

MINUTES OF THE BOARD OF CITY COMMISSIONERS  
HELD JUNE 2, 2014

The regular meeting of the Devils Lake City Commission was held Monday, June 2, 2014 at 5:30 P.M. with the following members present: President Johnson, Tim Heisler and Rick Morse. Commissioners Craig Stromme and Dale Robbins were absent.

Pledge of allegiance was recited.

Commissioner Heisler moved to approve the minutes of the regular City Commission meeting held May 19, 2014 and of the Board of Equalization meeting held May 29, 2014. The motion was seconded by Commissioner Morse. The minutes for May 19, 2014 were corrected to state the billing rate for Dan Gaustad for the Mertens case will be the same rate as the other cases he is handling for the City. The motion carried unanimously.

**5:30 P.M.** - This was the time set for the bid opening for 2014 Sand, Gravel and Rip Rap. The following bids were opened and read:

1. Soper Construction LLP - Devils Lake, ND  
ND Contractor License No. 38688 Class B

Item	Quantity	Unit Price	Extended Price
Class 44 or 45 Sand	1000 CY	no bid	no bid
Screened Sand	1000 CY	no bid	no bid
Class 13 Gravel	1500 CY	\$13.80	\$20,700.00
Placement of Gravel	per CY	no bid	no bid
Lagoon Rip Rap	100 CY	no bid	no bid

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

Item	Quantity	Unit Price	Extended Price
Class 44 or 45 Sand	1000 CY	no bid	no bid
Screened Sand	1000 CY	\$10.75	\$10,750.00
Class 13 Gravel	1500 CY	\$12.70	\$19,050.00
Placement of Gravel	per CY	no bid	no bid
Lagoon Rip Rap	100 CY	no bid	no bid

Commissioner Morse 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 Heisler, and the motion carried unanimously.

**5:30 P.M.** – This was the time set for the bid opening for the sale of the 1996 Pierce Fire Truck. The following bid was opened and read:

1. Edmore Volunteer Fire Department, Edmore ND Bid \$62,500.00

Commissioner Morse 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 Heisler. Commissioner Heisler withdrew his second, and Commissioner Morse withdrew the motion.

Commissioner Heisler moved to accept the bid from Edmore Volunteer Fire Department in the amount of \$62,500.00 for the Pierce Fire Truck. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Stan Orness appeared before the City Commission to thank everyone for their help with Devils Run.

**Commissioner Heisler** – The City Engineer reviewed the pipe permit for installation of pipes under Highway 20. The pipes will be jacked under the highway. The frontage road will be opened cut.

Commissioner Morse moved to approve the pipe permit with ND Department of Transportation for the installation of pipes under Highway 20. The motion was seconded by Commissioner Heisler, and the motion carried unanimously. The City Engineer and City Administrator met with the project developer for project 51-11 Phase II Agassis Court.

The City Engineer recommended accepting the alternate bid from Strata Corporation of Grand Forks for Street Improvement District 51-11 Phase 2.

Commissioner Heisler moved to accept the alternate bid from Strata Corporation, Grand Forks, ND for Street Improvement District 51-11 Phase 2 in the amount of \$473,461.00 as recommended by the City Engineer. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Assessor reviewed the purchase agreement for two lots in the Smith's Subdivision. The home and attached garage would not fit on one lot.

Commissioner Heisler moved to approve the purchase agreement for Christopher and Penny Morin for Lots 2 & 3, Block 2, Replat of Smith's Subdivision in the amount of \$15,000.00 as recommended by the City Assessor. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

**Commissioner Morse** - The Public Ways Supervisor distributed a list of street repairs.

The Public Ways Supervisor reviewed the memo regarding the front mount mower. The low bid from Leading Edge Equipment did not meet the bid specs for a front mount mower.

The City Attorney recommended rejecting the first bid and then awarding the bid to Dakota Implement.

Commissioner Morse moved to reject the bid from Leading Edge Equipment for the front mount mower because it did not meet specifications. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Commissioner Morse moved to accept the bid from Dakota Implement for the front mount mower in the amount of \$15,049.00. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

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

**President Johnson** – The Public Utilities Supervisor stated everything was fine in the Water Department.

The Public Ways Supervisor said mosquito spraying will start this week, and the aerial spraying is scheduled for Wednesday, July 2<sup>nd</sup> with an alternate date of July 3<sup>rd</sup>.

The Police Chief stated the details for the dance downtown for the 125<sup>th</sup> celebration had been worked out with the Chamber Office.

The Sanitation Supervisor stated everything was fine.

The City Auditor stated everything was fine.

The City Administrator reviewed the request from Gary Stenson for a letter of support from the City for renovation of affordable housing.

Commissioner Heisler moved to approve signing the letter of support for the MDI Partnership #112. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The Fire Chief reported on the following:

1. Over the weekend, \$8,258.72 was raised for muscular dystrophy.
2. Owners of blighted structures were sent certified letters.
3. The elevator should be cleaned up in two weeks.
4. Letters were sent to the homes and the church that had fires. The owners have until June 25<sup>th</sup> to provide a written plan.
5. The Fire Chief and the Assistant Fire Chief will be attending the state fire convention in Grand Forks this week.

The City Attorney said everything was fine.

Rachel Lindstrom, Executive Director of Forward Devils Lake, appeared before the City Commission to discuss the convention-wellness center.

The wellness center would be located on the Lake Region State College campus. There would be access from the highway so the public would not have to go into the campus. The Park Board would be relocated into the wellness center and take on the management of the wellness center. The layout of the wellness center was reviewed.

The convention center would be located at the old Wal-Mart building. An area for a new hotel and splash park is included. The committee can only afford to develop a portion of the building; the rest will be shell space. They also hope to sell pads to restaurants. The tenants from the chamber building would move into this center. The center would start with a catering kitchen. Discussion followed on the shell space. It would be \$4 million to renovate this space because the roof and foundation would have to be redone because of the pillars.

The cost estimate for the convention-wellness center is \$23.5 million – \$6.8 million for the convention center and \$16.7 million for the wellness center. The City will need a .5% sales tax increase for 25 years to help with the funding. The College would implement a tuition fee from students for the wellness center.

Odney Advertising of Bismarck would be retained to assist in marketing efforts. They would conduct a phone survey of 400 residents, and provide six months of public relations, social media work, and some creative work – banners, visual aids, etc. The committee is asking six entities – Lake Region State College, Devils Lake Park Board, Devils Lake Tourism, Forward Devils Lake, City of Devils Lake and Ramsey County – for \$5,000.00 each to pay for the marketing efforts.

Discussion followed on the vote for the increase in sales tax taking place in October.

Commissioner Heisler moved to approve \$5,000.00 for advertising/research of the convention-wellness center. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

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

1. Five gaming site authorizations submitted by Devils Lake Youth Activities Association for July 1, 2014 through June 30, 2015 at the following locations: Columbus Club & Building Association of Devils Lake – 522 4<sup>th</sup> St; Nellies Bar & Lounge Inc – 301 4<sup>th</sup> Ave NE; Proz End of the Line – 101 6<sup>th</sup> St; Thirsty's LLC – 318 4<sup>th</sup> St and Ye Olde Tavern LLC - 410 4<sup>th</sup> Ave;
2. Game of chance permits for the month of May 2014;
3. Gaming site authorization submitted by Rotary Club of Devils Lake to be held May 31, 2015 at Roosevelt Park – 4<sup>th</sup> St SW and Roosevelt Ave;
4. Parade permit submitted by Devils Lake Fire Department on July 4, 2014 to begin at 11:00 A.M.;
5. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for the wedding reception and dance of Bob Bye to be held June 21, 2014 at the Masonic Temple; and
6. Two gaming site authorizations submitted by Devils Lake Rural Fire Department, Inc for July 1, 2014 through June 30, 2015 at the following locations: Great American Inn & Suites – 1116 Hwy 2 E and Pop's Package Store – Hwy 2 E.

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

Rodney Dearinger appeared before the City Commission to appeal the decision by the Board of Adjustment. The City Attorney reviewed the process for appealing the Board of Adjustment's decision.

Mr. Dearingre had requested building 20x30 structure, and the Board denied this request. He was not at the meeting, but he is willing to adjust the size.

Commissioner Heisler moved to refer the appeal from Rodney Dearinger to the Board of Adjustment. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Engineer stated the resolutions are the result of areas looked at by the Infrastructure Committee. Roadway and watermain improvements are needed. These areas have little or no history of water breaks.

Commissioner Morse moved to approve the resolution creating Street Improvement District No. 53-14 (6th St NE between 6th Ave and 12th Ave) and ordering the preparation of a preliminary report. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Commissioner Morse moved to approve the resolution declaring the necessity of an improvement for Street Improvement 53-14 (6th St NE between 6th Ave and 12th Ave). The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Commissioner Morse moved to approve the resolution creating Street Improvement District No. 54-14 (5th St NE between 6th Ave and 12th Ave) and ordering the preparation of a preliminary report. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Commissioner Morse moved to approve the resolution declaring the necessity of an improvement for Street Improvement 54-14 (5th St NE between 6th Ave and 12th Ave). The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Commissioner Morse moved to approve the resolution creating Street Improvement District No. 55-14 (4th St NE between 6th Ave and 12th Ave) and ordering the preparation of a preliminary report. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Commissioner Morse moved to approve the resolution declaring the necessity of an improvement for Street Improvement 55-14 (4th St NE between 6th Ave and 12th Ave). The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Commissioner Morse moved to approve the resolution creating Water Improvement District No. 23-14 (9th Ave SE between 5th St SE and Hwy 2) and ordering the preparation of a preliminary report. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

The City Engineer reviewed the report for the water improvement district. There are only two property owners involved – the City and the phone company. The phone company wants a larger water line. The current line runs through Agassiz Property. This will help with the relocation.

Commissioner Heisler moved to approve the resolution approving preliminary report and directing preparation of plans and specifications for Water Improvement District No. 23-14 (9th Ave SE between 5th St SE and Hwy 2). The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Morse moved to approve the resolution determining insufficient protests were filed in Street Improvement District No. 51-13 (5th St SE between 5th Ave SE and 8th Ave SE). The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Commissioner Heisler moved to approve payment of the list of bills as submitted. The motion was seconded by Commissioner Morse. 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 6:40 P.M.

**LINDA LYBECK**  
**CITY AUDITOR**

**RICHARD S. JOHNSON**  
**PRESIDENT**