

Minutes of the Devils Lake City Commission  
June 19, 2023

The regular meeting of the Devils Lake City Commission was held on June 19, 2023 with the following members present: President Moe, Rob Hach, Jason Pierce, Shane Hamre, and Dale Robbins.

Commissioner Hamre moved to approve the minutes of the regular Commission meeting held June 19, 2023. The motion was seconded by Commissioner Pierce, and the motion carried unanimously.

President Moe recognized Paul Arenda for his 25 years of service with the City of Devils Lake.

Public Hearing – Conditional Use Permit for Church of God Seventh Day – The Planning Commission is recommending approval of a request for a conditional use permit to allow construction for a new church at 607 5<sup>th</sup> St SE. Commissioner Pierce made a motion to approve the recommendation. Commissioner Hach seconded the motion, and the motion carried unanimously.

Public Hearing – Conditional Use Permit for Seasonal Storage Outbuildings – The Planning Commission is recommending approval for a conditional use permit to allow seasonal cold storage in the outbuilding located at 1315 Hwy 2 E. Commissioner Robbins made a motion to approve the recommendation. Commissioner Pierce seconded the motion, and the motion carried on a roll call vote.

Lake Region Public Library Annual Report – The Library Director gave an update on the Lake Region Public Library for 2022. She communicated that an average week in 2022 they would see 481 people, 375 items were checked out, 63 people used a computer, 156 digital items were checked out, 37 people attended a library event, and 153 questions were answered. She also mentioned all the collections and circulations that they saw in 2022 along with all of the services they provided.

Commissioner Pierce – The Fire Chief communicated that they had a couple of firefighters attend a convention in early June and that Devils Lake will be holding this convention next year. He also communicated that there is a Fire Chief conference in Fargo that himself and the Assistant Chief will be attending. He communicated that the 4<sup>th</sup> of July parade will be held on the 4<sup>th</sup> at 10am.

Commissioner Robbins – The City Engineer communicated that he does not have an update for the Street Department. He also communicated that the watermain should be on 12<sup>th</sup> St W if everything goes as planned. They will start working on 13<sup>th</sup> St W.

Commissioner Hach – The City Engineer communicated that there is not an update for the Sanitation Department. The City Assessor communicated that we have received the new homestead credit application, so people that qualify can come in and fill that out. He also thanked the people that were on the Domestic Foul Committee.

Commissioner Hamre – The City Engineer communicated that Commissioner Hamre brought the Utility Crew out for breakfast one day as a thank you for all their hard work. Commissioner Hamre communicated that they have been working on water breaks, storm sewers, and the watermain replacement.

The Police Chief communicated that he does not have an update.

The City Administrator communicated that July is budget month and we will be working on getting that ready for the meetings in July.

The City Attorney communicated that the nuisance ordinance is on the agenda and that hopefully next week he will have the refusal ordinance. He also mentioned that he is waiting to hear back from the LEC attorney.

Planning Commission Reappointment of Rodger Haugen – The Planning Commission is recommending reappointment of Rodger Haugen. Commissioner Hamre made a motion to approve the recommendation. Commissioner Hach seconded the motion, and the motion carried unanimously.

#### 1<sup>st</sup> reading of Ordinance 989 – Nuisances

Shade Tree Award of Bid – The City Administrator communicated that the only bid was from Angry Beaver Tree Service. This bid is not to exceed \$20,000. Commissioner Robbins made a motion to approve the bid award. Commissioner Hach seconded the motion, and the motion carried unanimously.

Declaration of Uncollectable Special Assessments US Postal Service – The City Administrator communicated that records show USPS is delinquent on their taxes. The City Attorney communicated that there is no evidence that the City has the legal avenues to compel the USPS to remit payment for the special assessments. The recommendation is to waive the remaining balance in the amount of \$14,375.22, \$4,467.21, and \$1,820.87. Commissioner Pierce made a motion to approve the recommendation. Commissioner Hamre seconded the motion. The motion carried unanimously on a roll call vote.

2022-2023 Permit/License Applicants Effective July 1, 2023, through June 30, 2024 – The City Administrator communicated that the attached list is the same as last year and licenses will be handed out July 1, 2023. Commissioner

Hach made a motion to approve the list. Commissioner Robbins seconded the motion, and the motion carried unanimously.

Acceptance of Compensation and Release of Claims – Corporate Technologies – The City Administrator communicated that he has been in conversation with Corporate Technologies in the effort to reach mutually acceptable terms pertaining to the deletion of the City's server which resulted in the loss of valuable property information in Vanguard//CAMA Vision software. The City estimates it would cost \$25,000 to procure tools necessary to efficiently restore this information as well as \$25,000 for the human labor and time needed to update the relevant property records. Corporate technologies has offered to compensate the City \$45,000 (see attached settlement) should the City agree to release all claims against Corporate Technologies related to the specific event. The City Administrator is recommending approval of the settlement. Discussion continued on the topic. Commissioner Hach made a motion to approve the recommendation. Commissioner Robbins seconded the motion. The motion carried 3-2 on a roll call vote.

Permit to Sell Alcoholic Beverages at Special Event – Ed's Bait Shop – The City Administrator communicated that Ed's Bait Shop is looking to get a special event permit to serve alcoholic beverages at a wedding that will be held at the memorial building. Commissioner Pierce made a motion to approve the permit. Commissioner Robbins seconded the motion, and the motion carried unanimously.

Consideration of Grant to Unpopped Colonels, LLC – The City Administrator communicated that Forward Devils Lake made a recommendation to give Unpopped Colonels \$200,000 for the restoration of the local movie theater contingent upon final agreement to be approved at a future City Commission meeting. This would be \$200,000 upfront/forgivable/no payment/no interest loan over 10 years out of the growth fund. There will be no forgiveness during the first two years, \$25,000 will be forgiven in years 3-10, and should they go out of business or be sold prior to the end of year 10, the balance owed at that time would be due and terms would be negotiated at that time. Commissioner Pierce made a motion to approve the consideration, Commissioner Hamre seconded the motion. The motion carried unanimously on a roll call vote.

Pay Estimate #6 – City Project 220201 Watermain Replacement 27-22 – The City Engineer communicated that this pay estimate is for \$90,428.13 and this would be paid to Kemper Construction. Commissioner Hamre made a motion to approve the pay estimate. Commissioner Hach seconded the motion. The motion carried unanimously on a roll call vote.

Recommendation to Approve Development Agreement – The City Engineer communicated that a new building is being proposed to be built along US

Highway 2 between Ironhide Equipment and North Star Credit Union. With the new construction, the Fire Chief would like an addition hydrant in this area. He communicated that we estimate the City share of this work to be \$20,000. Commissioner Pierce made a motion to approve the recommendation. Commissioner Hach seconded the motion, and the motion carried unanimously.

Jordin Lange, Tom Lamotte, and Mary Lamotte communicated their concerns about downtown. President Moe and the Police Chief communicated that they are doing everything they can to keep the people downtown safe. The Police Chief communicated that there are officers walking the sidewalks during the day.

Commissioner Hamre moved to approve the list of bills as submitted. The motion was seconded by Commissioner Pierce. The motion carried unanimously on a roll call vote.

**SPENCER HALVORSON**  
**CITY ADMINISTRATOR/AUDITOR**

**JIM MOE**  
**PRESIDENT OF CITY COMMISSION**