

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD MARCH 2, 2015

The regular meeting of the Devils Lake City Commission was held Monday, March 2, 2015 at 5:30 P.M. with the following members present: President Johnson, Commissioners Tim Heisler (via telephone), Craig Stromme, and Dale Robbins. Commissioner Rick Morse was absent.

Pledge of allegiance was recited.

Commissioner Stromme moved to approve the minutes of the regular City Commission meeting held February 17, 2015. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Jessica Ramey appeared before the City Commission to discuss the closure of Devils Lake Kids and Forward Devils Lake.

Commissioner Robbins noted that Forward Devils Lake provided a loan to Devils Lake Kids in order for the day care to stay open.

President Johnson stated Devils Lake Kids was a nonprofit organization so it is different than the home based daycares.

Rachel Lindstrom, Executive Director of Forward Devils Lake, indicated without the loan the day care would have closed because it owed \$20,000 to local businesses. Not only did Forward Devils Lake provide funds, but also they provided business intelligence. Two of their members sat on the day care board. An accounting team and management team were also provided. Without any of this assistance 43 kids would have been displaced.

President Johnson stated Forward Devils Lake is a group of concerned citizens/businessmen who are good thinkers and concerned about our community and are doing everything they can to drive it forward and be progressive

Commissioner Stromme - The Police Chief stated everything was fine.

The Sanitation Supervisor reported everything was fine.

Commissioner Robbins – The Public Ways Supervisor reviewed the information regarding the benches placed by Roughrider Signs. If six more benches are placed this spring, then two benches will be provided for the City. He noted the Beautification Committee would like to use a bench, and the Chamber of Commerce would like to use one to list community activities. He also asked where the benches would be placed, and if the grant for Lake Region District Health would cover the cost of a bench.

Commissioner Morse arrived at 5:44 P.M.

Consensus of the City Commission was for the City Administrator to develop a policy for use of the free benches.

The Public Ways Supervisor requested dates for the annual aerial mosquito spraying. Discussion followed on spraying July 1st with a backup of July 3rd.

Commissioner Stromme moved to approve the aerial mosquito spraying contract with Airborne Custom Spraying for July 1, 2015 with a backup date of July 3, 2015 in the amount of \$8,570.00 as recommended by the Public Ways Supervisor. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Morse – The Public Ways Supervisor said everything was fine.

Commissioner Heisler - The City Engineer stated everything was fine.

The City Assessor reviewed the purchase agreement for land needed for the embankment project. The Corps of Engineers and Thompsons have verbally agreed to the purchase agreement.

Commissioner Heisler moved to approve the agreement to purchase real estate from Wayne and Marianna Thompson due to the embankment in the amount of \$169,864.00 as recommended by the City Assessor. The motion was seconded by Commissioner Morse. On roll call all Commissioners voted aye, and the motion carried.

President Johnson - The City Auditor stated everything was fine.

The City Administrator said everything was fine.

The Fire Chief reviewed the fire protection cooperation agreement for mutual aid with other agencies in the area. A workforce safety clause will be added.

Commissioner Stromme moved to approve the fire protection cooperation agreement as recommended by the Fire Chief contingent upon final approval by the City Attorney. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Attorney said everything was fine.

The second reading of Ordinance No. 925 – Addition of language to heavy industrial zoning was held.

Commissioner Stromme moved to approve the second and final reading of Ordinance No. 925 – Addition of language to heavy industrial zoning – An Ordinance, which upon adoption, shall amend those portions of Ordinance No. 827 and Ordinance No. 887 which has been codified as Section 17.56.030 of the Devils Lake Municipal Code. The motion was seconded by Commissioner Heisler. The ordinance is effective upon passage. On roll call all Commissioners vote aye, and the motion carried.

Galen Cariveau, Cariveau Workforce Services, appeared before the City Commission to discuss the proposed marketplace survey for salaries. It was noted his son-in-law is a member of Devils Lake Police Department, but no preference will be given to the Police Department, and the information will not be shared with the individual.

President Johnson asked if there would be a possible reduction in the cost of the survey if only three cities were used. The cost could be prorated. Preference is to use five cities since not every city has all jobs. Discussion followed on the strategy to be used since Devils Lake is on the border of the oil boom. The survey will be for both salaries and health benefits.

Commissioner Stromme moved to approve the proposal from Cariveau Workforce Services for a marketplace survey in an amount not to exceed \$4,250.00 as recommended by the City Administrator. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The following comments on Ordinance No. 925 were taken.

Mary Lundy

1. What specific emissions will an oil refinery and petrochemical plant release and the health implications? President Johnson - This will be handled in the environmental review.
2. Acid rain? President Johnson - Will be handled during the permitting process.
3. Are you confident on having enough information on both the pros and cons of a petrochemical plant and an oil refinery to make a sound judgment to include them in heavy industry? President Johnson - The decision made tonight only allows it. There are many things that have to happen. This is just one small step in the process that has to be followed. It can be stopped anywhere along the way. A number of safety nets are in place. Also, a development agreement is being done.
4. Do you have to do zoning prior to permitting? President Johnson - The zoning has not been done. Language only was added to allow it in the conditional use permits under heavy industrial oil refineries and petrochemical plants. This gives the planning commission the ability to allow these uses. Without the language, you wouldn't even get to the permitting process. A developer would not go through the permitting process if they didn't have the ability to have the zoning for the project. Zoning could be subject to a number of conditions complying with all the state and federal requirements.

Marian Chattin

1. Annexation was conditional on acquisition of the property by Eagles Ledge. Has the acquisition been completed or is it in process? Rachel Lindstrom - Eagles Ledge has an option on the property.
2. When do you anticipate zoning on the property to take place since it should be conditional on an enforceable development agreement? Rachel Lindstrom - Zoning should be coming to the zoning committee this spring. The development agreement is in the works.
3. A successful development agreement is dependent upon reviewing the permitting matrix which goes hand-in-hand with the application by Eagles Ledge for environmental purposes. Have these permit applications been submitted? Rachel Lindstrom - The permits have not been submitted to the State. Their legal attorneys are reviewing them, and then they will be submitted to the State.
4. A successful development agreement should be dependent upon the City's consultation with an environmental attorney. Such an attorney may be difficult to find in short order. Can all these steps be completed before groundbreaking? Rachel Lindstrom - An environmental attorney has been found, and the engagement letter is on the agenda.
5. At the last meeting, it was stated the committee meetings for the development agreement would be open to the public except for executive sessions, but based on Eagles Ledge not being open about its business dealings hopefully closed sessions will not be a common occurrence. Rachel Lindstrom - The committee meetings are public; however, Eagles Ledge is a privately-held company and can keep their business private. Eagles Ledge has been very open.

Discussion was held on the daycare building. Someone is interested in the building. Another is interested in buying the equipment. Also discussed was should the City repurpose the building, keep it as a day care, lease it out or sell the building. Consensus of the City Commission was for the City Administrator to determine options for the building.

Reg Herman appeared before the City Commission regarding the old Wal-Mart building. He stated the timing is not right for the City to relocate its offices; however, they are still looking towards an event center.

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

1. Fireworks permit submitted by Black Powder Fireworks LLC dba TNT Fireworks;
2. Game of chance permits for the month of February 2015;
3. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for the Pheasants Forever Banquet to be held March 16, 2015 at the Memorial Building;
4. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for the Mercy Hospital Signature Event to be held March 28, 2015 at the Memorial Building;
5. Permit to sell alcoholic beverages at a special event submitted by Thirsty's Bar for the Heritage Center Key Event to be held April 17, 2015 at the Heritage Center;
6. Permit to sell alcoholic beverages at a special event submitted by Thirsty's Bar for a wedding reception and dance to be held April 18, 2015 at the Memorial Building; and
7. Reappointment of Myron Asleson as Chairman, Dennis Strong as Vice-Chairman and Mike Grafsgaard as Board Member to the Weed Control Board for four-year terms expiring on January 1, 2019.

The motion was seconded by Commissioner Morse. President Johnson requested adding a line for the name of the signatory to be printed on all the permits. The motion carried unanimously.

The engagement letter from Lane Powell for the development agreement was reviewed. The City Attorney reviewed the letter and it looked fine. Either party can cancel the contract.

Commissioner Morse moved to approve the engagement letter with Lane Powell for the Development Agreement as recommended by the City Attorney. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The City Engineer reviewed the preliminary engineering report for the Water & Sewer Improvement District No. 59-14 (Smith Drive going west from ND 20 frontage road). The report outlines work involved in extending water and sewer west of O'Reilly's. The project does not include paving or curb and gutter, but that could be a project in 2016.

Commissioner Stromme moved to approve the preliminary engineering report for Water & Sewer Improvement District No. 59-14 (Smith Drive). The motion was seconded by Commissioner Morse. The City will pay 25%, and the property owners will pay 75%. The assessments will be based on area, frontage and hookup. Discussion followed on it being a gravel road. The motion carried unanimously.

Commissioner Stromme moved to approve the resolution approving the preliminary report and directing preparation of plans and specifications for Water & Sewer Improvement District No. 59-14 (Smith Drive). The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Robbins 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.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:30 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT