

MINUTES OF THE BOARD OF CITY COMMISSIONERS  
HELD AUGUST 1, 2016

The regular meeting of the Devils Lake City Commission was held Monday, August 1, 2016 at 5:30 P.M. with the following members present: President Johnson, Commissioners Ben Sander, Craig Stromme, and Dale Robbins. Commissioner Rick Morse was absent.

Pledge of allegiance was recited.

Commissioner Robbins moved to approve the minutes of the regular City Commission meeting held July 18, 2016. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

5:30 P.M. – This was the time set for the bid opening for 2016 sand and gravel. The following bids were opened and read:

1. Close Construction Company Inc - Milton, ND  
ND Contractor License No. 4387 Class A
 

Item	Quantity	Unit Price	Extended Price
Class 44 or 45 Sand	500 CY	\$11.45	\$ 5,725.00
or			
Screened Sand	500 CY	\$ 9.45	\$ 4,725.00
Class 13 Gravel	1000 CY	\$12.50	\$12,500.00
Placement of Gravel	per CY	\$2.00/CY	
  
2. Soper Construction LLP - Devils Lake, ND  
ND Contractor License No. 38688 Class B
 

Item	Quantity	Unit Price	Extended Price
Class 44 or 45 Sand	500 CY	no bid	no bid
or			
Screened Sand	500 CY	no bid	no bid
Class 13 Gravel	1000 CY	\$11.95	\$11,950.00
Placement of Gravel	per CY	\$2.00/CY	

Commissioner Sander 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.

**Commissioner Robbins** – The Public Utilities Supervisor indicated a water break occurred on the transmission line during the week of July 4<sup>th</sup>.

The Public Ways Supervisor stated the following:

1. The contractor started the fence at the cemetery. The foundation has been poured.
2. The aerial mosquito spraying went well.
3. He would like to recommend awarding the 2016 sand bid to Close Construction Company Inc and the 2016 gravel bid to Soper Construction LLP.

Commissioner Stromme moved to accept the bid from Close Construction Company Inc of Milton for Class 44 or 45 Sand at \$11.45/cy and Screened Sand at \$9.45/cy and to accept the bid from Soper Construction LLP of Devils Lake for Class 13 Gravel at \$11.95/cy and Placement of Gravel at \$2.00/cy as recommended by the Public Ways Supervisor. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

**Commissioner Stromme** - The Police Chief requested gravel for the shooting range.

Commissioner Robbins moved to approve approximately \$1,000.00 of gravel for the shooting range. The motion was seconded by Commissioner Sander, and the motion carried unanimously.

The Police Chief stated seven applications were received for the open position.

**Commissioner Sander** – The City Assessor stated Dennise Clifton started today in the Assessing Department.

The Public Utilities Supervisor stated overland flooding occurred on the Highway 2 corridor during the heavy rain last week. Discussion followed on the Ford lift station. The pipe to the lift station was replaced in 2003 and has increased capacity, but the pumps are the same. To increase capacity, the electrical feed and pumps at the Ford lift station would need to be looked at. The entire drainage system was sized for 10-25 year events. Since there has been no property damage, it isn't warranted to increase the pumps. When the pumps need to be replaced then the City could look at increasing the capacity of the pumps.

**President Johnson** – The Public Ways Supervisor stated painting and patching continues.

The City Engineer reported on the following:

1. Cenex roadway is done except for some incidentals and lighting.
2. Pipebursting on 1<sup>st</sup> St and 5<sup>th</sup> St is almost complete.

The City Auditor stated everything was fine.

The City Administrator provided a survey of what other cities in the State allow for fireworks.

The City Administrator updated the City Commission on the Park Board's wellness center. The City Administrator and the Park Superintendent visited the Grand Forks wellness center and met with some Grand Forks Park Board members in order to get information for the pro forma statements. The City Administrator will update the numbers, and Kale Stromme has developed a business plan and both will be provided to the City Commission by the end of the week. In order to get the measure on the November ballot, the City Commission will need to make a decision at the August 15<sup>th</sup> meeting. Most of the money for the Grand Forks wellness center was raised through donations. Only about a \$5 million bond was taken out which they pay back through the operations of the center. No public money was involved, and it cost approximately \$23 million. The building is twice as big as what Devils Lake is looking at, and it has a pool. It would take Devils Lake approximately 30 years to payback this \$23 million project. Discussion followed on membership numbers and costs.

The City Administrator indicated budget meetings start next Tuesday, July 9<sup>th</sup>.

The Fire Chief requested out-of-state travel for Brandon Exner and Shane Hamre to visit a fire truck factory in Wyoming, MN on August 1, 2016. The Fire Department is looking at a rescue vehicle for future purchase.

Commissioner Robbins moved to approve out-of-state travel for Brandon Exner and Shane Hamre to visit a fire truck factory in Wyoming, MN on August 1, 2016 as recommended by the Fire Chief. The motion was seconded by Commissioner Sander, and the motion carried unanimously.

The second reading of Ordinance No. 641 - emergency air medical transport services was held.

Commissioner Robbins moved to approve the second and final reading of Ordinance No. 941 – emergency air medical transport services – An ordinance which upon adoption, shall amend and modify ordinances which have been codified in sections of the Devils Lake Municipal Code - Section 17.08.020 Definitions will be amended to include as a definition the following: "Emergency medical air transport services" means a service in conjunction with a hospital and/or clinic used to transport patients by helicopter in need of emergency medical care at a medical facility either in Devils Lake or other medical facilities throughout the region. - Section 17.28.030 Conditional Uses be amended to include as a conditional use the following: K. Emergency medical air transport services with supporting structures, i.e. hangers, landing pads, etc. . The motion was seconded by Commissioner Stromme. On roll call all Commissioners vote aye, and the motion carried.

The City Engineer recommended awarding the bid for installation of the free standing fishing pier to Blake's Marine.

Commissioner Stromme moved to accept the bid from Blake's Marine of Devils Lake, ND for the installation of the free standing fishing pier in the amount of \$12,850.00 as recommended by the City Engineer. The motion was seconded by Commissioner Sander, and the motion carried unanimously.

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

1. Authorizing the City Auditor to call for bids for a pipeline television inspection system with bids to be opened on Monday, August 15, 2016 at 5:30 P.M. at the City Office as recommended by the City Engineer;
2. Game of chance permits for the month of July 2016;
3. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for the wedding reception and dance for Katie Smith and Austin Langley to be held August 20, 2016 at the Burdick Arena;
4. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for the wedding reception and dance to be held September 17, 2016 at the Memorial Building;
5. Permit to sell alcoholic beverages at a special event submitted by Ye Olde Tavern for the Jason and Keli Reardon wedding dance to be held September 3, 2016 at the Memorial Building; and
6. Permit to sell alcoholic beverages at a special event submitted by Ye Olde Tavern for the Kyle and Megan Robbins wedding dance to be held October 1, 2016 at the Memorial Building.

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

The City Engineer stated additional work was required to fulfill the contract for the street improvement project on 16<sup>th</sup> St SE.

Commissioner Robbins moved to approve Change Order No. 1 for Naastad Brothers Inc for Street Improvement District No. 25-15 – 16<sup>th</sup> St SE for addition of manhole extension, additional backfilling for water leak, hauling excess material and for removal of seeding bid item for a net increase in the amount of \$3,927.50 as recommended by the City Engineer. The motion was seconded by Commissioner Sander, and the motion carried unanimously.

Commissioner Stromme moved to approve a 3-year employee assistance program contract commencing June 1, 2016 and terminating May 31, 2019 with The Village Business Institute at the cost of \$30/FTE as recommended by the City Administrator. The motion was seconded by Commissioner Sander, and the motion carried unanimously.

President Johnson stated the City needs to decide what to do with the former daycare building. Discussion followed on listing it with the realtors, on finding another community use for it and on the VFW being interested in it since their building is not ADA compliant. Consensus of the City Commission was to list the topic on the agenda for August 15<sup>th</sup>.

The City Engineer stated all three of the cost participation agreements are related to the west underpass project.

The first cost participation agreement with ND Department of Transportation (DOT) is for the mill and overlay on 6<sup>th</sup> Ave. The local share is 10%. Sixth Avenue is the likely route for the detour when College Drive is closed for the work on the west underpass. The City is agreeing to pay 10% of engineering, right-of-way and construction with the 10% estimated at \$106,703.00.

Commissioner Stromme moved to approve the cost participation and maintenance agreement for Project SU-3-982(031)035 with the ND Department of Transportation for mill and overlay of 6<sup>th</sup> Ave from 1<sup>st</sup> through 6<sup>th</sup> St and 6<sup>th</sup> St from Hwy 20 through 6<sup>th</sup> Ave as recommended by the City Engineer. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The second cost participation agreement with ND Department of Transportation (DOT) is for the railroad bridge and roadway reconstruction. On this project, the City would pay 10% of right-of-way, easements, construction

and engineering and 100% of work not eligible for federal funds with the local share estimated at \$1,090,451.00. DOT is giving the City credit because the bridge did not meet life cycle expectancy. The bridge was replaced in the early 1980's and was expected to last 50 years. Instead of paying 10% for the cost of the bridge the City will pay 6.6%.

Commissioner Sander moved to approve the cost participation and maintenance agreement for Project NHU-3-030(074)103 with the ND Department of Transportation for railroad bridge and roadway reconstruction of College Dr from 3<sup>rd</sup> St through 6<sup>th</sup> St as recommended by the City Engineer. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The final cost participation agreement with ND Department of Transportation (DOT) is for the grading, surfacing, storm drain, lighting, marking, concrete sidewalk and incidentals for Hwy 19. The City will pay 10% of engineering and construction and 100% on noneligible work for federal aid with the local share being \$188,562.00. Discussion continued on the timeline, BNSF not having to participate in the cost, the safety of the bridge and drainage.

Commissioner Robbins moved to approve the cost participation and maintenance agreement for Project NHU-3-019(044)155 with the ND Department of Transportation grading, surfacing, storm drain, lighting, marking, concrete sidewalk and incidentals of Hwy 19 from 3<sup>rd</sup> Ave NW to Jct of Hwy 20 as recommended by the City Engineer. The motion was seconded by Commissioner Sander. Discussion followed on financing of the projects. No bonding is planned. Infrastructure funds will be used. The motion carried unanimously.

The City Engineer indicated more work was required than what was in the original contract for 16<sup>th</sup> St SE. The city crews and local contractor installed 27 water and sewer services. When the road was being built, the trenches were soft so the contractor had to over excavate and bring the trenches back up. More excavation, more material and more compaction had to be done than originally estimated.

Commissioner Stromme moved to approve payment of Estimate No. 1 to Naastad Brothers Inc for Street Improvement District #58-15 – 16<sup>th</sup> St SE in the amount of \$131,003.95 as recommended by the City Engineer. The motion was seconded by Commissioner Sander. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Robbins moved to approve payment of Estimate No. 11 to Murphy Pipeline Contractors for Water Main Improvement District #24-15 - Various in the amount of \$270,220.30 as recommended by the City Engineer. The motion was seconded by Commissioner Sander. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Stromme 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 report:  
Municipal Court monthly report.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:34 P.M.

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

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