

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD MAY 1, 2017

The regular meeting of the Devils Lake City Commission was held Monday, May 1, 2017 at 5:30 P.M. with the following members present: President Richard Johnson, Commissioners Ben Sander, Craig Stromme, Rick Morse and Dale Robbins. None were absent.

Pledge of allegiance was recited.

Commissioner Stromme moved to approve the minutes of the regular City Commission meeting held April 17, 2017. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

5:30 P.M. - This was the time set for the bid opening for 2017 Asphalt and Street Repair. The following bids were opened and read:

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	\$ 80.00	\$ 32,000.00
Paver Patch	100 TN	\$155.00	\$ 15,500.00
Asphalt Street Repair (5")	500 SY	\$110.00	\$ 55,000.00
Asphalt Street Repair (7")	500 SY	\$122.00	\$ 61,000.00
Concrete Street Repair	250 SY	\$155.00	\$ 38,750.00
Asphalt Street Opening (5")	250 SY	\$118.00	\$ 29,500.00
Asphalt Street Opening (7")	250 SY	\$128.00	\$ 32,000.00
Concrete Street Opening	50 SY	\$170.00	\$ 8,500.00
		Total Bid	\$272,250.00

Total bid price does not include mobilization of \$1,750.00 per site

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	\$ 75.00	\$ 30,000.00
Paver Patch	100 TN	\$140.00	\$ 14,000.00
Asphalt Street Repair (5")	500 SY	\$ 85.00	\$ 42,500.00
Asphalt Street Repair (7")	500 SY	\$105.00	\$ 52,500.00
Concrete Street Repair	250 SY	No bid	
Asphalt Street Opening (5")	250 SY	\$ 85.00	\$ 21,250.00
Asphalt Street Opening (7")	250 SY	\$105.00	\$ 26,250.00
Concrete Street Opening	50 SY	No bid	
		Total Bid	\$186,500.00

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 Robbins, and the motion carried unanimously.

5:30 P.M. - This was time set for the bid opening for the 2017 Curb, Gutter, and Sidewalk. The following bids were opened and read:

Elshaug Concrete Construction LLC – Devils Lake, ND	Bid \$57,615.00
License No 47700 B	Cashier's Check \$1,152.30
TJB Construction – Devils Lake, ND	Bid \$62,930.00
License No 56543 C	Cashier's Check \$1,258.60

Commissioner Morse moved to accept the bids as read, and refer them to the City Engineer for further review and recommendation. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The Arbor Day Proclamation was reviewed. Arbor Day will be held at the fast pitch diamond at 1:00 P.M. on May 19, 2017.

Commissioner Morse moved to sign a proclamation proclaiming May 19, 2017 as “**Arbor Day**” and urging all citizens to celebrate and to support efforts to protect trees and woodlands. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Robbins – The Public Utilities Supervisor stated the department will start flushing hydrants at 10th St NE and NW going north to 22nd St and College Dr.

The Public Ways Supervisor said everything was fine.

Commissioner Morse – The Public Ways Supervisor recommended awarding the 2017 asphalt and street repair bid to Tri-State Paving since Strata has a mobilization costs for each site.

Commissioner Stromme moved to award the 2017 asphalt and street repair to Tri-State Paving for HBP Class 27 or 29 at \$75/ton, paver patch at \$140/ton, asphalt street repair (5”) at \$85/ton, asphalt street repair (7”) at \$105/ton, asphalt street opening (5”) at \$85/ton and asphalt street opening (7”) at \$105/ton. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Engineer recommended awarding the 2017 Curb, Gutter & Sidewalk bid to Elshaug Concrete Construction.

Commissioner Morse moved to award the 2017 Curb, Gutter & Sidewalk bid to Elshaug Concrete Construction LLC of Devils Lake, ND in the amount of \$57,615.00 as recommended by the City Engineer. The motion was seconded by Commissioner Stromme. Discussion followed on the timeliness of completing the work. The motion carried unanimously.

The City Engineer stated work started on west underpass. The traffic signals at Hwy 19 and Hwy 20 are off, and it will be a 3-way stop.

The City Engineer reviewed the work on the fishing piers. He is waiting on submittals and shop drawings for Henegar. East ditch has some concrete work left. Channel A had damage to the gangway.

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

The City Assessor said Roger and Lila Haugland withdrew their request to buy a lot in the Roundhouse Subdivision.

The City Assessor requested out-of-state travel for the North Central Regional Assessor Association conference to be held June 18-22, 2017 in Wichita, KS.

Commissioner Sander moved to approve out-of-state travel for the City Assessor to attend the North Central Regional Assessor Association conference to be held June 18-22, 2017 in Wichita, KS. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Stromme - The Police Chief requested a diagram for the west underpass for Devils Run.

The Sanitation Supervisor stated spring cleanup is on its second week.

President Johnson - The City Auditor stated everything was fine.

The City Administrator said everything was fine.

The Fire Chief stated the department has been awarded an USDA grant for \$50,000.00 for the new fire truck. Also, an AFG grant for bunker gear is pending.

The City Attorney said everything was fine.

The City Attorney reviewed the lease agreement for Bright Beginnings. Changes to lease include language for the roof being the City's responsibility, the possession date changing to May 1st, and cleaning to be done by Bright Beginnings with the City providing a dumpster.

Commissioner Morse moved to approve the amended lease agreement for the City daycare building to Holly Malheim dba Bright Beginnings Childcare. The motion was seconded by Commissioner Sander, and the motion carried unanimously.

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

1. Appointment of Vicky McMullen as a member of the Devils Lake Historic Preservation Committee to fill an unexpired term expiring on April 30, 2018 and the reappointment of Mary Lundy, Doug Goulding, Sue Goulding and Dan Wakefield as members of the Devils Lake Historic Preservation Committee for two-year terms expiring on April 30, 2019;
2. Authorizing the City Auditor to cancel Check No 111911 dated April 18, 2017 in the amount of \$61.08 to Kathleen's Cleaning Service (Library-Non-departmental-Operation and Maintenance Expense) - the check needs to be made out to the individual and will be reissued;
3. Designating the *Devils Lake Journal* as the official newspaper for the City of Devils Lake;
4. Fireworks permit submitted by Braun Knutson, Memory Fireworks Inc;
5. Fireworks permit submitted by Kevin Brennan, Black Powder Fireworks dba TNT Fireworks;
6. Fireworks permit submitted by Troy & Geralyn Lang dba Generous Jerry's Fireworks;
7. Game of chance permits for the month of April 2017;
8. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for the Lake Region State College Sports Banquet Dinner on May 11, 2017 at the Burdick Arena; and
9. Permit to sell alcoholic beverages at a special event and a public dance permit submitted by Ye Olde Tavern for the wedding dance for Steph Gunderson on May 27, 2017 at the Memorial Building.

The motion was seconded by Commissioner Morse. Discussion was held on item 8. The Police Chief was unable to confirm what the event entailed. Commissioner Robbins amended his motion to approve the consent agenda with item 8 being conditionally approved upon review and approval of Chief Frank. Commissioner Morse amended his second, and the motion carried unanimously.

The City Engineer reviewed the amendment to the west viaduct construction and maintenance agreement. The temporary bridge and tracks need to be adjusted by the depot which needs a temporary access point. Amtrak wants to make the platform permanent, and Amtrak will pay the estimated difference of \$97,713.00. The ND Department of Transportation (NDDOT) can not receive funds so the City will receive the funds and then pay NDDOT.

Commissioner Stromme moved to approve the amendment to the construction and maintenance agreement for Project NHU-3-030(074)103 with the ND Department of Transportation for railroad bridge and roadway reconstruction as recommended by the City Engineer. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Morse moved to approve the resolution creating Street Improvement District No 64-17 (A portion of frontage road on Hwy 2 and Hwy 20) and ordering the preparation of a preliminary report. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Robbins moved to approve the resolution declaring the necessity of an improvement for Street Improvement District No 64-17 (A portion of frontage road on Hwy 2 and Hwy 20). The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Stromme moved to approve the resolution approving preliminary report and directing preparation of plans and specifications for Street Improvement District No 64-17 (A portion of frontage road on Hwy 2 and Hwy 20). The motion was seconded by Commissioner Morse. Discussion followed on the project cost estimates and sending probables using the higher dollar amount. The motion carried unanimously.

The City Engineer requested tabling the resolution for approving the plans since the plans are not complete.

Commissioner Stromme moved to table the resolution approving plans and specifications and directing advertisement for bids for Street Improvement District No 64-17 (A portion of frontage road on Hwy 2 and Hwy 20). The motion was seconded by Commissioner Sander, and the motion carried unanimously.

The City Engineer stated a couple of calls, but no protests were received on Street Improvement #61-17.

Commissioner Robbins moved to approve the resolution determining insufficient protests were filed in Street Improvement District No 61-17 (6th St SE). The motion was seconded by Commissioner Sander, and the motion carried unanimously.

Commissioner Robbins moved to approve the resolution approving preliminary report and directing preparation of plans and specifications for Street Improvement District No 61-17 (6th St SE). The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Robbins moved to approve the resolution approving plans and specifications and directing advertisement for bids for Street Improvement District No 61-17 (6th St SE). The motion was seconded by Commissioner Sander. Bid opening will be held at the board of equalization meeting. The motion carried unanimously.

Commissioner Sander moved to approve the resolution determining insufficient protests were filed in Street Improvement District No 62-17 (2nd Ave NE, 3rd Ave NE, 4th Ave NE, Kelly Ave NE, 8th St NE, 10th St NE, 11th St NE). The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Commissioner Stromme moved to approve the resolution approving preliminary report and directing preparation of plans and specifications for Street Improvement District No 62-17 (2nd Ave NE, 3rd Ave NE, 4th Ave NE, Kelly Ave NE, 8th St NE, 10th St NE, 11th St NE). The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Robbins moved to approve the resolution approving plans and specifications and directing advertisement for bids for Street Improvement District No 62-17 (2nd Ave NE, 3rd Ave NE, 4th Ave NE, Kelly Ave NE, 8th St NE, 10th St NE, 11th St NE). The motion was seconded by Commissioner Sander, and the motion carried unanimously.

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

President Johnson acknowledged the following report:

City Auditor monthly report.

The City Attorney requested to enter into an executive session to discuss negotiating strategy or provide negotiating instructions to the City Attorney regarding the Separation Agreements with Chief Schroeder and Captain Barnett which are currently being negotiated. The executive session is being held because an open meeting would have an adverse fiscal effect on the bargaining position of the City.

Commissioner Morse moved to enter into executive session to discuss negotiating strategy or provide negotiating instructions to the City Attorney regarding the Separation Agreements with Chief Schroeder and Captain Barnett which are currently being negotiated. The motion was seconded by Commissioner Stromme. On roll call all City Commissioners voted aye, and the motion carried.

The City Commission recessed at 6:17 P.M. for those not allowed at the executive session to exit the meeting.

The City Commission reconvened at 6:21 P.M.

Executive session of the Commission was called to order at 6:21 P.M. on May 1, 2017 with President Dick Johnson, Commissioners Ben Sander, Craig Stromme, Rick Morse and Dale Robbins, City Administrator Terry Johnston, City Auditor Linda Lybeck and City Attorney Tom Traynor. The City Commission met in executive session under Section 44-04-19.2 to discuss negotiating strategy or provide negotiating instructions to the City Attorney regarding the Separation Agreements with Chief Schroeder and Captain Barnett which are currently being negotiated. This executive session was held because an open meeting would have an adverse fiscal effect on the bargaining position of the City. This is as provided In Section 44-04-19.1(9).

Commissioner Robbins moved to adjourn the executive session at 7:25 P.M. on May 1, 2017. The motion was seconded by Commissioner Morse. On roll call all Commissioners vote aye, and the motion carried.

The City Commission reconvened into open meeting at 7:25 P.M.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 7:26 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT