

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD APRIL 6, 2020

The regular meeting of the Devils Lake City Commission held a web hosted meeting on Monday, April 6, 2020 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.

Commissioner Volk moved to approve the minutes of the regular City Commission meeting held March 16, 2020 and the special City Commission meetings held March 27, 2020 and March 31, 2020. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

Commissioner Volk moved to sign a proclamation proclaiming May 2020 as "Oncology Nursing Month" and call upon all residents of the City of Devils Lake to join in observance of Oncology Nursing Month and participate in activities to recognize the special contribution oncology nurses provide to the public. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

Commissioner Hach –The City Assessor stated the equalization meeting will be held April 14th at noon as a web hosted meeting.

The City Engineer said garbage is being picked up on the streets for now. The special pickup starts at the end of the month.

Commissioner Hamre – The Public Utilities Supervisor said everything was fine.

Commissioner Volk – The Public Ways Supervisor stated crews cleaned up after the last storm and will start patching streets.

Commissioner Robbins – The Police Chief requested permission for an officer to live outside of city limits. His place of residence would be 4.8 miles outside of the City; however, he has contingency plans in place should he need to stay in the City during essential work times.

Commissioner Robbins moved to approve for Officer Holter to live outside of City limits as recommended by the Police Chief. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

The Police Chief requested to start a new employee at a 10 C or D. He has seven-years' experience in Pierce County. Nine applications were received, and four individuals were tested.

Commissioner Volk moved to approve hiring a Police Officer at a 10C based on his previous work experience as recommended by the Police Chief. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

The City Engineer stated summer help is still needed.

President Johnson - The City Auditor stated petition of nominations and statements of interest were due today for those interested in being on the ballot for the City Election. Commissioners Hamre and Robbins have filed for reelection to the City Commission. Peter Jerome and Lisa Uhlenkamp have filed for reelection to the Park Board, and Peter Halbach has filed for reelection as Municipal Judge.

The City Administrator reviewed the resolution to designate essential workers which would be exempt from certain sections of the Families First Coronavirus Response Act and Emergency Family and Medical Leave Expansion Act. The Fire Department should be added to the list.

Commissioner Robbins moved to approve the COVID-19 resolution to exempt "Emergency Responder" staff from paid leave under certain provisions of the newly enacted Families First Coronavirus Response Act and Emergency Family and Medical Leave Expansion Act.; "emergency responders" shall include

law enforcement officers, fire department personnel and public works personnel. Specifically, these emergency responders are exempt from receiving leave under qualifying reasons 1, 5, or 6. These employees are still eligible for the benefits and paid leave under reasons 2, 3, and 4. Public works personnel may be allowed leave under qualifying reasons #5, depending on the operating needs and conditions at the time of the need for leave. This will be at the discretion of the department head. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

The Fire Chief reported there was a house fire last week.

The City Attorney stated the resolution establishing a moratorium on alcohol delivery sales expires on April 20th and should be added to the agenda for April 20th.

1st reading of Ordinance No 967 – visitors committee was held.

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

1. Authorizing the City Auditor to call for bids for the 2020 asphalt and concrete street repair with bids to be opened on Monday, May 4, 2020 at 5:30 P.M. during the City Commission meeting as recommended by the City Engineer;
2. Authorizing the City Auditor to call for bids for the 2020 Curb, Gutter & Sidewalk with bids to be opened on Monday, May 4, 2020 at 5:30 P.M. during the City Commission meeting as recommended by the City Engineer;
3. Authorizing the City Auditor to call for bids for the 2020 Sand, Gravel and Rip Rap with bids to be opened on Monday, May 4, 2020 at 5:30 P.M. during the City Commission meeting as recommended by the City Engineer;
4. Fireworks permit submitted by American Promotional Events dba TNT Fireworks;
5. Game of chance permits for the month of March 2020;
6. Gaming site authorization submitted by American Legion Tim Running Post 24 from May 1, 2020 to June 30, 2020 at the Cobblestone Inn – 1801 E Hwy 2; and
7. Transient merchant permit submitted by Two Rivers Outfitters, Ben Murphy dba Oof-da Tacos for food concessions to be held May 26, 27, 28, and 29, 2020 at County Liquors, 807 Hwy 20 South.

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

The City Engineer reviewed the grant agreement with ND Game and Fish for the gangway repair at Channel A Fishing Pier. Repairs will cost about \$20,000.00, and ND Game and Fish will cover 75% of the costs and Lake Access will cover the remaining 25%.

Commissioner Hamre moved to approve grant agreement between the City of Devils Lake and the North Dakota Game and Fish Department for Channel A Fish Pier – Gangway Repair as recommended by the City Engineer. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The request for funds for the second quarter from Lake Region Law Enforcement Center was reviewed. Discussion followed on the financials for the reentry center and LEC contract board looking good, but 911 still struggles.

Rob Johnson, Executive Director of Lake Region Law Enforcement Center, reported billings will be going out monthly; the meeting with the Department of Corrections is still scheduled for next week; the County released 21 incarcerated individuals; and incarcerations were averaging 75, but are now at 55, and will probably drop to 50.

President Johnson noted the entities receiving funding from the City should be prepared to receive less funds because of the projected reduction in funding to the City.

Commissioner Robbins moved to approve \$48,068.14 for the second quarter of funding for the Lake Region Law Enforcement Center with \$20,747.50 going to the LEC for percentage of use revenue and \$27,320.64 going

to Lake Region E-911 Authority for joint powers revenue. The motion was seconded by Commissioner Hamre. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Hach moved to approve the resolution creating Water Main Improvement District No 25-20 – 8th St NE between 5th Ave and 10th Ave, 6th Ave NE between 10th St and alley south of 8th St, 8th Ave NE between 8th St and alley south of 8th St and ordering the preparation of a preliminary report as recommended by the City Engineer. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Engineer reviewed the comments received for the following three street improvement projects. None of the projects had enough protests to stop the project. Even though the City may not have the funds to proceed with the project this year, the resolutions needed for the special assessment districts will be completed.

Commissioner Robbins moved to approve the resolution determining insufficient protests were filed in Street Improvement District No 71-20 - Walnut St W between Hwy 2 and College Dr, 4th St SW between Hwy 2 and College Dr, 1st St NW between Hwy 2 and 3rd Ave as recommended by the City Engineer. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

Commissioner Volk moved to approve the resolution determining insufficient protests were filed in Street Improvement District No 72-20 - 1st St NE between 8th Ave and 11th Ave, 10th Ave NE between Walnut St and 7th St, 11th Ave NE between Walnut St and 4th St as recommended by the City Engineer. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Hamre moved to approve the resolution determining insufficient protests were filed in Street Improvement District No 73-20 - Armour St SE, Kemp Ave SE between Armour St and 3rd Ave, Shamrock Lane between Hwy 2 and Kemp Ave, 3rd Ave SE between Hwy 2 and Kemp Ave, Mogul St SE between 3rd Ave and 5th Ave, 6th Ave SE south of Hwy 2, 5th Ave SE between Mogul St SE and the South City limit line as recommended by the City Engineer. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Administrator reviewed the financing for infrastructure projects. The eight-year plan was based on Prairie Dog funding which the City probably will not receive this year. Discussion followed on if sales tax and other state funding are down by 25% this year the general fund could be short \$500,000 by the end of the year. The fund does have a healthy reserve. Projects could possibly start April or May of next year.

Commissioner Robbins moved to approve the list of bills as submitted. The motion was seconded by Commissioner Volk. On roll call all Commissioners voted aye, and the motion carried.

President Johnson acknowledged the following report:

1st quarter economic data

A special meeting to discuss Summer's Manufacturing will be held at 10:00 am on Friday, April 10th

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:40 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT