

MINUTES OF THE BOARD OF CITY COMMISSIONERS  
HELD JULY 15, 2019

The regular meeting of the Devils Lake City Commission was held Monday, July 15, 2019 at 5:30 P.M. with the following members present: President Dick Johnson, Commissioners Shane Hamre, Rob Hach and Jacob Volk. Commissioner Dale Robbins was absent.

Pledge of allegiance was recited.

Commissioner Volk moved to approve the minutes of the regular City Commission meeting held July 1, 2019. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

**Commissioner Hamre** – There was a leak on a pipe on 10<sup>th</sup> St NE.

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

**Commissioner Volk** – The City Engineer reported the Street Department is using a durapatch machine to patch streets. As for mosquito spraying, they will be fogging at dusk each night using both vehicles until 1 A.M. if the temperature is above 55 and the wind is less than 10 mph. Discussion was held on aerial spraying around Labor Day.

Commissioner Volk stated the Veterans Ride for Free Program provided 107 rides from April through June.

Commissioner Volk talked with the dispensary group, and the Commissioners may tour the facility after the commission meeting on August 5<sup>th</sup>. Once the State inspects the building on August 6<sup>th</sup>, people will no longer be able to go through the facility.

**President Johnson** – The City expressed its gratitude for everything James Kram did for the City and his years of service. James unexpectedly passed away.

The City Engineer reviewed the following projects:

1. Downtown – Working on intersections.
2. West underpass – Concrete was completed on the north lane. Liquefied damages are being assessed.
3. Hwy 2 – Work is progressing on this DOT project.
4. Walnut St – Work won't start until the beginning of August. Culverts need to be installed on Walnut near Elks Drive, and the culverts just started being manufactured the beginning of July. The roadway will be closed during the culvert replacement.

The Police Chief indicated two officers received life saving awards for administering Narcan.

The City Auditor stated everything was fine.

The City Administrator said everything was fine.

The Fire Chief stated August 6<sup>th</sup> is National Night Out and an event will be held at City Plaza. On August 7<sup>th</sup>, the annual airport exercise will be held.

The City Attorney reviewed the following cases to see how to proceed:

1. Dakota Dry Bean – The City incurred a cleaning bill of \$20,830.00 after the tenant moved out in order to sell the building to the current owner. There has been correspondence with Dakota Dry Bean. The issue stems from trucks being loaded inside of the building when it was for storage only.

Commissioner Volk moved to approve proceeding with litigation against Dakota Dry Bean in order to recover the cost of the cleaning the industrial park building, approximately \$20,830.00. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

2. Steve Spensley – Permission had been granted for him to remove equipment from the building and to pay the City for outstanding bills and damage. He signed a written agreement with the City agreeing to pay. He wanted to pay the City after the equipment was sold, but was told no. The City has a judgment against him in North Dakota, but he is a resident in Wisconsin. He owes the City \$24,635.78 plus interest. A judgement is needed in Wisconsin.

Commissioner Volk moved to approve obtaining a judgement in Wisconsin against Steve Spensley if he does not pay. Discussion followed on Mr. Spensley having no assets in North Dakota. It was noted ND law does not allow for attorney fees. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

3. American Dakota Refinery and Eagles Ledge - The City has judgements against the two entities for \$133,498.31. The City used a law firm in Washington to assist in this matter. The main player is in Canada. It would cost \$22,000.00 to \$38,000.00 for fees in order to try to collect on the judgements in Canada. Preliminary searches show no assets.

Commissioner Hamre moved to not proceed any further at this point against American Dakota Refinery and Eagles Ledge. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

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

1. An extension of premises application for a special event submitted by Devils Lake Elks 1216 for the State Elks Convention to be held July 26, 27, and 28, 2019 at the Devils Lake Elks; and
2. A permit to sell alcoholic beverages at a special event submitted by Proz Inc for a wedding reception and dance for Katie Clifton and Christopher Teigen to be held July 27, 2019 at the Memorial Building.

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

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

Commissioner Hamre moved to approve the list of bills as submitted. The motion was seconded by Commissioner Volk. On roll call all Commissioners voted aye, and the motion carried.

President Johnson acknowledged the following reports:

1. City Auditor monthly report;
2. Police Department semi-annual report; and
3. Municipal Court monthly report.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:03 P.M.

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

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