

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD MAY 5, 2014

The regular meeting of the Devils Lake City Commission was held Monday, May 5, 2014 at 5:30 P.M. with the following members present: President Johnson, Tim Heisler, Craig Stromme and Dale Robbins. Commissioner Rick Morse was absent.

Pledge of allegiance was recited.

Commissioner Stromme moved to approve the minutes of the regular City Commission meeting held April 21, 2014. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

5:30 P.M. - This was the time set for the bid opening for 2014 Asphalt and Street Repair. The following bids were opened and read:

Tri-State Paving & Concrete, Inc. - Grand Forks, ND			
ND Contractor License No. 39411 Class A			
Item	Quantity	Unit Price	Extended Price
HBP Class 27 or 29	400 TN	\$ 70.00	\$ 28,000.00
Paver Patch	100 TN	\$136.50	\$ 13,650.00
Asphalt Street Repair (5")	500 SY	\$ 76.00	\$ 38,000.00
Asphalt Street Repair (7")	500 SY	\$ 98.00	\$ 49,000.00
Concrete Street Repair	250 SY	No bid	
Asphalt Street Opening (5")	250 SY	\$ 76.00	\$ 19,000.00
Asphalt Street Opening (7")	250 SY	\$ 98.00	\$ 24,500.00
Concrete Street Opening	50 SY	No bid	
		Total Bid	\$172,150.00

Strata Corporation - Grand Forks, ND			
ND Contractor License No. 693 Class A			
Item	Quantity	Unit Price	Extended Price
HBP Class 27 or 29	400 TN	\$ 78.00	\$ 31,200.00
Paver Patch	100 TN	\$150.00	\$ 15,000.00
Asphalt Street Repair (5")	500 SY	\$105.00	\$ 52,500.00
Asphalt Street Repair (7")	500 SY	\$115.00	\$ 57,500.00
Concrete Street Repair	250 SY	\$142.00	\$ 35,500.00
Asphalt Street Opening (5")	250 SY	\$113.00	\$ 28,250.00
Asphalt Street Opening (7")	250 SY	\$120.00	\$ 30,000.00
Concrete Street Opening	50 SY	\$158.00	\$ 7,900.00
Mobilization per Site	1 Ea	\$1,500.00	
		Total Bid	\$257,850.00*

*Does not include mobilization

Commissioner Robbins moved to accept the bids as read, and refer them to the Public Ways Supervisor for further review and recommendation. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The Arbor Day Proclamation was reviewed. Arbor Day will be held at the Lake Region Public Library at 1:00 P.M. on May 22, 2014.

Commissioner Heisler moved to sign a proclamation proclaiming May 22, 2014 as "**Arbor Day**" and urging all citizens to celebrate and to support efforts to protect trees and woodlands. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Cathy Wolfe reviewed the events planned for Rachel Calof's Days on June 20-21, 2014.

Commissioner Stromme moved to sign a resolution proclaiming June 20-21, 2014 as "**Rachel Calof's Days**" in honor of the fortitude and resolve of the hundreds of Jewish settlers and business people who helped build our community. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Robbins - The Public Ways Supervisor stated the downtown flowers are ready in Minnesota and requested out-of-state travel to pick up the flowers in Red Wing, MN and to pick up the fireworks in Ellsworth, WI on May 15th and 16th.

Commissioner Robbins moved to approve out-of-state travel for the Public Ways Department to pick up the flowers in Red Wing, MN and the fireworks in Ellsworth, WI on May 15th and 16th. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

The Public Utilities Supervisor said a water break occurred on 3rd St S and is currently being repaired.

Commissioner Heisler – The City Engineer stated the ND Department of Transportation opened bids on the 5th St S project. The engineer's estimate was just over \$444,000 and the low bid was \$475,484.93. He requested the Commission accept the low bid.

Commissioner Stromme moved to award the bid for the 5th St S project to Strata Corporation in the amount of \$475,484.93 as recommended by the City Engineer. The motion was seconded by Commissioner Heisler. Discussion followed on the bid being over the engineer's estimate, on the bid being within 10% of the engineer's estimate, on the other bidders being in the same price range, on the City's share of the project, and on the work to be done. The motion carried unanimously.

The City Engineer recommended awarding the 2014 Curb, Gutter & Sidewalk bid to Elshaug Concrete Construction.

Commissioner Heisler moved to award the 2014 Curb, Gutter & Sidewalk bid to Elshaug Concrete Construction LLC of Devils Lake, ND in the amount of \$145,722.50 as recommended by the City Engineer. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The City Engineer stated plans are being worked on for the levee construction with bidding to take place in June.

The City Assessor stated everything was fine.

Discussion followed on what work was being done in the area east of the new Wal-mart. A drainage issue north of this area was being addressed. Wal-mart is completing some on-site work. Once the frost is out, work will be done on 14th Ave, the frontage road and traffic signals. The City needs to tie-in some water mains on the waterline project near 13th Ave.

Discussion continued on the Cenex project. The City has not received a request for an improvement. The City Engineer stated the ponding application is only good for six months so they will have to resubmit for that. The City will need to approve the amount of fill that is placed based on the building footprint. The property is outside city limits and will need to annexed.

Commissioner Stromme - The Police Chief said everything was fine.

The Sanitation Supervisor stated they started area 2 of the special pickup.

President Johnson - The Public Ways Supervisor requested approval of the bid to Tri-State Paving & Concrete for 2014 asphalt. He wants to wait on awarding the concrete bid until he has clarification on the mobilization fee in Strata's bid.

Commissioner Stromme moved to accept the bid from Tri-State Paving, for the asphalt work only, for \$70.00/ton for HBP Class 27 or 29, for paver patch at \$136.50/ton, 5" asphalt street repair at \$76.00/sy, 7" asphalt street repair at \$98.00/sy, concrete street repair at \$137.00/sy, 5" asphalt street opening repair at \$76.00/sy, and 7" asphalt street opening repair at \$98.00/sy. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Discussion continued on how to handle concrete needs at this time. Based on the small amounts of concrete, the City could get quotes from contractors. The City has not had any concrete street openings.

The Public Utilities Supervisor stated two aerators were pushed out of the lagoon by ice. It has been too muddy to put them back in.

President Johnson - The City Auditor stated a letter was received from a customer asking for forgiveness on a water bill due to a water break in the basement where the water had to be pumped out.

Commissioner Stromme moved to credit utility account 00008117 \$181.28 for the above normal sewer charge. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Administrator said everything was fine.

The Fire Chief said ISO is in town doing their review. They are testing 12 hydrants which contributed to the water break. Six hydrants were tested today. It is an evaluation of the City's water system. He is unsure whether they have an option to not test six more hydrants. It is ISO's choice on what hydrants to test. The break should not impact the rating since it was the lead to the hydrant that broke due to the frost. If the process is not completed, that would impact the rating. It will take six months to get results.

The Fire Chief and the City Engineer met with a representative from Graybar Electric regarding LED street lights. A 400 watt LED light was installed in front of station to test it. He is hoping to get another five or six to put in an area to evaluate. Discussion followed on Otter Tail Power's billing being based on the estimated wattage used. The City is responsible for the steel poles; Otter Tail power is responsible for the wood poles, and the decorative poles are the responsibility of that area.

The Fire Chief stated the elevator is working on cleanup. They placed gravel and rock and are emptying bins.

The City Attorney said everything was fine.

Commissioner Stromme moved to remove item #19 on the consent agenda to item # 4 under new business. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

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

1. Authorizing the City Auditor to call for bids for a front mount mower with the bids to be opened on Monday, May 19, 2014 at 5:30 P.M. at the City Office as recommended by the Public Ways Supervisor;
2. Designating the *Devils Lake Journal* as the official newspaper for the City of Devils Lake;
3. Extension of premises application for a special event submitted by County Bottle Shop for a special vehicle showcase to be held May 31, 2014;
4. Extension of premises application for a special event submitted by Star City Investments Inc dba Liquor Locker for a truckload beer sale to be held May 23, 2014;
5. Fireworks permit submitted by American Promotion Events dba TNT Fireworks;
6. Fireworks permit submitted by Glenn Hahn;
7. Fireworks permit submitted by Memory Fireworks;
8. Fireworks permit submitted by Troy & GERALYN Lang dba Generous Jerry's Fireworks;
9. Game of chance permits for the month of April 2014;
10. Gaming site authorization submitted by Neathery Simensen Post #756 VFW of the US for July 1, 2014 through June 30, 2015 at the VFW Club – 314 3rd Ave NE;
11. Permit to sell alcoholic beverages at a special event and for a public dance submitted by Ye Olde Tavern for the 125th and Reel Fun Days Celebration to be held June 27, 2014;
12. Permit to sell alcoholic beverages at a special event submitted by Thirstys for a wedding reception and dance to be held June 14, 2014 at the Bill Jerome Arena;
13. Permit to sell alcoholic beverages at a special event submitted by Ye Olde Tavern for a wedding dance for Mike and Britta Simengaard to be held June 14, 2014 at the Memorial Building;
14. Permit to sell alcoholic beverages at a special event submitted by Ye Olde Tavern for a wedding dance for Brent Newgard to be held June 21, 2014 at the Memorial Building;
15. Permit to sell alcoholic beverages at a special event submitted by Ye Olde Tavern for a wedding dance for Mitch and Jessie Olson to be held July 19, 2014 at the Memorial Building;
16. Permit to sell alcoholic beverages at a special event submitted by Ye Olde Tavern for a supper for Ramsey County Soil Conservation to be held July 29, 2014 at the Memorial Building;
17. Permit to sell alcoholic beverages at a special event submitted by Ye Olde Tavern for a wedding dance for Kenny and Marleigh Lybeck to be held September 20, 2014 at the Memorial Building;
18. Reappointment of Barbara McCormick, Kristin Kenner, Becky Larson and John Dumont as members of the Devils Lake Historic Preservation Commission for two-year terms expiring April 30, 2016; and
19. Moved to new business, #4.

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

Commissioner Stromme moved to approve Budget Amendment No. 03-14 – Airport. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

The City Engineer stated the pay estimate for Tri-State Paving was the retainage from the 2013 Curb, Gutter & Sidewalk project.

Commissioner Stromme moved to approve payment of Estimate No. 7 – Final to Tri-State Paving for 2013 Curb, Gutter & Sidewalk in the amount of \$975.52 as recommended by the City Engineer. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Assessor reviewed the purchase agreement for a 30,000 square foot parcel of city owned property. The area has been for sale as individual parcels. The City previously approved a sale of a similarly sized area to a grain testing entity.

Commissioner Stromme moved to approve the purchase agreement for Lakeland Investors for an approximate 30,000 square foot parcel which is part of 39-2702-00039-001 in the amount of \$1.00 per square foot as recommended by the City Assessor. The motion was seconded by Commissioner Robbins. There is sewer, but no water. Water will be brought down from the north. Discussion followed on special assessment for water. The motion carried unanimously.

The transient merchant permit submitted by Po Y Kim for selling blankets, lug shoes, sunglasses and cups from April 30 through May 30, 2014 at 130 Hwy 2 W was reviewed. Discussion followed on the different names and addresses on the various documents. It was noted that Mr. Kim was told when he submitted the application that he could not sell until after it was reviewed and approved by the City Commission.

Commissioner Heisler moved to deny the transient permit to Po Y Kim until the name and address issues are satisfactory addressed and reviewed and approved by the City Administrator and the City Attorney. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

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

President Johnson acknowledged the following report:
City Auditor monthly report.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:10 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT