

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

The regular meeting of the Devils Lake City Commission was held Tuesday, September 5, 2017 at 5:30 P.M. with the following members present: President Johnson, Commissioners Ben Sander (via telephone), 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 August 21, 2017. 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 to review a proposed change in the zoning ordinance that would allow residential homes in a commercial zone to be sold, remodeled, expanded or rebuilt. The City Assessor explained the revision was due to changes in banking regulations. Hearing and receiving no comments, President Johnson closed the hearing.

Commissioner Robbins moved to approve a change to the zoning ordinance that would address nonconforming uses of residential homes in commercial zoning districts and to provide an ordinance for the change as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The first reading of Ordinance No. 946- residential uses in nonresidential districts was held.

Commissioner Robbins – The Public Ways Supervisor stated the last two samples of mosquitoes tested positive for the West Nile Virus.

The Public Ways Supervisor said the department will be spraying for weeds in the cemetery and would request that people please stay out of areas closed with cones.

Commissioner Morse - The Public Ways Supervisor stated the loader went down. It will cost about \$3,500.00 to repair.

The City Engineer stated interviews are being held for the job opening.

The City Engineer said some tar was place today in Stromquist. There was an issue with the asphalt plant, but the work should continue tomorrow.

The City Engineer requested hiring Garland Hoistad at \$25.00/hr to assist with construction inspections and records for Stromquist and Mauve Estates since the department is short-staffed.

Commissioner Morse moved to approve hiring Garland Hoistad on a temporary basis at \$25.00/hour. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The City Engineer updated the City Commission on the following projects:

1. Stromquist and 5th Ave have been milled and should be overlayed in a few days.
2. Mauve Estates – The preconstruction meeting should be held later this week.
3. Hwy 19 – The contractor is able to work ahead so they are starting the roadwork on Hwy 19, and it will be closed for 6 weeks.
4. Henegar fishing pier has been assembled.

Commissioner Stromme - The Police Chief stated everything was fine.

The Sanitation Supervisor said everything was fine

Commissioner Sander – The City Assessor stated everything was fine.

The Public Utilities Supervisor said culverts were installed on Elks Road and 5th St NE. The City crews did all of the work except for the excavating.

President Johnson –The City Auditor stated Safe Alternatives for Abused Families and Lake Region Narcotics Task Force were awarded grant funds.

The City Administrator indicated the new Police Chief will take the oath of office at 9:00 A.M. on Wednesday, September 6th at the Law Enforcement Center.

The City Commission thanked Jim Frank for stepping up and serving as the interim Police Chief.

The City Administrator asked the City Commission how they wanted to proceed with audio and video recording the meetings. Discussion followed on other options and on waiting to proceed since the City is looking at conceptual designs for commission chambers.

The Fire Chief requested out-of-state travel for Matt Berg to travel to Phoenix, AZ for training.

Commissioner Robbins moved to approve out-of-state travel for Matt Berg to attend training in Phoenix, AZ starting September 6, 2017 as recommended by the Fire Chief. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The Fire Chief gave an update on Shade Tree. The contractor is almost done with the tree removal grant. Only 20 trees will be left to be removed after the contractor is done. Next year, Shade Tree should be able to start trimming trees. Proposals for stump removal are being requested, and the Fire Department will start working on the street lights on Hwy 2.

The City Attorney is researching the disruptive intoxication ordinance and will have a draft for the next meeting.

The Public Ways Supervisor recommended awarding the 2017 Sand, Gravel and Rip Rap bid to Close Construction Company Inc for screened sand and rip rap and to Soper Construction LLP for Class 13 gravel.

Commissioner Stromme moved to accept the bid from Close Construction Company Inc of Milton for Screened Sand \$9.25/cy and rip rap at \$30.50/cy and to accept the bid from Soper Construction LLP of Devils Lake for Class 13 Gravel at \$11.48/cy as recommended by the Public Ways Supervisor. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

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

1. Game of chance permits for the month of August 2017;
2. Gaming site authorization submitted by St Joseph Church to be held at the Knights of Columbus Hall, 522 4th St NE;
3. Parade permit submitted by Devils Lake Public Schools for Saturday, October 14, 2017 at 10:00 AM; and
4. Public dance permit for the rodeo to be held September 23, 2017 at the Burdick Arena and permit to sell alcoholic beverages at a special event for the rodeo beer gardens to be held September 22, 23 and 24, 2017 at the Burdick Arena with both submitted by Thirsty LLC.

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

The City Engineer presented the final review and acceptance between Murphy Pipeline Contractors and the City for the Watermain Improvement District #24-15 – various.

Commissioner Morse moved to approve the final review and acceptance between Murphy Pipeline Contractors and the City of Devils Lake for Watermain Improvement District #24-15 – Various. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Engineer reviewed the final pay estimate for Murphy Pipeline. The amount owed to the City by Murphy Pipeline will be deducted from pay estimate.

Commissioner Stromme moved to approve payment of Estimate No. 14 – Final to Murphy Pipeline Contractors Inc for Watermain Improvement District #24-15 - various in the amount of \$8,130.09 as recommended by the City Engineer. The motion was seconded by Commissioner Morse. Discussion followed on the possibility of the contractor bidding on future projects and on the work done. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Stromme moved to approve forgiving the sewer usage over the average usage for one month on utility account #9176. The motion was seconded by Commissioner Morse. It was noted that the City usually only forgives the sewer portion if the water did not actually go down the sewer. The previous utility bill forgiven did not follow what the City normally does. Two commissioners voted aye, and three commissioners opposed. The motion failed.

Discussion continued on the City's policy for removing meters to stop the billing of an account and the reasons for why the meter is removed instead of just shutting the water off at the curb stop.

6:00 P.M. – This was the time set for a public hearing for the 2018 City of Devils Lake Budget. Notices were sent to those that received assessment increase notices. Based on the zero increase, which refers to dollars and not the number of mills, the budget will go up 4.71%. Hearing and receiving no other comments, President Johnson closed the public hearing.

Commissioner Stromme moved to approve the 2018 City of Devils Lake Budget as presented. The motion was seconded by Commissioner Sander, and the motion carried unanimously.

Commissioner Morse 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:
City Auditor monthly report.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:12 P.M.

**LINDA LYBECK
CITY AUDITOR**

**RICHARD S. JOHNSON
PRESIDENT**