

MINUTES OF THE SPECIAL MEETING OF THE
BOARD OF CITY COMMISSIONERS
HELD AUGUST 7, 2014

Pursuant to due call and notice thereof, a special meeting of the Board of City Commissioners of the City of Devils Lake, North Dakota was held at the City Office on Thursday, August 7, 2014 at 12:30 P.M. with the following members present: Commissioners Tim Heisler, Craig Stromme, Rick Morse, Dale Robbins and President Richard Johnson. None were absent.

President Johnson stated the purpose of the meeting was to discuss a legal settlement on the Mertens Farms land acquisition case.

The City Attorney reviewed item 6 under the settlement terms. The previous agreement did not include the sentence "To control its costs, Mertens Farms shall have the opportunity to perform the work agreed upon, provided the final result is acceptable to the City." This provision would allow Mertens Farms to perform the work in item 6 as long as the final result is acceptable to the City. Mertens Farms did not want to include this language, and the City Engineer wanted the agreement to state a license contractor needed to provide the work. Discussion followed on not having the City Engineer involved in the work, on being sure Mertens Farms completes the work in an appropriate manner and in a timely fashion, on ensuring the drainage is not from their lagoon or private sewer system, on what, if any, signage is needed, on the availability of access to the City's property, on what recourse is available if Mertens Farms does not follow through with the completion of the work, and on what factors were used to determine signatures on the agreement.

Commissioner Stromme moved to approve the settlement agreement and authorize the Mayor to sign the agreement on the Mertens Farms land acquisition case in the amount of \$1,731,959.00 to Mertens Farms and \$128,000.0 to Donald Mertens as presented by the City Attorney. The motion was seconded by Commissioner Heisler. On roll call all Commissioners voted aye, and the motion carried.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 1:02 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT