

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD MAY 6, 2019

The regular meeting of the Devils Lake City Commission was held Monday, May 6, 2019 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.

Pledge of allegiance was recited.

Commissioner Volk moved to approve the minutes of the regular City Commission meeting held April 15, 2019. 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 2019 Asphalt and Street Repair. The following bids were opened and read:

Commissioner Hamre arrived at 5:32 PM.

1. Tri-State Paving & Concrete, Inc. - Grand Forks, ND
ND Contractor License No. 39411 Class A Cashier's Check \$1,400.00

Item	Quantity	Unit Price	Extended Price
HMA	50 TN	\$ 85.00	\$ 4,250.00
Paver Patch	100 TN	\$150.00	\$15,000.00
Asphalt Street Repair (5")	200 SY	\$ 90.00	\$18,000.00
Asphalt Street Repair (7")	100 SY	\$110.00	\$11,000.00
Concrete Street Repair	10 SY	no bid	
Asphalt Street Opening (5")	150 SY	\$ 90.00	\$13,500.00
Asphalt Street Opening (7")	75 SY	\$110.00	\$ 8,250.00
Concrete Street Opening	10 SY	no bid	
		Total Bid	\$70,000.00
Deduct for City base preparation	50 SY	\$ 7.00	\$ (350.00)

2. Strata Corporation - Grand Forks, ND
Contractor License No. 693 Class A 2% bid bond

Item	Quantity	Unit Price	Extended Price
HMA	50 TN	\$ 80.00	\$ 4,000.00
Paver Patch	100 TN	\$155.00	\$15,500.00
Asphalt Street Repair (5")	200 SY	\$110.00	\$22,000.00
Asphalt Street Repair (7")	100 SY	\$122.00	\$12,200.00
Concrete Street Repair	10 SY	\$200.00	\$ 2,000.00
Asphalt Street Opening (5")	150 SY	\$120.00	\$18,000.00
Asphalt Street Opening (7")	75 SY	\$130.00	\$ 9,750.00
Concrete Street Opening	10 SY	\$200.00	\$ 2,000.00
		Total Bid	\$85,450.00
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 Volk 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.

5:30 P.M. - This was the time set for the bid opening for the 2019 Curb, Gutter, and Sidewalk. The following bid was opened and read:

Elshaug Concrete Construction LLC – Devils Lake, ND	Bid \$66,228.75
License No 47700 B Cashier's Check \$1,324.57	

Commissioner Robbins 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 Hach, and the motion carried unanimously.

5:30 P.M. – This was the time set for the bid opening for a mini excavator. The following bids were opened and read:

1. Butler Machinery - Devils Lake, ND Bid \$55,500.00
2. Bobcat - Devils Lake, ND Bid \$56,544.24

Commissioner Hach 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 Volk, 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 medical marijuana dispensary at 310 Highway 2 E. Hearing and receiving no comments, President Johnson closed the hearing.

Monte Spiers from GR Vending was available to answer questions about the dispensary. Discussion followed on the number of employees and delivery of the product.

Commissioner Robbins moved to approve a conditional use permit for a medical marijuana dispensary at 310 Highway 2 which is zoned as highway commercial and submitted by GR Vending ND Dispensary 3 LLC as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Hamre, 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 an outdoor storage yard with a shop/office locate at 120 15th St SW (west of Ed's Bait shop). Hearing and receiving no comments, President Johnson closed the hearing.

The type of items to be stored was discussed.

Commissioner Volk moved to approve a conditional use permit for an outdoor storage yard with a shop/office at 120 15th St SW (Lot 3 of Eddy's Acres Subdivision on Hwy 20 S) which is in an area zoned as highway commercial and submitted by Nels Nelson as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

Commissioner Volk – The Public Ways Supervisor reported the sweepers and snow blower were received on April 19th. The Department will start sealing tomorrow.

Commissioner Robbins – The City Engineer requested approval to close the street for Devils Run.

Commissioner Robbins moved to approve the 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 1, 2019 to 3:00 P.M. on June 2, 2019 for the Devils Run car show as recommended by the City Engineer. The motion was seconded by Commissioner Volk. Discussion followed on if the work on the downtown project would be happening during this time. The motion carried unanimously.

The City Engineer stated the preconstruction meeting for the downtown project will be held tomorrow. The contractor is responsible for the public information coordinator.

Discussion followed on when the work on the west via duct would be completed. The completion date is June 30th.

The Police Chief stated the Department has been working on distracted driving awareness.

Commissioner Hamre - The Public Utilities Supervisor indicated everything was fine.

Commissioner Hach – The Sanitation Supervisor said week 2 of the spring special pickup started today.

The City Assessor stated everything was fine.

President Johnson - The City Auditor reviewed the request from Suzie Kenner for the City to be the applicant for a grant to the Devils Lake Area Foundation for trees for the Bridgestone Park.

Commissioner Hamre moved to approve the City being the applicant on the Devils Lake Area Foundation grant request for trees for the Bridgestone Park. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

The City Auditor indicated St Joseph's Closet would like to apply for a CDBG grant to remove architectural barriers in the building by installing an elevator. The CDBG grant needs the City to be the sponsor and to approve the resolutions.

Commissioner Volk moved to approve the resolution of sponsorship and the resolution concerning handicapped access for the CDBG application to be submitted by St Joseph's Closet for removal of architectural barriers. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

The City Administrator presented a request from the Fire Chief to solicit funds for MDA during Devils Run.

Commissioner Volk moved to approve granting a waiver to Section 10.30.130 of the City of Devils Lake Ordinance for the firefighters and volunteers to solicit funds for MDA during Devils Run. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The Fire Chief said everything was fine.

The City Attorney stated everything was fine.

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

1. Designating the *Devils Lake Journal* as the official newspaper for the City of Devils Lake;
2. Fireworks permit submitted by American Promotional Events dba TNT Fireworks;
3. Fireworks permit submitted by Memory Fireworks;
4. Fireworks permit submitted by Troy & GERALYN Lang dba Generous Jerry's Factory Discount Fireworks;
5. Game of chance permits for the month of April 2019;
6. Parade permit submitted for Devils Run to be held June 1, 2019 at 9:50 A.M.;
7. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for the Lake Region State College athletic banquet to be held on May 10, 2019 at the Burdick Arena;
8. Reappointment of Mary Lunde, Doug Goulding, Dan Wakefield and Susan Goulding as members of the Devils Lake Historical Preservation Committee for two-year terms expiring on April 30, 2021;
9. Reappointment of Nancy Lundon and Kevin Vistad as members of the Special Assessment Commission for six-year terms expiring on April 30, 2025.

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

The bill from the Lake Region Law Enforcement Center (LEC) for the second half of the 2019 support was reviewed. The City only paid half of the bill in January since the item was not included in the budget, and the LEC was to be approved again for federal prisoners. Discussion followed on interest being charged, the City receiving financial statements from LEC to review periodically, the LEC reviewing options to split the amount being charged to the entities and plans for the building.

Commissioner Robbins moved to approve the payment of the bill without the interest to the Lake Region Law Enforcement Center for a total of \$41,342.50. The motion was seconded by Commissioner Hamre. It was noted Rob Johnson of the LEC will have information to the City by the beginning of July for budgeting purposes. On roll call, Commissioners Robbins, Hamre, Hach and President Johnson voted aye. Commissioner Volk voted nay. The motion carried.

The City Administrator reviewed the lease agreement for the daycare building. The legal name has changed; otherwise, the current tenant had no changes.

Commissioner Volk moved to approve the lease agreement for the City daycare building to Holly Malheim and Sunnyside Childcare Center LLC. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

Commissioner Volk moved to approve payment of 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. 2018 year end financial report; and
2. City Auditor monthly report.

President Johnson noted the Devils Lake Advisory meeting will be held May 9th.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:35 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT