

MINUTES OF THE BOARD OF CITY COMMISSIONERS  
HELD FEBRUARY 1, 2021

The regular meeting of the Devils Lake City Commission was held Monday, February 1, 2021 at 5:30 P.M. with the following members present: President Dick Johnson, Commissioners Shane Hamre, Dale Robbins, Rob Hach and Jacob Volk. None were absent.

Pledge of allegiance was recited.

Commissioner Volk moved to approve the minutes of the regular City Commission meeting held January 19, 2021. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

Reg Herman appeared before the City Commission to request the addition of a liquor license for a business. The business will be mainly pickup, but will have a limited amount of seating. They are looking at serving beer and wine to the dine-in customers. Due to the small amount of seating, the business does not qualify for any of the City's current licenses. The City Commission is being asked to either amend license VI (restaurant license to sell beer and wine with a minimum seating capacity of 75) or IX (retail on-sale and off-sale beer and wine with maximum seating of 25) to fit the proposed business or to create a new category. Discussion followed on the layout of the business and the possibility of including the meeting room in the licensed area. Consensus of the City Commission was to have the City Attorney review the licenses and business layout to determine what would work best.

**Commissioner Robbins** – The City Engineer reviewed the certificate of right-of-way and right of entry. This certifies to the Corps of Engineers that the City has access to the real estate needed to complete the work for the Devils lake 17<sup>th</sup> St Pond 2020 project.

Commissioner Robbins moved to approve the Devils Lake, North Dakota - Flood Risk Management Project - Devils Lake City Embankments - Devils Lake 17<sup>th</sup> St Pond 2020 - Attorney's Certificate as to Right-of-Way and Devils Lake, North Dakota - Flood Risk Management Project - Devils Lake City Embankments - Devils Lake 17<sup>th</sup> St Pond 2020 – Project Cooperation Agreement - Right-of-Entry recommended by the City Engineer. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

The Police Chief stated the salary compression issue would be addressed at the next City Commission meeting.

The Police Chief requested getting rid of three unmarked vehicles and purchasing two used vehicles. The vehicles are used by the detectives. Two quotes were received and by trading in the three vehicles for the two used ones, it would cost the City \$27,698.00. Discussion followed on the procedure to follow since the vehicles were not in the budget.

Commissioner portfolios were stopped in order to start the 6:00 P.M. public comment session concerning the mask mandate.

6:00 P.M – This was the time set to take public input on the expiration or continuation of the mask mandate via a zoom meeting.

Comments were received on keeping the mandate in place for the health and safety of others and due to the emergence of other variants. Other comments regarding the inability for some to wear masks, mask fatigue, it being a personal choice, it being a temporary measure, and having people disregard the mandate if it should be needed later were heard in support of the mandate expiring.

Commissioner Volk moved to allow the mask mandate to expire at 8:00 A.M. on Wednesday, February 3, 2021. The motion was seconded by Commissioner Hamre. On roll call Commissioners Hamre, Hach and Volk voted aye. Commissioner Robbins and President Johnson voted nay. The motion carried.

President Johnson distributed a Covid-19 Face Covering Policy which removes the mandate wording, but strongly encourages everyone to continue to wear masks.

Commissioner Robbins moved to approve the Covid-19 Face Covering Policy that strongly encourages the use of face coverings when social distancing cannot be achieved. The motion was seconded by Commissioner Hach. Discussion followed on letting

businesses decided if employees and customers need to wear face coverings in their store and on whether the policy was needed. On roll call Commissioners Robbins, Hach and President Johnson voted aye. Commissioner Hamre and Volk voted nay. The motion carried.

Commissioner portfolios were resumed.

**Commissioner Robbins** – Discussion continued on vehicles for the Police Department. The consensus of the City Commission was for the Police Chief to get bids for the used vehicles.

The Police Chief asked about purchasing a new patrol vehicle.

Commissioner Robbins moved to approve calling for bids for a police vehicle as recommended by the Police Chief. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

The Police Chief discussed the possibility of purchasing a virtual reality simulator for de-escalator and less lethal weapons trainings. Various scenarios are presented for the officers to work through. The simulator usually sells for \$97,000.00; however, the current price is \$62,000.00 and comes with updates. The Police Chief is hopeful the county and the college peace officer training would split the cost with the City.

**Commissioner Volk** – The City Engineer stated the motor grader was delivered today, and the Public Ways employees were receiving training on it.

**Commissioner Hamre** - The City Engineer stated everything was fine in Water and Sewer.

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

The City Engineer reported everything was fine in Sanitation.

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

The City Administrator reported the Fire Chief has submitted his retirement request for June 30, 2021.

The City Administrator requested permission to proceed with Forward Devils Lake on developing a new website for both entities. Forward Devils Lake will take the lead on the project and sign the agreement with the web company. The City's share will be around \$15,000.00. Consensus of the City Commission was to proceed with the website project.

The Fire Chief reported everything was fine.

The City Attorney said everything was fine.

The 2<sup>nd</sup> reading of Ordinance No 969 – Removing and replacing curb and gutter was held.

Commissioner Volk moved to approve Ordinance No 969 – removing and replacing curb and gutter, an ordinance, which upon adoption shall be codified as section 12.04.070 of the Devils Lake municipal code. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

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

Game of chance permits for the month of January 2021.

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

The City Engineer stated the farm rent agreement was a renewal of an existing agreement for three years.

Commissioner Volk moved to approve the farm cash rent agreement between the City of Devils Lake and Neal J Ackerman and Roberta J Ackerman for PARCEL A - That part of Section 18, Township 153 North, Range 63 West, Ramsey County, North Dakota, described as follows: Beginning at the north quarter of said Section 18; thence S88°34'59"W, along the north line of the NE1/4NW1/4 of said Section 18, a distance of 731.16 feet to the easterly right-of-way of State Highway No. 2; thence southeasterly along said right-of-way, 832.65 feet, on a curve concave to the southwest having a central radius of 4027.30, a

central angle of  $11^{\circ}50'46''$ , a chord bearing of  $S44^{\circ}09'25''E$ , and a chord length of 831.17 feet to the northwest line of ACKERMAN ACRES 1ST ADDITION; thence  $N46^{\circ}00'08''E$ , along said northwest line, 625.32 feet to the northeast line of said ACKERMAN ACRES 1st ADDITION; thence  $N43^{\circ}59'52''W$ , along the northwesterly extension of said northeasterly line, 690.83 feet the north line of the  $NW\frac{1}{4}NE\frac{1}{4}$  of said Section 18; thence  $S88^{\circ}38'33''W$ , along said north line, 66.39 feet to the point of beginning, subject to and together with any valid easements, restrictions and/or reservations and containing 12.82 acres more or less; and PARCEL C - That part of the  $W\frac{1}{2}$  of Section 17-153-63, Ramsey County, North Dakota, described as follows: Beginning at the north quarter corner of said Section 17; thence  $S01^{\circ}29'23''E$ , along the east line of said  $W\frac{1}{2}$ , 3958.04 feet to the south line of the  $N\frac{1}{2}SW\frac{1}{4}$  of said Section 17; thence  $S88^{\circ}54'11''W$ , along said south line, 1576.90 feet to the northeasterly line of ACKERMAN ACRES SUBDIVISION; thence  $N43^{\circ}59'52''W$ , along said northeasterly line, 863.29 feet to the southeasterly line of Block 5, ACKERMAN ACRES SUBDIVISION; thence  $N46^{\circ}00'08''E$ , 100.00 feet; thence  $S43^{\circ}59'52''E$ , 819.72 feet; thence  $N88^{\circ}54'11''E$ , 732.71 feet; thence  $N01^{\circ}29'23''W$ , 1849.78 feet; thence  $N88^{\circ}54'11''E$ , 669.91 feet; thence  $N01^{\circ}29'23''W$ , 2008.53 feet to the north line of said  $W\frac{1}{2}$  of said Section 17; thence  $N89^{\circ}00'18''E$ , along said north line, 130.00 feet to the point of beginning, subject to and together with any valid easements, restrictions and/or reservations, and containing 45.31 acres more or less, as recommended by the City Engineer. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

The City Attorney reviewed the reaffirmation of declaration of restrictions for a lot in Eagle Bend Estates.

Commissioner Robbins moved to approve the reaffirmation of declaration of restrictions for Lot 1 of Eagle Bend Estates 9<sup>th</sup> Subdivision, Ramsey County, North Dakota according to the Plat filed July 18, 2007, as Document No. 241045 as recommended by the City Attorney. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

Commissioner Volk moved to approve resolution creating Street Improvement District No 76-21 – 15<sup>th</sup> St NE, 17<sup>th</sup> St NE, etc. 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.

The City Engineer reviewed the preliminary engineering report for Street Improvement District No 76-21 – 15<sup>th</sup> St NE, 17<sup>th</sup> St NE, etc.

Commissioner Robbins moved to approve the resolution approving preliminary report and directing preparation of plans and specifications for Street Improvement District No 76-21 – 15<sup>th</sup> St NE, 17<sup>th</sup> St NE, etc. as recommended by the City Engineer. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

Commissioner Volk moved to approve the preliminary report for Street Improvement District No 76-21 – 15<sup>th</sup> St NE, 17<sup>th</sup> St NE, etc. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

Commissioner Hamre moved to approve the resolution declaring the necessity of an improvement for Street Improvement District No 76-21 – 15<sup>th</sup> St NE, 17<sup>th</sup> St NE, etc. as recommended by the City Engineer. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

Commissioner Volk moved to approve the resolution creating Street Improvement District No 77-21 – 16<sup>th</sup> St NW, 5<sup>th</sup> Ave NW, 8<sup>th</sup> Ave NW 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.

The City Engineer reviewed the preliminary engineering report for Street Improvement District No 77-21 – 16<sup>th</sup> St NW, 5<sup>th</sup> Ave NW, 8<sup>th</sup> Ave NW. This project is part of the urban roads and costs will be split 80%/20% with the local share around \$200,000.00.

Commissioner Robbins moved to approve the preliminary report for Street Improvement District No 77-21 – 16<sup>th</sup> St NW, 5<sup>th</sup> Ave NW, 8<sup>th</sup> Ave NW. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

Commissioner Volk moved to approve the resolution approving preliminary report and directing preparation of plans and specifications for Street Improvement District No 77-21 – 16<sup>th</sup> St NW, 5<sup>th</sup> Ave NW, 8<sup>th</sup> 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 declaring the necessity of an improvement for Street Improvement District No 77-21 – 16<sup>th</sup> St NW, 5<sup>th</sup> Ave NW, 8<sup>th</sup> 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 water tower painting project. Discussion followed on the tremendous price increase if the City wanted to add the Firebird and/or Royal logos.

Commissioner Hamre moved to approve the engineering agreement with KLM Engineering for the water tower painting project as recommended by the City Engineer. The motion was seconded by Commissioner Volk. Discussion followed on the increase from \$350,000.00 to \$550,000.00. The motion carried unanimously.

Commissioner Hamre moved to approve authorizing the call for bids for the water tower painting project as recommended by the City Engineer. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

Commissioner Volk moved to approve payment of the list of bills as submitted. The motion was seconded by Commissioner Hamre. 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 7:45 P.M.

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

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