

MINUTES OF THE BOARD OF CITY COMMISSIONERS  
HELD FEBRUARY 1, 2016

The regular meeting of the Devils Lake City Commission was held Monday, February 1, 2016 at 5:30 P.M. with the following members present: President Johnson, Commissioners Tim Heisler, Craig Stromme and Dale Robbins. Commissioner Rick Morse was absent.

Pledge of allegiance was recited.

Commissioner Stromme moved to approve the minutes of the regular City Commission meeting held January 19, 2016. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

**5:30 P.M.** - This was the time set for the bid opening for a public utilities pickup. The following bids were opened and read:

- 1. Devils Lake Chrysler Center – Devils Lake, ND \$28,935.00
- 2. Marketplace Motors – Devils Lake, ND \$26,999.00

Commissioner Heisler moved to accept the bids as read, and refer them to the Public Utilities Supervisor for further review and recommendation. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

**5:30 P.M.** - This was the time set for the bid opening for a slope mower. The following bids were opened and read:

- 1. Equipment Distribution Management – Bemidji, MN \$201,440.00 net 30 at delivery or \$197,435.80 pay at time of shipping
- 2. Equipment Distribution Management – Bemidji, MN \$194,717.08 pay at time of order

Commissioner Stromme moved to accept the bids as read, and refer them to the Public Utilities Supervisor for further review and recommendation. The motion was seconded by Commissioner Heisler. It was noted that the mowers are made in Switzerland so there is quite a bit of lead time. 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 construct storage garages at 1200 Hwy 20 S which is zoned as highway commercial. Hearing and receiving no comments, President Johnson closed the public hearing.

Commissioner Heisler moved to approve a conditional use permit to construct two storage garages in an area zoned as highway commercial at 1200 Hwy 20 S, submitted by Mark Tabert, as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

**5:30 P.M.** – This was the time set to reconvene a public hearing to review a proposed change to the zoning ordinance that would allow an outdoor storage yard as a conditional use permit in highway commercial zoning. The City Assessor stated the Planning Commission has been working on the definition of what outdoor storage is and on how to handle it. The City Engineer recommends adding setbacks for other right-of-ways. The language should be changed so it doesn't refer to Highway 2 right-of-way. Hearing and receiving no other comments, President Johnson closed the public hearing.

Commissioner Heisler moved to approve a definition of an outdoor storage yard and adding a storage yard as a conditional use permit in highway commercial zoning as recommended by the Devils Lake Planning Commission with changing the setback to refer to all right-of-ways. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

**Commissioner Robbins** – The Public Utilities Supervisor said there was a service line leak on 2<sup>nd</sup> Street and 6<sup>th</sup> Avenue NE. It was replaced from the main to the curb stop. The street started to cave-in.

After reviewing the bids the Public Utilities Supervisor recommended purchasing the slope mower from Equipment Distribution Management in Bemidji, MN with payment option 2 – payment at time of shipping. It is the same machine the Department already has. With option 2, it gives him time to get the invoice, bill of sale and serial numbers. It takes 12 to 16 weeks to get the machine once approved. Two hundred thousand dollars has been budgeted this year for the mower. Discussion followed on paying before the equipment is received. It is a reputable company, and the Public Utilities Supervisor has dealt with the company since 2004.

Commissioner Morse arrived at 5:49 P.M.

Commissioner Robbins moved to accept the bid from Equipment Distribution Management of Bemidji, MN for the slope mower in the amount of \$197,435.80 with payment due at the time of shipping as recommended by the Public Utilities Supervisor. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The Public Utilities Supervisor recommended accepting the low bid from Marketplace Motors for the pickup.

Commissioner Stromme moved to accept the low bid from Marketplace Motors of Devils Lake, ND for the public utilities pickup in the amount of \$26,999.00 as recommended by the Public Utilities Supervisor. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

The Public Ways Supervisor stated everything was fine in the Cemetery Department.

**Commissioner Morse** - The Public Ways Supervisor said the Street Department has been cleaning streets to get the water flowing.

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

**Commissioner Heisler** – The City Engineer indicated the work on college drive and the west underpass has been delayed, and bid opening has been pushed back to the Fall of 2016. There are some complications with bridge design and coordination with Burlington Northern. Roadway construction will not take place in 2016, but there may be some temporary bridge work done through the winter months. It looks to be a two year project – one year for temporary bridge and the next year for road construction.

The City Assessor said everything was fine.

**Commissioner Stromme** - The Police Chief reviewed the canine purchase agreement for the drug detection dog. The City Attorney has reviewed the agreement, and some changes were made.

Commissioner Stromme moved to approve the canine purchase agreement with Midwest Canine Detection and Consulting in the amount of \$4,200.00 for the narcotics detection dog as recommended by the Police Chief. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The Police Chief stated he is taking applications through February 22<sup>nd</sup> for the open position. He also indicated the sergeant position was filled by Ben Harkness.

The Police Chief said the storage capacity for videos and body cameras has been upgraded to 7 terabytes. Discussion followed on how long videos need to be retained.

The Police Chief indicated a draft of an ordinance for server training was included in a previous meeting. The server training would not be mandatory unless alcohol violations have occurred in an establishment. Also, the training would not be an on-going obligation for the Department. He would recommend the City Attorney draft a server training ordinance. The mandatory period is for one year.

The Sanitation Supervisor reported everything was fine.

**President Johnson** – The City Auditor stated everything was fine.

The City Administrator reported on the childcare committee. For residential childcare, the committee plans to host town hall meetings with Jody Pike covering the paper work needed and how to become licensed; a tax preparer covering how to start a business; an attorney talking about the legal responsibilities of owning and operating a childcare business; and Rachel from Forward Devils Lake or someone from ChildCare Aware discussing the different programs available. For the commercial side, the committee would develop a business plan. The only way for the commercial daycare to work is to get a good director who would only handle the management and not be out on the floor working. The employees would need good wages and benefits. It would need financial support throughout the community - corporate sponsors, city and county. The committee feels there is a good chance to obtain some sizable grants, but it would take time and financial support would be needed upfront while the program developments and grants are received. This would be for the city-owned building. Financial support to start with could come from the City's economic development money which is sales tax dollars. It was mentioned that an authority could be setup to oversee the commercial daycare. Also discussed was the public perception of a city supported daycare and holding a certain number of spots for the corporate sponsors. Consensus of the City Commission was to move forward with the business plan for the commercial daycare. Discussion followed on whether a commercial daycare would hurt the home-based daycares. The variables should be identified from the previous daycares operators as to why it didn't work.

The Fire Chief stated the fishing tournament was a huge success.

The Fire Chief distributed the annual report.

The City Attorney said everything was fine.

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

1. Game of chance permits for the month of January 2016, and
2. Permit to sell alcoholic beverages at a special Sunday event submitted by Knights of Columbus for super bowl Sunday be held February 7, 2016.

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

The 1<sup>st</sup> reading of Ordinance No. 932 – hotel liquor license was held. The City Attorney stated the Class VIII license was changed from 100 rooms to 50 rooms. Most of the cities contacted had a minimum of 75 rooms with one city having 45 rooms as a minimum. It was discussed that the number should be set so every hotel in Devils Lake has the option of doing it in order to be fair. The smallest hotel in Devils Lake has 20 rooms. Discussion followed on if the ordinance should include a definition of the type of rooms the facility must have and on the hotel owner having to run the bar area. Consensus of the City Commission was to change the number of rooms to 20.

Commissioner Heisler moved to approve the 2015 Budget Amendment #08-15 – final adjust to actual as recommended by the City Administrator. The motion was seconded by Commissioner Morse. Discussion followed on the rationale for the yearend amendment and on whether a budget can be amended during the year. The motion carried unanimously.

Suzie Kenner, Executive Director of Devils Lake Convention & Visitors Bureau, appeared before the City Commission to present the 2015 Tourism Report. In 2015, just under \$57,000.00 of the \$112,000 owed to the State was paid back. In 2016, about \$36,000.00 should be paid back. Payments were adjusted down from \$5,000.00/month to \$3,000.00/month. This will help with the advertising budget. The marketing overview included hosting two national fishing tournaments which started to air in January, adding \$5,000.00 to Lake Access from the NWC tournament, and web site trending more than travel guides. Attendance at the Association of Great Lakes Outdoors Writers Conference has allowed one-on-one contact with writers and/or media which have yielded Devils Lake being highlighted by different media. In May 2015, they hosted their first

media event and had 20 to 25 participants. While the writers were here 175,000 brand impressions were noted just on social media. Also, discussed was the impact of Facebook and impressions. The 2016 budget includes a substantial cut to Midwest Outdoors due to the payback to the State. The Master Walleye Tournament will be returning to Devils Lake this year. The budget includes four sports shows, but they will be attending five shows. Two media events will be hosted in 2016. The feasibility study for the event center is in the data gathering stage. The firm should be in Devils Lake the first part of March. Also, North Dakota Game and Fish is looking at changing the fishing limits in April, so Midwest Outdoors may be utilized to assist with that PR.

The City Administrator reviewed the agreement with the Devils Lake Area Chamber of Commerce for administration of the restaurant and lodging taxes. A change was made in the amount of money that can be used for administration costs each year. It was changed from \$75,000.00 or 30% of annual collections to \$90,000.00 or 30% of collections whichever is greater. The part regarding the debt service was taken out since it had been paid back.

Commissioner Stromme moved to approve the agreement with the Devils Lake Area Chamber of Commerce for administration of the restaurant and lodging taxes as recommended by the City Administrator. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Rachel Lindstrom, Executive Director of Forward Devils Lake, appeared before the City Commission to request funding for S & S Childcare. The child capacity will increase from 18 to 30. The project totals \$125,000.00 with the community support at \$13,000.00. Discussion followed on personal guarantees for future loans.

Commissioner Robbins moved to approve S & S Childcare for childcare funding as recommended by Forward Devils Lake. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Stromme moved to approve payment of 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 6:53 P.M.

**LINDA LYBECK**  
**CITY AUDITOR**

**RICHARD S. JOHNSON**  
**PRESIDENT**