

MINUTES OF THE BOARD OF CITY COMMISSIONERS  
HELD MAY 7, 2018

The regular meeting of the Devils Lake City Commission was held Monday, May 7, 2018 at 5:30 P.M. with the following members present: President Dick Johnson, Commissioners Craig Stromme, Rick Morse and Dale Robbins. Commissioner Shane Hamre was absent.

Pledge of allegiance was recited.

Commissioner Stromme moved to approve the minutes of the regular City Commission meeting held April 16, 2018, the special City Commission meeting held April 17, 2018 and of the Board of Equalization meeting held April 25, 2018. 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 truck chassis for the Sanitation Department. The following bid was opened and read:

Peterbilt of Fargo, ND      Bid \$155,762.00 with \$21,000.00 allowed for trade-in = \$134,762.00

Commissioner Morse moved to accept the bid as read, and refer it to the Sanitation Supervisor for further review and recommendation. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The Arbor Day Proclamation was reviewed. Arbor Day will be held at the Fire Station at 1:00 P.M. on May 18, 2018.

Commissioner Morse moved to sign a proclamation proclaiming May 18, 2018 as “Arbor Day” and urging all citizens to celebrate and to support efforts to protect trees and woodlands and to plant trees to gladden the heart and to promote the well-being of this and future generations. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Tom LaMotte appeared before the City Commission to discuss the downtown project. Petitions were presented by Tom to the City Commission protesting the project. After reviewing the project further, Tom feels the project is not feasible. Tom has contacted a few different cities that had completed downtown projects. His main concerns are loss of parking spaces, downtime for construction/loss of business, and confusion in driving.

Commissioner Robbins questioned what had changed Tom’s mind about the project since he is on the steering committee for the downtown improvements.

Kelly Swenseth appeared before the City Commission to discuss the downtown project. Kelly stated the downtown needed to be reinvigorated, and new things needed to be tried. The petitions were circulated after the protest period had ended. The steering committee did meet again to discuss with Tom LaMotte his concerns. The downtown needs this to attract and grow downtown businesses. The negative is leading to the decline of the downtown. She also stated this is a once in a lifetime chance to get an 80/20 grant.

Discussion followed on the several different downtown groups that have been meeting. It was noted the steering committee would meet again, and anyone with concerns should contact a member of the steering committee.

The City Engineer stated the bid opening for the downtown project was pushed back to July. However, final plans need to be approved at the next meeting to stay on schedule with the bid opening. He stated the project has been in the works for about three years. It started as a maintenance project, but last fall the scope of the project changed with the Governor’s Downtown Initiative. Letters were sent last December to the property owners, and an input meeting was held for the downtown business owners to tell the City what they wanted, and not the City telling them what the businesses needed.

**Commissioner Robbins** - The Public Utilities Supervisor said everything was fine in the Water Department.

The Public Ways Supervisor said everything was fine at the Cemetery.

Commissioner Robbins stated the equipment for the local origination channel needs to be updated. According to the franchise agreement, each cable company needs to offer a local access channel for the City. The equipment has died, and it is the City's responsibility to replace it. Commissioner Robbins has received a quote for less than \$4,000.00 for the needed equipment. Another option is to use a laptop or desktop computer; however, this option is not very flexible.

Commissioner Morse moved to approve up to \$5,000.00 for updating the equipment for the local origination channel with the money coming from the Infrastructure Fund. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

**Commissioner Morse** – The City Engineer stated the week of May 20<sup>th</sup> is public works week. He may hold some open houses at the public works department and at the water treatment plant to allow the public to interact with the employees.

The City Engineer said the Street Department is crack sealing. He asked the public to limit traffic in those areas. Since the Street Department is crack sealing, Joe & Bros Mow for Dough is mowing Highway 2. The mowing policy will be reviewed to have adjoining property owners mow the right-of-ways.

The Public Ways Supervisor said everything was fine.

Commissioner Morse asked about the possibility of Shade Tree doing some tree trimming around the parks since the school and park board do not do any trimming. The Fire Chief stated only one person has applied for Shade Tree so far. He was hoping to get the City's trimming done after the 30 trees were removed. Discussion followed about working with the Park Board and the Public Works Department on trimming.

**Commissioner Stromme** –The Police Chief would like to purchase a pickup from the state auction for the animal control officer. The computers were purchased for less money than was budgeted so funds could be used from that line item for the pickup.

Commissioner Stromme moved to approve up to \$15,000.00 for a Police Department pickup to be purchased at the state auction. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

**President Johnson** – The Public Utilities Supervisor stated everything was fine in the Sewer Department.

The City Assessor stated everything was fine.

The City Administrator said the human resource consultant was not available tonight to go over the personnel policy and service awards. She will attend the next meeting.

The Fire Chief said the ISO representative was here and will be back in January. The representative thinks the Fire Department will be able to achieve a Class 3 rating. The rating will lower residential and commercial fire insurance premiums.

The Fire Chief requested to proceed with the lighting project on Highway 2 from Hardee's to Hwy 19. The project would be for 110 fixtures. Discussion followed on if the project needed to be bid.

Commissioner Morse moved to approve authorizing a call for bids for lights on Highway 2. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The City Attorney stated everything was fine.

The second reading of Ordinance No. 953 – temporary uses was held.

Commissioner Stromme moved to approve the second and final reading of Ordinance No. 953 –Temporary Uses – An ordinance which upon adoption shall amend Ordinances Nos. 862 and 887, to the extent they have been codified as Chapter 17.78 of the Devils Lake Municipal Code. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

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

1. Appointing Theresa Leiphon as a member of the Lake Region Library Board for a three-year term expiring June 30, 2021;
2. Authorizing the call for bids for a direct source vehicle mounted exhaust capture system with bids to be opened on May 21, 2018 at 5:30 P.M. at the City Office as recommended by the Fire Chief;
3. Designating the *Devils Lake Journal* as the official newspaper for the City of Devils Lake;
4. Fireworks permit submitted by American Promotional Events dba TNT Fireworks;
5. Fireworks permit submitted by Memory Fireworks;
6. Fireworks permit submitted by Troy & Geralyn Lang dba Generous Jerry's/Factory Discount Fireworks;
7. Game of chance permits for the month of April 2018;
8. Permit to sell alcoholic beverages at a special event submitted by Thirsty's for a wedding reception on July 7, 2018 at the Memorial Building;
9. Reappointment of Cathy Olson, Bill Hodous, Helen Carlson, Mark Olson and Terry Wallace as members of the Devils Lake Shade Tree Committee for three-year terms expiring on June 30, 2021;
10. Three gaming site authorizations submitted by Devils Lake Youth Activities Association for July 1, 2018 through June 30, 2019 at the following locations: Columbus Club and Building Association – 522 4th St NE; Proz End of the Line – 101 6th St NE and Thirsty's LLC – 318 4th St NE; and
11. Use of city property permit and training site permission letter agreement submitted by USDA-NRCS for May 30-31,2018, June 5-6, 2018 and June 26-27, 2018 for an area east of fire training tower.

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

The first reading of Ordinance No. 954 – Marijuana conditional use was held.

Commissioner Robbins stated the panic system, camera system and locks are items needed in order to help the Law Enforcement Center regain the ability to house outside inmates. This agreement is for engineering services at the Law Enforcement Center for the above-mentioned items, and it needs the City's approval since the City is expected to pay \$12,850.00 (50%) of the cost. Discussion followed on if this is the correct agreement for the City to sign. Also discussed was if the other entities that house inmates were paying for any of this.

Commissioner Stromme moved to table the short form of agreement between the Lake Region Law Enforcement Center and Prairie Engineering, PC for security system upgrade. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Assessor reviewed the request for a property tax exemption. SLO Properties renovated the main floor of the building at 418 4<sup>th</sup> Ave NE. The improvement exemption is for 5 years, and it doesn't take the existing value off of the tax rolls.

Commissioner Morse moved to approve the application for property tax exemption for improvements to commercial and residential buildings submitted by SLO Properties for renovations at 418 4<sup>th</sup> Ave NE and as recommended by the City Assessor. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Engineer stated the change order is through the ND Department of Transportation for work being done on the frontage roads.

Commissioner Stromme moved to approve Change Order No. 2 for Strata Corporation for Street Improvement District No. 64-17 – Frontage 2 & 20 for addition of chip seal on Hwy 20 for a net increase in the amount of \$13,513.27 as recommended by the City Engineer. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Engineer reviewed the agreement for Dwight Haas. Mr. Haas would like to place drainage tile, but the easement does not allow any encroachment; therefore, an agreement is needed in order for him to complete this work.

Commissioner Stromme moved to approve the consent to allow encroachment to easement area between Dwight C Haas and the City of Devils Lake for property at E1/2SW1/4 and Lots 3 and 4 of Section 30-152-61, Nelson County, North Dakota as recommended by the City Engineer. 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.

The amount of water being used by Northeast Regional Water District was discussed.

It was also noted a meeting with Greater Ramsey Water District will be held on Friday.

President Johnson acknowledged the following reports:

1. City Auditor monthly report, and
2. Municipal Court monthly report.

A recap of the cost and local share of the downtown project was given along with an explanation of how the special assessments were derived. It was noted the grant amount is not coming from the City's urban road money, but is actually a grant from other State sources. Discussion continued on how the assessments compared to what the assessments would have been for just the original urban roads project, how many parking spots will be lost, how to address concerns of the downtown businesses, and additional maintenance costs.

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**