

MINUTES OF THE BOARD OF CITY COMMISSIONERS  
HELD OCTOBER 4, 2021

The regular meeting of the Devils Lake City Commission was held October 4, 2021 at 5:30 P.M. with the following members present: President Dick Johnson, Commissioners Shane Hamre, Rob Hach and Jack 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 September 20, 2021. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

**5:30 P.M.** – This was the time set for the Confirmation of the Assessment List confirmed by the Special Assessment Commission. Hearing and receiving no comments, President Johnson closed the hearing.

Commissioner Volk moved to confirm the assessments on the 2020 Curb, Gutter & Sidewalk, 2021 Miscellaneous Charges, 2021 Parking Authority Maintenance District No. 03-16, and Street Improvement District #75-20 – Schwan Ave. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

**5:30 P.M.** – This was the time set for a public hearing to review a request for a conditional use permit for a day care with more than 18 children at 602 7<sup>th</sup> Ave SE. Jody Pike, Child Care Licensor, discussed the need for childcare in Devils Lake and the renovation plans for the building. She explained items that need to be addressed before a license is issued to a provider. Discussion followed on tabling the permit until renovation plans were reviewed and the building inspected by the Fire Chief. Discussion continued on this hearing was just for zoning, and the conditional use permit being needed before renovations could be done to comply with zoning regulations. The building department will review the renovation plans after the building permit is submitted. Hearing and receiving no other comments, President Johnson closed the hearing.

Commissioner Hamre moved to approve a conditional use permit for a day care with more than 18 children at 602 7<sup>th</sup> Ave SE as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

**5:30 P.M.** – This was the time set for a public hearing to review a request to change zoning from manufactured housing to single family residential for the following parcels: Lots 1-5, Outlot B, Smith Sub Replat and Lots 1-4, Outlot D, Smith Sub Replat. The City Assessor reviewed the history of the area. The area contains 7 buildable lots. Hearing and receiving no other comments, President Johnson closed the hearing.

Commissioner Volk moved to approve a request to change zoning from manufactured housing to single family residential for the following parcels: Lots 1-5, Outlot B, Smith Sub Replat and Lots 1-4, Outlot D, Smith Sub Replat as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

**Commissioner Volk** - Public Works is working on durapatching. City crews and equipment are helping with the golf course cart paths.

**Commissioner Hamre** – Public Utilities has some items to declare surplus. Lead and copper testing was completed with 22 samples passing.

**Commissioner Hach** – The City Assessor reported Dustin Willey was appointed to the ND Board of Assessors' executive committee as secretary treasurer.

It was reported the Sanitation special pickup was finished today for area, 3 and area 4 is next week.

**President Johnson** – The City Engineer said the contractor is working on inside of the water tower and doing prep work on the outside. The inside is primed with intermittent striping being done. It will be two weeks before it will be painted, and then it needs to cure. It is questionable if it will be back in service at the end of October. Liquidated damages are being incurred at around \$900.00/day.

The City Engineer stated the Park Board is doing prep work at the golf course. The mill and overlay contractor should be near completion on Friday with only a punch list left.

The Police Chief reported on a break-in.

The City Auditor stated everything was fine.

The City Administrator requested a date for touring the LEC. The City Commissioners have been through the building and did not wish to tour it.

The City Administrator indicated he is retiring February 28, 2022.

The Fire Chief indicated fire prevention week is October 4<sup>th</sup> – 10<sup>th</sup>. An open house will be held on October 13<sup>th</sup>. Fishing tickets are now available. The Department has started reviewing the international fire code.

The Fire Chief requested a budget amendment in the amount of \$5,397.00 for training since three staff members need to attend ARFF training in Williston.

Commissioner Volk moved to approve a budget amendment for \$5,397.00 for three Fire Department employees to travel to Williston for ARFF training. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

The City Attorney said his first case as city attorney was liquidated damages for the water tower.

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

1. Appointing Kristin Kenner, Mary Lundy and Vicky McMullen to the Devils Lake Historical Preservation Commission with terms expiring April 30, 2022 and appointing Doug Goulding, Dan Wakefield and Susan Goulding to the Devils Lake Historical Preservation Commission with terms expiring April 30, 2023;
2. Declaring 4020 John Deere tractor #16216R, Craftsman mower #050594C, Craftsman mower #050903 and 1994 blue Ford pickup #77733 as surplus;
3. Game of chance permits for the month of September 2021;
4. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for Lake Region State College's Key Event on October 22, 2021 at the Hofstad Ag Center; and
5. Reappointing of Paul Thompson, Jack Volk and Tammy Meyer as members of the Shade Tree Committee with terms expiring June 30, 2023 and reappointing of Cathy Olson, Mark Olson, Terry Wallace, Helen Carlson and Sara Laite as members of the Shade Tree Committee with terms expiring June 30, 2024.

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

The 1<sup>st</sup> reading of Ordinance No 976 – Failure to maintain control was held. The ordinance was drafted at the request of the Police Chief. Since the city does not have a City ordinance, tickets are being written under State statute with the money going to the State.

The City Engineer reviewed the agreement to allow ND Telephone Company to cross the embankment to install fiber optic line along Highway 19.

Commissioner Volk moved to approve the 408 Agreement allowing North Dakota Telephone Company to cross the embankment to install fiber optic line as recommended by the City Engineer. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

The City Engineer reviewed the change order for reducing work for the grading that is not required since other safeguards are used for the water tower project.

Commissioner Hamre moved to approve Change Order No 1 to Viking Industrial Painting for removing the grading from the water tower repair and coating improvement contract in the amount of \$6,100.00 as recommended by the City Engineer. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

Lisa Crosby, director of Lake Region Heritage Center, reported on looking for grants, on problems with water in the basement, graffiti, pigeons, and computer, and on upcoming events. She thanked city employees, Alex Beecroft, Steve Hoffner, Wade Sharbono and Roger Hammond, for all the work in the basement. She requested for the City to forgive the labor on the bill for the basement work.

Commissioner Volk moved to approve forgiving the bill to the Lake Region Heritage Center for the basement work in the amount of \$2,244.00. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

Commissioner Volk moved to approve funding for the fourth quarter of 2021 for the Lake Region Heritage Center in the amount of \$7,161.75 to be paid from general fund (1000-000-55170). The motion was seconded by Commissioner Hamre. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Volk moved to approve payment of Estimate No. 5 to Strata Corporation for the citywide mill and overlay in the amount of \$462,243.05 as recommended by the City Engineer. The motion was seconded by Commissioner Hach. On roll call all Commissioners voted aye, and the motion carried.

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

President Johnson requested the City Administrator and City Auditor to work on updating the city administrator job description and advertising the position.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:33 P.M.

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

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