

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD OCTOBER 2, 2017

The regular meeting of the Devils Lake City Commission was held Monday, October 2, 2017 at 5:30 P.M. with the following members present: President Johnson, Commissioners Ben Sander, Rick Morse, and Dale Robbins. Commissioner Craig Stromme was absent.

Pledge of allegiance was recited.

Commissioner Sander moved to approve the minutes of the regular City Commission meeting held September 18, 2017. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

5:30 P.M. – This was the time set for the bid opening for demolition of a house at 209 6th St NE. The following bid was opened and read:

Midland Excavating Bid \$13,670.00

Commissioner Morse moved to accept the bid as read, and refer it to the Fire Chief for further review and recommendation. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

5:30 P.M. – This was the time set for the Confirmation of the Assessment List confirmed by the Special Assessment Commission. The letter from Joe Kraft was considered. Hearing and receiving no other comments, President Johnson closed the hearing.

Commissioner Sander moved to confirm the assessments on the 2016 Additional Curb, Gutter & Sidewalk, 2017 Curb, Gutter & Sidewalk, 2017 Miscellaneous Charges, and 2017 Parking Authority Maintenance District No. 03-16 and to deny the request for forgiveness on a 2017 Miscellaneous Assessment for Joe Kraft. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Jack Volk appeared before the City Commission to present a plaque and to thank the City Commission for the donation to the Veterans Ride for Free Program.

Commissioner Robbins – The Public Utilities Supervisor said everything was fine in the Water Department.

The Public Ways Supervisor stated they are still spraying weeds at the cemetery.

Commissioner Morse – The City Engineer said work on Mauve Estates is continuing. Sewer and storm sewer are installed, and the waterline should be completed by Wednesday. Then the remaining work is improvements to the road way to a gravel surface.

Diane Weigel, representing SW Design, had questions on haul roads and the City's haul road permit. The City Engineer reviewed why the City requires the permit and what it requires. Discussion followed on how Midland Excavating could access the project on roads that did not need a haul road permit, on residential streets impacted by 25-30 trucks placing concrete, and on subcontractors having access, but now the access is not in great shape because of the rain. The City Engineer stated it was the developer who is responsible for discharging storm water on the site. The developer either needs to get a haul road permit or the concrete contractor needs to have very light axle loads. Discussion continued on the road contractor willing to improve an unimproved road if the City would provide the millings. Diane Weigel stated the concrete is scheduled for Wednesday and the access road is not passable. The City Engineer stated the best route is from the south, and the road needs some improvement. The consensus of the City Commission was for the City Engineer to talk with the road contractor about doing the needed improvements on the access road with the City providing the millings.

The City Engineer said work continues on the west underpass. The waterline may need to be rerouted. Concrete will be placed on Hwy 19 soon, and that portion of the project should be done by the end of October.

The Public Ways Supervisor indicated his department will be cutting trees down in the next couple of days and trimming on 5th and Lincoln Ave.

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

The City Assessor said everything was fine.

Commissioner Sander stated the Downtown Alliance will be hosting a Fall Festival on October 14th.

Commissioner Sander presented his letter of resignation from the City Commission effective October 31, 2017.

President Johnson - The Police Chief said everything was fine.

The Sanitation Supervisor stated fall cleanup continues, and this is week 2.

The City Auditor stated the 2016 Audit has been completed, and the report will be presented at the next meeting.

The City Administrator said everything was fine.

The Fire Chief recommended accepting the bid from Midland Excavating for the demolition of the house.

Commissioner Robbins moved to accept the low bid from Midland Excavating of Devils Lake, ND for demolition of a house at 209 6th St NE in the amount of \$13,670.00 as recommended by the Fire Chief. The motion was seconded by Commissioner Sander, and the motion carried unanimously.

The Fire Chief requested out-of-state travel for the new fireman to attend ARFF training in St. Cloud, MN on October 17th through October 20th.

Commissioner Morse moved to approve out-of-state travel for Nathan Bennett to travel to St. Cloud, MN on October 17th through October 20th for ARFF training as recommended by the Fire Chief. The motion was seconded by Commissioner Sander, and the motion carried unanimously.

The Fire Chief stated fire prevention week is next week, and an open house will be held on October 11th.

The City Attorney said everything was fine.

The second reading of Ordinance No. 947- disruptive intoxication was held.

The City Attorney revised the ordinance to delete the language referring to the alcohol testing device.

The Police Chief stated the requirement for medical clearance of intoxicated individuals was a jail standard that started in August. If the individual requires medical clearance, he/she needs to be taken to the emergency room. The Police Department had been told a trip to the emergency room would cost approximately \$1,500.00/incident. In addition, an officer would have to accompany the individual, and this would result in about 3 hours of overtime/incident. The City has between 200 and 250 intoxicated cases per year. So far, the City has not received any hospital billings. Also, the State's Attorney office called and stated the offense could not be criminalized. The Police Chief would like to table the ordinance so further research may be conducted.

Commissioner Sander moved to table the second and final reading of Ordinance No. 947 – disruptive intoxication as recommended by the Police Chief. The motion was seconded by Commissioner Morse, 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 September 2017.

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

The first reading of Ordinance No. 948 – Volunteer Activities for Seniors was held.

The first reading of Ordinance No. 949 – Crime Victim & Witness Fee was held.

President Johnson acknowledged the following report:

3rd quarter economic data.

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.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:34 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT