering the preparation of preliminary report. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Morse moved to approve the resolution declaring the necessity of an improvement for Street Improvement District No 65-17 (5th Ave SE south of Hwy 2). The motion was seconded by Commissioner Sander, and the motion carried unanimously.

The City Engineer presented the preliminary engineering report for Street Improvement District No 65-17 (5th Ave SE south of Hwy 2). Costs will be split 75% city and 25% property owners.

Commissioner Sander moved to approve the preliminary engineering report for Street Improvement District No 65-17. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Robbins moved to approve the resolution approving preliminary report and directing preparation of plans and specifications for Street Improvement District No 65-17 (5th Ave SE south of Hwy 2). The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Morse moved to approve the resolution approving plans and specifications and directing advertisement for bids for Street Improvement District No 65-17 (5th Ave SE south of Hwy 2). The motion was seconded by Commissioner Sander. The bid opening will be held on July 3rd. The motion carried unanimously.

Commissioner Stromme moved to approve a Resolution to Set the Limit of Liability on the Commercial Blanket Bond of the City of Devils Lake in the amount of \$2,000,000 as recommended by the City Administrator. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Administrator reviewed the request to use City property for UTV safety training.

Commissioner Stromme moved to approve the permit for use of City property and the training site permission letter agreement submitted by USDA – NRCS for property in the Roundhouse Subdivision for UTV safety training. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Robbins moved to approve payment of the list of bills as submitted. The motion was seconded by Commissioner Morse. 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 6:57 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT