

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD AUGUST 5, 2019

The regular meeting of the Devils Lake City Commission was held Monday, August 5, 2019 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 Hamre moved to approve the minutes of the regular City Commission meeting held July 15, 2019 and the special City Commission meetings held July 10, 2019 and July 17, 2019. 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 changing zoning from agricultural to highway commercial for a parcel of land located in the N1/2SW1/4 and lying east and adjacent to Wilcox Sub, Section 8, and a request for a conditional use permit to allow storage garages in highway commercial zoning, and a request for a conditional use permit to allow a campground in highway commercial zoning (parcel is located on County Rd 1).

It was noted the area would need to be rezoned to highway commercial before the two conditional use permits could be considered.

Robert Dahl submitted the request for change in zoning. He did not want highway commercial, but that was the only zoning that allowed campgrounds and storage buildings. He plans to live there too. The campground would be seasonal from May through October. There is a natural buffer. Thirty two campsites would be available with a possible expansion.

Phil Johnson stated they live out there for the country, quiet life and oppose the noise the campground would bring. He is concerned the campground would impact the property values negatively. Everyone takes meticulous care of their property. The campground would be noisy and bring 4 wheelers.

Randy Schell is concerned about the ATV traffic and increase in other traffic.

Mark Halvorson indicated once the area is zoned commercial other things could come to the area. He is concerned about the extra pets, smoke, noise and parties. There is a potential fire hazard since the low area is filled with cattails.

Linda Fee indicated she lives there because it is a quiet area, and the neighbors take care of the area and watch out for each other.

Gary Lee's primary concern is the value of the residential areas.

Hearing and receiving no other comments, President Johnson closed the public hearing.

The City Assessor reported Steve Zimmer, the consultant for planning, advised against the rezoning because it would be considered spot zoning.

Commissioner Volk moved to deny approval of changing the zoning from agricultural to highway commercial for the parcel of land adjacent to the east side of Wilcox Subdivision on County Rd 1 as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Hamre. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Hamre – The City Engineer indicated Public Utilities is working on a punch list for the Corps of Engineers for the embankment and harvesting at Lemna. They also worked with the County on the culvert installation on Walnut. The roadway should reopen midday tomorrow.

Commissioner Hach – The City Assessor stated he would be attending the State equalization meeting next week in Bismarck.

Commissioner Volk – Public Ways is patching roadways and will be transitioning to striping. They are also working at the cemetery moving millings and will start some subcutting work and filling low spots. The new employee started August 1st. The department will be assisting the shade tree temporary employees for the next two weeks.

Commissioner Robbins – The City Engineer reviewed the following projects:

1. Walnut – Work is progressing with installation of the large culverts at east ditch. The work should be finished by noon tomorrow. Knife River has started some concrete removal. Asphalt and milling will start at the beginning of September.
2. Strata is milling today on 8th Ave. The hope to finish late this week.
3. West via duct – Discussion was held on the paint job. The rain stained the side and roller marks can be seen in multiple spots. The Department of Transportation will review the issues.

The Police Chief stated National Night Out will be held tomorrow, and a simulation plane crash will be held at the airport on Wednesday.

Discussion was held on security plans for city hall.

President Johnson - The City Auditor stated everything was fine.

The City Administrator reported Dakota Dry Bean has proposed paying \$10,000.00 for the cleaning of the industrial park building. The bill was over \$20,000.00, but the cost of litigation should be considered.

Commissioner Volk moved to approve settling with Dakota Dry Bean for \$10,000.00 for the cleaning of the industrial park building. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

The Fire Chief stated battle of the badges will be held August 21st through August 23rd.

The City Attorney said everything was fine.

Commissioner Volk indicated the tour of the medical marijuana dispensary was cancelled for tonight.

The City Administrator reviewed the 2020 Budget Overview.

1. Cost of living – 2%;
2. Family insurance to \$2,000 (80/20 split) and SPD to \$1,600 (90/10 split);
3. Equipment purchases include police squad car - \$50,000, firemen PPE - \$60,000, plow truck - \$35,000, heavy duty trailer - \$9,500, snow wing for motor grader - \$7,500, asphalt recycler - \$45,000, skidster attachments - \$10,000, pickup - \$25,000, van - \$25,000, pallet racking - \$6,000 and testing equipment - \$7,000;
4. Increase can charge by \$.50/can;
5. Infrastructure fund budgeted at \$350,000;
6. Sales tax budgeted at \$3.47 million down from \$3.55 million; and
7. Increased mill levy by 1.43.

The Library had requested 6 mills instead of 5 in order to have the assistant library director work full-time. Since then the assistant has resigned, the budget only includes 5 mills for the Library.

Commissioner Volk moved to leave the mills levied for the Library at 5. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

The accounts payable/payroll clerk has requested a grade change. Her request was distributed to the City Commission, but will not be considered until information is reviewed. Discussion followed on the clerk's salary and benefits.

Commissioner Volk discussed his opposition to changing the public utilities supervisor from a grade 15 to a grade 16 since the employee's circumstances don't warrant the change. Tanya Wieler, Human Resource Consultant, explained classifications are based on position and not the person and the requirements of the job. Discussion followed on the proper channels being followed when the issue arose.

Commissioner Volk moved to deny upgrading the public utility supervisor position from a grade 15 to a grade 16. Discussion followed on the employee not getting any increase until at least July of 2020. President Johnson called for a second to the motion three times. The motion died for the lack of a second.

Commissioner Robbins presented information on funding for the Lake Region Law Enforcement Center (LEC). In 2019, the City funded \$82,000 as the buy-in. The amount for 2020 was \$90,000 plus. The City Administrator indicated sales tax would need to be taken out of infrastructure for the general fund or increase mills. Commissioner Robbins reported the \$378,000 requested for 2020 is \$76,000 more than what is budgeted for 2019. The LEC split the entities budgets out and 911 is \$347,000 short. Since the City and County make up 53% of the call for 911 it was determined to have the City and County pay \$174,000 of the shortfall. The County indicated they would fund 1 mill which is around \$60,000 and would leave the City paying \$115,000.

Commissioner Volk discussed cutting employees since no federal prisoners have been housed yet and on the US Marshall and Bureau of Prisoners not housing inmates until final inspections are done on the surveillance system.

President Johnson discussed the lack of operating plans and funding, and the need to look at areas where expenses could be streamlined.

The City Administrator stated from 2017 to 2020 the LEC revenues had decreased, but their expenses increased \$760,000 which is over a 27% increase. Salaries made up \$378,000 of the increase. Over the same time period, the City's expenses only rose 5.9%.

Discussion continued on if a full staff was needed when prisoners are down. Currently the manual states four people are needed on duty per shift. Discussion followed on changing the manual.

Commissioner Hach stated he doesn't want to lose 911, but President Johnson said the LEC never even contacted state radio to see if that was an option. Same with the residential re-entry center, the LEC never looked at the option of just housing males.

Discussion continued on whether a consultant could be hired to review the LEC operations.

Commissioner Robbins moved to approve allocating \$175,000 for boardings, \$115,000 for 911 and \$88,000 for the City's buy-in for the Lake Region Law Enforcement Center with funding coming from adding three mills and the rest from sales tax. Discussion followed on the LEC not making changes to deal with the deficit and on the health insurance offered to employees. President Johnson called for a second to the motion three times. On the third time, the motion was seconded by Commissioner Hamre. On roll call, Commissioners Robbins and Hamre voted aye. Commissioners Volk, Hach and President Johnson voted nay. The motion did not pass.

Discussion followed on cutting the residential re-entry center, the health insurance from 90% to 80% and staffing.

Commissioner Volk moved to approve allocating \$302,000 in the City budget for the Lake Region Law Enforcement Center with the plan to look at cutting operation costs. President Johnson called for a second to the motion three times. On the third time, the motion was seconded by Commissioner Hamre. On roll call, Commissioners Volk, Hamre, Hach and President Johnson voted aye. Commissioner Robbins vote nay. The motion carried. The additional funds will be from sales tax money.

Commissioner Volk moved to approve the 2020 preliminary budget as recommended by the City Administrator. The motion was seconded by Commissioner Hach. Commissioners Hamre, Hach, Volk and President Johnson vote aye. Commissioner Robbins voted nay. The motion carried.

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

1. Game of chance permits for the month of July 2019; and
2. A permit to sell alcoholic beverages at a special event submitted by Thirstys Bar for a wedding reception to be held September 28, 2019 at the memorial building..

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

Tanya Wieler, Human Resource Consultant, reviewed several clarifications and two additions to the personnel policy. The additions include sick leave donation and investigation and administrative leave. Discussion on sick leave donation included the number of hours that can be donated and received, the limit on the amount donated and on the employee's own leave being gone before using donated sick leave. Consensus of the City Commission was to allow employees who have at least 150 sick leave hours to donate up to 10% of their leave. The amount of leave donated will be capped at 12 weeks. The City Commission decided to take some time to study the investigative and administrative leave policy.

Commissioner Volk moved to approve the personnel policy clarifications for 318 Compensatory time/Flex Time, 362 Holidays, 502 Work Schedules, 508 Overtime, 703 Inclement Weather, Attachment A – Drug and Alcohol Policy as presented and the addition of 330 Sick Leave with the donating employee having a balance of at least 150 hours of sick leave and to donate up to 10% of their sick leave amount with the amount donated to an employee capped at 12 weeks. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Robbins moved to approve the 2019 funding request to Midstate Volunteer Program in the amount of \$5,700.00. The motion was seconded by Commissioner Hamre. On roll call, all Commissioners voted aye, and the motion carried.

The City Engineer reviewed change order #3 for the downtown project. A portable changeable message sign was added to the contract and the number of type III barricades and traffic control signs was increased.

Commissioner Volk moved to approve Change Order No. 3 for Ti-Zack Concrete Inc for the downtown project for the addition of a portable changeable message sign and for the increase of type III barricades and traffic control signs for a net increase of \$7,434.20 as recommended by the City Engineer. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Hamre 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:

1. Municipal Court monthly report.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 8:15 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT