

MINUTES OF THE BOARD OF CITY COMMISSIONERS  
HELD OCTOBER 16, 2017

The regular meeting of the Devils Lake City Commission was held Monday, October 16, 2017 at 5:30 P.M. with the following members present: President Johnson, Commissioners Ben Sander, Craig Stromme, Rick Morse and Dale Robbins. None were absent.

Pledge of allegiance was recited.

Commissioner Robbins moved to approve the minutes of the regular City Commission meeting held October 2, 2017. The motion was seconded by Commissioner Sander, and the motion carried unanimously.

**Commissioner Sander** – The City Assessor stated the water damage in the office at the industrial park building has been cleaned up, and the chimneys have been taken down. He will work on having the heating looked at, and on getting a proposal for cleaning the floors.

**Commissioner Stromme** - The Police Chief reviewed items on the disruptive intoxication ordinance. He stated other departments are not being charged, and State statute covers getting reimbursements for costs incurred. The Police Chief thinks it is no longer necessary to enact this ordinance. Based on this information, the City Attorney recommended voting the ordinance down.

Commissioner Stromme moved to not enact Ordinance No. 947 – Disruptive Intoxication. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The Sanitation Supervisor stated fall clean up was done.

**Commissioner Robbins**– The Public Ways Supervisor said the city sale will be held November 13<sup>th</sup> through November 16<sup>th</sup>.

**Commissioner Morse** – The Public Ways Supervisor stated the department is trimming trees.

The City Engineer reviewed the following projects:

1. Mauve Estates – Water, sewer and storm sewer are in place. The gravel work is being finished. Otter Tail Power and the other utilities should be in place next week.
2. Embankment – The Corps of Engineers will be doing inspections this week.
3. Underpass – Work continues and Highway 19 should open later next week.

**President Johnson** - The City Auditor stated everything was fine.

The City Administrator indicated Steve Spensley signed an acceptance of liability when he removed the equipment from the industrial park building. Mr. Spensley has a lien against the equipment, and agreed that Bio Fiber is responsible for rent, utilities and damages to building.

The Fire Chief said everything was fine. Discussion followed on replacing street lights. The lights came in today, and they will start installing them on the east side of Highway 2.

The City Attorney asked if the City would like to continue the litigation for eviction against Bio Fiber. The advantage of going through the process is that the court will cancel the lease and give a judgment to the City for costs. The hearing is set for October 30, 2017. The consensus of the City Commission was to proceed with the legal process for eviction.

President Johnson inquired about having an assessment of the economic development program. He would like a review of the program to see how effective it has been, if it is targeting the right businesses, and if the program direction needs to change. Discussion followed on having the human resource consultant perform the evaluation. Consensus of the City Commission was for the human resource consultant to interview board

members of Forward DL, the City Commissioners and business owners, and to have the City Administrator complete the return-on-investment portion.

The 2<sup>nd</sup> reading of Ordinance No. 948- Volunteer Activities for Seniors was held.

Commissioner Robbins moved to approve the second and final reading of Ordinance No. 948 – Volunteer Activities for Seniors – An ordinance, which upon adoption, shall amend Ordinance No. 886, which has been codified as Chapter 3.15 of the Devils Lake Municipal Code. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The 2<sup>nd</sup> reading of Ordinance No. 949- Crime Victim and Witness Fee was held.

Commissioner Sander moved to approve the second and final reading of Ordinance No. 949- Crime Victim and Witness Fee – An ordinance to authorize the Municipal Judge to assess crime victim and witness fee, which upon adoption, shall be codified as Chapter 1.16.404 of the Devils Lake Municipal Code. 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. Gaming site authorization submitted by Devils Lake Blue Line to be held February 9, 2018 through February 11, 2018 at the Devils Lake Memorial Building - 524 4<sup>th</sup> Ave NE;
2. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for the key event fundraiser for Lake Region State College to be held October 27, 2017 at the Memorial Building; and
3. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for the wedding reception and dance for Natasha Alexander to be held November 4, 2017 at the Memorial Building.

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

The City Assessor stated the property tax exemption was for improvements to commercial property. The exemption applies only to the new improvements.

Commissioner Sander moved to approve the 5-year property tax exemption for improvements to a commercial property for Engen Law Office owned by Chad and Amanda Engen as recommended by the City Assessor. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The City Administrator reviewed the commitment letter for the infrastructure loans.

Commissioner Robbins moved to approve the commitment letter from the Bank of North Dakota for the two infrastructure loans and to authorize the City Administrator to sign the documents. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Engineer reviewed the annual certification. It is required since the City uses federal funds to improve some of the roads on the federal aid system. It certifies the City is using proper maintenance.

Commissioner Stromme moved to approve the maintenance certification for urban federal aid project as recommended by the City Engineer. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Engineer reviewed the pay request for Stromquist and 5<sup>th</sup> Ave SE. The districts will be assessed separately.

Commissioner Morris moved to approve payment of Estimate No. 1 to Strata Corporation for Street Improvements #60-17 and #65-17 – Stromquist and 5<sup>th</sup> Ave SE in the amount of \$266,190.19 as recommended by the City Engineer. The motion was seconded by Commissioner Stromme. On roll call all Commissioners voted aye, and the motion carried.

The City Assessor stated the Fire Department has been using part of this land for years for burning trees, and it is near the Police Department's shooting range. Discussion followed on the use of the land, the purchase price being reasonable, and on how to secure the site.

Commissioner Stromme moved to approve the purchase agreement of \$34,080.00 to Elnore Chepulis Kelly and Daniel L Kelly and Verna Chepulis Wharam and Glen Wharam in exchange for a warranty deed property described as S1/2NE1/4 of Section 10, Township 153N, Range 64W, Ramsey County, North Dakota, less tracts deeded as recommended by the City Assessor. The motion was seconded by Commissioner Morse. On roll call all Commissioners voted aye, and the motion carried.

The City Engineer reviewed the request for vacation of the 2<sup>nd</sup> St NW lying between 6<sup>th</sup> Ave SW and Hwy 2 right-of-way.

Commissioner Sander moved to approve publishing the notice of petition to vacate a portion of property set aside for public use - 2<sup>nd</sup> St NW lying between 6<sup>th</sup> Ave SW and Hwy 2 right-of-way with the public meeting to be held November 6, 2017 at 5:30 P.M. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Auditor received a request from North Central Planning Council to have the outstanding balance on Pugsley's community development loan fund written off. The City wrote off the growth fund loan on December 21, 2015 after North Central Planning Council had sold the building and split the proceeds among the lenders.

Commissioner Stromme moved to approve writing off the principal balance of the community development loan fund to Pugsley's in the amount of \$35,636.05 as recommended by the City Auditor. The motion was seconded by Commissioner Morse, 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 reports:

1. 2016 Audit;
2. City Auditor monthly report;
3. Fire Department monthly report; and
4. Municipal Court monthly report.

President Johnson thanked Ben Sander for his service on the City Commission.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:16 P.M.

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

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