

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD JANUARY 5, 2015

The regular meeting of the Devils Lake City Commission was held Monday, January 5, 2015 at 5:30 P.M. with the following members present: President Johnson, Commissioners Tim Heisler, Craig Stromme and Rick Morse. Commissioner Dale Robbins was absent.

Pledge of allegiance was recited.

Commissioner Heisler moved to approve the minutes of the regular City Commission meeting held December 15, 2014. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

5:30 PM – This was the time set for a public hearing to review a request for a conditional use permit to allow a transitional living home and apartment units in an area zoned as central area commercial and described as Lots 9-12, Block 45 Original Townsite (124 6th Ave NE). Al Freidig stated the request was contingent upon Progressive Enterprises purchasing the property. Hearing and receiving no other comments, President Johnson closed the public hearing.

Commissioner Stromme moved to approve the conditional use permit to allow a multifamily use for an 8 bed transitional home and two apartments at 124 6th Ave NE which is located in an area zoned as central area commercial as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Morse –The Public Utilities Supervisor said everything was fine in the Sewer Department.

Commissioner Heisler – The City Engineer discussed train speeds with Burlington Northern Santa Fe (BNSF). The fence is completed from College Dr east to 14th Avenue. The poles are in place going west, and the fence should be completed this week- weather dependent. Once the fence is completed the train speeds will increase from 45 mph to 50 mph. Some work at the 12th Avenue crossing has been completed including the bases, some conduits and the additional warning device. The cross arms still need to be completed, and that should be done by March. At that time BNSF would like to discuss increasing the speeds from 50 mph to 60 mph. The agreement for the fence is still being worked on. Discussion followed on garbage collecting in the fence and the possibility of having the different groups clean up the garbage.

The City Assessor reviewed the request from Sungate Properties to extend the build date on Lot 2, City Estates Subdivision. He would like to restart the two-years for building at the time of purchase. James Andrews intends to build next summer.

Commissioner Heisler moved to approve extending the build date on Lot 2, City Estates Subdivision. The two years will restart when the purchase agreement is signed. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Stromme - The Police Chief requested to purchase a squad car. The dollar amount is under the \$30,000 limit for bidding, and the vehicle would be purchased off of the state bid.

Commissioner Stromme moved to authorize the purchase of a squad car from Marketplace Motors in the amount of \$27,528.00 as recommended by the Police Chief. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The Sanitation Supervisor reported Christmas trees will be picked up this week.

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

The City Auditor stated everything was fine.

The City Administrator said everything was fine.

The Fire Chief said everything was fine.

The City Attorney received a call from the Kuntz's attorney last week. They will be responding to the offer sent.

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

1. Authorizing the City Auditor to cancel Check No. 106711 dated November 21, 2014 in the amount of \$1,000.00 payable to Joanne Roberts (Flood Protection District 01-96 – 1466 Raise – Land Acquisition). The individual has not signed the documents for the land transfer yet so the check will be reissued after the documents are signed.
2. Game of chance permits for December 2014.

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

The City Attorney reviewed the process for annexation by petition of the owners. Three-fourths of the owners of the assessed value of the property to be annexed must be on the petition. Then the annexation is done by ordinance with a first and second reading. The Devils Lake Planning Commission requested another piece of property be added to the annexation. Since this property was not originally part of the petition, a notice needs to be published in the paper. The notice is to the owners of the property that is being added to the request for annexation and to the township. The notice for the additional property will be published before the next meeting, and the ordinance will be drafted without this additional property. The commissioners could add the property between the first and second readings of the ordinance. Public input would be at both readings. The second reading is where the discussion takes place. However, for the first reading there would need to be discussion on adding the additional property to the annexation. The owners of the additional property would have input at the first reading.

The City Engineer reviewed the map for annexation. The area in blue is the area the Planning Commission has recommended including in the annexation, but the property owners have not been contacted because the City Commission has not reviewed it.

Discussion continued on the section line. The property west of the section line was included in the original annexation other than the forty acre section crosshatched in blue on the map. There was discussion related to the thirty-three feet east of the section line. Those are the adjoining property owners that have not been contacted yet. The idea is to utilize the section line corridor (sixty-six feet) for water, sewer and roadway. A lot adjacent to the railroad tracks was platted all the way to the section line. That may be handled differently. Typically the thirty-three feet on either side of the section line would be used for utilities and access.

After conversations with Forward Devils Lake, the proposed annexation for the new industrial park is being requested to move forward irrespective of the refinery property. As the new industrial park annexation goes forward, there will be discussions on the timeframes for the industrial park.

The meeting on January 20th would include the public hearing for the additional property and the first reading of the ordinance.

The annexation, in order to make it contiguous, is connecting to the current industrial park. It will need to be decided if we take the section line corridor. Our infrastructure may not fit in the corridor. Or we may want to annex additional highway right-of-way to ensure we have enough property for the infrastructure.

The issue with the roadway is with the railroad crossing which is in place with the section line. It is costly to adjust and move railroad crossings.

Commissioner Morse moved to approve the three recommendations of the Devils Lake Planning Commission [1. Annexation of parcels described as the N1/2 of Section 20; NW1/4SE1/4 of Section 20; Outlot 44-0002 in Section 20; Outlot 44-0003 in Section 29; N1/2NE1/4 less RR and tracts in Section 29; SE1/2NE1/4 less RR, road right of way and tracts in Section 29; 66' wide strip of the section line between Section 28 and Section 29 from the north right of way line of 50th St NE to the south right of way line of Hwy 2. The owners of the N1/2 and the NW1/4SE1/4 of Section 20 stated that the request for annexation and change in zoning is contingent upon the purchase and development of the land by Eagle's Ledge, LLP. 2. Approval of changing the zoning from agricultural to heavy industrial for the N1/2 of Section 20;

NW1/4SE1/4 of Section 20; Outlot 44-0002 in Section 20; and Outlot 44-0003 in Section 29. If the annexation of the N1/2 of Section 20 and NW1/4SE1/4 of Section 20 does not proceed, the zoning would stay as agricultural. 3. Recommendation to the City Commission to include the NE1/4SE1/4 of Section 20, the west 33' of Section 21, and the west 33' of Section 28 lying north of Hwy 2, in the annexation request.] and to direct the City Attorney to draft an ordinance for annexation and to publish the notice of the hearing in the paper for the additional property. The motion was seconded by Commissioner Heisler. The motion is contingent upon the purchase and development of the land. Discussion continued on not taking more property than needed, on highway access/intersection, and why CHS property was included. The motion carried unanimously.

Rachel Lindstrom, Executive Director of Forward Devils Lake, reviewed the multi-family housing incentive for Sungate Properties. This is the fifth and last housing incentive request from the third round of funding. The City portion is \$50,000.00 for interest buy-down on this project. Sungate will build a 4-unit complex on 16th St S.

Commissioner Heisler moved to approve the multi-family housing incentive for Sungate Properties. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Rachel Lindstrom, Executive Director of Forward Devils Lake requested payment for the contract for deed and for the first-half of the 2015 mill levy funding.

Commissioner Morse moved to approve the contract of deed payment to Bob Weed in the amount of \$47,903.88 and one-half of the 2015 mill levy funding to Forward Devils Lake in the amount of \$21,099.00. The motion was seconded by Commissioner Heisler. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Stromme moved to approve funding for the first quarter of 2015 for the Lake Region Heritage Center in the amount of \$5,500.00 to be paid from general fund (1000-000-55170). The motion was seconded by Commissioner Heisler. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Morse moved to approve payment of the list of bills as submitted. The motion was seconded by Commissioner Heisler. 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 6:16 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT