

MINUTES OF THE BOARD OF CITY COMMISSIONERS  
HELD MAY 21, 2018

The regular meeting of the Devils Lake City Commission was held Monday, May 21, 2018 at 5:30 P.M. with the following members present: President Dick Johnson, Commissioners Craig Stromme, Rick Morse, Dale Robbins and Shane Hamre. None were absent.

Pledge of allegiance was recited.

Commissioner Stromme moved to approve the minutes of the regular City Commission meeting held May 7, 2018. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

5:30 P.M. - This was the time set for the bid opening for 2018 Asphalt and Street Repair. The following bids were opened and read:

1. Tri-State Paving & Concrete, Inc. - Grand Forks, ND  
ND Contractor License No. 39411 Class A
 

Item	Quantity	Unit Price	Extended Price
HMA	100 TN	\$ 85.00	\$ 8,500.00
Paver Patch	400 TN	\$150.00	\$ 60,000.00
Asphalt Street Repair (5")	500 SY	\$ 90.00	\$ 45,000.00
Asphalt Street Repair (7")	500 SY	\$110.00	\$ 55,000.00
Concrete Street Repair	50 SY	no bid	
Asphalt Street Opening (5")	250 SY	\$ 90.00	\$ 22,500.00
Asphalt Street Opening (7")	250 SY	\$110.00	\$ 27,500.00
Concrete Street Opening	50 SY	no bid	
		Total Bid	\$218,500.00
Deduct for City base preparation	50 SY	\$ 7.00*	\$ (350.00)

\*If you put in fabric & Class 5, we would dig out Class 5 to grade
  
2. Strata Corporation - Grand Forks, ND  
Contractor License No. 693 Class A
 

Item	Quantity	Unit Price	Extended Price
HMA	100 TN	\$ 80.00	\$ 8,000.00
Paver Patch	400 TN	\$155.00	\$ 62,000.00
Asphalt Street Repair (5")	500 SY	\$110.00	\$ 55,000.00
Asphalt Street Repair (7")	500 SY	\$122.00	\$ 61,000.00
Concrete Street Repair	50 SY	\$180.00	\$ 9,000.00
Asphalt Street Opening (5")	250 SY	\$118.00	\$ 29,500.00
Asphalt Street Opening (7")	250 SY	\$128.00	\$ 32,000.00
Concrete Street Opening	50 SY	\$170.00	\$ 8,500.00
		Total Bid	\$265,000.00
Deduct for City base preparation	50 SY	\$ 15.00	\$ (750.00)

Total bid price does not include mobilization of \$1,750.00 per site

Commissioner Morse moved to accept the bids as read, and refer them to the City Engineer for further review and recommendation. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

5:30 P.M. - This was the time set for the bid opening for the 2018 Curb, Gutter, and Sidewalk. The following bid was opened and read:

Elshaug Concrete Construction LLC – Devils Lake, ND	Bid \$64,728.75
License No 47700 B    Cashier's Check \$1,294.58	

Commissioner Morse moved to accept the bid as read, and refer it to the City Engineer for further review and recommendation. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

5:30 P.M. – This was the time set for the bid opening for 2018 Sand, Gravel and Rip Rap. The following bids were opened and read:

1. Close Construction Company Inc - Milton, ND			
Item	Quantity	Unit Price	Extended Price
Class 44 Screened Sand	1200 TN	\$ 9.00	\$10,800.00
Class 13 Gravel	750 TN	\$11.75	\$ 8,812.50
Placement of Gravel	150 TN	\$ 2.00	\$ 300.00
Lagoon Rip Rap	150 TN	\$30.00	\$ 4,500.00
		Total Bid	\$24,412.50

\*All items are tied.

2. Soper Construction LLP - Devils Lake, ND			
ND Contractor License No. 38688 Class B			
Item	Quantity	Unit Price	Extended Price
Class 44 Screened Sand	1200 TN~800 yds	\$11.00/yd	\$ 8,800.00
Class 13 Gravel	750 TN~600 yds	\$11.95	\$ 7,170.00
Placement of Gravel	150 TN	\$ 2.00	\$ 300.00
Lagoon Rip Rap	150 TN	no bid	
		Total Bid	\$16,270.00

\*Sand 3,000 lbs = yard

\*\*Gravel 2,500 lbs = yard

Commissioner Robbins moved to accept the bids as read, and refer them to the City Engineer for further review and recommendation. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

5:30 P.M. – This was the time set for the bid opening for a direct source vehicle mounted exhaust capture system. The following bids were opened and read:

1. Ward Diesel Filter Systems – Horseheads, NY	Bid \$43,695.30
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Commissioner Stromme moved to accept the bid as read, and refer it to the Fire Chief for further review and recommendation. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

5:30 P.M. – This was the time set for the bid openings for the 2006 Ford F550 4X4 mini-pumper/rescue truck. The following bids were opened and read with the bidders having the opportunity to verbally raise their bids:

1. Munich Rural Fire Department	Bid \$35,000.00
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Discussion followed on how to proceed since the bid did not meet the minimum requirement. A representative from the Munich Rural Fire Department stated he would raise the bid verbally to \$45,000.00. However, this still does not meet the minimum bid requirement. The Fire Chief requested to table the item until he discussed with the membership on what they should do with the Munich bid. Discussion continued if it could be tabled or if it needed to be rejected since it did not meet the minimum bid. The City Attorney stated the bid should be rejected.

Commissioner Stromme moved to reject the bid for the 2006 Ford F550 4X4 mini-pumper/rescue truck from Munich Rural Fire Department in the amount of \$35,000.00 since it did not meet the minimum bid requirement. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The Fire Chief stated he would talk to the membership on how to proceed with selling the truck.

5:30 P.M. – This was the time set for the bid opening for Street Improvement Districts 66-18, 68-18 and 57-17. The following bids were opened and read:

1. Knife River Materials – Bemidji, MN	Bid \$634,019.50
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License No 1001 A	Bid Bond 5%	
2. Mayo Construction Company Inc - Cavalier, ND		Bid \$558,031.30
License No 2924 A	Bid Bond 5%	
3. Strata Corporation – Grand Forks, ND		Bid \$608,960.00
License No 693 A	Bid Bond 5%	

Commissioner Morse moved to accept the bids as read, and refer them to the City Engineer for further review and recommendation. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

**Commissioner Robbins** - The Public Utilities Supervisor said they have been flushing hydrants for the last three weeks.

The Public Ways Supervisor stated the cemetery is being prepared for Memorial Day, and it should be completed by Thursday afternoon.

Commissioner Robbins stated Alex Moen from NDTC was checking on equipment from a vendor in Minneapolis for the local origination channel.

**Commissioner Morse** – The City Engineer said everything was fine.

The Public Ways Supervisor stated they have been crack sealing.

The Public Way Supervisor requested out-of-state travel to pick up the flowers in Red Wing, MN.

Commissioner Morse moved to approve out-of-state travel for the Public Ways Department to pick up the flowers in Red Wing, MN later this week. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

**Commissioner Stromme** –The Police Chief said the Animal Control Officer is taking care of the gopher problem at the Roundhouse Subdivision.

The Fire Chief has been talking with the school about a fulltime school resource officer. Currently, the officer is there 30% of the time. The school is looking at options to fund a fulltime officer.

Discussion was held on the speed sign not being functional. The Police Chief is looking for a new sign.

The Sanitation Supervisor recommended awarding the truck chassis to Peterbilt of Fargo for \$155,762.00 with \$21,000.00 allowed for trade-in of the old truck.

Commissioner Stromme moved to approve awarding the truck chassis bid to Peterbilt of Fargo, ND in the amount of \$155,762.00 less \$21,000.00 trade-in for the old truck for a net amount of \$134,762.00 as recommended by the Sanitation Supervisor. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The Sanitation Supervisor stated the spring cleanup was finished last week.

**Commissioner Hamre** – The City Assessor stated everything was fine.

The Public Utilities Supervisor stated everything was fine in the Sewer Department.

Commissioner Hamre asked about broadcasting the city commission meetings. He talked with Lara Prozinski, and how her class does the taping of meetings. The class uses Facebook live and then uploads it to YouTube. Consensus of the City Commission was to revisit the issue in July after the new commission is seated.

Commissioner Hamre revisited the issue of offering Aflac insurance. Discussion followed on the number of employees interested in it, the City already offering similar insurance through its flex plan, if the employees are aware of the

insurance currently available, and on where does it stop for adding payroll deductions. The City Commission asked that the employees be made aware of the current insurance offerings before proceeding any further on this.

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

The City Administrator stated the new executive director for Forward Devils Lake started today. A meet and greet will be held on June 7<sup>th</sup>.

The City Administrator asked the Commission if they were interested in the National League of Cities line warranty program. The program sells insurance and uses local contractors for the work. The Commission previously reviewed this request and decided at that time not to proceed since the company wanted to use the City's letterhead. The business contact is willing to come to a meeting to discuss the program.

The City Administrator asked to add the call for bids for custodial services for city hall to the agenda.

Commissioner Morse moved to approve adding the call for bids for custodial services for city hall to the consent agenda. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

The Fire Chief stated Munich Rural Fire Department was willing to bid \$50,000.00 for the truck. However, since the original bid did not meet the bid requirements and the bid has already been rejected, it cannot be accepted now. The truck will need to be readvertised.

The Fire Chief recommended awarding the direct source vehicle mounted exhaust capture system to Ward Diesel Filter Systems. The bid is under the budgeted amount of \$65,000.00. This system can also be specified for new trucks.

Commissioner Stromme moved to approve awarding the direct source vehicle mounted exhaust capture system to Ward Diesel Filter Systems of Horsehead, NY in the amount of \$43,695.30 as recommended by the Fire Chief. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The Fire Chief requested out-of-state travel for two firefighters to attend haz-mat training in Baltimore on June 6<sup>th</sup> through June 12<sup>th</sup>. The training will be paid for by the Department of Emergency Services.

Commissioner Robbins moved to approve out-of-state travel for two firefighters to attend haz-mat training in Baltimore from June 6, 2018 through June 12, 2018 as recommended by the Fire Chief. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The Fire Chief stated fourteen boy scouts from Bismarck came up for fire fighter training with the City Fire Department and the Rural Fire Department.

The City Attorney stated everything was fine.

The second reading of Ordinance No. 954 – Marijuana Conditional use was held.

Commissioner Morse moved to approve the second and final reading of Ordinance No. 954 –Marijuana Conditional Use – An ordinance which upon adoption shall add to the conditional uses which are allowed in the City of Devils Lake the conditional uses for medical marijuana manufacturing and medical marijuana dispensaries and definitions for medical marijuana dispensary and medical marijuana manufacturing. The motion was seconded by Commissioner Stromme. It was noted the ordinance is for a dispensary only. The motion carried unanimously.

Tanya Wieler, Human Resource Consultant, reviewed changes to the personnel policy. Discussion was held on how to address medical marijuana usage, on clarification of Fire Department hours being paid at straight time for hours worked between 186 and 212, and on having the employees sign off on the personnel policy every year.

Discussion followed on how to implement the service award program. Consensus of the City Commission was to give the last award to every employee. In the future, employees will be recognized at the first meeting in July if the award is between January and June, and at the last meeting in December if the award is between July and December.

Tanya Wieler also reviewed recent views on having random drug and alcohol testing for all employees. Discussion followed on if employees who do not regularly use a city vehicle could be subjected to testing. Currently for the City, only public work employees are in the DOT pool. DOT requires employees with CDLs to be in the DOT pool. Other employees using City vehicles could be added to a non-DOT pool. Consensus of the City Commission was to leave the drug and alcohol policy as is until the City Administrator has received input back from the League of Cities.

Commissioner Stromme moved to approve the personnel policy revisions as presented and to approve the service awards and retirement recognition program. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

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

1. Gaming site authorization submitted by Neathery Simensen Post #756 VFW of the US for July 1, 2018 through June 30, 2019 at the following location: VFW Club – 314 3<sup>rd</sup> Ave NE;
2. Parade permit submitted by Spirit Lake Riders MC for May 26, 2018 starting at 11:00 A.M.; and
3. Authorizing the City Auditor to call for bids for custodial services for city office with bids to be opened on Monday June 4, 2018 at 5:30 P.M. at the City Office.

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

The City Administrator stated the agreement with Forward Devils Lake was revised to allow the City to contribute up to four mills to operations and \$50,000.00 from the Growth Fund. The agreement removed some commercial wording and includes the City providing account services for \$1,200.00 annually. A similar agreement will be done with Ramsey County and Forward Devils Lake since Forward Devils Lake currently does not have an agreement with the County.

Commissioner Stromme moved to approve the agreement with Forward Devils Lake Corporation for performance of job development authority on behalf of the City as recommended by the City Administrator. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The agreement with the Law Enforcement Center was reviewed. Discussion was held on adding a dollar amount since the agreement only states the City will pay 50%. It was noted that this agreement was only for the engineering services; therefore, the wording in the agreement should be change since it refers to the installation of equipment. The City's share of the engineering would be \$12,850. Discussion continued on changing the word install to design.

Commissioner Robbins moved to approve the agreement with Lake Region Law Enforcement Center for the engineering services with the City Attorney changing the word install to design and adding the City will pay 50% up to \$13,000. Discussion followed on using the total contract price or the City's share. Commissioner Robbins withdrew his motion.

Commissioner Robbins moved to approve the agreement with Lake Region Law Enforcement Center for financing up to 50% of the design of the detention grade intercom and surveillance system and fully integrated with a computerized system and with the total contract not to exceed \$26,000.00. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The City Engineer stated ND Department of Transportation opened bids on the 5<sup>th</sup> Ave NE and 14<sup>th</sup> St NE projects. The low bidder was Knife River Materials.

Commissioner Hamre moved to concur with the ND Department of Transportation and award the bid for 6<sup>th</sup> Ave NE and 14<sup>th</sup> St NE to Knife River Materials of Bemidji, MN in the amount of \$448,109.45 with the City's share being \$94,476.67 as recommended by the City Engineer. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The City Assessor reviewed the easement with PDI LLC for city land next to the former Felix building. The easement is for a 60-foot part of the parking lot.

Commissioner Hamre moved to approve the easement with PDI LLC for a tract of land in Lake Center located in Section Three (3), Township One Hundred Fifty-three (153), Range Sixty-four (64), described as follows: Beginning at a point 485 feet west of the Northwest corner of Parcel One of Lake Center, thence south parallel with the west side of Lake Center Addition to Devils Lake 150 feet; thence West parallel to 4<sup>th</sup> Street South 60 feet, thence North parallel with the west side of Lake Center Addition to Devils Lake 150 feet, thence East parallel to 4<sup>th</sup> Street South 60 feet to the point of beginning as recommended by the City Assessor. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Assessor reviewed the release of claims for the deposition of Stephen Hosch on the LaFleur/Thompson land acquisition for the embankment.

Commissioner Robbins moved to approve the release of all claims with Steve Hosch, a/k/a Stephen T. Hosch and Hosch Appraisal Consulting Inc of Minneapolis, MN and to pay \$6,265.60 as payment-in-full for the deposition as recommended by the City Assessor. The motion was seconded by Commissioner Morse. Discussion followed on the expert's hours. Commissioners Stromme, Morse, Robbins and President Johnson vote aye. Commissioner Hamre opposed. The motion carried.

The City Engineer reviewed the information for Downtown Improvement District 01-18. Two meetings were held last week to address some concerns. Changes were made to save eleven parking spaces. DOT will not be opening bids until October now, so construction will not start until 2019. KLJ has been working on the plans. The adjustment to the bulb outs to save parking spots would be considered additional work and would be at an additional cost above the current contract.

Commissioner Hamre moved to table the resolution approving plans and specification and directing advertisement for bids for Downtown Improvement District No 01-18 as recommended by the City Engineer. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Engineer stated a couple of protests were received on Street Improvement District No 66-18.

Commissioner Stromme moved to approve the resolution determining insufficient protests were filed in Street Improvement District No 66-18 (2<sup>nd</sup> Ave NE between 10<sup>th</sup> St and 14<sup>th</sup> St, 3<sup>rd</sup> Ave NE between 11<sup>th</sup> St and 12<sup>th</sup> St, 4<sup>th</sup> Ave NE between 12<sup>th</sup> St and Ruger St, Ruger St NE between 4<sup>th</sup> Ave and 5<sup>th</sup> Ave) as recommended by the City Engineer. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

The City Engineer said the bids fell underneath the engineer's estimate for the street improvement districts. Final assessments should be less than the probables that were sent out.

Commissioner Morse moved to approve the resolution determining insufficient protests were filed in Street Improvement District No 68-18 (15<sup>th</sup> Ave NE between Walnut St and 3<sup>rd</sup> ST, 2<sup>nd</sup> ST NE between 14<sup>th</sup> Ave and 15<sup>th</sup> Ave, 3<sup>rd</sup> ST NE between 14<sup>th</sup> Ave and 140 feet east of 15<sup>th</sup> Ave, 5<sup>th</sup> St NE between 14<sup>th</sup> Ave and Heartland Ave as recommended by the City Engineer. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

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

President Johnson acknowledged the following report:  
Fire Department monthly report.

The City Engineer stated bid recommendations would be presented at the next meeting.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 7:05 P.M.

**LINDA LYBECK  
CITY AUDITOR**

**RICHARD S. JOHNSON  
PRESIDENT**