

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD APRIL 1, 2019

The regular meeting of the Devils Lake City Commission was held Monday, April 1, 2019 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 March 18, 2019. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The Oncology Nursing Month Proclamation was reviewed.

Commissioner Hach moved to sign a proclamation proclaiming April 2, 2019 as "Oncology Nursing Day" and May 2019 as "Oncology Nursing Month" and urging all residents of Devils Lake to join in observance of and to participate in activities to recognize the special contribution oncology nurses provide to the public. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

The Equal Pay Day Proclamation was reviewed.

Commissioner Hach moved to sign a proclamation proclaiming April 2, 2019 as "Equal Pay Day" and urging the citizens of Devils Lake, North Dakota to recognize the full value of women's skills and significant contributions to the labor force and further encourage businesses to conduct an internal pay evaluation to ensure women are being paid fairly. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Theresa Leiphon, from American Association of University Women (AAUW), spoke about women earning less and how long it takes to catch up in pay. She is the State President of AAUW. The local Co-Presidents, Dr. Luann Stromme and Laurel Goulding, were introduced.

Nels Halgren, Manager of Greater Ramsey Water District, along with Board members Doug Mohr and David Hovendick presented a check to the City of Devils Lake for providing a permanent supplement water supply for residents of greater Ramsey.

Commissioner Hach – The Sanitation Supervisor reported garbage was moved to streets until the alleys thaw.

The City Assessor stated the annual equalization meeting will be held April 8th.

Commissioner Volk – The Public Ways Supervisor requested permission for the new employee to live outside of city limits.

Commissioner Volk moved to allow the new employee, Brad Janzen, to live outside of city limits. He resides in Webster. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The Public Ways Supervisor reported on preparing roads for patching and sealing, on the sweeper parts being delivered tomorrow, and on the purchase of two sweepers and a blower from Spearfish, SD for \$25,000.00.

Commissioner Robbins – The City Engineer asked for authorization to call for bids for a mini-excavator.

Commissioner Robbins moved to authorize the City Auditor to call for bids for a mini-excavator with bids to be opened on May 7, 2019 at 5:30 P.M. at the City Office as recommended by the City Engineer. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

The City Engineer noted calls for bids for street repair and sidewalk will be on the agenda for the next meeting.

The Police Chief said everything was fine.

President Johnson - The Public Utilities Supervisor indicated there was a water break last Tuesday night on 8th Ave SE behind the curling club.

The City Auditor stated everything was fine.

The City Administrator reported the Prairie Dog bill passed, but the Infrastructure bill for \$500 million loan pool failed.

The Fire Chief reported everything was fine.

The City Attorney said everything was fine.

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

1. Game of chance permits for the month of March 2019;
2. Going out of business permit submitted by Family Budget Furniture;
3. Permit to sell alcoholic beverages at a special event submitted by Proz for a signature gala fundraising event for Mercy Hospital at the Memorial Building on April 26, 2019; and
4. Transient merchant permit submitted by Two Rivers Outfitters, Ben Murphy dba Oof-da Tacos for food concessions to be held May 29, 30, 31, 2019 and June 1, 2017 at Leever's Off Sale South, 807 Hwy 20 South.

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

Commissioner Hach moved to approve Budget Amendment #02-19 – Library. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

Commissioner Robbins moved to approve a five-year exemption from taxation for improvements made at 711 5th St NE and submitted by LaMotte Properties as recommended by the City Assessor. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

The City Auditor reviewed the request for relief on utility account #8364 at 1309 SE Kemp Ave.

Commissioner Volk moved to credit utility account 00008364 for \$145.60 for the above normal sewer charge. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Engineer stated some calls were received asking about the Street Improvement 69-19 project, but no protests were received.

Commissioner Volk moved to approve the resolution determining insufficient protests were filed in Street Improvement District No 69-19 (8th Ave NE between 1st St NE and 10th St NE and 9th St NE between 8th Ave NE and 10th Ave NE). The motion was seconded by Commissioner Hach, and the motion carried unanimously.

The City Engineer said the district for Street Improvement 70-19 was created, and letters were sent to property owners. In order not proceed 51% of the land in the district would need to protest the project. Comments were only received from 6% of the district area. The street is on the federal aid system and is a major roadway; therefore, the district is larger than the standard local roadway. The district area and how frontage and square footage is used to calculate the dollar amounts were explained. The assessment is based on ½ square footage and ½ frontage. So, of the 25% being special assessed – 50% is by square footage, and 50% is by frontage. Frontage is considered anything adjacent to the project. Since the district area is large the special amount based on square footage is about 25% of what a normal assessment would be. However, an unintended consequence is the people being assessed frontage feel it is a disproportionate amount. The special assessment committee will review the project and methodology used to determine the amount assessed. The following comments were heard:

1. Tim Greene – 202 18th Ave SE – He was assessed frontage, but his property is adjacent to the ditch area and should not be considered frontage. Discussion followed on the work the County did from 16th Ave to

- Elk's Road, and the County should have ownership of the road due to all the traffic from county residents. Also discussed was no assessment for the property on the north side of the road. That property is outside of city limits and cannot be special assessed, but the County will be asked to pay for their fair share of the work. The City does have a shared road agreement with the County. If the County was to complete the improvement project next year, the out-of-pocket costs for the City would be higher since the County gets less federal aid. As for the seal coat done last year, the City has not been assessing seal coats. The methodology for determining the benefit for each property does not take into consideration if there is direct access to the road. Discussion continued about treating a high traffic area any different than other roads. The cost per square footage for this project was less than most districts because the district is larger. The cost for frontage is right in line with other districts. The frontage amounts are disproportionate in part due to the large lot sizes.
2. Al Freidig – Stated the project is needed, but Walnut St is in his backyard. His frontage is on 3rd St. Now he is being special assessed for frontage on his backyard and for a road he considers an alley. He has no direct access to Walnut St. It was noted the district area is being done the same as the other district areas. The same policy for frontage is being used. Discussion followed on having the County or County residents pay more.
 3. Joanne Legacie questioned why the sales tax allocated for infrastructure wasn't being used. Normally, the sales tax is used for the City's share of a street improvement projects and the remaining amount special assessed to the property owners. Since this is a federal aid road, the City share will be covered mostly by federal dollars.
 4. Duanne Bourcy – Remarked about all the grain trucks using the road and having the Police Department better enforce the speed limit.
 5. Scott Gainsforth – Discussed the heavy semi use and the drainage issues. It was noted the project would not include relaying the gutter.
 6. Paula Bourcy – Questioned what happened to the FEMA money the City received to repair the road. In the past the City has received money to repair haul roads, but no FEMA money was received for this road. It was noted the last traffic count showed 1,500 vehicles per day on this road with only 55 trucks.
 7. Dan Johnson- Asked if the vote tonight was only to approve the resolution for the project. Yes, only the resolution for determining insufficient protests will be voted on tonight. The property owners will be notified during the special assessment process of the public meeting to discuss their individual assessments.

Commissioner Volk moved to approve the resolution determining insufficient protests were filed in Street Improvement District No 70-19 (Walnut St E between 8th Ave NE and Elk's Drive, 1st St NE between 6th Ave NE and 8th Ave NE, 8th Ave NE between 1st St NE and Railroad Ave SE). The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Engineer reviewed the cost participation, construction and maintenance agreement with ND Department of Transportation for the Walnut St E project. The maximum amount is \$800,000.00.

Commissioner Robbins moved to approve the cost participation, construction and maintenance agreement with ND Department of Transportation for milling, hot mix asphalt, sidewalk and curb ramps for 1st St (6th Ave-8th Ave), 8th Ave (Railroad Ave-1st St) & Walnut St (8th Ave-Elk Dr) as recommended by the City Engineer. 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.

President Johnson acknowledged the following report:
1st quarter economic data.

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

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**LINDA LYBECK
CITY AUDITOR**

**RICHARD S. JOHNSON
PRESIDENT**