

MINUTES OF THE BOARD OF CITY COMMISSIONERS  
HELD MARCH 15, 2021

The regular meeting of the Devils Lake City Commission was held Monday, March 15, 2021 at 5:30 P.M. with the following members present: President Dick Johnson, Commissioners Shane Hamre (via telephone), Dale Robbins, Rob Hach and Jacob Volk. None were absent.

Pledge of allegiance was recited.

Commissioner Volk moved to approve the minutes of the regular City Commission meeting held March 1, 2021. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

LuAnn Stromme and Theresa Leiphon, American Association of University Women (AAUW), reviewed information about the pay gap between men and women and requested March 24th be proclaimed as Equal Pay Day.

Commissioner Hach moved to sign a proclamation proclaiming March 24, 2021 as "Equal Pay Day" and urging the citizens of Devils Lake, North Dakota to recognize the full value of women's skills and significant contributions to the labor force and further encourage businesses to conduct an internal pay evaluation to ensure women are being paid fairly. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

**5:30 P.M.** - This was the time set for the bid opening for Street Improvement Districts 71-20, 72-20, 73-20, 74-20 and 76-21. The following bids were opened and read:

- |    |   |                                   |
|----|---|-----------------------------------|
| 1. | Mayo Construction Company Inc, Cavalier ND<br>License # 2924A | Bid \$2,135,960.20<br>5% Bid Bond |
| 2. | Strata Corporation, Grand Forks ND<br>License # 693A          | Bid \$1,928,185.35<br>5% Bid Bond |
| 3. | Bituminous Paving, Inc, Ortonville MN<br>License # 4129A      | Bid \$2,232,464.50<br>5% Bid Bond |

Commissioner Volk moved to refer the bids to the City Engineer for further review and recommendation. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Brad Barth, Executive Director Forward Devils Lake, introduced Russell Crary and Tom Haugen.

Russell Crary discussed the possible plan for the old Kmart building. A conditional use permit for indoor, climate-control storage units will be sought with the remaining space available for retail and commercial business.

**Commissioner Hach** – The City Engineer stated everything was fine in the Sanitation Department.

The City Assessor said everything was fine.

Commissioner Hach moved to rescind the mask policy effective immediately. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

**Commissioner Volk** – The City Engineer reported the Public Ways Department is patching streets.

Discussion followed on the bid opening for Street Improvement Districts 71-20, 72-20, 73-20, 74-20 and 76-21. The engineer's estimate was \$2.48 million.

**Commissioner Robbins** – The Police Chief reported the receipt of 7 defibrillators.

Discussion followed on the testing of the virtual reality training.

The City Engineer requested authorization to call for bids for the 2021 Curb, Gutter and Sidewalk.

Commissioner Robbins moved to authorize the City Auditor to call for bids for the 2021 Curb, Gutter and Sidewalk with bids to be opened on Monday, April 5, 2021 at 5:30 P.M. during the City Commission meeting as recommended by the City Engineer. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

The City Engineer reported a pre-bid conference will be held Thursday for the water tower project. The bids will be opened on April 5<sup>th</sup>.

Commissioner Robbins requested the City act as a sponsor for a grant application to be submitted for the VFW to Midcontinent Communications for their elevator project.

Commissioner Volk moved to approve the City being a sponsor for VFW grant application to Midcontinental Communications for the elevator project. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

**Commissioner Hamre** - The City Engineer said everything was fine in Public Utilities.

**President Johnson** - The City Auditor stated everything was fine.

The City Administrator indicated the February Law Enforcement Center bill included an increase in the rent. The City will only be paying the original rent amount which was approved at budget time. Discussion continued on no janitorial services being provided and on the Police Department performing bailiff duties.

The Fire Chief requested out-of-state travel for two people to attend structural collapse training in Fort Worth, TX. Expenses will be reimbursed by a DES grant.

Commissioner Volk moved to approve out-of-state travel for two employees to attend structural collapse training in Fort Worth, TX from April 5<sup>th</sup> through April 15<sup>th</sup> as recommended by the Fire Chief. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

The City Attorney said everything was fine.

Chad Richeson appeared before the City Commission to discuss the gaming site authorization submitted by Prairie Grit Adaptive Sports. Chad Richeson provided background information on the company. The company enables both children and adults with disabilities to participate in sports and activities and provides the service at no cost to the participants. Discussion followed on the number of local participants, local money leaving the area, and keeping a percentage of the profit for local organizations.

Commissioner Hach moved to approve the gaming site authorization submitted by Prairie Grit Adaptive Sports from March 15, 2021 through June 30, 2021 at Applebee's – 509 Hwy 2 E. The motion was seconded by Commissioner Robbins. Discussion followed on the percentage which would stay with local organizations and how this is not done with any other organization. It was decided to wait on keeping a percentage for local organizations to see how the gaming does. The motion carried unanimously.

Commissioner Hach moved to approve setting the fee for a Class X liquor license at \$500.00. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

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

1. Authorizing the City Auditor to cancel Check No 119185 dated August 18, 2020 in the amount of \$25.00 to Terry Young & Clair Young, Jr (General-Municipal Court-Legal Fees) – the check will be reissued to the correct vendor; Check No 120251 dated March 2, 2021 in the amount of \$16.34 to The Main Event (General-Fire Department-

Office Sup & Postage)- the check was issued for a duplicate invoice; and Check No 120274 in the amount of \$1,481.13 (Lake Region Narcotics Task Force-Grant Expenditures-Miscellaneous Expense-The check was written from the wrong cash account and will be reissued;

2. A permit to sell alcoholic beverages at a special event submitted by Razor Rays Razors Edge LLC for a corn hole tournament at the Burdick Arena on April 9 and April 10, 2021;
3. A public dance permit submitted by Devils Lake Blue Line Club for April 10, 2021 at the Burdick Arena; and
4. Three gaming site authorizations submitted by Lake Region Community College Foundation of Devils Lake from October 1, 2021 through January 31, 2021 at Lake Region State College – 1801 College Dr N, for October 22, 2021 at the Ramsey County Memorial Building – 524 4th Ave NE and for November 1, 2021 through February 28, 2022 at the Devils Lake Sports Center – 1601 College Dr N.

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

The City Engineer review the cost participation, construction and maintenance agreement for Street Improvement 77-21. The State will open bids on April 9<sup>th</sup> for the project.

Commissioner Robbins moved to approve the cost participation, construction and maintenance agreement with ND Department of Transportation for Street Improvement 77-21. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

President Johnson inquired when the damage on the west via duct damage would be repaired. The City Engineer has been in contact with DOT. It is being handled by their insurance office in Bismarck, and the work will need to be bid out.

Brad Barth, Executive Director of Forward Devils Lake, reviewed the request for a Devils Lake Community Coordinator. The position would be responsible for creating and maintaining the City's and FDL's websites and assisting with social media posts. The position would work with all the departments and other entities to coordinate efforts. The intent is to increase both entities social media marketing with the hopes of people moving to Devils Lake. Discussion followed on if this position is duplicating work already done by the Chamber of Commerce, who would oversee the position, how to evaluate the position to ensure the job is being effective, how many hours a week would the person work and on the budget for paying for the position.

Commissioner Volk moved to table the request for a Devils Lake Community Coordinator as requested by Forward Devils Lake until the description is reworked. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

The City Auditor reviewed the proposed changes to the retirement plan.

Commissioner Volk moved to approve the Nationwide plan changes for qualified birth and adoption distributions and for in-service distribution age. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

The City Engineer stated no protest were received for Street Improvement District No 74-20.

Commissioner Volk moved to approve the resolution determining insufficient protests were filed in Street Improvement District No 74-20 – 8th St NE between 5<sup>th</sup> Ave and 10<sup>th</sup> Ave, 9<sup>th</sup> St NE between 5<sup>th</sup> Ave and 8<sup>th</sup> Ave, 6<sup>th</sup> Ave NE between 7<sup>th</sup> St and 10<sup>th</sup> St, 7<sup>th</sup> Ave NE between 7<sup>th</sup> St and 10<sup>th</sup> St as recommended by the City Engineer. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

The City Engineer stated protests were received for 1.7% of the property in Street Improvement District No 76-21. Over fifty percent is needed to protest out the project.

Commissioner Volk moved to approve the resolution determining insufficient protests were filed in Street Improvement District No 76-21 – 15<sup>th</sup> St NE, 17<sup>th</sup> St NE, etc as recommended by the City Engineer. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Engineer indicated no protests were received for Street Improvement District 77-21. The property is mainly school district property. The assessment formula for the ND School for the Deaf will be looked at .

Commissioner Volk moved to approve the resolution determining insufficient protests were filed in Street Improvement District No 77-21 – 16<sup>th</sup> St NW, 5<sup>th</sup> Ave NW, 8<sup>th</sup> Ave NW as recommended by the City Engineer. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Bill Fahey, financial advisor, reviewed the new bond issue which includes new project funding and refinancing of the 2014 bond. The bonds will be sold in a month. If the interest rate increases too much the refunding issue can be pulled, and the bond would be for the new projects only. By refinancing, the City could save around \$145,000. A rating call will not be held since the City is rated as an A2 and the savings is minimal if the bond is sold as unrated since the cost of the crediting rating would be \$10,000.00.

Commissioner Volk moved to approve the resolution providing for the issuance and sale of Refunding Improvement Bonds, Series 2021A as recommended by the City Administrator. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Volk 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 reports:

1. City Auditor monthly report, and
2. Municipal Court monthly report.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 7:20 P.M.

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

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