

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD FEBRUARY 5, 2018

The regular meeting of the Devils Lake City Commission was held Monday, February 5, 2018 at 5:30 P.M. with the following members present: President Johnson, Commissioners Craig Stromme and Rick Morse. Commissioner Dale Robbins was absent.

Pledge of allegiance was recited.

Commissioner Stromme moved to approve the minutes of the regular City Commission meeting held January 16, 2018 and of the special City Commission meeting held January 22, 2018. 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 for an animal rescue operation at 307 5th Ave NE. Hearing and receiving no comments, President Johnson closed the public hearing.

Commissioner Stromme moved to approve a conditional use permit to allow an animal rescue operation at 307 5th Ave NE and submitted by TLC-ND Animal Rescue. 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. The Ramsey County Commission agreed to provide \$3,000 if the City would match it.

The Police Chief contacted motels about housing these individuals. Four motels are willing to house the individuals. Some motels were concerned about possible damages. Motels with any concern were taken off of the list.

Commissioner Morse moved to approve \$3,000.00 for sheltering homeless individuals during the cold months. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Rob Johnson, Executive Director of the Lake Region Law Enforcement Center (LEC), gave the City Commission an update on the DOCR order of closure. The LEC continues to work towards correcting issues to be reconsidered to house federal prisoners.

Commissioner Morse – The City Engineer stated the snow removal policy was not quite ready yet. He met with personnel from the City of Grand Forks' public works department on Friday. The policy should be ready for the next meeting.

The City Engineer requested changing the pay rate for a temporary employee. The Public Works Department is currently short three employees. The temporary employee is a motor grader operator that retired from the City in 2014 as a 5N. He is currently being paid \$13.00/hour according to the City's temporary employee pay schedule. However, the temporary pay schedule is meant for summer help. He would like to change this employee's rate to the hourly rate of a 5N which is \$20.68/hour retroactive to February 1, 2018.

Commissioner Morse moved to approve paying the temporary employee at the rate of a 5N (\$20.68/hour) retroactive to February 1, 2018 with no benefits. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Commissioner Stromme – The Police Chief said the promotional ceremony for Lieutenant Frank, Lead Detective Schwab and Sergeant Bonney was held last week.

The Sanitation Supervisor said everything was fine.

President Johnson - The City Engineer stated there were no issues under water. Northeast Regional Water District has started receiving water, and payment for the buy-in was received.

The City Engineer said there were no issues in the Sewer Department.

The City Assessor stated everything was fine.

The City Auditor stated everything was fine.

The Fire Chief presented the picture of the truck donated by Lake Region Ambulance Service to the Fire Department. The vehicle it replaced was donated to the Police Department. The vehicle is for rehab, and is used to assist with maintaining firefighter safety.

The Fire Chief requested to call for bids for the floor exhaust system and pickup. The items are budgeted for 2018.

Commissioner Morse moved to approve calling for bids for the floor exhaust system and a pickup for the Fire Department. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The Fire Chief requested permission for financing of the new fire truck.

Commissioner Stromme moved to approve securing a loan for the balance of the new fire truck. The motion was seconded by Commissioner Morse. The Fire Chief stated a \$75,000.00 grant was received from Bremer and a \$50,000.00 grant from USDA. Also the proceeds from old truck will be used towards the purchase of the new one. The loan will be between \$250,000.00 to \$300,000.00. The volunteers will make the loan payments. The motion carried unanimously.

President Johnson expressed the City's gratitude to Lake Region Ambulance for the rehab vehicle.

The City Attorney said everything was fine.

The second reading of Ordinance No. 951 – Mandatory Alcohol Server Training was held.

Discussion followed on employees being certified within 75 days, on documentation being kept by Lake Region District Health, on the class being free to participants, and on who would enforce the ordinance. It was noted that grant funds may be available to pay for the compliance checks; however, the Police Department may not have the man-hours available to complete compliance checks. The penalty for failing to comply with the ordinance would be suspension or revocation of liquor license. Discussion continued on tabling the ordinance to work out the enforcement issue, on the high turnover of wait staff, on seven cities having mandatory training, on no feedback from beverage dealers and on over serving.

Commissioner Stromme moved to table the second and final reading of Ordinance No. 951 – Mandatory Alcohol Server Training – for further study. 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. Authorizing the Fire Chief to call for bids for the sale of a 2006 Ford F550 4X4 mini-pumper/rescue truck to be opened on Monday, March 5, 2018 at 5:30 P.M. at the City Office as recommended by the Fire Chief;
2. Game of chance permits for the month of January 2018; and
3. Three gaming site authorizations submitted by Lake Region Community College Foundation of Devils Lake from March 1, 2018 through April 30, 2018 at Lake Region State College – 1801 College Dr N; for May 10, 2018 at the Quentin Burdick Sports Arena – 501 6th St NW; and for November 2, 2018 at the Memorial Building - 524 4th Ave NE.

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

The City Attorney reviewed the donation agreement between Bridgestone Americas Tire Operations LLC and the City of Devils Lake. The following items were highlighted:

1. Item 3 – The property would be conveyed by quick claim deed, and would be received “as is”. It also restricts the uses of the property.
2. Item 5 – Property would be transferred within five days of signing the agreement. Bridgestone would consider a longer time. Five days is not long enough to have an abstract prepared or to do a title search. The City may want to consider title insurance.
3. Item 9 – Bridgestone would pay the property taxes up to the date of transfer.
4. Item 10 – Closing costs would be paid by the City.
5. Item 12 – The City Attorney would add language about the confidentiality allowed to the extent open record laws.
6. Item 13 on publicity.
7. Item 15 – Agreement would be under the law of North Dakota; and
8. Item 22H – Indiana law should be changed to North Dakota law.

Discussion followed possible environmental issues with the site and on obtaining an environmental assessment.

Commissioner Stromme moved to table the donation agreement between Bridgestone Americas Tire Operation LLC and the City of Devils Lake for a future meeting. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Morse moved to approve the contract agreement with the North Dakota Department of Health – Laboratory Services Division – Division of Microbiology. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The City Engineer reviewed preliminary report for the Downtown Improvement District 01-18. The project totals \$6.4 million, and the City is eligible for \$4.8 million in grant funds for the project. The local share would be \$1.6 million. The City Engineer reviewed how the formula for the assessment was determined. The probable assessments were based on the \$1.6 million being paid for by 50% of sales tax and 50% assessments.

Commissioner Morse moved to approve the preliminary report for the Downtown Improvement District 01-18. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

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

Commissioner Stromme moved to approve the resolution declaring the necessity of an improvement for Downtown Improvement District 01-18 as recommended by the City Engineer. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Engineer stated the Street Improvement District 67-18 is for a mill and overlay of part of the City's urban roads project.

Commissioner Morse moved to approve the resolution creating Street Improvement District 67-18 (5th Ave NE from 6th St to north city limits, and 14th St NE from College Dr to east city limits) 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 the payment of \$16,500.00 to the Devils Lake Transit as allocated in the City's 2017 budget with funding from the General Fund – 1000-000-44940. The motion was seconded by Commissioner Morse. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Morse moved to approve payment of the list of bills as submitted. The motion was seconded by Commissioner Stromme. 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 7:06 P.M.

**LINDA LYBECK
CITY AUDITOR**

**RICHARD S. JOHNSON
PRESIDENT**