

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD FEBRUARY 7, 2022

The regular meeting of the Devils Lake City Commission was held February 7, 2022 at 5:30 P.M. with the following members present: President Johnson, Shane Hamre, Dale Robbins, Rob Hach and Jack Volk. None were absent.

Commissioner Volk moved to approve the minutes of the regular City Commission meeting held January 18, 2022. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

Commissioner Robbins moved to add to the agenda – two public hearings and recommendations from Devils Lake Planning Commission. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

5:30 P.M. – This was the time for a public hearing to review a request for a conditional use permit for expansion of a nursing home at 620 14th Ave NE. Hearing and receiving no comments, President Johnson closed the public hearing.

Commissioner Volk moved to approve a conditional use permit to allow expansion of existing structures at Lake Region Lutheran Home (Eventide) at 620 14th Ave NE as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Hamre, 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 for a single-family home in an area zoned as central area commercial (517 1st St NE). The City Assessor reviewed the area and the number of houses in the area. Hearing and receiving no other comments, President Johnson closed the public hearing.

Commissioner Robbins moved to approve a conditional use permit to allow a single-family home at 517 1st St NE which is zoned as central area commercial as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

Suzie Kenner, Executive Director of Convention & Visitors Bureau presented the 2021 Tourism Report.

Commissioner Hamre – The City Engineer noted everything was fine in Public Utilities.

Commissioner Hach – The City Engineer said everything was fine in Sanitation.

The City Assessor stated everything was fine

Commissioner Volk – The City Engineer reported snow removal for the priority routes and avenues was completed today; downtown will be done tonight; and streets will be done tomorrow.

Discussion was held on parking and snow removal at the middle school and moving the emergency route from 7th to 10th Street. Consensus was to have a police presence during pickup time at the school and to have the City Engineer check on moving the emergency route.

Commissioner Robbins - The City Engineer stated the water tower project will be closed out and the final payment will be reduced by the \$19,800.00 as agreed upon by the Commission for liquidated damages and by \$2,500.00 for grass work that another contractor will be completing.

President Johnson – The City Auditor inquired if the Commission would be willing advance funds to the Joint Training Center to pay their monthly utilities bill. Also, the insurance bill was twice the estimate so the City's share will be closer to \$10,300.00. The Center has no operating funds to pay the monthly bills. The County Auditor will also be asking the

County Commission to advance funds. Discussion was held on if the Center would qualify to have the insurance through ND Insurance Reserve Fund.

Commissioner Volk moved to approve paying ½ of the utility bills for the Joint Training Center and to have Sean Roed research insurance through ND Insurance Reserve Fund. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Administrator said everything was fine.

The Fire Chief reported the 202 firetruck has been sold to Cando for \$65,000.00; the fishing tournament was a success, and the new truck is in service.

The City Attorney said everything was fine.

The Police Chief reviewed the standards and incentives for the fitness program. Discussion followed on the compensatory time and paying for memberships at a fitness center.

Commissioner Volk moved to reject the compensatory leave and gym membership for the physical fitness program. The motion was seconded by Commissioner Hamre. Discussion followed on keeping the compensatory leave, the cost of the program to the City, if the job descriptions have a fitness standard and on opening the program to all City employees. On roll call Commissioners Hamre and Volk voted aye. Commissioners Robbins, Hach and President Johnson voted nay. The motion failed.

Commissioner Robbins moved to approve the physical fitness program for the paid peace officers and fire department employees with the compensatory leave as an incentive. The motion was seconded by Commissioner Hach. On roll call, Commissioners Robbins, Hach and President Johnson voted aye. Commissioners Volk and Hamre voted nay. The motion carried.

Commissioner Hamre moved to approve the mental health part of the fitness program for the Police Department with the stipulation it is done every year and the Fire Department is included. The motion was seconded by Commissioner Robbins. The cost for the Police Department is estimated at \$8,000.00 and at \$2,400.00 for the Fire Department. On roll call all Commissioners voted aye, and the motion carried.

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

Permits for the month of January 2022.

The motion was seconded by Commissioner Hach. Commissioner Volk abstained. The motion carried.

Commissioner Robbins moved to approve the cost participation and maintenance agreement with North Dakota Department of Transportation –micro surfacing and ADA ramps – US 2 – E of 3rd Ave NW as recommended by the City Engineer. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

Commissioner Volk moved to approve the cost participation and maintenance agreement with North Dakota Department of Transportation – mill and overlay, micro surfacing and ADA ramps – US 2 to 20th St NE as recommended by the City Engineer. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

Commissioner Robbins moved to approve the 2022 Loan Agreement between the National Museum of the United States Air Force and the City of Devils Lake for the period from April 1, 2022 and ending March 31, 2023 for displaying an airplane at the Devils Lake Regional Airport. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

Commissioner Hamre moved to approve payment of Estimate No. 2-Final to Viking Industrial Painting for water tower repair and coating improvement in the amount of \$114,069.50 as recommended by the City Engineer. The motion was seconded by Commissioner Robbins. On roll call all Commissioners voted aye, and the motion carried.

The prohibited pet permit submitted by Sharon Tester was reviewed. The City Attorney stated it is not permissible under City Ordinance. The prohibited pet permit can only be used for animals listed under Subsection A of 6.16.010.

The consensus of the City Commission was to have Brenda Bergsrud attend a meeting to clarify the time frame and the amount being requested for Midstate Volunteer Program.

Commissioner Volk moved to approve the resolution creating Street Improvement District No 78-22 – Walnut St E, Fair Ave SE, 10th Ave SE, Various Locations and ordering the preparation of a preliminary report as recommended by the City Engineer. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

Commissioner Volk moved to approve the resolution creating Water Main Improvement District No 27-22 – 10th St NW, 11th St NW, 12th St NW, 13th St NW and ordering the preparation of a preliminary report as recommended by the City Engineer. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Hamre moved to approve extending the loan guarantee of \$500,000.00 for Summer's Manufacturing to July 15, 2022. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

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

President Johnson acknowledged the following reports:

1. 4th quarter 2021 economic data, and
2. Municipal Court monthly report.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 7:08 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT