

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD DECEMBER 3, 2018

The regular meeting of the Devils Lake City Commission was held Monday, December 3, 2018 at 5:30 P.M. with the following members present: President Dick Johnson, Commissioners Dale Robbins, Shane Hamre, Rob Hach and Jacob Volk. None were absent.

Pledge of allegiance was recited.

Commissioner Volk moved to approve the minutes of the regular City Commission meeting held November 19, 2018. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

5:30 P.M. – This was the time set for the bid opening for sidewalk snow and ice removal. The following bids were opened and read:

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|--|----------------|
| 1. Just Get It Done - Devils Lake, ND | Bid \$9,406.25 |
| 2. Dakota Washmaster – Devils Lake, ND | Bid \$5,993.75 |

Commissioner Robbins moved to accept the bids as read, and refer them to the City Engineer for further review and recommendation. 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 annexation of a parcel of land in the SE1/4NE1/4 of Section 35 (east of the cemetery). Hearing and receiving no comments, President Johnson closed the public hearing.

Commissioner Volk moved to approve the annexation of a parcel of land located adjacent to the east property line of the cemetery in the SE1/4NE1/4 of Section 35 and owned by the City for the future expansion of the cemetery as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Hach, 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 medical marijuana dispensary in an area zoned as commercial at 810 10th St SE. Hearing and receiving no comments, President Johnson closed the public hearing.

President Johnson stated the Devils Lake Planning Commission tabled the request and the public hearing for a conditional use permit to allow a medical marijuana dispensary at 810 10th St SE until more information about the permitting process is received from the State Health Department. Several people attended the Planning Commission meeting with concerns on traffic, parking and clientele.

Commissioner Volk moved to table the public hearing for a request for a conditional use permit to allow a medical marijuana dispensary in an area zoned as commercial at 810 10th St SE as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

Commissioner Hach– The Sanitation Supervisor said the tree pile has been removed and they are now working on the leaf pile.

The City Assessor stated everything was fine.

Commissioner Hamre – The Public Utilities Supervisor stated everything was fine in the Sewer and Water Departments.

Commissioner Robbins – The City Engineer said everything was fine.

The Police Chief said everything was fine.

Commissioner Volk – The Public Ways Supervisor reported on the following:

1. Christmas decorations are going up;
2. Snow plow will be here mid December; and
3. Last snow removal went well except Sam wasn't contacted to ticket.

Discussion followed on how to handle ticketing and who to have as backup for ticketing when Sam is unavailable.

President Johnson – The City Auditor stated everything was fine.

The City Administrator reviewed information received from the North Dakota League of Cities regarding random drug testing of employees. Only employees with a CDL or employees who perform safety sensitive jobs may be randomly tested. The Police Department and Fire Department should be added to the testing groups. The human resource consultant will be contacted to update the policy for this so it may be approved at the next meeting.

The Fire Chief invited everyone to hear a speaker from Charlestown, SC on December 15th. He will be at the college from 8:00 A.M. until noon. Discussion followed on the Department's rapid response team.

The City Attorney stated everything was fine.

The first reading of Ordinance No. 956 – annexation was held.

The second reading of Ordinance No. 957 – snow and ice removal from sidewalks was held.

Commissioner Volk moved to approve the second and final reading of Ordinance No. 957 – Snow and Ice Removal from Sidewalks – An ordinance which upon adoption shall be codified as Chapter 12.14 of the Devils Lake Municipal Code. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

Discussion followed on if exceptions would be allowed for people out-of-town for medical reasons and vacations, or for disabled home owners, etc. At this time the City Engineer sees no exceptions to the rule as it is all part of home ownership, just as keeping the lawn mowed, etc. Discussion followed on when the ordinance would become effective. Since the ordinance involves a penalty, it must be published first. Consensus of the City Commission was for Ordinance No. 957 to become effective December 10th.

The second reading of Ordinance No. 958 – snow removal penalty was held.

Discussion followed on the fines/fees to be charged. Currently, \$10 is charged for vehicles parked in residential areas, \$20 for vehicles parked downtown and \$80 for vehicles in parking lots. The City Engineer recommended having the current fees as summer fees applicable from May 1st through October 31st each year, and having winter fees of \$20 in residential areas, \$50 downtown and \$80 in parking lots from November 1, 2018 through April 30th each year. This ordinance would be effective January 1, 2019 since the fees and rates will be approved at the next meeting with an effective date of January 1, 2019.

Commissioner Robbins moved to approve the second and final reading of Ordinance No. 958 – Snow Removal Penalty - An ordinance which upon adoption, shall amend that portion of the ordinance which has been codified as section 10.42.040 of the Devils Lake Municipal Code. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

The second reading of Ordinance No. 959 – snow removal and street sweeping penalty was held.

Commissioner Volk moved to approve the second and final reading of Ordinance No. 959 – Snow Removal and Street Sweeping Penalty - An ordinance which upon adoption, shall amend that portion of the ordinance which has been codified as section 12.12.040 of the Devils Lake Municipal Code. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

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

1. Authorizing the City Auditor to cancel Check No 115193 dated October 16, 2018 in the amount of \$70.00 to Christon Dallas (General – Police Department - Education and Training) - the check was lost and will be reissued; and to cancel Check No 115287 dated November 6, 2018 in the amount of \$14.00 to Balco Uniform Company, Inc (General – Police Department – Miscellaneous) – the expense was previously paid.
2. Game of chance permits for the month of November 2018; and
3. Three gaming site authorizations submitted by Devils Lake Youth Activities Association for July 1, 2018 through June 30, 2019 at the following locations: Columbus Club and Building Association – 522 4th St NE; Proz End of the Line – 101 6th St NE and Thirsty's LLC – 318 4th St NE.

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

Commissioner Volk moved to approve requisition for payment #2-Final from the Bank of North Dakota for the Definitive Improvement Warrant, Series 2017 in the amount of \$176,768.89 as recommended by the City Administrator. The motion was seconded by Commissioner Hach. On roll call all Commissioners vote aye, and the motion carried.

Commissioner Robbins moved to approve funding for 2018 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 Hamre. On roll call all Commissioners vote aye, and the motion carried.

The City Administrator reviewed the five-year agreement for the City of Devils Lake to haul municipal waste to the Grand Forks landfill. The rate is a little over \$50/ton and is adjusted yearly. The City currently hauls approximately 5,500 tons of garbage per year.

Commissioner Robbins moved to approve the solid waste disposal and management with the City of Grand Forks as recommended by the City Administrator. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

The City Engineer recommended approving the low bid from Dakota Washmaster for sidewalk snow and ice removal. The cost to residents would be approximately \$2.00/foot.

Discussion followed on the cost to homeowners, the feasibility of the City clearing the sidewalks, the cost the City would need to charge to the homeowners, the City not having the proper equipment to clean the sidewalks, and how the City tracks the number of sidewalk complaints and cleanings. The contract is similar to the yearly Curb, Gutter & Sidewalk contract where the City only pays for actual sites done using the base rates in the bid. If the City accepts the contract the City could still clear sidewalks, but the City would need to charge the same rate as the contractor in order to be fair to the homeowners.

Commissioner Hamre moved to approve accepting the low bid from Dakota Washmaster of Devils Lake for the sidewalk snow and ice removal in the amount of \$5,993.75. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

Commissioner Volk moved to approve the list of bills as submitted. The motion was seconded by Commissioner Robbins. 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 6:50 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT