

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD NOVEMBER 17, 2014

The regular meeting of the Devils Lake City Commission was held Monday, November 17, 2014 at 5:30 P.M. with the following members present: President Richard Johnson, Commissioners Tim Heisler, Craig Stromme, and Rick Morse. Commissioner Dale Robbins was absent.

Pledge of allegiance was recited.

Commissioner Stromme moved to approve the minutes of the regular City Commission meeting held November 3, 2014. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

5:30 P. M. – This was the time set for a public hearing on a petition to vacate a portion of property set aside for public use – West 139.79' of Brooks St SW. Doug Broden stated the section of land to be closed has been a sledding hill for the kids of Frison for years. Discussion followed on whether the Planning Commission was aware of the property being used for sledding. Mr. Broden stated the only reason for the vacate request was to benefit the two property owners. The City Engineer stated the reasons for vacation were no usable road, no access through the whole road and the property owners maintain the right-of-way. Hearing and receiving no other comments, President Johnson closed the public hearing.

Commissioner Heisler moved to refer the petition to vacate a portion of property set aside for public use – west 139.79 feet of Brook St SW back to the Planning Commission for further review. The motion was seconded by Commissioner Stromme. The Planning Commission meets Thursday morning. The motion carried unanimously.

President Johnson stated the City Commission had changed their format for visitors and delegations at the last city commission meeting. If someone wants to get on the agenda under visitors and delegations, the procedure would be to call city hall by noon on the Wednesday before the meeting. The President and Vice-President will then review the agenda and approve visitors at that time. Since this is a new policy and so everyone is aware of that, the commission will take visitors and delegations tonight, but in the future they will need to call city hall to get on the agenda, and be approved by two commissioners.

Jessica Ramey appeared before the city commission to ask how Forward Devils Lake gets the public funding from the City, in what amount, and on how that is taken from the City taxpayers. The City Administrator will follow up with Jessica on these questions.

Jessica Ramey also talked about oil refineries. She mentioned that the Dickinson refinery would have a nuclear reactor, and the Devils Lake refinery would be the same.

President Johnson stated there is an informational meeting this coming Monday at the college. There will be time for questions and answers, and there will be presentations to answer questions. As for the reactor, President Johnson checked with MDU, and Barry Gage from MDU is here tonight, there is no nuclear reactor or any nuclear products that are being produced out in Dickinson. In addition, the City Engineer contacted the State Health Department regarding the rumored nuclear reactor at Dickinson. The City Engineer stated he asked State Health if there were any nuclear component or issues related somehow to nuclear or radionuclide with any oil refineries in Dickinson or in any discussion with Devils Lake. Dave Glatt, Department of Health, discussed the issue with his air quality and radiation programs. They are not aware of any radiation concerns with the Dickinson refinery. The Tesoro refinery has a radiation license associated with monitoring equipment needed as part of their process. This license would be similar to a local hospital that has a radiation source to conduct medical work. They will check with the Dickinson refinery as to whether or not they are using monitoring equipment that contains a radioactive source needed for its operation. Dave Glatt checked with their waste management division, and they did not indicate a concern with waste having radioactive components. Therefore, as far as Dave Glatt is concerned there is no radioactive component to the Dickinson refinery.

Commissioner Heisler – The City Assessor said everything was fine.

The City Engineer stated everything was fine.

Commissioner Stromme - The Police Chief stated a position is opened, and applications will be taken through November 24, 2014. Interviews will be conducted the first week of December. Five applications have been received.

The Sanitation Supervisor reported everything was fine.

Commissioner Morse – The Public Ways Supervisor stated the radiator is out in the Case loader. The County will take it down to Grand Forks tomorrow. It will take two or three days to get it back. If needed, they will use Sanitation's loader.

The Public Ways Supervisor has talked with Lake Lumber, and the materials for the sand/salt building will be in this Thursday. The contractor is waiting for the plans to come to him so they can be forwarded to the City's Building Department.

The Public Utilities Supervisor said there was a small water leak in the 700 block of 4th Street NE.

President Johnson - The Public Utilities Supervisor said everything was fine in the Sewer Department.

The City Administrator said everything was fine.

The Fire Chief stated everything was fine.

The City Attorney said everything was fine.

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

1. Permit to sell alcoholic beverages at a special event submitted by Ye Olde Tavern for the Leading Edge Christmas party on January 10, 2015 at the Memorial Building;
2. Permit to sell alcoholic beverages at a special event and a public dance permit submitted by Ye Olde Tavern for the Devils Lake Volunteer Fire Department annual fishing tournament on January 29, 30 and 31, 2015 at the Memorial Building; and
3. Reappointment of Suzie Kenner to the Lake Region Heritage Center Museum Board of Directors for a one-year term expiring December 30, 2015.

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

Rachel Lindstrom, Executive Director of Forward Devils Lake, appeared before the City Commission to request the 2014 funding and to request reimbursement of the mini-grant fund.

Commissioner Heisler moved to approve payment to Forward Devils Lake in the amount of \$38,250.00 for 2014 funding and in the amount of \$23,321.76 for mini-grant reimbursements. The motion was seconded by Commissioner Stromme. On roll call all Commissioners voted aye, and the motion carried.

John Dahlen and Kyle Mlynar appeared before the City Commission to request placing Mlynar's house on more than one lot in a tax increment financing district. According to the development agreement, any request for purchasing more than one lot for a house requires Commission approval. Initially Mr. Dahlen was going to split Lot 5 and give half to Lot 4 and half to Lot 6. Once Lot 6 was pinned it got small and could use some additional land. His concern was not losing a house, but making lot 6 buildable. However, the City Engineer would like to replat the whole block since Lot 2 has some challenges. Either way, you would end up with 5 lots instead of 6. The City Assessor stated the cleanest way would be to replat the block. The surveyor would need to redraw the block, and it would need to go through the Planning Commission. The City Administrator indicated three more houses are needed to make it cashflow so going from 5 to 6 lots should not be an issue financially. Mr. Mlynar is on a time line, and replating would take about a month. The City Engineer is concerned if you split Lot 5 at some time you might have to split Lot 2 since its shape is somewhat undesirable. The County requires outlots if metes and bounds are used. The City Engineer questioned if 62 feet of Lot 3 could be deeded to Mlynar, and then Mlynar deed forty feet of Lot 4 to be used by Lot 5. It could be phase 1 of a replat. Curbstops for 3, 4, 5 and 6 will need some adjustments.

Commissioner Stromme moved to approve to resubdivide Block 4 from six to five lots and to amend the development agreement. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Heisler 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 reports:

1. City Auditor monthly report;
2. Fire Department monthly report;
3. Municipal Court monthly report; and
4. Police Department monthly report.

President Johnson reminded everyone of the oil refinery public informational meeting to be held on Monday, November 24th, at 6:00 P.M. at the Robert Faucett Auditorium.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:25 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT