

MINUTES OF THE BOARD OF CITY COMMISSIONERS
DECEMBER 7, 2015

The regular meeting of the Devils Lake City Commission was held Monday, December 7, 2015 at 5:30 P.M. with the following members present: President Johnson, Commissioners Craig Stromme, Rick Morse and Dale Robbins. Commissioner Tim Heisler was absent.

Pledge of allegiance was recited.

Commissioner Stromme moved to approve the minutes of the regular City Commission meeting held November 16, 2015. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

5:30 P.M. – This was the time set for a public hearing to review a proposed change to the rural suburban residential zoning to allow hobby farms as a conditional use permit. The Devils Lake Planning Commission tabled this request until language for the zoning change can be discussed.

Commissioner Robbins moved to table the hearing to review a proposed change to the rural suburban residential zoning to allow hobby farms as a conditional use permit. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

5:30 P.M. – This was the time set for a public hearing to review a recommendation from the Devils Lake Planning Commission on whether property is a blighted area. The City Engineer reviewed the project. The project was requested by the property owners. As part of the tax increment financing procedure, the area needs to be declared blighted. Discussion followed on using the tax increment district for only cleaning up some of the areas with gravel. The City is trying to get away from using tax increment districts in the residential areas. Hearing and receiving no other comments, President Johnson closed the hearing.

Commissioner Robbins moved to approve declaring the area of 16th St SE, 17th St SE and a portion of 10th Ave SE as a blighted area as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

5:30 P.M. – This was the time set for a public hearing to review a request to change zoning from highway commercial to limited industrial for a 4.81 parcel of land located in part of Lot 6, Section 3, T153N, R64W (located westerly of Hwy 20 near Ed's Bait Shop). The City Engineer stated the real issue is a zoning change and the use of the property. There is an issue with outdoor storage facilities. The current zoning of the area does not allow outdoor storage facilities. Limited industrial zoning allows outdoor storage areas as a permitted use. This would allow some other industrial uses, and it is next to a residential area. The Devils Lake Planning Commission tabled this request until discussion is held regarding creation of an outdoor storage yard as a conditional use permit in a highway commercial zone. If it is a permitted use then you lose some control over the property; whereas, a conditional use can be reviewed periodically and changed if there are issues. Another issue is how to define outdoor storage.

Commissioner Stromme moved to table the hearing to review a request to change zoning from highway commercial to limited industrial for a 4.81 parcel of land located in part of Lot 6, Section 3, T153N, R64W (located westerly of Hwy 20 near Ed's Bait Shop). The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Stromme – The Police Chief stated he had surveyed cities on server training. Thirteen cities responded. Nine of them have mandatory server training, and one did not specify if it was mandatory. Nine of the cities offer the training free of charge. Eight cities offer it through the police departments, and five cities have outside providers doing the training. One other city which does not have mandatory server training does have a provision in their licensing procedure that if a business had failed a compliance check or had served a minor, then in order to get relicensed they must go through server training.

The Police Chief requested approval for Detective Schwab to take a little over 3 weeks of vacation and for Sergeant Frank to take three weeks of vacation. It is scheduled and will not cause overtime.

Commissioner Stromme moved to approve allowing Detective Schwab to take over a three week vacation and for Sergeant Frank to take a three week vacation. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Robbins - The Public Ways Supervisor said the Street Department removed 34 lilac bushes from the cemetery. Discussion followed on the families being responsible for fixing tilting headstones.

The Public Utilities Supervisor indicated there were water breaks on 11th St NW between 3rd Ave and 4th Ave and on 13th St NW between College Dr and 2nd Ave.

Commissioner Morse –The Public Ways Supervisor stated the department patched and swept today. The John Deere blade was repaired for around \$13,000.00 which included some maintenance items.

The Public Utilities Supervisor said everything was fine in the Sewer Department.

President Johnson - The City Engineer reported on the water treatment plant roof. The upper deck has been repaired and is fine. The intermediate section sustained damage on November 18th - the rubber membrane and insulation peeled up. The roofing contractor who made the repairs on the upper section was called, and warranty claims submitted to Versico. The warranty claims have been sent to the City's insurance provider. Representatives from the insurance company, warranty provider and contractor were on site November 20th. It was decided to do some permanent fixes to the roof for a reroof that will happen in 2016. The insurance company wanted some permanent repairs completed for \$24,235.00. Some insulation was placed which will be salvaged for the permanent fixes, and the additional work will be finished in 2016. New insulation and rubber membrane were installed to seal things up, and rock ballast placed to weigh it down. Next year, they will have to taper things in, and do it as a permanent fix. The warranty provider stated the roof was installed improperly. The City's insurance company will pay to fix and for temporary measures, but will go after the original contractor. The City needs to declare an emergency for repairing and fixing the intermediate section.

Commissioner Robbins moved to declare an emergency for the intermediate roof on the water treatment plant for the temporary repairs and permanent fix. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

When the warranty representative was here for the upper deck, the City expressed concerned about the other two decks. When he came back to sign off on the warranty for the upper deck, he again looked at the other two sections. He understood that there were issues with the other sections before the intermediate roof blew off. Discussion followed on Pierce Roofing of Fargo being the subcontractor that completed the roof. The wood cap that goes around the perimeter did not have adequate fasteners to hold that wood down to the concrete. The fasteners were not installed properly. Also, the glue pattern on the roof insulation didn't coincide with the roofing manufacturer recommendation. Next year, the lower deck and the rest of the intermediate deck will be addressed. The warranty covers 90 miles/hr winds and is a 20 year warranty.

The City Assessor met with Molly McDonald from Safe Alternatives to discuss the availability of a lot. The grant application is due in January. Safe Alternatives would like to place a module home in the Roundhouse Subdivision. The City may need to provide a letter of commitment for the grant.

The City Assessor updated the Commission on the roof at the recycling center. The contractor had to wait for the trusses which showed up last week. A change order for tying the trusses down will be needed.

The City Auditor stated everything was fine.

The City Administrator requested to terminate the agreement with Cariveau Workforce Services. Timely work has not been completed due to health issues. Tanya Wieler, human resource consultant, could perform the salary survey.

Commissioner Stromme moved to approve sending a letter to Cariveau Workforce Services terminating the agreement and requesting a bill for work done to date. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Administrator stated health care laws require any person working 30 or more hours per week be offered health care benefits. The Sanitation Department has one dedicated employee who has been working over 30 hours per week and makes \$12.00 per hour. The employee does not have a driver's license so he can't be hired full-time under our current system. Previously, the Sanitation Department had a Grade 1 position. The City Administrator would like to reinstate the Grade 1 position and move this employee from permanent part-time to full-time with benefits. The employee would be a Grade 1 Step C with an hourly rate of \$12.17.

Commissioner Robbins moved to reinstate a Grade 1 position in the Sanitation Department, and to move Tim Eback from a permanent part-time position to a Grade 1 Step C with benefits as required by law. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The Fire Chief stated the Fire Department at the request of New Rockford assisted with the fire at the Sheyenne school.

The Fire Chief said 40 people including some from Munich, Esmond, and Cando will be training at the tower tomorrow.

It was noted Hardees has inquired about a demo permit.

The Assistant City Attorney said everything was fine.

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

Game of chance permits for the month of November 2015.

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

Commissioner Robbins moved to approve the 2016 BCBS Statement of Work for the health club credit. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Assessor reviewed the change order for the roof on the Sanitation building. Trusses of variable heights will be used. It will be a standing seam roof with no fasteners. It is fastened from the bottom. The bearing point will be the same.

Commissioner Robbins moved to approve Change Order No 2 for Structures Inc for the Sanitation building roof for revising the truss layout to use variable height trusses to facilitate easier connections to the east and west rake walls for a net increase of \$1,463.00 as recommended by the City Assessor. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The City Engineer reviewed the annual certification. It is required since the City uses federal funds to improve some of the roads on the federal aid system. It certifies the City is using proper maintenance.

Commissioner Morse moved to approve the maintenance certification for urban federal aid project as recommended by the City Engineer. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The City Engineer reviewed the adjustment to quantities for the Murphy Pipeline pay estimate. It also closes out work completed on 6th St S, by middle school, on 14th St N, 15th St N, Sweetwater Dr and Lincoln Ave. Work on 1st St remains to be completed.

Commissioner Robbins moved to approve payment of Estimate No. 8 to Murphy Pipeline Contractors for Watermain Improvement District 24-15 – various locations in the amount of \$17,542.39 as recommended by the City Engineer. The motion was seconded by Commissioner Morse. A change order for concrete removal, which was not included as a bid item, will be presented at the next meeting. On roll call all Commissioners voted aye, and the motion carried.

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

President Johnson acknowledged the following reports:

1. City Auditor monthly report; and
2. Police Department monthly report.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:23 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT