

MINUTES OF THE BOARD OF CITY COMMISSIONERS  
HELD AUGUST 20, 2018

The regular meeting of the Devils Lake City Commission was held Monday, August 20, 2018 at 5:30 P.M. with the following members present: President Dick Johnson, Commissioners Dale Robbins, Shane Hamre, Rob Hach and Jacob Volk. None were absent.

Pledge of allegiance was recited.

Commissioner Hamre moved to approve the minutes of the regular City Commission meeting held August 6, 2018. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

**Commissioner Hach** – The Sanitation Supervisor requested hiring an employee at a higher step than AA since he has heavy equipment experience and a degree in welding. The employee will be starting August 27<sup>th</sup>.

Commissioner Robbins moved to approve hiring Brandon Padilla for the Sanitation Department at a Grade 5 Step D as recommended by the Sanitation Supervisor. He will not get a step increase after probation. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

The City Assessor said everything was fine.

**Commissioner Hamre** – The Public Utilities Supervisor stated the celebration for Northeast Regional Water District will be held at 1 P.M. on Wednesday.

The Public Utilities Supervisor had a new employee start today, and another employee resigned.

**Commissioner Volk** – The Public Ways Supervisor stated the crosswalks downtown are being finished; Tri State Paving is back in town; all the summer help is done; and the cemetery will be sprayed in the next couple of weeks.

Discussion followed on mosquitoes and the fogger. The number of mosquitoes in the traps is down, but some tested positive for the West Niles Virus two weeks ago.

**Commissioner Robbins** - The City Engineer stated roadwork has started south of Heartland Care on 5<sup>th</sup> St E, east of 14<sup>th</sup> Avenue. The work on 2<sup>nd</sup> Ave will be completed when school is not in session.

The City Engineer discussed the west via duct. The waterline was not in the location as shown in the plan. The waterline came out and needs to be replaced. The City Engineer is requesting to have the subcontractor install the waterline on a time and material contract where the City would buy the materials, and the contractor would install them. After discussing it with the City Attorney, it was determined the City would need to declare an emergency for the project. It would cost about \$25,000.00 for the material and \$30,000.00 to install. Discussion followed on the City not being able to bid the project because the site is already a work zone.

Commissioner Volk moved to approve declaring an emergency for a time and material contract to replace the waterline at the west via duct with the time contract not to exceed \$35,000.00 as recommended by the City Engineer. In addition, materials will cost approximately \$25,000.00. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

The Police Chief stated the Battle of Badges blood drive would be held Wednesday through Friday. He also noted a golf tournament would be held September 15<sup>th</sup> sponsored by the SWAT team.

The Police Chief requested permission to start his new employee at a Grade 10 Step B due to his experience.

Commissioner Robbins moved to approve starting Christon Dallas as the School Resource Officer at a Grade 10 Step B as recommended by the Police Chief. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

**President Johnson** – The City Auditor requested to appoint Lisa Swenson as an alternate to the special assessment commission.

Commissioner Hach moved to approve appointing Lisa Swenson as an alternate to the special assessment commission for a vacant term expiring on April 30, 2023. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Auditor requested out-of-state travel for the City Administrator and President Johnson to attend the North Dakota Leaders White House Conference in Washington DC.

Commissioner Volk moved to approve out-of-state travel for Terry Johnston and Dick Johnson to attend the North Dakota Leaders White House Conference in Washington DC from August 29, 2018 to August 31, 2018. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

The Fire Chief said the highway lighting has been completed up to Hwy 19.

The City Attorney stated everything was fine.

The City Attorney reviewed the four options for a fireworks ordinance. Most cities contacted are similar to what Devils Lake currently has. Option one shortens the time for shooting fireworks to July 3<sup>rd</sup> and July 4<sup>th</sup>. The hours would remain the same. Option two follows the Grand Forks ordinance and prohibits the sale and use of fireworks. It does allow public displays with a permit issued from the fire chief. Option three is like option two except it allows those fireworks that don't project over 10 feet in air. Option four is the present ordinance. It was noted the part referring to 1999 should be repealed.

The Commissioners discussed fireworks affecting veterans with PTSD, banning fireworks altogether not working, shortening the days a better option and what days would fireworks be allowed to be sold.

Commissioner Volk moved to approve having the City Attorney draft option 1 (allowing fireworks on only July 3<sup>rd</sup> and 4<sup>th</sup>) as an ordinance. President Johnson called for a second to the motion three times. The motion died for the lack of a second.

Commissioner Robbins moved to approve having the City Attorney draft option 1 as an ordinance with changing the days fireworks would be allowed to July 2<sup>nd</sup>, July 3<sup>rd</sup> and July 4<sup>th</sup>. The motion was seconded by Commissioner Hach. Commissioners Robbins, Volk, Hach and President Johnson voted aye. Commissioner Hamre opposed. The motion carried.

President Johnson stated he received solicitation from HomeServe for the MDU guaranty. He is concerned because they use the entity's logo and name so it looks like the information is from MDU.

An email was received from Dennis Lyon, Regional Area Manager for Utility Service Partners, regarding questions the City Commission had about homeowner calling contractor directly, on if any cities in North Dakota are using the service and on HomeServe already being available in ND.

Commissioner Volk voted to deny the use of the City's logo and any City name identification by Utility Service Partners and HomeServe for the NLC line guaranty program. The motion was seconded Commissioner Hamre, and the motion carried unanimously.

President Johnson asked to table the recommendation from the personnel policy committee regarding the COLA for 2019 since the City Administrator was absent.

Commissioner Hamre moved to table the recommendation from the personnel policy committee regarding the cost-of-living raise for 2019. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

The City Engineer reviewed the agreement with the City of Devils and the Veterans of Foreign Wars Post 756 for a State Historical Society Grant. The City acts as a sponsor with all grant requirements passed on to the VFW including the local share.

Commissioner Volk moved to approve the agreement with the City of Devils Lake and the Veterans of Foreign Wars Post 756 for a State Historical Society Grant for a roofing project at the VFW. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Robbins moved to approve the State Historical Society Certified Local Government Agreement for National Park Service's Historic Preservation Grant Funds for the re-roofing of the VFW building. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

Commissioner Volk moved to approve payment of Estimate No. 1 to Elshaug Concrete Construction for 2018 Curb, Gutter & Sidewalk in the amount of \$10,627.76 as recommended by the City Engineer. The motion was seconded by Commissioner Robbins. Discussion followed on the City paying 50% for the sidewalks deemed eligible. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Hamre moved to approve the resolution of the City of Devils Lake, North Dakota relating to the issuance of bonds and the reimbursement of certain expenditures. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

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

President Johnson acknowledged the following reports:

1. Fire Department monthly report; and
2. Municipal Court monthly report.

A special City Commission meeting will be held Tuesday, August 21<sup>st</sup> at 4 P.M.

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**