

MINUTES OF THE BOARD OF CITY COMMISSIONERS  
HELD SEPTEMBER 8, 2020

The regular meeting of the Devils Lake City Commission was held September 8, 2020 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 August 17, 2020. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

**Commissioner Volk** – The City Engineer requested authorization to call for bids for a motor grader and a loader to be purchased next year. A five-year lease with an option to buy is being considered.

Commissioner Volk moved to approve authorizing the City Auditor to call for bids for a motor grader and a loader to be purchased in 2021 as recommended by the City Engineer. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Engineer reported on the following:

1. No aerial mosquito spraying took place for Labor Day due to the low count;
2. Volunteers will be painting over the graffiti on the viaducts;
3. Touch up work, lighting, traffic signals and grounding of outside lanes were done at the west viaduct. Discussion followed on the clean up of the erosion control materials, mowing of the slopes and the lack of seeding at the arboretum.

**Commissioner Robbins** – The Police Chief indicated Lieutenant Frank's retirement party will be held on September 15<sup>th</sup> at 11 a.m. Sergeant Toso was promoted to lieutenant, Detective Holter to sergeant and Officer Anthony to detective. A new officer will need to be hired.

The City Engineer reviewed the current policy for signs on the right-of-way. Encroachment on right-of-way is not allowed. Signs, temporary in nature, for example political signs have been allowed if no complaints. The City has received complaints on other signs and when enforcing the ordinance, the individual questioned all the other signs. The City Engineer has drafted a letter to send to those who have signs on the right-of-way. Discussion followed on allowing political signs on the right-of-way for one month prior to the elections. No other signs would be allowed on the right-of-way. If political signs are up prior to the month before the election, they must be placed on the owner's property. Consensus of the City Commission was to enforce the current ordinance of no signs on the right-of-way.

The City Engineer updated the City Commission on the following:

1. Watermain #25-20 – The watermain from 5<sup>th</sup> Avenue to 7<sup>th</sup> Avenue has been installed and tested. The watermain from 7<sup>th</sup> Avenue to 8<sup>th</sup> Avenue has been installed, but not tested. Work from 8<sup>th</sup> Avenue to 10<sup>th</sup> Avenue continues.
2. Schwan Avenue – The old road is out, and new gravel is in. The work should be done next week.
3. Chip seal – A little work remains. Signs will be picked up this week.

**Commissioner Hach** – The Sanitation Department will begin special pickups the week of September 21<sup>st</sup>. Tim Eback will be retiring October 2<sup>nd</sup>.

**Commissioner Hamre** – The City Engineer stated everything was fine in Public Utilities.

**President Johnson** - The City Auditor reviewed the Fraud Risk Assessment for the audit. Discussion was held on if there is a procedure in place to report fraudulent or dishonest acts.

Commissioner Volk moved to approve the Fraud Risk Assessment as recommended by the City Auditor. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Auditor has received the CDBG final application from North Central Planning Council for Diseth Holding. Brad Barth, Executive Director of Forward Devils Lake, indicated the project would improve the façade.

Commissioner Hamre moved to approve the CDBG final application for Diseth Holding and to authorize President Johnson to sign the application, resolutions, and certifications. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

The City Administrator announced that President Johnson has received the leadership excellence award from the North Dakota League of Cities. The award will be presented on September 25<sup>th</sup>.

The Fire Chief reported the Department will modify activities for fire prevention week. There will be no inhouse tours and no open house. The Department is working with the school to present information to students.

The City Attorney said everything was fine.

**6:30 P.M.** – This was the time set for a public hearing for the 2021 City of Devils Lake Budget. Hearing and receiving no comments, President Johnson closed the public hearing.

The City Administrator indicated the Emergency Commission has decided to give \$59 million of the CARES funds to cities and counties. Cities will be reimbursed for post certified personnel costs. The legislatures have requested the funds be utilized to keep property taxes lower. The City will receive over \$900,000.00. Discussion followed on not increasing the mill levy for 2021.

Commissioner Hamre moved to approve the 2021 budget with the reduction in the mill levy by 1.06 as recommended by the City Administrator. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

Commissioner Volk moved to approve the consent agenda which included the following:  
Permits for the month of August 2020.

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

The 2<sup>nd</sup> reading of Ordinance No. 968 – Fireworks was held. The City Attorney stated the difference between the 2 options was that option one listed the types of fireworks allowed and option 2 allowed fireworks below a certain decibel. The dates fireworks could be sold was changed to match the State dates. The penalty clause contained first a warning, then \$100 fine and then a \$200 fine.

Discussion followed on option 2 addressing the loudness which would be hard to prove. It was also argued option 1 would be hard to prove.

Commissioner Volk moved to approve the 2<sup>nd</sup> reading of Ordinance No. 968 – Fireworks, an ordinance which upon adoption shall amend what has been codified as Chapter 8.20 of the Devils Lake Municipal Code. President Johnson called for a second to the motion three times. The motion died due to the lack of a second.

The City Administrator stated the stop loss premium on the 2021 BlueCross BlueShield contract increased 2%.

Commissioner Hamre moved to approve the stop-loss contract with BlueCross BlueShield for the 2021 plan year as recommended by the City Administrator. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Engineer reviewed the change orders for the west viaduct. The City share for each change order is 6.6%.

Commissioner Hamre moved to approve Change Order No. 6 for Lunda Construction Company for the west viaduct project for the change in pipe conduit for a net increase of \$5,823.04 as recommended by the City Engineer. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Robbins moved to approve Change Order No. 7 for Lunda Construction Company for the west viaduct project for the removing an old buried bridge for a net increase of \$39,903.54 and six calendar days as recommended by the City Engineer. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

Commissioner Robbins moved to approve Change Order No.11 for Lunda Construction Company for the west viaduct project for the removal of ballast for a net increase of \$21,723.75 as recommended by the City Engineer. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

Commissioner Hamre moved to approve payment of Estimate No. 1 to Kemper Construction for Watermain Improvement District 25-20 -8<sup>th</sup> St NE in the amount of \$198,692.97 as recommended by the City Engineer. The motion was seconded by Commissioner Volk. On roll call all Commissioners voted aye, and the motion carried.

Brad Barth, Executive Director of Forward Devils Lake, reviewed the request for an interest buy-down loan for a primary sector business. The business will employ three to five people.

Commissioner Volk moved to approve an interest buydown loan for up to \$20,000.00 for KD Taxidermy/Lodging/Safari Guiding and Travel as recommended by Forward Devils Lake. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

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

President Johnson acknowledged the following reports:

1. City Auditor monthly report for July 2020;
2. City Auditor monthly report for August 2020; and
3. Municipal Court monthly report.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:58 P.M.

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

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