

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD MARCH 7, 2016

The regular meeting of the Devils Lake City Commission was held Monday, March 7, 2016 at 5:30 P.M. with the following members present: President Johnson, Commissioners Craig Stromme, Rick Morse and Dale Robbins. Commissioner Tim Heisler was absent.

Pledge of allegiance was recited.

Commissioner Stromme moved to approve the minutes of the regular City Commission meeting held February 16, 2016. 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 request for a conditional use permit to construct a storage garage in an area zoned as highway commercial, contingent on the approval of Thundar Acres subdivision (a 75 acre parcel of land located in the west ½ of Section 1, north of Hwy 2 and east of Elk's Rd). Hearing and receiving no comments, President Johnson closed the public meeting.

The City Engineer stated originally the units were going to be built on plat lots. After visiting with the property owner, there were some requirements of the platting process that didn't fit with what the owners needed at this time. Therefore, the owners are using an outlot which allows them to build the storage unit and still fit the overall development of the area. In order to sell any lots, the owners will need to subdivide.

Commissioner Robbins moved to approve a conditional use permit to construct a storage garage in an area zoned as highway commercial that will be described as an outlot plat as assigned by the County and is contingent on recording of the plat at the County, submitted by Marco Tollefson and Lonnie Lacina, as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

President Johnson - The City Administrator presented the request for out-of-state travel for the Municipal Judge to attend the National Judicial College in Nevada on May 16th through May 19th.

Commissioner Morse moved to approve out-of-state travel for the Municipal Judge to attend a course at the National Judicial College in Reno, NV on May 16 through May 19, 2016. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Commissioner Robbins – The Public Ways Supervisor stated parts of the cemetery will be closed due to ground conditions. Burials will be done on a case-by-case basis.

The Public Utilities Supervisor said there was a watermain break at 603 6th St SE, a service line leak at 617 8th St NE, service line leak at 814 Kelly Ave, and a valve leak on 14th Ave. He stated someone ran into the backhoe when an employee was returning it to the shop after repairing a leak.

Commissioner Morse – The Public Ways Supervisor said both sweepers are out, the hot box is ready for patching and crack sealing has been ordered.

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

Commissioner Stromme - The Sanitation Supervisor reported everything was fine.

The Police Chief requested out-of-state travel for Captain Barnett to attend Minnesota chief training. The ND Chiefs Association will reimburse \$600.00 of the training.

Commissioner Stromme moved to approve out-of-state travel for the Captain Barnett to attend Minnesota chief training in St. Paul, MN on April 17 through April 20, 2016. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The Police Chief stated he has been working on the taxi ordinance. Discussion followed on using taxi meters or flat rates. Consensus of the City Commission was to use the flat rates.

President Johnson - The City Engineer said everything was fine.

The City Assessor requested \$150/month of additional pay for the Engineering Administrative Tech for assisting the Assessing Department during the medical absence of the Assessment/Building Clerk. He recommended making the increase retroactive to February 1, 2016.

Commissioner Stromme moved to approve additional pay of \$150/month for the Engineering Administrative Tech retroactive to February 1, 2016 for additional duties during the medical absence of the Assessment/Building Clerk. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Auditor stated everything was fine.

The Fire Chief requested out-of-state travel for 6 or 7 firefighters to attend crude by rail training in Pueblo, CO. The training is paid for by the railroad. Four will attend April 10th through April 17th, and the others will go at a later date.

Commissioner Robbins moved to approve out-of-state travel for 6 or 7 firefighters to attend crude by rail training in Pueblo, CO with 4 going April 17 through April 20, 2016, and the rest going at a later date. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Attorney said everything was fine.

The second reading of Ordinance No. 933 – Definitions was held.

Commissioner Stromme moved to approve the second and final reading of Ordinance No. 933 – Definitions – An ordinance, which upon adoption, shall amend Ordinance Nos. 853, 822, 818 and 788, which have been codified in Section 17-08-020 of the Municipal Code to add definitions for outdoor storage, animal confinement operation and feed lot. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Engineer requested to table the second reading of Ordinance No. 934 – Highway commercial. The city planning consultant would like to review the language. The delay in the ordinance doesn't impact the developer.

Commissioner Stromme tabled the second and final reading of Ordinance No. 934 – Highway Commercial – for further review. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The second reading of Ordinance No. 935 – Server Training was held. The training is not mandatory unless a license holder has a violation that forces training.

Commissioner Stromme moved to approve the second and final reading of Ordinance No. 935 – Server Training – An ordinance, which upon adoption, shall be codified as Section 5.24.260 of the Municipal Code. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The second reading of Ordinance No. 936 – Special Provisions was held.

Commissioner Stromme moved to approve the second and final reading of Ordinance No. 936 – Special Provisions – An ordinance, which upon adoption, shall be codified as Section 17.76120 of the Municipal Code. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The second reading of Ordinance No. 937 – Suburban Single Family Residential District was held.

Commissioner Stromme moved to approve the second and final reading of Ordinance No. 937 – Suburban Single Family Residential District – An ordinance, which upon adoption, shall amend portions of Ordinances 879, 827, 887 and 915 and add 17.38.030(F) and amend portion of Ordinance 827, which have been codified as part of the Municipal Code. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

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

1. Authorizing the City Auditor to call for bids for 2016 Curb, Gutter and Sidewalk with bids to be opened on Monday, April 4, 2016 at 5:30 P.M. at the City Office as recommended by the City Engineer;
2. Game of chance permits for the month of February 2016;
3. Appointing Mercedes Schmidt as the City inspector for the June 14, 2016 election;
4. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for Pheasants Forever private banquet to be held March 21, 2016 at the Memorial Building; and
5. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for a wedding reception and dance for Cheslyn Peterson and Trevor Stromme to be held April 2, 2016 and the Memorial Building.

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

Commissioner Morse moved to approve the ND Department of Transportation Agreement for Temporary Highway Closure to close ND Highway 19 (Jct US 2 to ND 20) from 6:00 A.M. on June 4, 2016 to 3:00 P.M. on June 5, 2016 for the Devils Run car show as recommended by the City Engineer. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Engineer reviewed the cost participation agreement with ND Department Transportation for work on Hwy 19. The City share would be \$172,669.00 for the work done within city limits from Walleye Dr to Hwy 2. According to paragraph 13 DOT will maintain the roadway surface, regulatory signs, the centerline striping, route marker signs and snow plowing while the City will be responsible for drainage, snow removal, street lights, signals and crosswalks. DOT will be doing an overlay, improving the shoulders and adding four turn lanes – eastbound and westbound for Walleye Dr, to the airport and to public works.

Commissioner Morse moved to approve the cost participation and maintenance agreement for Project NHU-3-019(066)153 with the ND Department of Transportation for hot mix asphalt, grading, signing and incidental items from near airport to Jct US 2. The motion was seconded by Commissioner Stromme. The City share would come from Infrastructure funds. DOT has been doing the maintenance since the speed limit is 65mph, and the City is not setup with the safety equipment to do the maintenance is this type of speed zone. Motion carried unanimously.

Rachel Lindstrom, Executive Director of Forward Devils Lake, appeared before the City Commission to request participation in the Affordable Housing Program through ND Housing Finance Agency for SW Design Build, Inc. This program requires 25% of the units being rented out at 80% of median income. Two bedrooms would rent for \$800/month and three bedrooms for \$919/month. Since the time of the request, plans have changed to 1 24-unit instead of 2 12-plexes. Each unit has a garage and balcony. Utilities will be included. One bedroom apartments have one bath, but the two and three bedrooms will have 1 and $\frac{3}{4}$ baths. Total project cost is \$4 million. ND Housing Finance will accommodate \$1.2 million. They are looking for private investors. The City's contribution would be \$214,000 which would be in the form of a TIF district utilizing the road and infrastructure. The land needs to be annexed into the City. Tom Serie, from SW Design Build, discussed the rent being based on the Ramsey County median income. Twenty-five percent of the units need to be rented at 80% and another 25% rented at 140% of median income. Mr. Serie stated the application needs to be in by March 31, 2016. If the City would approve a letter of intent at the March 21st meeting that should suffice for the application process.

Commissioner Stromme moved to approve the 2016 Loan Agreement between the National Museum of the United States Air Force and the City of Devils Lake for the period from April 1, 2016 and ending March 31, 2017 for displaying an airplane at the Devils Lake Regional Airport. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Assessor reviewed the settlement agreement with Dustin and Derissa LaFleur. The City has already deposited \$22,495.00 (appraised value plus 10%) with the clerk of court for the property, so a check for \$25,505.00 would be needed for the settlement. The owners will pay all their own attorney fees, expert witness fees, and etc.

Commissioner Robbins moved to approve the settlement agreement for land acquisition needed for Phase 3 of the Devils Lake Embankment Flood Control Project with Dustin and Derissa LaFleur in the amount of \$48,000 .00 as recommended by the City Assessor and approved by the Corps of Engineers for LERRD credit. The motion was seconded by Commissioner Morse. On roll call all Commissioners voted aye, and the motion carried.

The City Assessor reviewed the progress on the roof of the sanitation building. The roof needs to be certified. There is a punch list. They were waiting for the grates needed for air circulation, and they need to change the pipe for the furnace.

Commissioner Morse 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. 2015 Year End Financial Report; and
2. Fire Department monthly report.

Commissioner Stromme asked that the entry sign on the north side be fixed since the rocks are coming off.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:26 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT