



## City Commission Meeting Agenda

Devils Lake City Hall Commission Chambers

423 6<sup>th</sup> St NE, Devils Lake, 58301

**Monday, October 2, 2023**

### Meeting Items

- 1) Call to Order
- 2) Pledge of Allegiance
- 3) Approval of Minutes –September 18, 2023

### Awards and Proclamations

- 1) N/A

### Public Hearings – 5:30 PM

- 1) N/A

### Bid Openings – 5:30 PM

- 1) N/A

### Visitors or Delegations

*\*Limited to five minutes per guest, unless extended by presiding officer*

- 1) Devils Lake Chamber of Commerce – Suzie Kenner

### Commission Portfolios

- 1) N/A

### Old Business

- 1) Western/Summers Loan Guaranty
- 2) Lake Region Joint Training Center
- 3) Void Check #126579 and Issue New Check in the Amount of \$153,827.00 – AllState Peterbilt

### Consent Agenda

- 1) N/A

### New Business

- 1) Resolution Setting the Per Diem Reimbursement Rates for the City of Devils Lake
- 2) 1<sup>st</sup> Reading of Ordinance #991 – Cooperative Purchasing Agreements
- 3) 1<sup>st</sup> Reading of Ordinance #992 – Snow Removal & Street Maintenance
- 4) 2<sup>nd</sup> Reading of Ordinance #990 - Refusal
- 5) Custodial Services Agreement Renewal – David Rader

### Citizen Comment

- 1) N/A

### Informational Items

- 1) N/A

### **Motion to approve payment of the list of bills as submitted.**

*The City of Devils Lake may convene in an executive session as provided by NDCC 44-04-19.2 to consider and discuss closed or confidential records and information, negotiating strategy or negotiating instructions as provided by NDCC 44-04-19.1, 44-04-19.2, 44-04-18.4.*

Minutes of the Devils Lake City Commission  
September 18, 2023

The regular meeting of the Devils Lake City Commission was held on September 18, 2023 with the following members present: President Moe, Rob Hach, Jason Pierce, Shane Hamre, and Dale Robbins.

Commissioner Hamre moved to approve the minutes of the regular Commission meeting held on September 5, 2023. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Public Hearing – FY 2024 Budget, Salary Plan, and Position Authorization – The City Administrator communicated that the cost of living is 3%, they will be dropping a column and adding a column on the pay scale, bonuses for full time employees will be distributed on April 1 and October 1. He also went through the sales tax allocations and the mill levy. Commissioner Hamre made a motion to approve the 2024 budget as presented. Commissioner Hach seconded the motion. The motion carried unanimously on a roll call vote.

Lisa Crosby (LRHC) & Paula Vistad – Lisa communicated that they are looking at leasing the opera house as it is sitting empty. The LRHC is looking to make that a gallery space, with workshop, educational space for art work, and a retail space for a gift shop. They met with Metroplains and there was an offer of \$1,200/month for rent. She is asking for funding in the amount of \$15,000/year for 5 years. Commissioner Hamre made a motion to give \$20,000/year for up to 5 years. Commissioner Pierce seconded the motion. The motion carried unanimously on a roll call vote.

The City Administrator communicated that we also need to release quarter 4 funds to the Lake Region Heritage Center in the amount of \$8,097. Commissioner Robbins made a motion to release the funds. Commissioner Hach seconded the motion. The motion carried unanimously on a roll call vote.

Commissioner Hach – The City Engineer communicated that the Sanitation Department is working on special pickups.

Commissioner Hamre - The City Engineer communicated that there is not an update for the Utility Department.

Commissioner Robbins – The City Engineer communicated that there is not an update for the Street Department. HE also communicated that gravel is being placed on 14<sup>th</sup> Ave & 14<sup>th</sup> St NE. The water main replacement is also continuing on 2<sup>nd</sup> St.

Commissioner Pierce - The Fire Chief communicated that their open house had over 20 people. He also mentioned that people are starting to sign up for community connect.

The Police Chief communicated that there is not an update for the Police Department.

The City Administrator communicated that the Special Assessment Commission certified the specials and they will be brought to City Commission on October 16<sup>th</sup>.

The City Attorney communicated that he does not have an update.

Western/Summers Loan Guaranty Funding Plan – The City Administrator communicated a plan to pay the balance off in full out of the growth fund with a reallocation of sales tax dollars from the City's Debt Service Fund. Commissioner Hach recused himself from this. Commissioner Robbins communicated that he has not had a chance to talk to everyone he has wanted to regarding information on the sales. The total amount for the payoff is \$343, 026.57. Commissioner Hamre made a motion to not pay this. Commissioner Robbins seconded the motion. Discussion continued on the funding plan. The motion failed 3-1 on a roll call vote. Commissioner Robbins made a motion to gather more information and table this until the next meeting. Commissioner Hamre seconded the motion. The motion carried 3-1 on a roll call vote.

Resolution Setting Rates and Fees Effective January 1, 2024 – The City Administrator went through the rates and fees that will be changing effective January 1, 2024. Commissioner Hamre made a motion to approve the resolution setting rates and fees effective January 1, 2024. Commissioner Robbins seconded the motion, and the motion carried unanimously.

City Policy Manual Updates and Additions – The City Administrator communicated that there have been a few changes to the City Policy and they can be seen on the attachment. Discussion continued on the city policy manual updates and additions. Commissioner Robbins made a motion to approve the city policy manual updates and additions. Commissioner Hach seconded the motion. The motion carried 3-1 on a roll call vote.

1<sup>st</sup> Reading of Ordinance #990 – Refusal

Special Event Alcohol Permit – Ed's Bait Shop – The City Administrator communicated that Ed's Bait Shop is looking to move their liquor license to town (memorial building) for a wedding dance. Commissioner Hamre made a motion

to approve the special event alcohol permit or Ed's Bait Shop. Commissioner Pierce seconded the motion, and the motion carried unanimously.

Renaissance Zone Authority – Appointment of Member – The City Assessor communicated that the Renaissance Zone Authority took action at their September 11, 2023 meeting to recommend the appointment of Sheri Olson, who would be filling a vacancy with the term expiring June 30, 2026.

Pay Estimate #1 – City Project 230201 Watermain Replacement 28-23 & 29-23 – The City Engineer communicated that this pay estimate is for \$283,541.76 and will be paid to Kemper Construction. Commissioner Robbins made a motion to approve Pay Estimate #1. Commissioner Hach seconded the motion. The motion carried unanimously on a roll call vote.

Release of Easement – Lake Toyota – The City Engineer communicated that as part of the project development for Lake Toyota expansion, it was determined a City utility easement covering a vacated alley in Block 1 East of Pitcher Park subdivision is in the vicinity of the proposed building improvement and would limit the expansion of the building. It appears the utility easement was never utilized for the City and is not needed. In exchange for the City to release this easement, the property owner agreed to provide an easement that covers City owned utilities that serve adjoining properties. The property owner has signed the necessary paperwork to complete the easement ended by the City. Commissioner Hamre made a motion to approve the release of easement for Lake Toyota. Commissioner Pierce seconded the motion, and the motion carried unanimously.

Authorize Call for Bids – Snow Plow – The City Engineer communicated that after reviewing the equipment within the street department, it has been determined that additional snow removal equipment will be a better use of budgeted funds than a truck that had been budgeted for this year. The department would like an additional plow that can be used on a loader that is currently owned by the City. He is recommending authorization to call for bids for a replacement plow, with bids to be opened at the October 16<sup>th</sup> City Commission Meeting. The estimated cost of the plow is \$45,000. Commissioner Robbins made a motion to authorize call for bids. Commissioner Pierce seconded the motion, and the motion carried unanimously.

Commissioner Robbins moved to approve the list of bills as submitted. The motion was seconded by Commissioner Hamre. The motion carried unanimously on a roll call vote.

**SPENCER HALVORSON**  
**CITY ADMINISTRATOR/AUDITOR**

**JIM MOE**  
**PRESIDENT OF CITY COMMISSION**

**Agenda Item:** Summers Manufacturing Loan Guaranty with Western State Bank - Budget Amendment 23-056

**Submitted By:** Spencer Halvorson, City Administrator/Auditor

**Staff Recommended Action:** Approve Budget Amendment 23-06 and pay the Summers Manufacturing Loan Guaranty with Western State Bank in full

### BACKGROUND AND ANALYSIS:

At the last City Commission meeting, there was a desire to see a financing plan to pay off the Summers Manufacturing Loan Guaranty with Western State Bank in full (\$343,027).

Below is a plan that provides for the City to pay the balance off in full out of the Growth Fund with a reallocation of sales tax dollars from the City's Debt Service Funds (all within the proportional limits set by the City's municipal code). With the sales tax projection of \$4.1 million, the following would be the projected impacts on the various funds:

Fund	2023 Budget	Amendment	Change in \$\$
Property Tax Relief	41.0%	41.0%	
Infrastructure	26.0%	26.0%	
Economic Development	7.0%	13.0%	+ \$ 246,000
Storm Sewer	4.5%	4.5%	
(5476) SRF Bonds 2010	5.0%	5.0%	
(5481) Bonds 2015	9.0%	6.0%	- \$123,000
(5484) Bonds 2017	4.0%	2.0%	- \$82,000
(5488) SRF Bonds 2019	3.5%	2.5%	- \$41,000

These changes would result in the covering of over 70% of the guaranty with the remaining 30% (\$97,000) being a direct cost out of the balance of the Growth Fund. The following strategy is recommended to maintain a sufficient balance in the Growth Fund so strategic flexibility and use of those dollars is still an option in the event significant investment opportunities arise.

**Balance of Growth Fund Without  
Budget Amendment @ End 2023**

**\$ 229,462**

**Balance of Growth Fund With Budget  
Amendment @ End 2023**

**\$ 474,462**

After this amendment, all the SRF bonds listed will still have balances well over 100% of yearly interest and principle payments (see below) both at the end of 2023 and 2024. These bonds are all at a 2% interest rate. Given the current interest rate environment, these would be considered low interest debts and the strategy to deploy sales tax resources in other directions rather than accelerating the payoff of these bonds is reflected in the 2024 budget. Approving this budget amendment would put that strategy into practice retroactively for 2023 as well.

<b>Fund</b>	<b>Principle &amp; Int Pmt</b>	<b>End 2023 Budget Reserve</b>	<b>Amendment Reserve</b>	<b>Amendment Reserve % of Int Payment</b>
<b>(5481) Bonds 2015</b>	\$ 287,685	\$ 542,032	<b>\$ 419,032</b>	146%
<b>(5484) Bonds 2017</b>	\$ 127,444	\$ 496,344	<b>\$ 414,344</b>	325%
<b>(5488) SRF Bonds 2019</b>	\$ 93,274	\$ 370,487	<b>\$ 329,487</b>	353%

**ATTACHMENTS:**

- Growth Fund Projection 2023 w/ Amendment
- 5481 SRF Bond Fund Projections w/ Amendment
- 5484 SRF Bond Fund Projections w/ Amendment
- 5488 SRF Bond Fund Projections w/ Amendment
- Loan Guaranty Proposed Terms – Western State Bank

ACCT. #	DESCRIPTION	ACTUAL	ACTUAL	FORECAST	BUDGET
2034	ECONOMIC DEVELOPMENT	2021	2022	2023	2024
31410	SALES TAX (7%)	285,280	325,258	(4.1M X 13%) 533,000	(4.182M X 7%) 292,740
<b>700</b>	<b>TRANSFERS IN/OUT</b>				
39990	TRANSFERS IN (1000)	0	350,000	0	0
	<b>TOTAL REVENUE</b>	<b>285,280</b>	<b>675,258</b>	<b>533,000</b>	<b>292,740</b>
41000	FORWARD DEVILS LAKE	97,012	76,542	50,000	50,000
41050	QUALITY OF LIFE INVESTMENTS	0	0	15,000	250,000
42000	DEVILS LAKE CHAMBER	0	0	25,000	25,000
<b>700</b>	<b>TRANSFERS IN/OUT</b>				
57410	LOAN POOL (TO 8013)	158,458	257,174	458,000	217,740
	<b>TOTAL EXPENSES</b>	<b>255,469</b>	<b>333,716</b>	<b>548,000</b>	<b>542,740</b>
<b>REVENUE OVER (UNDER) EXPENSE</b>		<b>29,811</b>	<b>341,542</b>	<b>-15,000</b>	<b>-250,000</b>
	<b>BEGINNING BALANCE</b>	<b>0</b>	<b>29,811</b>	<b>371,353</b>	<b>356,353</b>
	<b>REVENUE</b>	<b>285,280</b>	<b>675,258</b>	<b>533,000</b>	<b>292,740</b>
	<b>EXPENDITURES</b>	<b>255,469</b>	<b>333,716</b>	<b>548,000</b>	<b>542,740</b>
	<b>YEAR END BALANCE</b>	<b>29,811</b>	<b>371,353</b>	<b>356,353</b>	<b>106,353</b>

ACCT #	DESCRIPTION	ACTUAL 2021	ACTUAL 2022	FORECAST 2023	BUDGET 2024
<b>8013</b>	<b>LAKE REGION GROWTH FUND</b>				
36100	INTEREST	0	0	0	0
36900	MISCELLANEOUS	137,107	0	0	0
36950	PRINCIPAL PAYMENTS ON LOANS	0	0	7,285	13,056
36960	INTEREST PAYMENTS ON LOANS	0	0	0	0
<b>700</b>	<b>TRANSFER IN/OUT</b>				
39930	SALES TAX TRANSFER (FROM 2034)	158,458	257,174	458,000	217,740
39990	TRANSFER IN	0	0	0	0
	<b>TOTAL REVENUES</b>	<b>295,564</b>	<b>257,174</b>	<b>465,285</b>	<b>230,796</b>
	<b>EXPENSES</b>				
43120	LEGAL FEES	0	0	0	0
43170	ADMINISTRATION FEES	0	0	0	0
43600	PUBLISHING & PRINTING	0	0	0	0
44900	MISCELLANEOUS	0	0	10,000	10,000
56280	REAL ESTATE TAXES	0	0	0	0
57330	INTEREST BUYDOWN (PACE)	33,886	14,592	48,344	22,000
57380	AFFORD HOUSING INTEREST BUYDOWN	17,824	3,001	16,717	9,000
57440	FACADE LOAN POOL	0	0	20,000	20,000
57490	LOANS THIS YEAR	0	0	225,000	25,000
57860	MINI GRANT DEV. EXP.	0	0	0	0
56320	LAND PURCHASE	47,904	33,962	0	0
57500	2020 PROGRAM	0	0	33,000	7,000
57510	BUSINESS TRAINING	0	0	35,000	5,000
57520	RWIP	0	0	15,000	10,000
57530	SPONSORSHIPS	0	0	0	25,000
57540	LOAN GUARANTY	0	0	344,027	0
58010	GRANTS THIS YEAR	0	0	0	0
<b>700</b>	<b>TRANSFER IN/OUT</b>				
43020	ADMINISTRATION (TO 1000)	1,200	1,200	1,200	1,200
57830	HANGAR LEASE SUBSIDY (TO 8015)	0	0	0	0
55100	CITY BEAUTIFICATION (TO 8008)	10,000	10,000	10,000	10,000
58410	SPECIAL ASSESSMENTS	0	0	0	0
	<b>TOTAL EXPENDITURES</b>	<b>110,813</b>	<b>62,756</b>	<b>758,288</b>	<b>144,200</b>
	REVENUE OVER (UNDER) EXP	184,751	194,418	-293,003	86,596
	BEGINNING JANUARY BALANCE	388,296	573,047	767,465	474,462
	ACTUAL/ESTIMATED REVENUES	295,564	257,174	465,285	230,796
	ACTUAL/ESTIMATED EXPENDITURES	110,813	62,756	758,288	144,200
	ENDING DECEMBER BALANCE	573,047	767,465	474,462	561,058

ACCT.#	DESCRIPTION	ACTUAL	ACTUAL	FORECAST	BUDGET
5481	SRF BONDS 2015	2021	2022	2023	2024
<b>CENEX WATER/SEWER &amp; VARIOUS WATERLINE REPLACEMENTS</b>					
31410	SALES TAX (\$4.182M X 7%)	366,788	243,944	246,000	292,740
38300	SPECIAL ASSESSMENTS	0	0	0	0
38500	PREPAID ASSESSMENTS	0	0	0	0
36900	MISCELLANEOUS	0	0	0	0
<b>700</b>	<b>TRANSFER IN/OUT</b>				
38300	INFRASTRUCTURE	0	0	0	0
39990	TRANSFER IN	0	0	0	0
	<b>TOTAL REVENUE</b>	<b>366,788</b>	<b>243,944</b>	<b>246,000</b>	<b>292,740</b>
43600	PUBLISHING/PRINTING/ADVERTISING	400	0	0	0
57240	BOND SALE EXPENSE	0	0	0	0
57100	PRINCIPLE	230,000	235,000	240,000	250,000
57200	INTEREST	50,863	46,263	43,685	37,685
57300	SERVICE CHARGES	0	495	400	0
<b>700</b>	<b>TRANSFER IN/OUT</b>				
58900	TRANSFERS OUT	0	0	0	0
	<b>TOTAL EXPENDITURES</b>	<b>281,263</b>	<b>281,758</b>	<b>284,085</b>	<b>287,685</b>

REVENUE OVER (UNDER) EXPENSE	85,526	-37,814	-38,085	5,055
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BEGINNING BALANCE	409,405	494,931	457,117	419,032
REVENUE	366,788	243,944	246,000	292,740
EXPENDITURES	281,263	281,758	284,085	287,685

END OF YEAR BALANCE	494,931	457,117	419,032	424,087
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	PRINCIPLE	INTEREST
2024	250,000	37,685
2025	255,000	31,185
2026	260,000	24,173
2027	255,000	16,762
2028	260,000	8,662
<b>TOTALS</b>	<b>1,280,000</b>	<b>118,467</b>

ACCT.#	DESCRIPTION	ACTUAL	ACTUAL	FORECAST	BUDGET
5484	SALES TAX REVENUE BOND 2017	2021	2022	2023	2024
		WEST VIA DUCT			
31410	SALES TAX (\$4.182M X 3%)	203,771	121,972	82,000	125,460
36710	LOAN PROCEEDS	0	0	0	0
36900	MISCELLANEOUS	0	0	0	0
<b>700</b>	<b>TRANSFER IN/OUT</b>				
38300	INFRASTRUCTURE	146,001	0	0	0
39990	TRANSFER IN/OUT	0	0	0	0
	<b>TOTAL REVENUE</b>	<b>349,772</b>	<b>121,972</b>	<b>82,000</b>	<b>125,460</b>

<b>EXPENSES</b>					
43600	PUBLISHING/PRINTING/ADVERTISING	400	0	0	0
57240	PAYMENT TO CONTRACTORS	0	0	0	0
57100	PRINCIPLE	125,994	101,617	104,968	107,078
57200	INTEREST	28,305	25,827	23,515	20,366
57300	SERVICE CHARGES	0	0	400	0
<b>700</b>	<b>TRANSFER IN/OUT</b>				
58900	TRANSFERS OUT	0	0	0	0
	<b>TOTAL EXPENDITURES</b>	<b>154,699</b>	<b>127,444</b>	<b>128,883</b>	<b>127,444</b>

REVENUE OVER (UNDER) EXPENSE	195,073	-5,472	-46,883	-1,984
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BEGINNING BALANCE	271,626	466,699	461,227	414,344
REVENUE	349,772	121,972	82,000	125,460
EXPENDITURES	154,699	127,444	128,883	127,444

END OF YEAR BALANCE	466,699	461,227	414,344	412,360
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	PRINCIPLE	INTEREST
2024	107,078	20,366
2025	109,230	18,214
2026	111,426	16,018
2027	113,665	13,778
2028	115,950	11,494
2029	118,280	9,163
2030	120,658	6,786
2031	123,083	4,360
2032	125,557	1,886
<b>TOTALS</b>	<b>1,044,927</b>	<b>102,065</b>

Reserve requirement : 20% - 2019, 40% - 2020, 60% - 2021, 80% - 2022, 100% - 2023  
Percentage of annual payment

ACCT.#	DESCRIPTION	ACTUAL	ACTUAL	FORECAST	BUDGET
5488	SALES TAX REVENUE BOND 2019	2021	2022	2023	2024
	DOWNTOWN PROJECT (CITY SHARE)				
31410	SALES TAX (\$4.182M X 1.0%)	142,640	81,315	102,500	41,820
36710	LOAN PROCEEDS	0	116,369	0	0
36900	MISCELLANEOUS	0	0	0	0
<b>700</b>	<b>TRANSFER IN/OUT</b>				
38300	INFRASTRUCTURE	0	0	0	0
39990	TRANSFER IN/OUT	94,774	0	0	0
	<b>TOTAL REVENUE</b>	<b>237,414</b>	<b>197,684</b>	<b>102,500</b>	<b>41,820</b>
	<b>EXPENSES</b>				
57240	PAYMENT TO CONTRACTORS	0	0	0	0
57100	PRINCIPLE	74,454	72,770	74,565	76,064
57200	INTEREST	20,320	20,504	18,709	17,210
57300	SERVICE CHARGES	0	0	0	0
<b>700</b>	<b>TRANSFER IN/OUT</b>				
58900	TRANSFERS OUT (TO: 4034)	0	116,369	0	0
	<b>TOTAL EXPENDITURES</b>	<b>94,774</b>	<b>209,643</b>	<b>93,274</b>	<b>93,274</b>
	REVENUE OVER (UNDER) EXPENSE	142,640	-11,959	9,226	-51,454
	BEGINNING BALANCE	189,580	332,220	320,261	329,487
	REVENUE	237,414	197,684	102,500	41,820
	EXPENDITURES	94,774	209,643	93,274	93,274
	END OF YEAR BALANCE	332,220	320,261	329,487	278,033
	<b>PRINCIPLE INTEREST</b>				
	2024	76,064	17,210		
	2025	77,593	15,681		
	2026	79,152	14,122		
	2027	80,743	12,531		
	2028	82,366	10,908		
	2029	84,022	9,252		
	2030	85,711	7,563		
	2031	87,433	5,841		
	2032	89,191	4,083		
	2033	90,983	2,291		
	2034	46,175	462		
	<b>TOTALS</b>	<b>879,433</b>	<b>99,944</b>		

Reserve requirement : 20% - 2020, 40% - 2021, 60% - 2022, 80% - 2023, 100% - 2024  
Percentage of annual payment

August 16<sup>th</sup>, 2023

Forward Devils Lake  
423 6<sup>th</sup> St NE  
Devils Lake, ND 58301

Dear Forward Devils Lake:

Western State Bank (the "Bank") is pleased to offer Forward Devils Lake (the "Borrower") this financing proposal. The Bank is pleased to offer the Borrower the following terms:

**LOAN FACILITY #1 – UNSECURED:**

<b>Borrower:</b>	Forward Devils Lake
<b>Amount:</b>	\$343,026.57
<b>Type/Purpose:</b>	Unsecured – Finance Guaranty to Summers Manufacturing
<b>Maturity:</b>	5-years
<b>Amortization:</b>	5-years
<b>Interest Rate:</b>	Fixed at 7.50% with a tax equivalent rate of 4.875% at the time of closing
<b>Fees:</b>	None
<b>Collateral:</b>	Unsecured
<b>Advance Rates:</b>	NA
<b>Payments:</b>	Monthly principal and interest payments of approximately \$6,454
<b>Guarantee:</b>	Unlimited Guarantee of Forward Devils Lake
<b>Prepayment Penalty:</b>	None

The above credit facilities would be subject to terms and conditions of documents acceptable to the Bank, including but not limited to:

**REPORTING REQUIREMENTS:**

- Audited Financials of The City of Devils Lake – Annually
- Any other items deemed necessary by the bank

**CONDITIONS PRECEDENT TO CLOSING:**

Conditions to be satisfied prior to closing include, but are not necessarily limited to satisfactory completion and results to the following:

- Legal Documents: Notes, Loan Agreement, Security Agreements, Guarantee Agreements, and other loan documentation deemed appropriate by all parties involved.
- Minutes approving the transaction from The City of Devils Lake
- Any other items requested by the Bank as needed

**ITEMS NEEDED FOR UNDERWRITING:**

- Executed financing proposal letter
- Corporate/Organizational documentation – Forward Devils Lake
- Most recent annual audit of The City of Devils Lake
- Any other items requested by the Bank as needed

All of the foregoing would be accomplished pursuant to agreements and other writings to be drafted by the Bank in form and substance acceptable to the Bank.

THIS LETTER IS FOR DISCUSSION PURPOSES ONLY. IT IS NOT AN OFFER, AN AGREEMENT OR A COMMITMENT BY THE BANK. THE BANK HAS NO OBLIGATION TO PROVIDE ANY FINANCING, WHETHER OR NOT ANY TERMS OR CONDITIONS IN THIS LETTER ARE SATISFIED. No one will be legally bound until all agreements are executed and delivered. Notwithstanding the foregoing, in consideration of the services performed by and expenses of the Bank, by signing below the Company and the Guarantors jointly and severally agree to pay to the Bank on demand all of the Bank's costs and expenses, including but not limited to audit and appraisal fees and expenses, reasonable attorneys' fees, legal expenses, and other expenses, in connection with this letter and the matters described in this letter, whether or not any such credit facilities are closed or funded.

Please designate your agreement with the provisions of this letter by signing below and returning this letter to the Bank. This letter will be void if a fully-executed original of this letter is not received by the Bank on or before Sept 8th, 2023 or if the credit facilities described in this letter are not closed on or before September 15th, 2023, or if there is any material adverse change in the financial or other condition, business or property of the Company or any of the Guarantors, as determined by the Bank in its sole discretion.

We appreciate this opportunity to be of assistance to you. If you have any questions, feel free to contact me at (701) 665-1813 or via e-mail at [brett.johnston@westernbanks.com](mailto:brett.johnston@westernbanks.com).

Sincerely,

WESTERN STATE BANK



Brett Johnston  
Market President

For valuable consideration, the signor(s) jointly and severally agree to the provisions of this letter.

Executed as of the date first above written.

Accepted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

**Forward Devils Lake**

By: \_\_\_\_\_

Its: \_\_\_\_\_

# NDBA - \$5000 Guaranteed Issue

## Installment Loan Illustration with No Insurance

*This one*

**\*\* ILLUSTRATION PURPOSES ONLY \*\***

The input provided is insufficient for a precise premium calculation.  
Insurance may be subject to eligibility, including age and health requirements.

**\*\* DO NOT USE AS LOAN DISCLOSURE \*\***

### Loan Input

Loan Amount:	\$343027.00	Birthdate:	Not provided
Interest Rate:	4.875%	Co-borrower Birthdate:	Not provided
Term (in months):	60		
Term (in payments):	60		
Frequency:	Monthly		
Effective Date:	Not provided		
First Payment Date:	Not provided		
Days until First Payment:	30		

### Single Premium Insurance Output

Decreasing Life Prem:	\$0.00
Level Life Prem:	\$0.00
Life Term Coverage (months):	0
Life Coverage Amt:	\$0.00
Disability Prem:	\$0.00
Dis. Term Coverage (months):	0
Monthly Benefit:	\$0.00
Aggregate Disability Benefit:	\$0.00
Total Prem:	\$0.00
Ins. Cost per Day:	\$0.00

### Loan Output

59 Payments @	\$6453.81
1 Payment @	\$6453.72
Amount Disbursed:	\$343027.00
Amount Financed:	\$343027.00
Finance Charge:	\$44201.51
Total Interest:	\$44201.51
Total Payments:	\$387228.51
Effective APR:	4.876%
Maturity Date:	08/13/2028

*77,445/yr.*

# NDBA - \$5000 Guaranteed Issue

## Installment Loan Amortization with No Insurance

\*\* ILLUSTRATION PURPOSES ONLY \*\*

The input provided is insufficient for a precise premium calculation.  
Insurance may be subject to eligibility, including age and health requirements.

\*\* DO NOT USE AS LOAN DISCLOSURE \*\*

Pmt#	Date	Balance	Pmt Amt	Interest	Principal
1	09/13/2023	\$343027.00	\$6453.81	\$1374.46	\$5079.35
2	10/13/2023	\$337947.65	\$6453.81	\$1354.11	\$5099.70
3	11/13/2023	\$332847.95	\$6453.81	\$1378.13	\$5075.68
4	12/13/2023	\$327772.27	\$6453.81	\$1313.33	\$5140.48
5	01/13/2024	\$322631.79	\$6453.81	\$1335.83	\$5117.98
6	02/13/2024	\$317513.81	\$6453.81	\$1314.64	\$5139.17
7	03/13/2024	\$312374.64	\$6453.81	\$1209.92	\$5243.89
8	04/13/2024	\$307130.75	\$6453.81	\$1271.65	\$5182.16
9	05/13/2024	\$301948.59	\$6453.81	\$1209.86	\$5243.95
10	06/13/2024	\$296704.64	\$6453.81	\$1228.48	\$5225.33
11	07/13/2024	\$291479.31	\$6453.81	\$1167.91	\$5285.90
12	08/13/2024	\$286193.41	\$6453.81	\$1184.96	\$5268.85
13	09/13/2024	\$280924.56	\$6453.81	\$1163.14	\$5290.67
14	10/13/2024	\$275633.89	\$6453.81	\$1104.42	\$5349.39
15	11/13/2024	\$270284.50	\$6453.81	\$1119.09	\$5334.72
16	12/13/2024	\$264949.78	\$6453.81	\$1061.61	\$5392.20
17	01/13/2025	\$259557.58	\$6453.81	\$1074.68	\$5379.13
18	02/13/2025	\$254178.45	\$6453.81	\$1052.40	\$5401.41
19	03/13/2025	\$248777.04	\$6453.81	\$930.36	\$5523.45
20	04/13/2025	\$243253.59	\$6453.81	\$1007.17	\$5446.64
21	05/13/2025	\$237806.95	\$6453.81	\$952.86	\$5500.95
22	06/13/2025	\$232306.00	\$6453.81	\$961.84	\$5491.97
23	07/13/2025	\$226814.03	\$6453.81	\$908.81	\$5545.00
24	08/13/2025	\$221269.03	\$6453.81	\$916.14	\$5537.67
25	09/13/2025	\$215731.36	\$6453.81	\$893.22	\$5560.59
26	10/13/2025	\$210170.77	\$6453.81	\$842.12	\$5611.69
27	11/13/2025	\$204559.08	\$6453.81	\$846.96	\$5606.85
28	12/13/2025	\$198952.23	\$6453.81	\$797.17	\$5656.64
29	01/13/2026	\$193295.59	\$6453.81	\$800.32	\$5653.49
30	02/13/2026	\$187642.10	\$6453.81	\$776.92	\$5676.89
31	03/13/2026	\$181965.21	\$6453.81	\$680.50	\$5773.31
32	04/13/2026	\$176191.90	\$6453.81	\$729.51	\$5724.30
33	05/13/2026	\$170467.60	\$6453.81	\$683.04	\$5770.77
34	06/13/2026	\$164696.83	\$6453.81	\$681.91	\$5771.90
35	07/13/2026	\$158924.93	\$6453.81	\$636.79	\$5817.02
36	08/13/2026	\$153107.91	\$6453.81	\$633.93	\$5819.88
37	09/13/2026	\$147288.03	\$6453.81	\$609.83	\$5843.98
38	10/13/2026	\$141444.05	\$6453.81	\$566.74	\$5887.07
39	11/13/2026	\$135556.98	\$6453.81	\$561.26	\$5892.55
40	12/13/2026	\$129664.43	\$6453.81	\$519.55	\$5934.26
41	01/13/2027	\$123730.17	\$6453.81	\$512.29	\$5941.52
42	02/13/2027	\$117788.65	\$6453.81	\$487.69	\$5966.12
43	03/13/2027	\$111822.53	\$6453.81	\$418.19	\$6035.62
44	04/13/2027	\$105786.91	\$6453.81	\$438.00	\$6015.81
45	05/13/2027	\$99771.10	\$6453.81	\$399.77	\$6054.04
46	06/13/2027	\$93717.06	\$6453.81	\$388.03	\$6065.78
47	07/13/2027	\$87651.28	\$6453.81	\$351.21	\$6102.60
48	08/13/2027	\$81548.68	\$6453.81	\$337.65	\$6116.16
49	09/13/2027	\$75432.52	\$6453.81	\$312.32	\$6141.49
50	10/13/2027	\$69291.03	\$6453.81	\$277.64	\$6176.17
51	11/13/2027	\$63114.86	\$6453.81	\$261.32	\$6192.49
52	12/13/2027	\$56922.37	\$6453.81	\$228.08	\$6225.73
53	01/13/2028	\$50696.64	\$6453.81	\$209.90	\$6243.91
54	02/13/2028	\$44452.73	\$6453.81	\$184.05	\$6269.76
55	03/13/2028	\$38182.97	\$6453.81	\$147.89	\$6305.92
56	04/13/2028	\$31877.05	\$6453.81	\$131.98	\$6321.83
57	05/13/2028	\$25555.22	\$6453.81	\$102.40	\$6351.41
58	06/13/2028	\$19203.81	\$6453.81	\$79.51	\$6374.30

# NDBA - \$5000 Guaranteed Issue

## Installment Loan Amortization with No Insurance

**\*\* ILLUSTRATION PURPOSES ONLY \*\***

The input provided is insufficient for a precise premium calculation.  
Insurance may be subject to eligibility, including age and health requirements.

**\*\* DO NOT USE AS LOAN DISCLOSURE \*\***

Pmt#	Date	Balance	Pmt Amt	Interest	Principal
59	07/13/2028	\$12829.51	\$6453.81	\$51.41	\$6402.40
60	08/13/2028	\$6427.11	\$6453.72	\$26.61	\$6427.11

## Spencer Halvorson

---

**From:** Spencer Halvorson  
**Sent:** Thursday, September 28, 2023 5:12 PM  
**To:** Spencer Halvorson  
**Subject:** Fwd: truck chassis



List of bills

Spencer Halvorson  
City Administrator/Auditor  
City of Devils Lake

Begin forwarded message:

**From:** Spencer Halvorson <SpencerH@dvInd.com>  
**Date:** September 27, 2023 at 3:35:00 PM CDT  
**To:** Michael Grafsgaard <mikeg@dvInd.com>  
**Cc:** Brina Abrahamson <BrinaA@dvInd.com>, Corey Erickson <coreye@dvInd.com>  
**Subject:** RE: truck chassis

Got it and thanks, Mike. Brina, please be on the lookout for the check and let me know when we receive it. We'll put the full amount on the list of bills for the next meeting.

Spencer Halvorson  
City Administrator/Auditor  
City of Devils Lake

(o): (701) 662-7600 ext: 222  
(c): (701) 381-9221

**From:** Michael Grafsgaard <mikeg@dvInd.com>  
**Sent:** Wednesday, September 27, 2023 2:42 PM  
**To:** Spencer Halvorson <SpencerH@dvInd.com>  
**Cc:** Brina Abrahamson <BrinaA@dvInd.com>; Corey Erickson <coreye@dvInd.com>  
**Subject:** truck chassis

I spoke with Les from Peterbuilt. Please issue a check for the entire bid amount (\$153,827). He will send back the check we provided in the amount of \$148,827. I said we would send him the new check after the commission meeting next week.

They will work to get us the \$5,000 for the trade in when they take possession of the truck.

Thanks,  
Mike

Michael Grafsgaard, PE  
City Engineer

## RESOLUTION TO ADJUST TRAVEL PER DIEM RATES FOR THE CITY OF DEVILS LAKE

BE IT RESOLVED that the City of Devils Lake adjusts its in-state travel per diem reimbursement rates to remain consistent with those set by the State of North Dakota for meals and mileage and will keep such rates consistent with the State of North Dakota in perpetuity unless otherwise specified by the City Commission.

BE IT RESOLVED that the City of Devils Lake adheres to the out-of-state travel per diem rates for meals and lodging consistent with those set per city, county, and state by the US General Services Administration.

BE IT RESOLVED that the City of Devils Lake adjusts its in-state travel reimbursement rates for lodging to be at all times 90% of the US General Services Administration rate for lodging in North Dakota plus applicable state and local taxes unless otherwise specified by the City Commission.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The City adjusts its travel per diem rates for meals, mileage, and lodging to remain consistent with the State of North Dakota and US General Services Administration as specified above and will keep such rates consistent with those set by each institution in perpetuity unless otherwise specified by the City Commission.

Adopted this 2<sup>nd</sup> day of October, 2023.

ATTEST:

CITY OF DEVILS LAKE

\_\_\_\_\_  
Spencer Halvorson  
City Administrator/Auditor

\_\_\_\_\_  
Jim Moe, President  
Devils Lake City Commission

The motion for the adoption of the foregoing resolution was duly made by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_ and upon vote being taken thereon, the following voted in favor: Commissioners \_\_\_\_\_, the following voted against the same:

City of Devils Lake  
423 6<sup>th</sup> St NE  
PO Box 1048  
Devils Lake, ND 58301  
www.dvln.com



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\_\_\_\_\_, and the following were absent:  
\_\_\_\_\_; whereupon said resolution was declared duly passed and  
was signed by the President of the City Commission and by the City Auditor.

## Chapter 1.07 PURCHASING AND DISPOSITION OF PROPERTY

### Sections:

#### **1.07.010 Competitive bidding requirements.**

All purchase of and contracts for supplies and contractual services for the city and all sales of property therewith which has become obsolete or unusable shall, except as otherwise provided herein, be based, whenever possible, on competitive bids.

(Ord. 708 (part), 1987)

#### **1.07.020 Procedure.**

- A. All supplies of a singular or common item contracts for singular services or the total amount of all costs of one project for the city except as otherwise provided herein and in Section 1.07.030, when the estimated cost thereof shall exceed thirty thousand dollars shall be purchased from the lowest responsible bidder after due notice inviting bids or procurement through a cooperative purchasing agreement with other political subdivisions as permissible under North Dakota Century Code 11-11-14.4 and 40-05-01.52.
- B. All sales or disposition of obsolete or unusable property when the estimated value shall exceed two thousand five hundred dollars shall be sold to the highest responsible bidder as provided in Section 1.07.060.
- C. The lowest responsible bidder, or the highest responsible bidder shall be the bidder who in addition to price, has the best ability, capacity and skill to perform the contract or provide the service required promptly or within the specified time without delay or interference. There shall also be considered character, integrity, reputation, judgment, experience and efficiency of the bidder, the quality of performance of previous contract, sufficiency of financial resources, and previous and existing compliance with state laws and city ordinances.
- D. Any plans for improvement, alteration, or construction on any city-owned building must be submitted, for consideration and approval, to the board of city commissioners prior to the commencement of any such improvement, alteration, or construction.
- E. Any acquisition of property by the city through gift, devise, bequest, or gratuitous consideration, which may subject the city to liability or financial obligation must have prior approval of the board of city commissioners.
- F. No city commissioner or city employee may obligate the city to pay or approve a voucher in any amount, which would cause the line item authorized budget, as amended, of the appropriate account to be exceeded, without prior approval of the board of city commissioners.
- G. The guidelines of subsections A through F of this section are inapplicable to the following circumstances:
  - 1. Projects which are bid or built pursuant to a call for proposals or general contractor construction, and commission-approved change orders;
  - 2. Items or contractual services which are under annual bid to the city;
  - 3. Items of finance pursuant to a bond repayment, or contractual repayment schedule and annual audit;
  - 4. Payment of insurance premiums;

- 
5. Sole source appropriations;
  6. Items currently bid by the state and available to political subdivisions;
  7. Emergency repair of water and sewer system;
  8. An emergency exists as declared by the board of city commissioners;
  9. The purchase of an item that has already been approved by the city commission in its annual budget, provided that the head of the department has the approval of the commissioner holding the portfolio for that department.

(Ord. 880 (part), 2008: Ord. 825 (part), 1999: Ord. 755, 1991: Ord. 729, 1989: Ord. 726, 1989: Ord. 708 (part), 1987)

(Ord. No. 898, 9-19-11)

### **1.07.030 Open market purchases.**

- A. All purchases, contractual services, or sale of obsolete or unusable property for the city, shall be made or obtained in the open market with competitive bidding or procurement through a cooperative purchasing agreement with other political subdivisions as permissible under North Dakota Century Code 11-11-14.4 and 40-05-01.52, unless one of the following apply:
  1. The purchase or contractual services are for less than thirty thousand dollars.
  2. The sale of obsolete or unusable property by the city is for less than two thousand five hundred dollars.
  3. The purchase or sale is from or to another governmental body.
  4. The city commission has determined that an emergency exists requiring the immediate purchase of supplies or contractual services.
- B. Upon a motion of the board of city commissioners, the commissioner holding the portfolio of a specific department, or any other designated commissioner, may effect the purchase of a used vehicle for a municipal use or purpose if the amount is less than fifteen thousand dollars by calling for proposals from at least three dealers in the city, if done in person or by giving sufficient notice, time and opportunity to other interested vehicle dealers to submit an appropriate bid on said property if done by newspaper.

(Ord. 880 (part), 2008: Ord. 825 (part), 1999: Ord. 708 (part), 1987)

(Ord. No. 899, 9-19-11)

**Sixty-eighth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 3, 2023**

SENATE BILL NO. 2370  
(Senators Davison, Elkin)  
(Representative Richter)

AN ACT to create and enact a new section to chapter 11-11 and a new section to chapter 40-05 of the North Dakota Century Code, relating to cooperative purchasing pursuant to a joint powers agreement; and to amend and reenact subsection 4 of section 11-11-14, and subsection 52 of section 40-05-01 of the North Dakota Century Code, relating to authorizing a city or a county to engage in cooperative purchasing.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Subsection 4 of section 11-11-14 of the North Dakota Century Code is amended and reenacted as follows:

4. To control the finances, to contract debts and borrow money, to make payments of debts and expenses, to establish charges for any county or other services, ~~and to control the property of the county, and to contract for cooperative purchases pursuant to a joint-powers agreement under chapter 54-40.3.~~

**SECTION 2.** A new section to chapter 11-11 of the North Dakota Century Code is created and enacted as follows:

**Cooperative purchasing - Authorized.**

With the approval of the board of county commissioners, a county may participate in cooperative purchasing agreements with the state, or another political subdivision of this state or any other state, by executing a joint-powers agreement under chapter 54-40.3.

**SECTION 3. AMENDMENT.** Subsection 52 of section 40-05-01 of the North Dakota Century Code is amended and reenacted as follows:

52. Supplies. To provide that supplies needed for the use of the ~~municipality shall~~city be furnished by contract let to the lowest responsible bidder, except the city may contract for cooperative purchases pursuant to a joint-powers agreement under chapter 54-40.3. This section does not apply to construction of public improvement as defined in chapter 48-01.2.

**SECTION 4.** A new section to chapter 40-05 of the North Dakota Century Code is created and enacted as follows:

**Cooperative purchasing - Authorized.**

With the approval of the board of city commissioners or the city council, a city may participate in cooperative purchasing agreements with the state, or another political subdivision of this state or any other state, by executing a joint-powers agreement under chapter 54-40.3. This section does not apply to construction of a public improvement as defined in chapter 48-01.2.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2370.

Senate Vote:    Yeas 47            Nays 0            Absent 0

House Vote:    Yeas 65            Nays 28           Absent 1

\_\_\_\_\_  
Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2023.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2023.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2023,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State



February 9, 2023

RE: North Dakota Senate Bill 2370

Senator Roers and Members of the Senate State and Government Affairs Committee -

Sourcewell strongly supports Senate Bill 2370 which would allow cities and counties in the state of North Dakota to enter into cooperative purchasing agreements.

Sourcewell is a cooperative procurement organization serving government agencies in North Dakota and across the country. Cooperative purchasing contracts offer the same qualities of any government contract, and more. The solicitations are bid to meet requirements of government procurement rules including public advertising and fair solicitation evaluation where price and value are among the most important factors in determining responsible and responsive vendors.

Currently only school districts and the state of North Dakota are allowed to enter cooperative purchasing contracts. Senate Bill 2370 extends this authority to counties and cities and would allow them to enter into cooperative purchasing agreements with other political subdivisions.

Cooperative purchasing provides government efficiencies, access to industry leading goods and services, and cost savings. Cooperative purchasing combines multiple governments buying requirements into a single contract to harness volume discounts and purchasing power. By using cooperative contracts, procurement teams can further negotiate lower prices and reduce procurement time. Industry also recognizes the role cooperative purchasing plays in government procurement in that it provides them an opportunity to serve governments and satisfy their rules and regulations. The value of cooperative purchasing has long been recognized as an acceptable and legal means of government procurement by both the American Bar Association as well as the National Institute of Government Procurement. It is currently utilized widely by both the state of North Dakota and North Dakota school districts.

Sourcewell urges the passage of Senate Bill 2370 to provide another cooperative purchasing tool to cities and counties while continuing to be good stewards of public dollars.

Sincerely,

Ben Joniaux  
Government Relations Associate  
Sourcewell  
Ben.Joniaux@sourewell-mn.gov



Jonathon (Jack) F. Yunker  
424 5th St. NE  
PO Box 152  
Devils Lake, ND 58301  
O: (701) 662-1840  
C: (701) 740-5525  
jack@yunkerlaw.us  
www.yunkerlaw.us

September 15, 2023

City of Devils Lake  
ATTN: Spencer Halvorson  
P.O. Box 1048  
Devils Lake, ND 58301

**SENT VIA EMAIL (SPENCERH@DVLND.COM) ONLY**

Re: Street Maintenance Ordinance Update

Dear Spencer:

Attached for your review and inclusion in the agenda for the upcoming city commission meeting is an update of the street maintenance and snow removal ordinances. As you will see, the proposed changes to the current ordinances are underlined.

Currently, the ordinances are unenforceable as written because they refer to street sweeping and they require publishing of consecutive days. The citations the City issues are for street maintenance and not street sweeping. The current ordinance refers to *street sweeping*. Regarding publication, the Devils Lake Journal does not publish in as many consecutive days as the ordinance requires. Accordingly, both ordinances need to be amended. The proposed changes will cure those defects.

Please contact me with any questions you have.

Respectfully,

A handwritten signature in black ink that reads 'Jack Yunker'.

Jonathon (Jack) F. Yunker

JFY/alj

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12.12.020 – Publication of notice for snow removal.

A. On or before November 1<sup>st</sup> of each year a notice will be published in the official newspaper of the city for three consecutive publishing dates stating that following each snowfall of the winter season the city will remove snow from streets and avenues of the city, and that all vehicles shall be removed from them accordingly. Such notice will state the schedule to be followed. Such notice, containing the schedule to be followed, will also be accessible on the city's website.

B. In the event of a snowfall prior to the notice, which justifies snow removal, the department head of the street department will announce a special warning on the radio which gives notice to remove vehicles from the streets and/or avenues affected. However, the vehicles will not be removed by the city nor shall penalties described in this section apply unless a minimum of twelve hours have elapsed from the time of this special warning.

12.12.030 – Publication of notice for street maintenance.

A. On or before April 1<sup>st</sup> of each year a notice will be published in the official newspaper of the city for three consecutive publishing dates giving notice to residents that the streets and avenues of the city will be maintained on designated days and that all vehicles will be removed from them on these days. Such notice, containing the maintenance schedule to be followed, will also be accessible on the city's website.

B. Certain days of the week will be designated for the maintenance of the streets and other certain days of the week will be designated for the maintenance of avenues.



# Yunker Law

Jonathon (Jack) F. Yunker

424 5th St. NE  
PO Box 152  
Devils Lake, ND 58301

O: (701) 662-1840  
C: (701) 740-5525

jack@yunkerlaw.us  
www.yunkerlaw.us

September 15, 2023

City of Devils Lake  
ATTN: Spencer Halvorson  
P.O. Box 1048  
Devils Lake, ND 58301

**SENT VIA EMAIL (SPENCERH@DVLND.COM) ONLY**

Re: Memo Re Refusal Ordinance

Dear Spencer:

Per your request I am writing to provide you with a brief memo regarding the proposed refusal ordinance for review and consideration of the Commission. The City of Devils Lake has ordinances in place to protect the public from drinking and driving. There are different levels and charges that accompany drinking and driving violations. One such charge is called a "refusal." A refusal is charged when a person is stopped for drinking and driving and refuses to take a breathalyzer or other certified test to determine blood alcohol content. Accordingly, the purpose for having a charge for refusal is so that we can maintain public safety and hold people accountable for drinking and driving within the City of Devils Lake.

Currently, if a person refuses to test and the test is marked as a refusal the person gets charged with refusal. The charge is then prosecuted by the Ramsey County State's Attorney under state law. It is more efficient for the City to prosecute DUI refusals that happen within the city limits. Additionally, the proposed ordinance has the same penalties and same affect but is easier to use as all DUI charges in the City will be able to be charged under one ordinance provision.

If you have any questions regarding the proposed ordinance please don't hesitate to contact me.

Respectfully,

Jonathon (Jack) F. Yunker

JFY/alj

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#### **10.46.030 Driving under influence of intoxicating liquor or drugs prohibited.**

- (1) A person may not drive or be in actual physical control of any vehicle upon the roadways or upon public or private areas to which the public has access within the City of Grand Forks if any of the following apply:
  - (A) That person has a blood alcohol concentration of at least eight one-hundredths of one (0.08) percent by weight at the time of the performance of a chemical test within two (2) hours after the driving or being in actual physical control of a vehicle.
  - (B) That person is under the influence of intoxicating liquor.
  - (C) That person is under the influence of a drug or substance or combination of drugs and/or substances to a degree which renders that person incapable of safely driving.
  - (D) That person is under the combined influence of alcohol and any other drugs and substances to a degree which renders that person incapable of safely driving.
  - (E) That individual refuses to submit to any of the following:
    1. A chemical test, or tests, of the individual's blood, breath, or urine to determine the alcohol concentration or presence of other drugs, or combination thereof, in the individual's blood, breath, or urine, at the direction of a law enforcement officer under N.D.C.C. § 39-06.2-10.2 if the individual is driving or is in actual physical control of a commercial motor vehicle; or
    2. A chemical test, or tests, of the individual's blood, breath, or urine to determine the alcohol concentration or presence of other drugs, or combination thereof, in the individual's blood, breath, or urine, at the direction of a law enforcement officer under N.D.C.C. § 39-20-01.
  - (F) Subsection E does not apply to an individual unless the individual has been advised of the consequences of refusing a chemical test consistent with the Constitution of the United States and the Constitution of North Dakota.
  - (G) The fact that any person charged with violating this section is or has been legally entitled to use alcohol or other drugs or substances is not a defense against any charge for violating this section. It is an affirmative defense that a drug was used only as directed or cautioned by a practitioner who legally prescribed or dispensed the drug to that person. If the individual violated subsections A, B, C or D and E of this subsection and the violations arose from the same incident, for purposes of suspension or revocation of an operator's license, the violations are deemed a single violation and the court shall forward to the department of transportation only the conviction for driving under the influence or actual physical control.
- (2) The court shall take judicial notice of the fact that a conviction would be a subsequent conviction if indicated by the records of the state highway commissioner or may make such finding based on other evidence.
- (3) Upon conviction of a second offense within seven (7) years, the court may order the motor vehicle number plates of the motor vehicle owned and operated by the offender at the time of the offense to be impounded by the Devils Lake Police Department. The impounded number plates must be sent to the director of the North Dakota Department of Transportation who must retain them for the period of suspension or revocation, subject to their disposition by the court. The court may make an exception to this subsection, on an individual basis, to avoid undue hardship to an individual who is completely dependent on the motor vehicle for the necessities of life, including a family member of the convicted individual and a co-owner of

the motor vehicle, or if the offender is participating in the twenty-four seven (24/7) sobriety program.

- (4) An individual who operates a motor vehicle on a highway or on public or private areas to which the public has a right of access for vehicular use in this state who refuses to submit to a chemical test, or tests required under N.D.C.C. § 39-06.2-10.2 or 39-20-01, is guilty of an offense under this section.
- (5) A person violating this section, or equivalent state statute for the first or second conviction in a five-year period shall be charged under this section. A third or subsequent violation of this section, or equivalent state statute shall be charged in state court.
- (6) A person convicted of violating this section must be sentenced in accordance with North Dakota Century Code 39-08-05.

## **AGREEMENT FOR CUSTODIAL SERVICES OF DEVILS LAKE CITY HALL**

This Agreement made and entered into on this day, \_\_\_\_\_, between the City of Devils Lake, hereafter called the "City", and DAVID RADER, hereafter called "Contractor". Both parties agree to abide by the terms as referenced below:

### **1. SERVICES**

The Contractor agrees to perform for the City all necessary custodial work on and within the City Hall building, 423 6<sup>th</sup> Street NE, Devils Lake, ND. The duties are more formally described in this agreement but are not all inclusive as the need for unforeseen custodial tasks may arise, in which case, under the supervision of the City Administrator or their designee, the contractor may be asked to perform additional custodial tasks in order to maintain a clean, pleasing environment that is satisfactory to the public and City officials.

### **2. COMPENSATION**

The City will pay to the Contractor, who will accept full payment for all services, the following: \$633.45/month totaling \$7,601.40 for the time period of July 1, 2023 to June 30, 2024 and \$652.45/month, totaling \$7,829.40 for the time period of July 1, 2024 to June 30, 2025.

The contractor will receive no additional pay, with the exception of the contractor performing duties outside of reasonably normal custodial tasks (e.g. steam cleaning, deep cleaning, etc., in which case the City may agree to hire the Contractor for additional services to be agreed upon in advance of the performed tasks).

### **3. TERM**

This agreement and terms of compensation are effective retroactively from July 1, 2023 to June 30, 2025. In the event the Contractor determines that more money will be necessary to perform said duties, the City reserves the right to terminate this agreement and re-bid in accordance with local and state law.

### **4. DUTIES**

#### **General:**

Performs a variety of custodial work under contract with the City Commission as necessary to maintain a neat and clean City Hall that is pleasing to the public and satisfactory to the City. The Contractor works under the supervision of the City Administrator.

The Contractor will provide general cleaning services Mondays, Tuesdays, Wednesdays, Thursdays, and the weekend.

**General Cleaning (not all inclusive):**

- Vacuum all carpeting
- Sweep and mop all tile with appropriate cleaners
- Clean the two bathrooms including toilets, floors, and sinks
- Empty all trash-cans

**Responsibilities:**

Keep an adequate supply of cleaning material on hand by notifying the Auditing Department of anything needed.

Perform these duties after the end of the City's workday (after 5:00pm on weekdays and anytime on the weekends).

Must have the ability to communicate and understand written or oral instructions. Must have skill in the use and care of standard cleaning equipment.

Must provide proof of General Liability Insurance for no less than \$250,000 per person and \$500,000 per occurrence.

\_\_\_\_\_  
David Rader  
Contractor

\_\_\_\_\_  
Jim Moe  
Mayor

ATTEST:

\_\_\_\_\_  
Spencer Halvorson  
City Administrator/Auditor

**LIST OF BILLS FOR THE CITY OF DEVILS LAKE**  
**2-Oct-23**

<b>VENDOR</b>	<b>AMOUNT DUE</b>
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**AIRPORT**

Bergstrom Electric	\$194,909.40
Capital One-Mac's	\$108.23
Capital One-Walmart	\$110.92
Dakota Implement-Napa	\$77.03
DL Chamber of Commerce	\$235.00
Federal Aviation Administration	\$106,378.25
Leevers	\$59.58
Mead & Hunt	\$73,143.80
Midco	\$122.67
Newby's	\$26.15
Strata Corporation	\$488,435.62
Vericom LLC	\$325.00

**CITY**

Abra Equipment	\$1,435.20
Alken Glass	\$150.00
Allstate-Peterbilt	\$153,827.00
Amazon	\$454.57
AT & T	\$1,236.72
Capital One Trade Credit-Mac's	\$2,997.51
Central Business Systems	\$427.22
CNH Industrial Accounts-Case	\$575.00
Corporate Technologies	\$4,098.54
Dakota Implement-NAPA	\$1,958.79
Dakota WashMaster	\$4,560.00
Devils Lake Chamber of Commerce	\$250.00
DL Chamber of Commerce/Tourism	\$64,083.11

**LIST OF BILLS FOR THE CITY OF DEVILS LAKE**  
**2-Oct-23**

<b>VENDOR</b>	<b>AMOUNT DUE</b>
DL Park Board	\$52,350.29
Ecolab	\$215.22
Exhaust Pros	\$289.95
Federal Aviation Administration	\$106,378.25
Ferguson Waterworks	\$2,268.35
Forward Devils Lake	\$343,026.57
Gessner Iron Works	\$34.90
HE Everson	\$27.78
Harold's Auto Marine	\$210.00
Hawkins	\$10,939.93
Home 2 Suites	\$176.40
Interstate Towing	\$492.21
John Sletteland	\$430.00
Karen Wolf	\$30.71
Keller's Briteway	\$26.00
KLJ Engineering	\$907.37
Lake Region Corporation	\$450.00
Lake Region Law Enforcement	\$63,437.69
Lake Region Sheet Metal	\$147.56
Land Surveying Services	\$665.00
Leon's Building Center	\$363.93
Lexis Nexis-Matthew Bender	\$122.43
Linda Martin	\$450.00
Locators & Supplies	\$607.90
M & T Fire & Safety	\$399.44
Madeline Cummings	\$115.28
Mark's Greenhouse	\$250.00
Matthew Volquardsen	\$44.70
Midstate Volunteer Program	\$3,000.00
Motorola Solutions	\$6,708.41
ND Dept of Enviromental Quality	\$35.00

**LIST OF BILLS FOR THE CITY OF DEVILS LAKE**  
**2-Oct-23**

<b>VENDOR</b>	<b>AMOUNT DUE</b>
Nelson Electrical Solutions	\$2,371.19
Newby's Ace Hardware	\$538.02
Newman Signs	\$5,975.85
Nodak Electric	\$10,289.67
O'Reilly's	\$389.95
Office Depot	\$18.99
Olympic Sales	\$19,000.00
Ottertail Power	\$14,447.64
PowerPlan OIB-RDO Equipment	\$266.84
Prairie Truck & Tractor Repair	\$275.32
Quill	\$496.79
RMB Enviromental Laboratories	\$600.00
Robert Johnson	\$149.20
Schwan Wholesale	\$97.75
Service Tire	\$2,260.75
Skylee Driver	\$25.00
Spencer Halvorson	\$273.68
State of ND Chemistry Lab	\$352.14
Sue Schwab	\$10.50
Tanya Weiler	\$1,000.00
Tractor Supply Credit Plan	\$569.78
Usable Life	\$611.40
WD Larson Companies-Allstate Peterbilt	\$1,492.46

**TOTAL LIST OF BILLS**

**\$1,756,099.50**