

MINUTES OF THE BOARD OF CITY COMMISSIONERS  
HELD DECEMBER 18, 2017

The regular meeting of the Devils Lake City Commission was held Monday, December 18, 2017 at 5:30 P.M. with the following members present: President Johnson, Commissioners Rick Morse and Dale Robbins. Commissioner Craig Stromme was absent.

Pledge of allegiance was recited.

Commissioner Morse moved to approve the minutes of the regular City Commission meeting held December 4, 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 request for a conditional use permit to move in a cabin at 7814 47<sup>th</sup> St NE. Hearing and receiving no comments, President Johnson closed the public hearing.

Commissioner Robbins moved to approve a conditional use permit to place a 20' X 28' cabin to replace a camper on Lot 1 of Peterson's 2<sup>nd</sup> Subdivision and submitted by Randy and Julie Schemionek as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

**5:30 P.M.** – This was the time set for a public hearing to review a request for a conditional use permit to allow a cell phone tower in an area zoned as agricultural – located in the E1/2NE1/4 of Section 2 (north of storage garages at 419 Goulding's Road). The tower will increase capacity of Verizon in the area on the east side of Devils Lake. Hearing and receiving no other comments, President Johnson closed the public hearing.

Commissioner Robbins moved to approve a conditional use permit to place a 100' monopole cell tower at 419 Goulding's Road and submitted by North Central RSA2 North Dakota LP dba Verizon Wireless as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Liz Bonney, Lake Region District Health, appeared before the City Commission to request making the responsible server training mandatory. Discussion followed on the current voluntary program and on if a mandatory program would add strain to be the Police Department. Consensus of the City Commission was to have the City Attorney draft an ordinance for a first reading in January for mandatory responsible server training.

**Commissioner Robbins** – The Public Utilities Supervisor said there was a water break on 11<sup>th</sup> St NW.

**Commissioner Morse** – The City Engineer said everything was fine.

**President Johnson** - The Police Chief stated the new overtime grant has started.

The Sanitation Supervisor said a new employee was hired last Thursday.

The City Utilities Supervisor said everything was fine.

The City Assessor stated everything was fine.

The City Auditor stated everything was fine.

The City Administrator said everything was fine.

The Fire Chief requested to declare a truck surplus and advertise it for sale with the stipulation that high bidder would not take possession until the new truck is received. The funds from the sale would go towards the purchase of the new truck.

Commissioner Morse moved to declare a truck surplus and offer it for sale with the stipulation that the new truck would be received before high bidder takes possession of the truck and that the sale proceeds be used for the purchase of the new truck. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Attorney said everything was fine.

The City Engineer reviewed the information from the public input meeting held for a downtown project, and the project scope that was submitted to the State. The City Engineer indicated a committee is needed. President Johnson and Commissioner Morse will be on the committee.

The second reading of Ordinance No. 950 – Animal Rescue Operations was held.

Commissioner Robbins moved to approve the second and final reading of Ordinance No. 950 – Animal Rescue Operations – An ordinance, which upon adoption, shall codify identified provision as Chapter 6.33 of the Devils Lake Municipal Code and shall also include identified provision as part of the definitions identified in ordinance. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Auditor stated the grant award from the Multijurisdictional Task Force Lottery for the Lake Region Narcotics Task Force has been received for \$21,700.00 with 65% being grant funds and 35% being local funds.

Commissioner Morse moved to approve accepting and signing the grant award from the Multijurisdictional Task Force Lottery for the Lake Region Narcotics Task Force for 2018 in the amount of \$21,700.00 with a 65%/35% split. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Engineer indicated the City had billed Northeast Regional Water District for the buy-in payment on the water system. NRWD informed the City Engineer that turn around time for receiving the funds is 30 days so payment wouldn't be received until later in January. NRWD is planning to start taking water at the end of December. According to the agreement, payment was to be made before taking water. The City Attorney stated an addendum would need to be drafted and approved by the City Commission. Consensus of the City Commission was to have a special meeting at noon on Thursday to approve the addendum.

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

1. Authorizing the City Auditor to cancel Check No 113325 dated December 5, 2017 in the amount of \$855.68 to Travis Sainsbury (Highway – Nondepartmental - Snow Removal) - the check was issued to the wrong payee and will be reissued;
2. A permit to sell alcoholic beverages at a special event and public dance permit submitted by Ye Olde Tavern for the Devils Lake Volunteer Fire Department annual fishing tournament on January 25, 26 and 27, 2018 at the Memorial Building; and
3. Taxicab license application for Wannetta Benton - Taxicab Lake Region.

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

Commissioner Morse moved to approve designating the Memorial Building as the voting place for precinct 1 for the election to be held June 12, 2018. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Rachel Lindstrom, Executive Director of Forward Devils Lake, appeared before the City Commission to request reimbursement of the mini-grant fund. Mini-grant funds were used for Forward Devils Lake's annual speaker, new signage for Forward Devils Lake and for the annual contribution to SBDC for community funding support.

Commissioner Morse moved to approve payment to Forward Devils Lake in the amount of \$8,513.00 for mini-grant reimbursements. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

After reviewing the amounts on the request, the total is \$11,013.00.

Commissioner Morse moved to approve payment to Forward Devils Lake in the amount of \$2,500.00 for mini-grant reimbursements. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Morse moved to approve funding for 2017 for Lake Access in the amount of \$6,000.00 to be paid from the general fund (1000-000-55070). The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Engineer reviewed the grant application to the ND Department of Transportation for improvements to the Firestone lot. The application is due by the end of the year. The grant is 80/20 meaning \$20,000.00 would need to come from local funds. Discussion followed on the local match coming from infrastructure.

Commissioner Morse moved to approve applying for funds from the ND Department of Transportation alternative grants to be used for improvements on the Firestone lot and to commit \$20,000.00 from the Infrastructure Fund to be used as match for the grant. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Engineer reviewed the grant application to the ND Department of Transportation for school crossing safety measures including digital speed display signs and solar powered flashing beacons. The cost is \$29,350.00 and would require a 20% match of \$5,870.00.

Commissioner Morse moved to approve applying for funds from the ND Department of Transportation alternative grants for \$29,350.00 with the City's share being \$5,870.00 to be used for school crossing safety measures. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Morris moved to approve payment of Estimate No. 2-Final to Bohlman Trenching for Water, Sewer & Street Improvement #57-17 – Mauve Estates in the amount of \$4,599.54 as recommended by the City Engineer. The motion was seconded by Commissioner Robbins. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Robbins moved to approve payment of Estimate No. 5 - Final to Elshaug Concrete Construction for 2017 Curb, Gutter & Sidewalk in the amount of \$1,196.21 as recommended by the City Engineer. The motion was seconded by Commissioner Morse. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Robbins moved to approve requisition for payment #1 from the Bank of North Dakota for the Definitive Improvement Warrant, Series 2017 in the amount of \$270,354.65 as recommended by the City Administrator. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Robbins moved to approve requisition for payment #1 from the Bank of North Dakota for the Refunding Improvement Bond, Series 2017 in the amount of \$760,332.05 as recommended by the City Administrator. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Morse moved to approve requisition for payment #1 from the Bank of North Dakota for the Sales Tax Revenue Bond, Series 2017 in the amount of \$348,241.17 as recommended by the City Administrator. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Robbins moved to approve a Resolution Establishing Fees and Rates effective January 1, 2018 as recommended by the City Administrator. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Morse moved to approve writing-off the following uncollectible account: \$350.00 for Wally Johnson for vac truck rental. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

After further review of the mini grant reimbursement request, it was noted that the amount for the signage was overstated by \$2,500.00.

Commissioner Morse moved to rescind the motion approving payment to Forward Devils Lake in the amount of \$2,500.00 for mini-grant reimbursements. The motion was seconded by Commissioner Robbins, 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. City Auditor monthly report;
2. Fire Department monthly report; and
3. Municipal Court monthly report.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:50 P.M.

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

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