

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD OCTOBER 1, 2018

The regular meeting of the Devils Lake City Commission was held Monday, October 1, 2018 at 5:30 P.M. with the following members present: President Dick Johnson, Commissioners Dale Robbins, Rob Hach and Jacob Volk. Commissioner Shane Hamre was absent.

Pledge of allegiance was recited.

Commissioner Volk moved to approve the minutes of the regular City Commission meeting held September 17, 2018 and of the special City Commission meeting held September 21, 2018. 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. Hearing and receiving no comments, President Johnson closed the hearing.

Commissioner Hach moved to confirm the assessments on the 2017 Additional Curb, Gutter & Sidewalk, 2018 Miscellaneous Charges, 2018 Parking Authority Maintenance District No. 03-16, Street Improvement District #60-17 – Stromquist Subdivision, Street Improvement District #61-17 – 6th St SE, Street Improvement District #62-17 – Various locations, Street Improvement District #65-17 – 5th Ave SE and Watermain Improvement District #24-15- Various locations . The motion was seconded by Commissioner Volk, and the motion carried unanimously.

5:30 P.M. - This was the time set for a public hearing to review a request for a change in zoning from residential low density to neighborhood commercial for a parcel of land at 115 8th St NW to construct an office/shop for a business. Jessica Ramey indicated there is railroad traffic on 9th St NW, and she doesn't think anymore businesses should be allowed in the residential area. Hearing and receiving no other comments, President Johnson closed the public hearing.

The City Assessor reviewed the project. The area is zoned as neighborhood commercial. To include this property the zoning line would be moved 50 feet. No protests were presented at the Planning Commission meeting, but there were some comments and questions. The business will be a small construction business, and not a contractor's yard. Most of the items will be inside of the building.

Commissioner Robbins moved to approve a request for a change in zoning from residential low density to neighborhood commercial for a parcel of land at 115 8th St NW to construct an office/shop for a business and submitted by Eric Kaeding, as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

Commissioner Volk – The Public Ways Supervisor stated millings were placed on the roads at the cemetery. The department will be painting the crosswalks tomorrow where the streets were recently paved.

The City Engineer stated new asphalt was placed on 5th Ave. Some grinding will be needed at the intersections of 8th St and 9th St since the contractor will be redoing curb and gutter work. The contractor has a punch list to complete which includes gate valve and cleanup.

The City Engineer stated the other contractor completed the street by Sweetwater School today, and should complete the street by Heartland Care tomorrow.

Commissioner Hach– The Sanitation Supervisor said the second week of fall cleanup started today.

The City Assessor stated everything was fine.

President Johnson – The Public Utilities Supervisor stated there was a water break on 4th St NE in the 700 block. On September 22nd there was an issue at the water treatment plant with discoloration of water in town due to the timing

and the backwashing process. There was no safety issue with the water; just a discoloration issue. Things were adjusted so it shouldn't happen again.

Commissioner Robbins – Commissioner Robbins discussed financial, budgetary and security issues at the Lake Region Law Enforcement Center (LEC). Revenue in the past has been generated by county mill levies; however, in 2019, the LEC will go away from mill levies and request funds from the 5 counties and the city based on a usage formula. For 2019, the LEC is projecting a shortfall of \$390,000. The shortfall would be made up with the usage formula which is based on 911 calls and incarceration days. The City's share would be \$82,000.

Rob Johnson, Executive Director of LEC, stated the closure order was to end September 1st. Now it will not happen until after the case is closed for the death in custody. He is hopeful that within 45 days the closure order will end. Once the closure order is lifted, a BIA contract would start. He is optimistic that the US Marshall would reconsider housing inmates there if the intercom system is progressing.

Discussion followed on the automated system for the intercom, cameras and doors. The engineer's estimate was \$550,000. Only one bid, from Bergstrom Electric, was received for \$811,000. Discussion followed on it being a safety and liability issue to not have the system.

The scope of the project was discussed. The plan was for a modern standard – door control integrated into system; however, a 3rd integrated new security system including cameras was bid. The higher expense was due to the cameras. The number of cameras would increase from 70 to 100. Currently, there are no outside cameras. Discussion followed on prewiring for the cameras with purchasing and installing the cameras later.

Discussion followed on the LEC doing their own financing for the project with the City and the County co-signing, and on if the LEC had looked for any grant funds.

The consensus of the City Commission was to revisit this item at the next meeting when all Commissioners are present.

The City Engineer stated the west underpass may open later this week. Work is still needed on curb and gutter. Sixth Street is to be completed as part of the project, but the street will not be tore up this year. Lighting and work outside of the roadway and cleanup will still progress.

President Johnson - The City Auditor stated everything was fine.

The City Administrator stated the quarter percent increase in sales tax went into effect today.

The City Administrator said the State had an additional \$19 million for the infrastructure loan program, and the City has received funding for the downtown project.

The Fire Chief stated fire prevention week is October 8th through October 13th. An open house will be held on October 10th from 5:30 P.M. to 7:30 P.M.

The Fire Chief requested to call for bids to sell the old fire truck, and to take the bids back to the volunteers to decide if it is acceptable. There would be no minimum bid required.

Commissioner Volk authorized the Fire Chief to call for bids for the sale of the 2006 Ford F550 4X4 mini-pumper/rescue truck as recommended by the Fire Chief. The motion was seconded by Commissioner Hach. The proceeds from the sale of the truck will be used for equipment purchases. The motion carried unanimously.

The City Attorney stated everything was fine.

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

1. Authorizing the City Auditor to call for bids for the two snow blades with bids to be opened on Monday, October 15, 2018 at 5:30 P.M. at the City Office as recommended by the City Engineer;

2. Game of chance permits for the month of September 2018;
3. Permit to sell alcoholic beverages at a special event submitted by Ye Olde Tavern for a Logie family wedding to be held December 1, 2018 at the Memorial Building; and
4. Permit to sell alcoholic beverages at a special event submitted by Ye Olde Tavern for a Christmas party for John Deere employees to be held January 12, 2019 at the Memorial Building.

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

The City Administrator stated the stop loss premium on the 2019 BlueCross BlueShield contract increased 17.7%.

Commissioner Volk moved to approve the stop-loss contract and administrative service agreement for health, dental and vision with BlueCross BlueShield for the 2019 plan year as recommended by the City Administrator. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Robbins moved to approve the annual update to the Title VI Policy including the Title VI/Nondiscrimination and ADA Policy Statement, the United States Department of Transportation Standard Title VI/Non-Discrimination Assurances DOT Order No. 1050.2A, Appendix A of the Title VI Assurances as recommended by the City Administrator. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

The City Engineer stated change order 2 for the west underpass was for colored concrete and a driveway. The items are nonparticipating items and will be 100% city share.

Commissioner Robbins moved to approve Change Order No. 2 for Lunda Construction Company for the west via duct for the addition of driveway concrete and pigmented imprinted concrete for a net increase in the amount of \$11,790.50 as recommended by the City Engineer. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

The City Engineer said change order 3 for the west underpass is for 30% of the lighting system. It is a participating item so the city's share is 10%.

Commissioner Volk moved to approve Change Order No. 3 for Lunda Construction Company for the west via duct for the addition of a lighting system for a net increase in the amount of \$11,104.99 with 10% being the City's responsibility as recommended by the City Engineer. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Engineer explained change order 8 for the west via duct is for the remaining 70% of the lighting system.

Commissioner Robbins moved to approve Change Order No. 8 for Lunda Construction Company for the west via duct for the addition of a lighting system for a net increase in the amount of \$26,844.97 with 10% being the City's responsibility as recommended by the City Engineer. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

Brad Barth, Executive Director of Forward Devils Lake, presented his funding request for 2018. He also updated the City Commission on his plans for workforce development, business ownership and unmanned aircraft systems.

Commissioner Robbins moved to approve the 2018 funding for Forward Devils Lake in the amount of \$51,522.00 as recommended by the City Administrator. The motion was seconded by Commissioner Hach. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Volk 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 report:

3rd quarter economic data report.

Commissioner Volk moved to enter into executive session with Dan Gaustad to discuss with attorney and receive attorney's advice regarding and in anticipation of reasonably predictable civil litigation involving the Daniel Fuller matter. The motion was seconded by Commissioner Robbins. On roll call all Commissioners voted aye, and the carried.

The City Commission recessed at 6:50 P.M. for those not allowed at the executive session to exit the meeting.

The City Commission reconvened at 6:55 P.M.

Executive session of the Commission was called to order at 6:55 P.M. on October 1, 2018 with President Dick Johnson, Commissioners Dale Robbins, Rob Hach, Jacob Volk, Police Chief Joe Knowski, City Administrator Terry Johnston, City Auditor Linda Lybeck, City Attorney Tom Traynor, and Acting City Attorney Dan Gaustad. The City Commission met in executive session to discuss with attorney and receive attorney's advice regarding and in anticipation of reasonably predictable civil litigation involving the Daniel Fuller matter. The Board may convene into executive session for attorney consultation pursuant to NDCC 44-04-19.1 and 44-04-19.2.

Commissioner Volk moved to adjourn the executive session at 7:23 P.M. on October 1, 2018. The motion was seconded by Commissioner Hach. On roll call all Commissioners vote aye, and the motion carried.

The City Commission reconvened into open meeting at 7:23 P.M.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 7:23 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT