

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD MAY 2, 2016

The regular meeting of the Devils Lake City Commission was held Monday, May 2, 2016 at 5:30 P.M. with the following members present: President Johnson, Commissioners Tim Heisler, Craig Stromme, Rick Morse, and Dale Robbins. None were absent.

Pledge of allegiance was recited.

Commissioner Stromme moved to approve the minutes of the regular City Commission meeting held April 18, 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 the seal coat project. The following bids were opened and read:

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|----|---|------------------|
| 1. | AsTech Corp – St. Cloud, MN
ND Contractor License No. 4368 Class A
5% Bond | Bid \$358,322.08 |
| 2. | Bituminous Paving Inc – Ortonville, MN
ND Contractor License No. 4129 Class A
5% Bond | Bid \$448,408.16 |
| 3. | Morris Sealcoat & Trucking Inc – Morris, MN
ND Contractor License No. 23155 Class A
5% Bond | Bid \$349,236.49 |

Commissioner Stromme moved to accept the bids as read, and refer them to the City Engineer for further review and recommendation. The motion was seconded by Commissioner Heisler, and 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 allow an above ground fuel tank at 300 Dakota Aero Dr located at the Devils Lake Airport. Hearing and receiving no comments, President Johnson closed the public hearing.

Commissioner Robbins moved to approve a conditional use permit for a 10,000 gallon above ground fuel tank to be placed at 300 Dakota Aero Dr located at the Devils Lake Airport submitted by Tanner Sotvik, as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The Arbor Day Proclamation was reviewed. Arbor Day will be held at the Minnie H School at 1:00 P.M. on May 19, 2016.

Commissioner Heisler moved to sign a proclamation proclaiming May 19, 2016 as “**Arbor Day**” and urging all citizens to celebrate and to support efforts to protect trees and woodlands. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Heisler – The City Engineer stated he will review the seal coat bids and make a recommendation at the next meeting.

The City Engineer gave the following update:

1. Fishing pier project – Pier is in place for the Channel A site. Some modifications will be made when the additional material is received. He is coordinating with the Corps of Engineers on the other sites. The East Ditch site will be the next one to be worked on.
2. 16th Street – Plans are being finished. Water and sewer services will be installed by the City. Materials have been ordered and the contractor will install since it is just service leads. This will be done before the roadway project. A development agreement will be ready for the next City Commission meeting.

The City Assessor said everything was fine.

Commissioner Stromme - The Police Chief said everything was fine.

The Sanitation Supervisor reported they are on the second week of spring clean-up.

Commissioner Robbins – The Public Ways Supervisor said they are trimming trees in the cemetery, and Dennis is cleaning up the graves. The gardens will be tilled.

The Public Utilities Supervisor stated everything was fine in the Water Department.

Commissioner Morse – The Public Ways Supervisor stated cracking sealing will begin this week.

The Public Ways Supervisor indicated an employee resigned last week. The position was opened to current employees on the last paycheck and will be opened to the public next week.

The Public Utilities Supervisor requested starting the two new hires at Grade 7 Step D due to their previous experience.

Commissioner Robbins moved to approve hiring the two new employees in Public Utilities at Grade 7 Step D due to their previous work experience as recommended by the Public Utilities Supervisor. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

President Johnson - The City Administrator said everything was fine.

The Fire Chief indicated Shade Tree currently has no employees.

The Fire Chief requested permission to solicit funds for MDA on June 3rd, 4th and 5th.

Commissioner Heisler moved to approve granting a waiver to Section 10.30.130 of the City of Devils Lake Ordinance for the firefighters and volunteers to solicit funds for MDA during Devils Run. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The Fire Chief requested out-of-state travel for Cory Meyer and Brandon Exner to attend Haz-Mat training in Baltimore, MD on June 11th through the 17th. It is funded by a grant.

Commissioner Stromme moved to approve out-of-state travel for Cory Meyer and Brandon Exner to attend Haz-Mat training in Baltimore, MD on June 11th through 17th as recommended by the Fire Chief. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Attorney said everything was fine.

The second reading of Ordinance No. 938 – Taxicabs was held. Discussion followed on changes made to the ordinance – language, collection of fees, notification of denial, guest passengers and screening tests.

Kathleen Linjatie would like to see the verbiage “good moral character” removed since it is an arbitrary term.

The City Attorney recommended keeping “good moral character” in the ordinance.

Kathleen Linjatie stated “good moral character” is subjective, and the Police Chief should not be the final authority in determining if an applicant is of good moral character. If the wording is kept in the ordinance, she would like a committee formed to oversee who gets a taxi license.

President Johnson stated there is a process in place for an applicant who is denied. The applicant can appeal to the City Commission.

Commissioner Robbins moved to approve the second and final reading of Ordinance No. 938 – Taxicabs – An ordinance, which upon adoption, shall amend Ordinance Nos. 436, 828, 929, 644, 677, 872, 728, and 534 which have been codified as Chapter 5.36 the Devils Lake Municipal Code. The motion was seconded by Commissioner Heisler. Discussion followed on the ordinance being effective immediately. The motion carried unanimously.

The second reading of Ordinance No. 939 – Annexation Eventide was held.

Commissioner Morse moved to approve the second and final reading of Ordinance No. 939 – Annexation Eventide – An ordinance which will annex to the City of Devils Lake the property described as a parcel of land situated in the NW1/4 of the SE1/4 of Section 35, T154N R64W of the 5th Principal Meridian, Ramsey County, North Dakota, and is more particularly described as follows: Beginning at the SE corner of the platted Heartland Court Subdivision, City of Devils Lake; thence S00°10'24"W a distance of 200.00 feet; thence N90°00'00"W a distance of 806.66 feet; thence N00°00'00"E a distance of 200.00 feet to the South boundary line of said Heartland Court Subdivision and 6th Street; thence S90°00'00"E along said South line a distance of 807.27 feet to the point of beginning. Said parcel contains 3.7 acres, more or less, and is subject to a 66.00 feet easement reserved for the future 16th Avenue and public utilities and is more particularly described as follows: Commencing at SE corner of said Heartland Court Subdivision; thence N90°00'00"W along the south line of 6th Street a distance of 451.11 feet to the point of beginning; thence continuing N90°00'00"W a distance of 66.00 feet; thence S00°12'14"W a distance of 200.00 feet; thence N90°00'00"E a distance of 66.00 feet; thence N00°12'14"E a distance of 200.00 feet to the point of beginning; containing .30 acres and zoned as medium density residential district. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The second reading of Ordinance No. 940 – Midcontinent Communications franchise agreement was held.

Clay Stephens, representing Midcontinent Communications, appeared before the City Commission to discuss the franchise agreement. The franchise is good for 10 years and is non-exclusive.

Commissioner Heisler moved to approve the second and final reading of Ordinance No. 940 – Midcontinent Communications franchise agreement – An ordinance granting a franchise to Midcontinent Communications to construct and maintain a cable communications system in the City of Devils Lake; setting forth conditions accompanying the granting of the franchise; providing for regulations and use of the system; and prescribing penalties for the violation of its provisions. This ordinance, upon adoption, shall repeal Ordinance 844 which has been codified as Chapter 13.36 of the Devils Lake Municipal Code. The motion was seconded by Commissioner Morse. On roll call, Commissioners Heisler, Stromme, Morse and President Johnson voted aye. Commissioner Robbins abstained. The motion carried.

The Public Ways Supervisor recommended awarding the installation of the cemetery fence to Rick's Concrete.

Commissioner Morse moved to accept the bid from Rick's Concrete of Devils Lake, ND for the installation of the cemetery fence in the amount of \$13,381.00 as recommended by the Public Ways Supervisor. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The City Administrator reported he received no input from current beverage dealers regarding the hotel liquor license.

Commissioner Robbins moved to approve the fee for a hotel liquor license at \$1,500.00/year effective July 1, 2016 as recommended by the City Administrator. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

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

1. Designating the *Devils Lake Journal* as the official newspaper for the City of Devils Lake;
2. Fireworks permit submitted by Shannon Knutson, Memory Fireworks Inc;
3. Fireworks permit submitted by Troy & GERALYN LANG dba Generous Jerry's Fireworks;
4. Game of chance permits for the month of April 2016;
5. Parade permit submitted by Spirit Lake Riders MC for May 28, 2016 starting at 12:00 P.M.;

6. Public dance permit submitted by Lake Region State College – Resident Life from 9:00 P.M. to 12 A.M. to be held May 5, 2016 at Lake Region State College; and
7. Reappointment of Kristin Kenner, John Dumont, Barbara McCormick and Becky Larson as members of the Devils Lake Historic Preservation Committee for two-year terms expiring on April 30, 2018.

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

The City Engineer said there have been numerous breaks on this section of 5th St NE.

Commissioner Stromme moved to approve the resolution creating Water Main Improvement District No 25-16 (5th St NE between 6th Ave and 8th Ave) and ordering the preparation of a preliminary report. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Engineer reviewed the preliminary report for Water Main Improvement District No 25-16. There were five breaks last year on this street. The City Engineer would like to use pipe bursting for this project.

Commissioner Robbins moved to approve the preliminary report for Water Main Improvement District No 25-16 (5th St NE between 6th Ave and 8th Ave) as recommended by the City Engineer. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Stromme moved to approve the resolution approving the preliminary report and directing preparation of plans and specifications for Water Main Improvement District No 25-16 (5th St NE between 6th Ave and 8th Ave). The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Commissioner Morse moved to approve the resolution approving plans and specifications and directing advertisement for bids for Water Main Improvement District No 25-16 (5th St NE between 6th Ave and 8th Ave). The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Commissioner Heisler moved to declare an emergency for repair of 5th St NE between 6th Ave and 8th Ave due to numerous water breaks as recommended by the City Engineer. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Commissioner Robbins moved to approve Change Order No. 3 for Murphy Pipeline Contractors Inc for Water Main Improvement District No. 24-15 – various locations for a net increase in the amount of \$158,315.52 as recommended by the City Engineer. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

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

President Johnson stated a Devils Lake Outlet Advisory meeting will be held tomorrow in Carrington at 9:00 A.M. at the Chieftain. The Governor's Committee will discuss the pumping operation for the coming season.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:17 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT