

MINUTES OF THE BOARD OF CITY COMMISSIONERS  
HELD JANUARY 3, 2017

The regular meeting of the Devils Lake City Commission was held Tuesday, January 3, 2017 at 5:30 P.M. with the following members present: President Johnson, Commissioners Ben Sander, Craig Stromme, and Dale Robbins. Commissioner Rick Morse was absent.

Pledge of allegiance was recited.

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

**5:30 P.M.** – This was the time set for the bid opening for a fire rescue apparatus. The following bids were opened and read:

- |                                     |                  |
|-------------------------------------|------------------|
| 1. Smeal Fire Apparatus - Volga, SD | Bid \$580,510.00 |
| 2. Spartan ERV – Lester Prairie, MN | Bid \$569,000.00 |

Commissioner Sander moved to accept the bids as read, and refer them to the Fire Chief for further review and recommendation. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Andy Lankowicz, representing the North Dakota Committee for the Employer Support of the Guard and Reserve, presented Captain Jon Barnett with the Patriotic Service Award.

Chief Schroeder signed the statement of support presented by Andy Lankowicz for the Police Department supporting employees in the guards and reserve.

**Commissioner Robbins** – The Public Ways Supervisor said snowmobile riders have been in the back area of the cemetery, and he wanted to remind everyone that snowmobiles can not be ridden in the cemetery.

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

**Commissioner Sander** – The City Assessor stated the Assessing Clerk resigned, and the position will be reevaluated. In the meantime, the Engineering Secretary will be taking on additional duties for the Assessing Department so he is requesting she be paid an additional \$150.00 per month for the work.

Commissioner Sander moved to approve paying the Engineering Secretary \$150.00 per month for the additional duties to be covered in the Assessing Department. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

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

**Commissioner Stromme** - The Police Chief said everything is fine.

The Sanitation Supervisor stated everything was fine.

**President Johnson** – The Public Ways Supervisor indicated the schedule for snow removal starting tomorrow would be to haul from south of Hardee's, then move to the area by Pepsi, Law Enforcement Center, Maherwood, Fairview and then First, Second and Third. The second snowblower has been down, but the parts should be here tomorrow. Piles would be picked up Wednesday and Thursday downtown, and then Friday downtown would be cleaned.

The City Administrator stated when the City was hiring loaders and side dumps from Close Construction and the regular snow haulers, it was costing about \$10,000.00 per day for snow removal. Only \$40,000.00 had been budgeted for snow removal; therefore, in five days the City has gone over budget. Almost \$60,000.00 is available in the emergency fund so an emergency needs to be declared so \$25,000.00 may be transferred from the emergency fund to the highway fund for

snow removal in 2016. With just hiring the regular snow haulers, it costs about \$6,000.00 per day. The North Dakota League of Cities is encouraging the Governor to declare an emergency for snow removal with the hope that cities may receive money to help cover the cost of snow removal. Discussion followed on the availability of a snowblower to use, on talking to the downtown businesses since it hasn't worked to talk to the contractors about piling the snow downtown, on not being able to break the piles into windrows, and on staff from Public Ways, Public Utilities and Sanitation helping with snow removal.

Commissioner Stromme moved to declare an emergency for snow removal and transfer \$25,000.00 from the emergency fund to the highway fund for 2016. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Engineer said everything was fine.

The City Auditor stated everything was fine.

The City Administrator said everything was fine.

The Fire Chief stated everything was fine.

The City Attorney said everything was fine.

Commissioner Sander stated the Sewer Committee met with Jason Hodous and recommends the City pay the cost of the street opening for his sewer issue in exchange for Jason Hodous and his insurance company signing a waiver to not seek additional funds from the City for this issue. The amount of the street opening was \$1,564.44.

Commissioner Stromme moved to approve paying the street opening in the amount of \$1,564.44 for Jason Hodous as recommended by the Sewer Committee. The motion was seconded by Commissioner Sander. Commissioner Robbins wondered if this makes the City susceptible to others coming in. President Johnson was concerned about setting precedence. The City submits all claims to the North Dakota Insurance Reserve Fund (NDIRF), and the City pays only if the City is found negligent. The NDIRF stated the City was not negligent in this claim. Commissioner Stromme stated the City was only paying on this claim because of the extenuating circumstances and the contractor's bill being excessive. If the issue ever gets to the main, The City needs to be on hand before the work is done. On roll call Commissioners Sanders and Stromme and President Johnson voted aye. Commissioner Robbins voted nay. The motion carried.

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

Game of chance permits for the month of December 2016.

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

Commissioner Robbins moved to approve the 2017 BCBS Statement of Work for the health club credit and the wellness services agreement. The motion was seconded by Commissioner Sander, and the motion carried unanimously.

Rachel Lindstrom, Executive Director of Forward Devils Lake, appeared before the City Commission to request multi-family housing funding for Agassiz Properties #2 LLLP. These six units are the final project. The match is in-kind with the TIF funds being used for the community's portion of the program.

Commissioner Sander moved to approve using \$45,000.00 of TIF funds as the community's portion for the multi-family funding for Agassiz Properties #2 LLLP as recommended by Forward Devils Lake. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The City Engineer reviewed the Red River Valley Water Supply Project Development Agreement. The City of Devils Lake has plenty of water for its use, but there are some benefits for lake stabilization in participating in this project. The project entails the potential to bring Missouri River water to the eastern part of the State. Devils Lake would be allocated to receive 650,000 gallons of water per day. The project developers have agreed to incorporate into the planning stage using Devils Lake for storage of water at low lake levels. There is potential the project will not go pass the

engineering. Discussion followed on the exposure of the City of Devils Lake for legal fees. As of now, nothing has been constructed; it is just looking at engineering. The City Attorney originally questioned what the benefit to the City was. The State Water Commission feels the project will get sued. The agreement does not include an "escape" clause. A second buy-in would happen for the construction phase if it moves forward, and at that time the cost share would be determined and brought back to the City Commission.

Commissioner Robbins moved to approve the Agreement between Lake Agassiz Water Authority and the City of Devils Lake for the Red River Valley Water Supply Project Development Agreement as recommended by the City Engineer. The motion was seconded by Commissioner Sander, and the motion carried unanimously.

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

President Johnson acknowledged the following report:

1. 4<sup>th</sup> Quarter Economic Data; and
2. Police Department monthly report.

President Johnson asked if the City Commission was interested in accepting proposals for the former DL Kids building. The building is listed for \$195,000 .00. The City Assessor stated the realtors have received a couple of calls, but have had no showings. The City Assessor would need to check the agreement with the realtors to see if the City can remove the listing and accept proposals. Usually the listing agreements are for six or twelve months.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:43 P.M.

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

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