

MINUTES OF THE BOARD OF CITY COMMISSIONERS  
HELD JULY 16, 2018

The regular meeting of the Devils Lake City Commission was held Monday, July 16, 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 July 2, 2018. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

5:30 P.M. – This was the time set for the bid opening for the 2006 Ford F550 rescue truck. No bids were received.

The Fire Chief will meet with the membership to see what they want to do with the truck.

5:30 P.M. – This was the time set to review the final changes to the City's Renaissance Zone guidelines.

Steve Zimmer reviewed the history of the renaissance zone, changes allowed by legislation, what changes were incorporated into the City of Devils Lake Renaissance Zone guidelines, the area included in the zone, how the program is publicized, and the process for state approval.

Commissioner Volk moved to approve the final changes to the Renaissance Zone guidelines as recommended by the Renaissance Zone Authority. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

**Commissioner Volk** – The Public Ways Supervisor stated dead trees are being cut down in the cemetery, and the street employees are painting crosswalks. Tri-State is done for now, but will be back in a couple of weeks.

**Commissioner Robbins** - The Police Chief said everything was fine.

The City Engineer said the new bridge will have a train go over it tomorrow. Work continues on the project. The roadway will be kept closed for longer than originally intended in order to get the work completed. The contractor does have days coming for keeping the road closed. Once the trains are switched to the new railroad, the shoofly will be taken down. Underground work will occur and then the road work will be completed. The project should be done in October.

**Commissioner Hamre** – The City Engineer stated the Sewer Department will be harvesting lemna soon.

The City Engineer spoke with the contractor today regarding the wellfield roof. The necessary repairs are being made at no cost to the City. The contractor should be on site in the next couple of weeks.

An open house will be held at the water treatment plant on August 8<sup>th</sup> for the Northeast Regional Water District.

**Commissioner Hach** – The Sanitation Supervisor stated Saturday was free dump for City residents at the landfill.

The City Assessor stated everything was fine.

**President Johnson** – The City Auditor stated the photographer will be here at 5:00 PM on August 6<sup>th</sup> to take the Commissioners pictures.

The Fire Chief requested purchasing a trailer for Shade Tree. He has two proposals for a 16-foot, dump-type trailer. North Prairie Trailer's proposal is for \$7,540.00, and Bobcat's proposal is for \$8,300.00. He would recommend accepting the low proposal. Discussion followed on the difference in the trailers. The lower priced trailer has a base which is spot-

welded where the higher priced one has a full welded base. The tailgate is also different. Discussion continued on if the spot-welded trailer would be sturdy enough for the Shade Tree work.

Commissioner Volk moved to approve the purchase of a trailer from Bobcat in the amount of \$8,300.00 due to the better quality as recommended by the Fire Chief. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

The City Attorney stated the City now has a judgment against American Dakota Refinery Company and Eagles Ledge Energy Limited for the costs and legal fees incurred by the City for work done on the project. The agreement with the City called for the companies to reimburse the City for costs up to \$140,000.00. The next step is to try and collect on the judgment. The City Attorney will contact the law firm in Seattle regarding the collection. A judgment against the principal could not be obtained since he was not a party to the contract.

The City Attorney stated a quiet title action is needed for part of the cemetery since the City does not have a deed for it.

The City Attorney indicated the Law Enforcement Center wanted to include the county in the agreement. The City previously approved the agreement without the county being a party to it.

Commissioner Robbins moved to approve the agreement with the Lake Region Law Enforcement Center for the design of a detention grade intercom and surveillance system and to fully integrate them with a computerized control system with the City providing funding for one-half of the project with the contract not to exceed \$26,000.00. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

The City Engineer reviewed the plans and specifications for the downtown project. This is the last resolution for the special assessment process, and it needs to be approved before the bids are opened. The advertisement for bids will start, and bids will be opened in October.

Commissioner Volk indicated he has concerns for snow removal. The City Engineer stated since the street sweeper is not being purchased, the City is looking to purchase smaller, more nimble equipment for snow removal. Also, the design of curb will be gentler to aid in snow removal. The City Engineer noted the special assessments for the current \$6 million project are approximately the same as for the original mill and overlay and sidewalk replacement project that was planned for the downtown.

Commissioner Robbins moved to approve the resolution approving plans and specifications and directing advertisement for bids for Downtown Improvement District No 01-18 as recommended by the City Engineer. The motion was seconded by Commissioner Hach. Commissioner Volk opposed. The motion carried.

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

1. Permit to sell alcoholic beverages at special event and public dance permit submitted by Ye Olde Tavern for the wedding dance for Kalvin Slaubaugh on August 4, 2018 at the Memorial Building; and
2. Taxicab license application submitted by Joshua Mathiason dba DL Taxiola.

The motion was seconded by Commissioner Hach. Commissioner Volk requested to have discussion on the taxicab license application. Commissioner Hach withdrew his second, and Commissioner Robbins withdrew his motion.

Commissioner Robbins moved to approve the consent agenda with just item 1. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

Commissioner Robbins moved to amend the consent agenda and to move item 2 to new business as item 5. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

Commissioner Robbins moved to approve budget amendment #02-18 – Library. The motion was seconded by Commissioner Hach. Discussion was held on the amendment only adding funds to the budget, and it is not authorizing the Library to proceed with the reading garden project. The motion carried unanimously.

Commissioner Volk moved to approve the Pledge of Assets by Bremer Bank as recommended by the City Auditor. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

The City Engineer reviewed the preliminary engineering reimbursement agreement with DOT for the major rehabilitation work on Hwy 2. The project includes fixing cracked panels, concrete and intersections at Hwy 2 and Hwy 19 and Hwy 2 and Hwy 20. The City share is \$0.00.

Commissioner Hamre moved to approve the preliminary engineering reimbursement agreement between the City of Devils Lake and the State of North Dakota for designing a project on US 2 from ND 19 to 83<sup>rd</sup> Ave/Elks Dr as recommended by the City Engineer. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Volk moved to approve paying off the water source replacement loan with the Department of Health with funds from the Northeast Water District buy-in as recommended by the City Administrator. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

The taxicab application for Joshua Mathiason dba as DL Taxiola was reviewed. The Police Chief has approved it, and the applicant has met the requirements. Commissioner Volk questioned if the vehicle was handicapped accessible and hours of operation. Discussion followed on the hours of operation, the number of vehicles, the number of drivers, and it not being up to the Commission whether the business has an operating plan.

Commissioner Hamre moved to approve the taxicab license application submitted by Joshua Mathiason dba DL Taxiola. The motion was seconded by Commissioner Robbins. Commissioner Volk voiced his concern that there was no operation plan. The motion carried unanimously.

Commissioner Robbins 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. City Auditor monthly report;
2. Fire Department monthly report; and
3. Municipal Court monthly report.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:40 P.M.

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

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