

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD JANUARY 2, 2018

The regular meeting of the Devils Lake City Commission was held Tuesday, January 2, 2018 at 5:30 P.M. with the following members present: President Johnson, Commissioners 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 December 18, 2017 and of the special City Commission meeting held December 21, 2017. 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 Renaissance Zone application for W&W Holdings to renovate Lot 15 & 16, Block 24 (previous Hoiberg building on 4th St NE). Hearing and receiving no comments, President Johnson closed the public hearing.

Commissioner Stromme moved to approve a Renaissance Zone project for renovation of the east half of the property located at 407 4th St NE and submitted by W&W Holdings LLC as recommended by the Renaissance Zone Authority. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Rob Johnson, Executive Director of Lake Region Law Enforcement Center, appeared before the City Commission to discuss options for sheltering homeless individuals during the cold months. So far this winter, there have been 5 incidents where individuals have been brought to the Law Enforcement Center for the night because of the cold weather. A couple of the individuals were transients that got off of the train. Some of the individuals have been under the influence, but not to the extent that they would be put in detox. The Law Enforcement Center does not have the staff to watch these individuals while working. The Hope Center is staffed by volunteers, and the volunteers are not trained to handle these individuals. In the past the Salvation Army would give the individuals vouchers for motels, but due to damage to the rooms, the motels will no longer accept these individuals. Discussion followed on allocating funds to pay off-duty Law Enforcement staff, Police Officers or Sheriff Deputies for watching these individuals at the Law Enforcement Center. Rob Johnson will meet with the Ramsey County Commission to discuss this issue, and Chief Knowski will contact motels about housing these individuals.

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

Greg Schwab from the Public Ways Department stated the crew would cut the streets down when it warms up. Currently, employees are working on vehicle maintenance.

Commissioner Morse – The City Engineer said everything was fine.

Commissioner Stromme – The Sanitation Supervisor requested a leave of absence for an employee who is having surgery and will not have enough paid time to cover his absence. It was noted this employee also used FMLA in 2017 for medical leave.

Commissioner Robbins moved to approve a leave without pay up to the amount of time allowed by FMLA for Tim Eback. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The Police Chief reviewed the current flow chart of Police Department employees. He requested making the following changes: promoting Sergeant Frank to Lieutenant, promoting a patrol officer to Sergeant and making Detective Schwab Lead Detective. The Lieutenant will work one weekend a month and two nights a week. He will be on patrol and available to take up the slack. The additional officer approved at a previous meeting will not impact the 2018 budget since another officer will be on military leave. The 2018 budget effect for the promotions would be \$6,751.08. The 2019 budget would be impacted by \$83,150.36 which will include the officer being hired now. The Department will be operating short one officer in 2018 while an officer is on military leave.

Commissioner Stromme moved to approve promoting Sergeant Frank to Lieutenant, Detective Schwab to Head Detective and a patrol officer to Sergeant as recommended by the Police Chief. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

President Johnson - The Public Utilities Supervisor said everything was fine in the Sewer Department.

The City Assessor stated there was a leak on the relief valve of the hot water heater in the industrial park building.

The City Auditor stated the nominating petitions for the June election are available.

The Fire Chief reminded people to check their sewer vents.

The City Attorney said everything was fine.

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

1. Game of chance permits for the month of December 2017;
2. A permit to sell alcoholic beverages at a special event submitted by Thirstys LLC for a wedding reception on February 3, 2018 at the Memorial Building; and
3. A permit to sell alcoholic beverages at a special event and public dance permit submitted by Ye Olde Tavern for a Christmas party for John Deere employees on January 6, 2018 at the Memorial Building.

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

The 1st reading of Ordinance No. 951 – mandatory alcohol server training was held.

Liz Bonney, Lake Region District Health, indicated the new ordinance has some items which do not pertain to the current program. The voluntary alcohol server training ordinance allows the Police Department to designate someone to coordinate the program, and she would like that option available in the new ordinance. Lake Region District Health could be authorized to coordinate the program to alleviate the Police Department of some of the workload. The new ordinance contains several sections that pertain to testing. The current program does not require a test to be taken. The officer presenting the program tests as he goes. She thinks the voluntary ordinance could be tweaked to make the program mandatory without writing a new ordinance. The City Attorney indicated the new ordinance was a combination of the ordinances from Fargo and Grand Forks and the City's current ordinance.

Commissioner Robbins moved to withdraw Ordinance No 951 from consideration and to authorize the City Attorney to draft a new Ordinance No 951 for mandatory alcohol server training. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The City Engineer reviewed the contract for engineering services for the Downtown project. The project entails a lot of beautification, streetscape and landscape items. The City Engineer does not have the expertise in this area, and would like to hire KLJ to do the preliminary and design engineering. The basis of payment is calculated on the lowest billing rate since it is an audited rate by Department of Transportation. The contract is an hourly rate with a not to exceed maximum of \$350,000.00. The cost would be 100% local and is not eligible for grant funds. Discussion followed on the maximum amount of the contract and the timing of the work in conjunction with the special assessment district and protest period. Most of the work would be done before the protest period for the special assessment district.

Commissioner Morse moved to approve the agreement for professional services with Kadmas, Lee & Jackson, Inc in an amount not to exceed \$350,000.00 for the preliminary and design engineering services for improvements in the Downtown District 01-18. The motion was seconded by Commissioner Robbins, and motion carried unanimously.

Commissioner Stromme moved to approve designating American Bank Center, the Bank of North Dakota, Bremer Bank, Horizon Financial Bank, Ramsey National Bank and Trust Co, US Bank and Western State Bank as financial institutions for depositories of City funds as required by the North Dakota Century Code and as recommended by the City Auditor. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Engineer stated Estimate #3 to Construction Engineering for the fishing pier at Henegar landing would pay the original contract except for the four-percent retainage. The grant through the Outdoor Heritage Fund had been extended through 2017. The retainage is for the dock portion of the project. The dock originally installed was damaged by wind and did not meet the specifications; therefore, the contractor is responsible for making the necessary repairs and for making the necessary adjustments to ensure it is able to handle a reasonable wind. The interim completion date was May 19, 2017 with a final completion date of June 30, 2017. There was a significant delay in the contractor receiving materials from the supplier/manufacturer which caused a snowball effect. The project wasn't ready for installation until the beginning of September rather than July 15, 2017. Since there was an issue with the delivery of materials, you can't assess liquidated damages for that. However, there was also an issue once the material was onsite related to its assembly, and there were other things required in the contract that were a little bit subjective that weren't defined as they should have been. Some liquidated damages could be assessed for this, but there are other improvements beyond what the contract defined that the contractor is being very attentive to, to make sure the project works as designed. What we are after is to make sure the project performs as designed so the City Engineer recommended waiving the liquidated damages because of a lot of gray and overlapping and there could be a lot of fighting over what is that amount and how many days because of material delivery issues and onsite issues and the work that the City crews had to do onsite for construction of concrete piers and other items before final installation. The City has letters from Construction Engineers, Blake's Marine and the manufacturer, Shoremaster, stating they are addressing all of the issues, and that they will do these additional things that will make the project better that weren't necessarily defined in the contract, and it will be completed by Spring for no additional costs.

Commissioner Stromme moved to approve payment of Estimate No. 3 to Construction Engineers for Fishing Pier Henegar Landing in the amount of \$25,048.08 and waiving the liquidated damages 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 funding for the first quarter of 2018 for the Lake Region Heritage Center in the amount of \$6,590.00 to be paid from general fund (1000-000-55170). The motion was seconded by Commissioner Stromme. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Morse moved to approve the resolution creating Downtown Improvement District 01-18 and ordering the preparation of a preliminary report as recommended by the City Engineer. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Commissioner Stromme 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.

President Johnson indicated the 4th Quarter Economic Data report will be reviewed at the next meeting.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:37 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT