

MINUTES OF THE BOARD OF CITY COMMISSIONERS  
HELD AUGUST 17, 2020

The regular meeting of the Devils Lake City Commission was held August 17, 2020 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 3, 2020 and the special City Commission meeting held July 29, 2020. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

**Commissioner Hach** – The City Assessor said everything was fine.

The City Engineer discussed the usage of signs and cameras at the recycling center.

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

**Commissioner Volk** – The City Engineer indicated Public Ways has been ground spraying for mosquitos, painting, and chip sealing. The new hire started today.

**Commissioner Robbins** – The Police Chief reported the Police Department is following CDC guidelines for covid exposure. He also inquired how the City wanted to handle enforcement of the no parking for the chip sealing.

The City Engineer stated the watermain replacement project will be starting this week. The contractor will begin at 5<sup>th</sup> Ave and work east. Temporary water service will be used, and residents may elect at their own cost to replace lead service lines.

**President Johnson** - The City Auditor stated everything was fine.

The City Administrator reviewed the landfill charge. Discussion followed on the dialogue with the customer and the situation with the appliances. It was noted that the ND Department of Environmental Quality was aware of the situation, and there could be an issue with recovering freon.

Commissioner Volk moved to deny forgiving the \$60.00 landfill charge for Eric Boren. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

The City Administrator reviewed the request from Geraldine Ekhaton to purchase a city-owned lot. The lot is next to hers. Discussion followed on the lot being on the City's list for mowing and the unauthorized storing of items on the property.

Commissioner Robbins moved to not declare parcel 39-1505-00082-000 as surplus and not put it up for sale on bids. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

The City Administrator reviewed the nuisance charge sent to Yong Germain. Discussion was held on the extenuating circumstances. Her mower broke, and she had ordered a new one. When the new one arrived, a part was missing. She had notified the Fire Chief; in the meantime, the lot was mowed by the temporary workers.

Commissioner Volk moved to reduce the nuisance bill from \$300.00 to \$150.00 for Yong Germain due to extenuating circumstances. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

The Fire Chief informed the City Commission about the Barry Johansen nuisance. A certified letter will be sent.

The City Administrator stated the United States Postal Service is holding ceremonies to thank essential workers, and Devils Lake was selected as one of the cities.

The Fire Chief stated the Battle of the Badges will be held August 19<sup>th</sup> through the 21<sup>st</sup>.

The Fire Chief reported the sign was run over at the dumpsite, and a gate has been ordered. It was noted that Barry Gage, the township chairman, needs to be contacted about the gate.

The 2<sup>nd</sup> reading of Ordinance No. 968 – Fireworks was held. The City Attorney reviewed the changes made to the ordinance. Mark Olson stated he was against any change. The Commission decided to follow the century code for selling dates. Discussion continued on loudness being subjective and how to enforce it, the current fine amount of \$200.00 seeming excessive for a first offense and changing the fine to a warning for the first time and \$100.00 for any subsequent fireworks violations.

Commissioner Hach moved to table the 2<sup>nd</sup> reading of Ordinance No. 968 – Fireworks. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

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

Permit to sell alcoholic beverages at a special event submitted by Proz Inc for the wedding reception and dance for Tanner Paine and Morgan Hanson on September 12, 2020 at the Memorial Building.

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

The City Engineer reviewed the license agreement with Otter Tail Power. The agreement provides Otter Tail Power access to their substation.

Commissioner Robbins moved to approve the license agreement with Otter Tail Power Company that provides access to their substation as recommended by the City Engineer. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

The City Engineer stated the street improvement for part of Schwan Ave impacts four property owners, and the owners have agreed to pay 50% of the cost.

Commissioner Volk moved to approve the resolution creating Street Improvement District No 75-20 – North 1200' of Schwan Ave NW and ordering the preparation of a preliminary report as recommended by the City Engineer. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

The City Engineering reviewed the preliminary report for Street Improvement District No 75-20 – Schwan Ave.

Commissioner Robbins moved to approve the resolution approving preliminary report and directing preparation of plans and specifications for Street Improvement District No 75-20 – North 1200' of Schwan Ave NW 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 approving plans and specifications and directing advertisement for bids for Street Improvement District No 75-20 – North 1200 feet of Schwan Ave NW as recommended by the City Engineer. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Engineer reviewed the amendment to add Street Improvement District No 75-20 to the Department of Transportation project.

Commissioner Volk moved to approve the ND Department of Transportation amendment to contract no. 1 – Schwan Ave NW as recommended by the City Engineer. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

Commissioner Hamre moved to approve the resolution determining insufficient protests were filed in Street Improvement District No 74-20 – 8<sup>th</sup> St NE between 5<sup>th</sup> Ave & 10<sup>th</sup> Ave, 9<sup>th</sup> St NE between 5<sup>th</sup> Ave & 8<sup>th</sup> Ave, 6<sup>th</sup> Ave NE

between 7<sup>th</sup> St & 10<sup>th</sup> St, 7<sup>th</sup> Ave NE between 7<sup>th</sup> St and 10<sup>th</sup> St as recommended by the City Engineer. 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 report:  
Municipal Court monthly report.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:52 P.M.

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

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