

MINUTES OF THE BOARD OF CITY COMMISSIONERS  
DECEMBER 21, 2015

The regular meeting of the Devils Lake City Commission was held Monday, December 21, 2015 at 5:30 P.M. with the following members present: President Johnson, Commissioners Tim Heisler, 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 December 7, 2015. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

**5:30 P.M.** – This was the time set for a public hearing to review a proposed change to the zoning ordinance that would allow an outdoor storage yard as a conditional use permit in highway commercial zoning, and a change to the zoning ordinance to define feed lot and confined animal operations. The outdoor storage would be behind Ed's Bait Shop and would be used to store campers, boats and equipment. The feed lot and confined animal operations request was for the extra-territorial area. The Planning Commission is working on language to define what an outdoor storage area would be and what could be stored there, and it would be a conditional use permit meaning the Planning Commission would hear each request. Commissioner Morse expressed concern for this type of storage. Right now no one can apply for this conditional use permit until the language is defined. Hearing and receiving no other comments, President Johnson closed the hearing.

Commissioner Robbins moved to table a proposed change to highway commercial zoning that would define and allow outdoor storage yards as a conditional use permit and to approve a change to Chapter 17.08.020 – Definitions in the zoning ordinance to better define animal confinement operations and feed lots as recommended by the Devils Lake Planning Commission. 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 to review a request for a change in zoning from agricultural to residential suburban for a parcel of land located in the N1/2 of the NW1/4, Section 16 (located adjacent to the north boundary of Quiet Acres Subdivision). Marlene Bertsch, representing owner, Jason Bednarz, stated this zoning change would help clean up the area. Hearing and receiving no other comments, President Johnson closed the hearing.

Discussion followed on the land being divided into 3 five- acre plots and a private drive. The City Engineer and City Assessor would prefer the land be divided into a subdivision especially for the roadway, but since it is in the 2-mile extra-territorial area dividing it into outlots will be okay. Discussion followed on when land is located in the extra-territorial area it is not only the City, but also the County and the Township that have to approve items. Also discussed was who was responsible for the road and operation and maintenance of the road.

Commissioner Heisler moved to approve the request to change zoning from Agricultural to Suburban Single Family Residential District for a 17 acre parcel of land located adjacent to the north boundary of Quiet Acres Subdivision with the parcel being divided to outlots and having public access as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

**5:30 P.M.** – This was the time set to reconvene a public hearing to review a proposed change to the Rural Suburban Residential zoning to allow hobby farms as a conditional use permit. What type of animals would be allowed and the amount of acres needed for small and large animals were discussed. The City Assessor stated zoning requires a farm to have 35 acres. There was a request for a hobby farm on some smaller acreage. Hobby farms did not fit into either the farming zoning or the suburban residential zoning. Hearing and receiving no other comments, President Johnson closed the hearing.

It was noted that only one lot is zone suburban single family residential district within city limits. Discussion followed on how the process started for this request.

Commissioner Robbins moved to approve changes to the Suburban Single Family Residential District that would allow the keeping of animals as a conditional use permit and to approve an addition to Chapter 17.76 – Special Provisions which outlines the type and number of animals that may be kept in Suburban Single Family Residential District as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

**5:30 P.M.** – This was the time set to reconvene a public hearing to review a request to change zoning from highway commercial to limited industrial for a 4.81 parcel of land located in part of Lot 6, Section 3, T153N, R64W (located westerly of Hwy 20 near Ed’s Bait Shop). The City Engineer stated the City needs to clean up the language before outdoor storage could be allowed. The limited industrial was not a good fit since it would have been a permitted use. Hearing and receiving no other comments, President Johnson closed the hearing.

Commissioner Stromme moved to deny the request to change the zoning from highway commercial to light industrial as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

**Commissioner Heisler** – The City Engineer stated everything was fine.

The City Assessor reviewed the amendment for engineering services on the reroof of the sanitation building. The original contract was for design and bidding only so construction phase services were added for up to an additional \$3,000.00.

Commissioner Heisler moved to approve Amendment No 1 for AE2S for the Sanitation building reroof for adding construction phase services to review shop drawings, answer field conditions, review and recommend payment of applications for payment, attend no more than three construction phase meetings and to revise drawings as needed to document major field changes for a net increase of up to \$3,000.00 as recommended by the City Assessor. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The City Assessor stated the roof is about half on.

**Commissioner Stromme** – The Police Chief stated a vest was loaned to the Sheriff’s Office. The Sheriff’s Office would like to purchase the vest for \$640.00; therefore, the vest needs to be declared surplus. Since it is being sold between government units, the vest does not have to be put up for bids.

Commissioner Stromme moved to declare a police vest as surplus. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Robbins moved to approve selling the police vest to the Sheriff’s Office for \$640.00. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The Police Chief asked the City Commission to approve donating sick leave to a Police Department employee for a family medical issue.

Commissioner Stromme moved to approve donating up to 40 hours of sick leave to a new employee for a family medical issue. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The Police Chief said he is working on taxi cab ordinances.

The Sanitation Supervisor stated the Thursday garbage route will be picked up as scheduled on Thursday. Friday and Monday routes will be picked up on Monday.

**Commissioner Robbins** - The Public Utilities Supervisor said everything was fine

The Public Ways Supervisor said everything was fine.

**Commissioner Morse** –The Public Ways Supervisor stated clean up was done. Discussion followed on an ice house that is on a street and on getting a court order to move it. The Parking Officer has left two notices, and the Public Ways Supervisor has stopped at the house, but no one answered.

The Public Ways Supervisor said vehicles on the street will be gone around the first time, but after that they will be ticketed and may be towed.

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

**President Johnson** - The City Auditor requested to have the remaining balance of \$44,166.21 for the Lake Region Growth Fund loan to Pugsley's be written off. North Central Planning Council sold the building and split the proceeds among the lenders. The City received \$41,884.80. Of this amount \$41,391.79 was applied to the first loan as payment-in-full. The remaining \$493.01 was applied to the second loan.

Commissioner Stromme moved to approve writing off the principal balance of the second loan to Pugsley's in the amount of \$44,166.21 as recommended by the City Auditor. The motion was seconded by Commissioner Heisler. Discussion followed on the business currently in the building. The motion carried unanimously.

The City Administrator said everything was fine.

The City Attorney said everything was fine.

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

1. Authorizing the City Auditor to cancel Check No 108613 dated October 6, 2015 in the amount of \$342.42 to Pollardwater (Sewer-Wastewater Treatment-Equipment Maintenance) - the check was lost and will be reissued;
2. Designating the Memorial Building as the voting place for precinct 1.1 for the election to be held June 14, 2016; and
3. Limousine license application for Moonlight Limousine LLC and Limousine drivers' license for Troy Johanson.

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

Commissioner Stromme moved to approve Budget Amendment #06-15 – Various. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

The City Engineer reviewed the change order for the watermain project. The change order adds concrete removal, which was not included as a bid item.

Commissioner Robbins moved to approve Change Order No. 2 for Murphy Pipeline Contractors Inc for Watermain Improvement District No. 24-15 – various locations for a net increase in the amount of \$1,161.00 as recommended by the City Engineer. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Stromme moved to approve funding for 2015 for Lake Access in the amount of \$6,000.00 to be paid from the general fund (1000-000-55070). The motion was seconded by Commissioner Heisler. On roll call all Commissioners vote aye, and the motion carried.

Commissioner Heisler moved to approve payment of Estimate No. 8 - Final to Elshaug Concrete Construction for 2015 Curb, Gutter & Sidewalk in the amount of \$4,316.07 as recommended by the City Engineer. The motion was seconded by Commissioner Robbins. The payment is for retainage. On roll call all Commissioners voted aye, and the motion carried.

The City Engineer reviewed the payment to Murphy Pipeline which covers the change order for concrete removal minus retainage.

Commissioner Stromme moved to approve payment of Estimate No. 9 to Murphy Pipeline Contractors for Watermain Improvement District 24-15 – various locations in the amount of \$1,137.78 as recommended by the City Engineer. The motion was seconded by Commissioner Morse. On roll call all Commissioners voted aye, and the motion carried.

The City Assessor reviewed the purchase agreement for land needed for the embankment project. The land was part of old, abandoned railroad that ran to Warwick. It was sold to 4 individuals years ago. At the beginning of the embankment work, the City got easements on the land; however, the Corps of Engineers now wants deeds.

Commissioner Heisler moved to approve the agreement to purchase real estate from Larry Anderson due to the embankment in the amount of \$1,000.00 as recommended by the City Assessor. The motion was seconded by Commissioner Stromme. On roll call all Commissioners voted aye, and the motion carried.

The City Administrator reviewed the fees and rates for 2016. During budget time, the Commission had discussed raising sanitation rates to be in line with other cities and to start setting aside money for when the landfill closes. The commercial dumpster rates now compare by volume to residential rates.

Commissioner Robbins moved to approve a Resolution Establishing Fees and Rates effective January 1, 2016 as recommended by the City Administrator. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Assessor stated the City Commission had approved working with Safe Alternatives for Abused Families on finding a city lot suitable for a safe house. The lot would be used as local share for a grant.

Commissioner Morse moved to approve donating Lot 2 Block 11 Roundhouse Subdivision to Safe Alternatives for Abused Families contingent on the City only holding the lot for SAAF until June 30, 2016, on the lot being built on within two years after June 30, 2016 and on the lot staying with the City if the grant is denied as recommended by the City Assessor. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Stromme moved to approve writing-off the following uncollectible account: \$80.00 for Bruce Ellingson for landfill. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Rachel Lindstrom, Executive Director of Forward Devils Lake, appeared before the City Commission to request reimbursement of the mini-grant fund. Mini-grant funds were used for legal fees on Ultra Green Packaging and for the annual contribution to SBDC for community funding support.

Commissioner Stromme moved to approve payment to Forward Devils Lake in the amount of \$10,256.40 for mini-grant reimbursements. The motion was seconded by Commissioner Heisler. On roll call all Commissioners voted aye, and the motion carried.

Rachel Lindstrom, Executive Director of Forward Devils Lake, appeared before the City Commission to present the 4<sup>th</sup> quarter report for Forward Devils Lake. She will make this report a quarterly report to go with the City's monthly reports.

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

President Johnson acknowledged the following reports:

1. Municipal court monthly report; and
2. Police Department monthly report.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:39 P.M.

**LINDA LYBECK  
CITY AUDITOR**

**RICHARD S. JOHNSON  
PRESIDENT**