

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD APRIL 5, 2021

The regular meeting of the Devils Lake City Commission was held on Monday, April 5, 2021 at 5:30 P.M. with the following members present: President Dick Johnson, Commissioners Dale Robbins, Rob Hach and Jacob Volk. Commissioner Shane Hamre was absent.

Commissioner Volk moved to approve the minutes of the regular City Commission meeting held March 15, 2021. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Volk moved to sign a proclamation proclaiming May 2021 as “Oncology Nursing Month” and call upon all residents of the City of Devils Lake to join in observance of Oncology Nursing Month and participate in activities to recognize the special contribution oncology nurses provide to the public. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

5:30 P.M. - This was the time set for the bid opening for the 2021 Curb, Gutter, and Sidewalk. The following bid was opened and read:

Elshaug Concrete Construction LLC – Devils Lake, ND	Bid \$60,153.00
License No 47700 A Cashier’s Check \$1,203.06	

Commissioner Volk 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 Robbins, and the motion carried unanimously.

5:30 P.M. - This was the time set for the bid opening for the water tower repairs. The following bids were opened and read:

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| 1. Color Dynamics LLC – Burlington, ND | Bid | \$358,000.00 |
| License No 47333 B Bid Bond 5% | | |
| 2. Maguire Iron Inc – Sioux Falls, SD | Bid | \$489,400.00 |
| License No 2078 A Bid Bond 5% | | |
| 3. Classic Protective Coatings Inc – Menomonie, WI | Bid | \$346,500.00 |
| License No 29297 A Bid Bond 5% | | |
| 4. The Osseo Construction Co LLC – Osseo, WI | Bid | \$360,750.00 |
| License No 000044335 A Bid Bond 5% | | |
| 5. Viking Painting LLC – Omaha, NE | Bid | \$291,000.00 |
| License No 58587 A Bid Bond 5% | | |
| 6. TMI Coatings Inc – St Paul, MN | Bid | \$427,000.00 |
| License No 4505 A Bid Bond 5% | | |

Commissioner Hach 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 a public hearing to review a request for a conditional use permit to allow indoor, climate-controlled storage units in the existing building at 701 5th Ave SE. Mitch Rhen, owner of Fireside Inn & Suites, commented about the condition of the building and grounds and on it being a good opportunity. It was noted there would be no outside storage. Hearing and receiving no other comments, President Johnson closed the public hearing.

Commissioner Volk moved to approve a conditional use permit to allow indoor, climate-controlled storage units in the existing building located at 701 5th Ave SE as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

5:30 P.M. – This was the time set for a public hearing to review the addition of a definition of boarding houses and group homes in the City’s zoning regulations. President Johnson noted the Devils Lake Planning Commission tabled action on adding the definition to the zoning regulations.

Commissioner Volk moved to table action on the public hearing to review the addition of a definition of boarding houses and group homes to the City's zoning regulations as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

Commissioner Hach – The City Engineer presented the request from the Sanitation Supervisor to hire an employee at a 5C with the employee moving to a 5D after successful completion of probation. The individual has experience in equipment operation.

Commissioner Robbins moved to approve hiring Donavon Kraft at a 5C due to his experience with him moving to a 5D after successfully completing the probation period as recommended by the Sanitation Supervisor. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

The City Assessor stated the Board of Adjustment will meet on Thursday to review the temporary shelter.

Commissioner Robbins – The City Engineer stated he will review the bids and make recommendations at the next meeting.

The Police Chief requested permission to purchase new tasers since the old tasers are no longer supported. His biggest concerns are possible legal issues and lack of parts for repairs. The cost of the new tasers would be spread over five years.

Commissioner Robbins moved to approve purchasing new tasers through a sole-source and increasing the 2021 Police Department by \$7,644.00 for the first-year payment as recommended by the Police Chief. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

Commissioner Robbins informed the Commission about the demonstration of a CAD program for the Law Enforcement Center (LEC). The current Crimestar program is no longer supported. Discussion followed on how the LEC would pay for the new program – if it would be split between the entities or if LEC would pay for all of it. The City and County will need to approve any purchase. The program has a GPS system which would allow the Police Department to locate patrol vehicles.

Commissioner Volk – The City Engineer said Public Ways will be crack sealing.

Commissioner Volk inquired about food vendors for the Fort Totten Little Theatre. A local business complained about waiving the fee for these vendors. Consensus of the City Commission was to get more information from the Fort Totten Little Theatre about how the food vendors are being selected, if they are local and if the vendors are nonprofits.

President Johnson – The City Engineers reported everything was fine in Public Utilities.

The City Auditor stated everything was fine.

The City Administrator indicated only 2 local applications were received for the fire chief position. Consensus was to hold the interview at noon on April 29th.

The City Administrator reported the accounts payable/payroll clerk position is open.

The Fire Chief stated the county is under a red flag warning.

The City Attorney stated everything was fine.

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

1. Authorizing the City Auditor to cancel Check No 119319 dated September 22, 2020 in the amount of \$200.00 to Harrison Sales and Services Inc (General-Non-Departmentalized-Miscellaneous) – the check was lost and will be reissued;

2. Fireworks permit submitted by Mark Olson dba Mark's Fireworks;
3. Game of chance permits for the month of March 2021;
4. Reappointment of Ray Sletteland, Terry Thompson and Wyatt Hanson as member of the Devils Lake Planning Commission with terms expiring June 30, 2025, June 30, 2026 and June 30, 2026 respectively;
5. Parade permit submitted for Devils Run to be held June 5, 2021 at 9:50 A.M.;
6. ND Department of Transportation Agreement for Temporary Highway Closure to close ND Highway 19 (Jct US 2 to ND 20) from 6:00 A.M. on June 5, 2021 to 3:00 P.M. on June 6, 2021 for the Devils Run car show;
7. Permit to sell alcoholic beverages at a special event submitted by Thirsty's Bar for a wedding on April 1, 2021 at the Memorial Building; and
8. Authorizing the City Auditor to call for bids for the 2021 asphalt and concrete street repair with bids to be opened on Monday, May 3, 2021 at 5:30 P.M. during the City Commission meeting as recommended by the City Engineer.

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

The 2021 funding request from Midstate Volunteer Program was reviewed. Discussion was held on if the program would be housed in the new building purchased.

Commissioner Volk moved to table the 2021 funding request from Midstate Volunteer Program in the amount of \$5,700.00 until more information is received on where the program will be housed. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The letter of support for the transferring of use agreement was reviewed. The letter is needed for the entity to receive state funding to renovate the units.

Commissioner Volk moved to approve the transfer of the Mark to Market Use Agreement from Holiday Village Apartments in Devils Lake to Breton Heights Apartments in Bismarck as recommended by the City Administrator. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

The City Engineer reviewed the agreement with the County for the County to maintain some of the gravel roads.

Commissioner Volk moved to approve the contract between the City of Devils Lake and Ramsey County for summer maintenance of certain gravel roads in the amount of \$3,762.75 as recommended by the City Engineer. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

The City Assessor stated the property tax exemptions were for improvements to three residential properties. The exemption applies only to the new improvements.

Commissioner Hach moved to approve the 5-year property tax exemptions for improvements to three residential properties – LaMotte Properties at 909 6th St NE, Tony Prozinski at 1034 6th St NE and Don Jorgenson at 1520 College Dr N as recommended by the City Assessor. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

Brett Johnston, President of Western State Bank, requested the extension of the \$500,000.00 loan guarantee for Summer's Manufacturing. The Bank of North Dakota and Western State Bank have already approved it.

Commissioner Robbins moved to approve extending the loan guarantee of \$500,000.00 to Western State Bank for Summer's Manufacturing with the guarantee expiring on June 15, 2021. The motion was seconded by Commissioner Volk. Commissioner Hach abstained. The motion carried.

Commissioner Volk moved to approve the list of bills as submitted. The motion was seconded by Commissioner Hach. 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 6:50 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT