

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD NOVEMBER 7, 2016

The regular meeting of the Devils Lake City Commission was held Monday, November 7, 2016 at 5:30 P.M. with the following members present: President Johnson, Commissioners Craig Stromme, Rick Morse and Ben Sander. Commissioner Dale Robbins was absent.

Pledge of allegiance was recited.

Commissioner Stromme moved to approve the minutes of the regular City Commission meeting held October 17, 2016. The motion was seconded by Commissioner Sander, and the motion carried unanimously.

5:30 P.M. – This was the time set for a public hearing to issue a Class IV retail liquor license to Robert and Darla Miller dba Pop’s Bar located at 924 Hwy 2 E. Hearing and receiving no comments, President Johnson closed the public hearing.

Discussion followed on the amount to be refunded to the estate for the closing of Pop’s Bar. The annual license of \$2,325.00 would be prorated for the time the bar was opened. The amount refunded would be for half of October 2016 and all of November 2106 through June 2017.

Commissioner Stromme moved to refund \$1,646.88 to Gail Miller’s Estate for her liquor license. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Morse moved to issue a Class IV retail liquor license to Robert and Darla Miller dba Pop’s Bar located at 924 Hwy 2 E as recommended by the Police Chief. The motion was seconded by Commissioner Sander, and the motion carried unanimously.

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

The City Assessor stated everything was fine.

Commissioner Stromme – The Police Chief stated he has been receiving calls from Morton County to support their efforts at the pipeline. One officer is out there this week, and that cost will be reimbursed.

It was noted the Officers are participating in “no-shave November.”

Discussion followed on how the shift is covered here when the officer is assisting in Morton County.

The Sanitation Supervisor stated everything was fine.

Commissioner Morse –The Public Ways Supervisor said the city sale started today.

The City Engineer stated everything was fine.

President Johnson – The Public Utilities Supervisor reported everything was fine in the Water Department.

The Public Ways Supervisor stated the new roof was completed on the cemetery shop.

Discussion followed on whether to have a barricade in front of the cemetery fence.

The City Administrator reviewed the health insurance for 2017. Meetings are being scheduled with the employees. The deductible will be raised from \$100 to \$250 with the possibility of raising the deductible more in future years. In the future the 80/20 cost share may change for the family and single with dependent policies, but the single policy would be 100% covered since it is for the employee only. The City may consider a high deductible plan (at least \$2,500) with a health savings account.

The Fire Chief reported the loan for the 2013 fire truck has been paid in full.

The Fire Chief asked to call for proposals for a heavy rescue truck since the current truck is overweight due to all the equipment. The 2006 truck would be declared surplus with the proceeds used for the new truck. The new truck would be paid for with fishing tournament funds and grant funds. The truck has more value if it is sold out right than to trade it in. Discussion followed on the required equipment to be carried for heavy rescue and the need for a bigger truck. The new truck will cost around \$600,000.

Commissioner Morse moved to approve soliciting RFPs for a new heavy rescue truck and to declare the 2006 truck as surplus to be sold with the proceeds being used for the new truck as recommended by the Fire Chief. The motion was seconded by Commissioner Stromme. Discussion followed on the timeline for when the money is needed. It was noted the truck will take a year to build, and the current truck will be kept until the new one is ready for operation. The motion carried unanimously.

The City Attorney said everything was fine.

The first reading of Ordinance No. 943 – repeal pit bull ordinance was held. Discussion will be held at the next meeting on this ordinance.

The City Commission revisited the request from Jason Hodous for relief on his sewer issue. The ND Insurance Reserve Fund has determined the City was not negligent and has denied the claim. Discussion followed on the homeowner not feeling it is his responsibility for what happened in the street, on any other problems with the sewer in his neighborhood, on the possibility of removing the tree on the boulevard which may be causing the issue, on how the City has handled these types of claims in the past, on not setting a precedence which would inundated the City with possible claims and expose the City to liability, on the possibility of sharing the responsibility of the costs, on the maintenance and videoing done on the line. It was noted that the City has never cost share before in tree root issues for a service line impacted. If it was the main and impacted a block or multiple parties, then the City would have taken some responsibility, but not when it impacts one party. Also discussed were areas having old clay pipes with open joints and tree roots finding their way into the joints. The City Engineer reviewed the normal procedure for handling these issues. Consensus of the City Commission was to have Commissioner Sander, the City Engineer, the Public Utilities Supervisor and Mr. Hodous meet to discuss the situation and bring a recommendation back to the City Commission. A policy would also need to be developed for handling these situations.

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

1. Declaring the lists from the Public Utilities Supervisor and the Public Ways Supervisor as surplus to be sold at the city sale; and
2. Game of chance permits for the month of October 2016.

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

Cyndy Sitar appeared before the City Commission to request the addition of a wine license for a retail business. She intends to open a boutique in the former Felix building and would like a wine license for on-sale and off-sale. Food items would be prepackaged foods like cheese and crackers. Special events and fundraisers would be catered. Wine would be in a separate area since minors could be shopping. Discussion followed on the state license being for wine and beer, but she is not interested in beer. A new category would need to be created for a city license. The City Attorney will draft a new ordinance for the next City Commission meeting. Discussion continued on Class IV license holders and on limiting the number of drinks served to a customer under this new license.

The City Administrator reviewed the possible infrastructure projects for next year. The City Engineer met with the Department of Transportation, and there are some urban road projects the City is eligible for. The multi-family housing project on 3rd street would require \$710,000 from the City which the City would need to bond. If the City will need to bond, then the City should also do some other projects. Discussion continued on the amount of debt outstanding, the highest amount the City has had and the timeline.

Commissioner Sander moved to approve the 2017 infrastructure plan. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

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

President Johnson acknowledged the following reports:

1. City Auditor monthly report;
2. Municipal Court monthly report, and
3. Police Department monthly report.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 7:24 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT