

MINUTES OF THE BOARD OF CITY COMMISSIONERS  
HELD JUNE 6, 2016

The regular meeting of the Devils Lake City Commission was held Monday, June 6, 2016 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 Heisler moved to approve the minutes of the regular City Commission meeting held May 16, 2016 and the Board of Equalization meeting held June 2, 2016. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

**5:30 P.M.** - This was the time set for the bid opening for custodial services for the city office. The following bid was opened and read:

ServiceMaster - Devils Lake, ND      Bid \$595.00/month

Commissioner Morse moved to accept the bid as read and refer it to the City Administrator for further review and recommendation. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

**5:30 P.M.** - This was the time set for the bid opening for a front mount mower. The following bids were opened and read:

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| 1. | Dakota Implement – Devils Lake, ND     | Bid \$15,049.00                         |
| 2. | Johnson Ag Resources LLC – Maddock, ND | Bid \$14,985.00 does not meet all specs |

Commissioner Robbins moved to accept the bids as read, and refer them to the Public Ways Supervisor for further review and recommendation. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

**5:30 P.M.** - This was the time set for the bid opening for Street Improvement District No. 58-15 – 16<sup>th</sup> St SE. The following bids were opened and read:

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|----|--|---------------------------------|
| 1. | Strata Corporation - Grand Forks, ND<br>ND Contractor License No. 693 Class A          | Bid \$122,154.65<br>Bid Bond 5% |
| 2. | Knife River Materials – Bemidji, MN<br>ND Contractors License No. 1001 Class A         | Bid \$129,331.50<br>Bid Bond 5% |
| 3. | Naastad Brothers Inc – Hatton, ND<br>ND Contractors License No. 2904 Class A           | Bid \$118,533.60<br>Bid Bond 5% |
| 4. | Witzel Construction LLC – Langdon, ND<br>ND Contractors License No. 51531 Class A      | Bid \$143,538.25<br>Bid Bond 5% |
| 5. | Close Construction Company Inc – Milton, ND<br>ND Contractors License No. 4387 Class A | Bid \$129,889.55<br>Bid Bond 5% |

Commissioner Heisler moved to accept the bids as read, and refer them to the City Engineer for further review and recommendation. 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 allow construction of a helicopter hangar on the north side of Mercy Hospital's property, 1031 7<sup>th</sup> St NE, which is zoned as residential high density. Jessica Ramey questioned the purpose of the hangar. Hearing and receiving no other comments, President Johnson closed the public hearing.

Commissioner Stromme moved to deny a conditional use permit to allow construction of a helicopter hangar to be located on the north side of the Mercy Hospital property and submitted by AMRG-Valley Med Flight, as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Heisler. Discussion followed on needing to change the ordinance to allow this, the availability of a site at the airport, the need for a variance from FAA for living quarters at the airport, the need for additional staff or on call staff for the airport, the additional time that will

be added on for a life flight. Commissioner Morse thought they should look at a different location on the same site. He stated the time line would be disruptive, and you need to look at the operation - an essential service. Having the hangar at the airport would add 20 extra minutes on getting the helicopter to the hospital. On roll call, Commissioners Robbins, Heisler, Stromme and President Johnson voted aye, and Commissioner Morse vote nay. The motion carried.

**5:30 P.M.** - This was the time set for a public hearing to review a request for a conditional use permit to allow an above ground fuel tank at a proposed helicopter hangar on the north side of Mercy Hospital's property, 1031 7<sup>th</sup> St NE. Mary Oehlke questioned the number of flights that were for Devils Lake patients. Kari Hunt opposed the permits. When they bought their house there was no development to happen on that site. The neighborhood was there before the helicopter service, and the helicopters belong at the airport and not in a residential neighborhood. Mark Olson asked if the hangar is built at the airport, will the helicopter be parked at the airport or the hospital. He also inquired about the current operation needing a conditional use permit. The City Assessor stated you can put conditions on a conditional use permit, but how would you regulate conditions on the permit. Hearing and receiving no other comments, President Johnson closed the public hearing.

Commissioner Robbins moved to deny a conditional use permit for an 8,000 gallon above ground fuel tank at a proposed helicopter hangar to be located on the north side of the Mercy Hospital property submitted by AMRG-Valley Med Flight, as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Heisler. On roll call all Commissioners voted aye, and the motion carried.

The City Commission reviewed the request from Mercy Hospital to clarify whether the current use of the heli-pad at the hospital was in compliance with zoning regulations. Discussion followed on when the helicopter would be housed at the airport versus when it would be outside at the hospital.

Commissioner Heisler moved to approve the current operations of AMRG-Valley Med Flight at Mercy Hospital using a heli-pad for medical flight helicopters to land and take off as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Stromme. On roll call all Commissioners voted aye, and the motion carried.

Jessica Ramey appeared before the City Commission to discuss human trafficking including both sex trafficking and labor trafficking.

The Police Department is aware of the problem and the available training. The Police Chief noted there is reporting in place for these situations.

**Commissioner Robbins** – The Public Ways Supervisor recommended accepting the bid for the front mount mower from Dakota Implement. The bid from Johnson Ag Resources did not meet the specifications, and it was only \$64.00 less than the Dakota Implement bid which met all of the specifications.

Commissioner Morse moved to reject the bid from Johnson Ag Resources of Maddock, ND since it did not meet specifications and to approve accepting the bid from Dakota Implement of Devils Lake, ND for the front mount mower in the amount of \$15,049.00 as recommended by the Public Ways Supervisor. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Commissioner Robbins stated the cemetery looked great and thanked Public Ways for their work on it.

The Public Utilities Supervisor stated the department will start flushing hydrants this week. The first area is the northwest area from 10<sup>th</sup> St. Each area takes about a week.

**Commissioner Morse** – The Public Ways Supervisor said Tri-State is back in town to do work. The Street Department is continuing with street work. The flowers have been hung, and they will start painting in two weeks.

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

**Commissioner Heisler** – The City Engineer stated Murphy Pipeline is back in town and will start watermain replacement on 5<sup>th</sup> St NE from 6<sup>th</sup> to 8<sup>th</sup> Ave. Then 3<sup>rd</sup> St will be done from 6<sup>th</sup> Ave to 10<sup>th</sup> Ave, and then 10<sup>th</sup> Ave NE from 1<sup>st</sup> St to 2<sup>nd</sup> St.

Other updates from the City Engineer included:

1. Cenex road – Strata has mobilized and work will start tomorrow. Completion date is August 1<sup>st</sup>.
2. Tri-State will repair roads before the seal coating is done.
3. Thanked the Water and Sewer Departments for their work on 16<sup>th</sup> St SE. With the help of a local contractor, they were able to install water and sewer services.
4. Langdon will be voting next week on hooking up to the NE Water District. The City of Devils Lake will be developing bulk water and service agreements. Greater Ramsey Water District purchases bulk water from Devils Lake in the summer and this bulk water agreement will incorporate a service area agreement which will clarify how annexations are handled. The NE Regional Water District (NERWD) would like to purchase capacity/service from the City of Devils Lake. They are willing to pay for future work on the system. The infrastructure would have to be expanded within the City, but NERWD would pay for it. Pipes would need to be installed in order to get a point of connection from which they could withdraw the water.

The City Assessor said everything was fine.

**Commissioner Stromme** - The Police Chief reviewed the request from Devils Lake Transit to be exempt from the new taxi ordinance due to their non-profit status.

Pat Hejlik from Devils Lake Transit stated they are a non-profit and have stricter State rules to follow. Regulations include pre-employment and random drug testing, zero tolerance, background check and tablets, cameras and GPS units in buses.

Commissioner Stromme moved to reaffirm Devils Lake Transit being exempt from the taxi regulations due to their non-profit status in accordance with the ordinance. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The Police Chief showed what the taxi drivers' licenses would look like.

The Police Chief thanked the Public Ways Department for their work during Devils Run.

The Sanitation Supervisor reported Saturday, June 11<sup>th</sup> is free resident dump day at the landfill, weather permitting.

**President Johnson** – The City Auditor stated everything was fine.

The City Administrator said everything was fine.

The Fire Chief indicated the volunteers raised \$9,146.00 over the weekend for muscular dystrophy.

The City Attorney reported a settlement had been reached in the Kuntz cases – City and Airport. It will be presented at the next meeting.

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

1. Authorizing the City Auditor to call for bids for playground equipment for the East Ditch recreation area with bids to be opened on Monday, June 20, 2016 at 5:30 P.M. at the City Office as recommended by the City Engineer;
2. Four gaming site authorizations submitted by Devils Lake BlueLine Inc for July 1, 2016 through June 30, 2017 at the following locations: Devils Lake Elks 1216 – 425 Hwy 2 W, Midway Properties Inc – 915 Hwy 2 E, Old Main Street Café – 416 4<sup>th</sup> St NE and Razor's Edge LLC – 711 Hwy 19 W;
3. Game of chance permits for the month of May 2016;

4. Gaming site authorization submitted by Devils Lake Volunteer Fire Department for January 26, 2017 through January 28, 2017 at the Ramsey County Memorial Building – 524 4<sup>th</sup> Ave NE;
5. Gaming site authorization submitted by Rotary Club of Devils Lake to be held June 4, 2017 at Roosevelt Park – 4th St SW and Roosevelt Ave;
6. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for a wedding reception and dance for Cami Ouelette and Mark Wack to be held June 11, 2016 at the Memorial Building;
7. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for a wedding reception and dance for Brianna Frelich and Jordan Demarias to be held June 18, 2016 at the Memorial Building;
8. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for a wedding reception for Amanda Kenner and Michael Havelange to be held June 25, 2016 at the Memorial Building;
9. Public dance permit and permit to sell alcoholic beverages at a special event submitted by Ye Olde Tavern for the Reel Fund Days to be held June 26, 2016 from 5:00 P.M. to 12 A.M. ;
10. Reappointment of Gary Wilhelmi and Chuck Nelson as members of the Devils Lake Parking Authority for five-year terms expiring on June 30, 2021;
11. Reappointment of Terry Thompson and Greg Semenko as members of the Devils Lake Planning Commission for five-year terms expiring on June 30, 2021; and
12. Two gaming site authorizations submitted by Devils Lake Rural Fire Department, Inc for July 1, 2016 through June 30, 2017 at the following locations: Pop's Package Store – Hwy 2 E and Ye Olde Tavern LLC – 410 4<sup>th</sup> Ave NE.

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

Commissioner Robbins moved to approve the request submitted by the Devils Lake Volunteer Fire Department in the amount of \$1,000.00 for the purchase of the fireworks for July 4, 2016 with the funding coming from the General Fund - Advertising & Promotion Fund – City Commission Promotion – 1000-225-43720. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Engineer reported the work on Smith Dr was completed last year and just retainage remained. Areas have been brought to specifications so now the retainage can be paid.

Commissioner Heisler moved to approve payment of Estimate No. 2 – Final to Naastad Brothers for Water and Sewer Improvement District #59-14 – Smith Dr SW in the amount of \$2,439.05 as recommended by the City Engineer. The motion was seconded by Commissioner Stromme. On roll call all Commissioners voted aye, and the motion carried.

The City Administrator discussed the proposed relocation of the Forward Devils Lake Development Corporation office from the Chamber building to city hall. Some remodeling at city hall would need to be completed if the move is approved; however, Forward Devils Lake would save \$20,000 in rent. Originally, the Chamber needed the rent money, but the Chamber is now self sufficient.

Commissioner Stromme moved to approve remodeling at the city hall to accommodate the relocation of the Forward Devils Lake Development Corporation. The motion was seconded by Commissioner Morse. The current lease with the Chamber is by month. The motion carried unanimously.

The City Engineer stated the downtown assessment district needs to be updated. It would remove beautification of \$10,000, but increase maintenance from \$25,000 to \$40,000. The amount for maintenance has not been changed since the district was created. Several parking lots downtown need work so additional maintenance funds are needed.

Commissioner Robbins moved to approve the resolution creating Parking Authority Maintenance District 03-16 and ordering the preparation of a preliminary report. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Commissioner Stromme moved to approve the resolution declaring the necessity of an improvement for Parking Authority Maintenance District No 03-16. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Engineer reviewed the preliminary report for Parking Authority Maintenance District 03-16.

Commissioner Morse moved to approve the preliminary report for Parking Authority Maintenance District 03-16 as recommended by the City Engineer. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Commissioner Heisler moved to approve the resolution approving the preliminary report and directing preparation of plans and specifications for Parking Authority Maintenance District 03-16. The motion was seconded by Commissioner Stromme. Plans and specification for work will come to the City Commission when it is determined what lots and what kind of work will be done. Motion carried unanimously.

Commissioner Stromme moved to approve a Resolution to Set the Limit of Liability on the Commercial Blanket Bond of the City of Devils Lake in the amount of \$2,000,000 as recommended by the City Administrator. 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 participation in the Affordable Housing Program through ND Housing Finance Agency for SW Design Build, Inc. SW Design originally had been approved for 24 units, and then submitted a request for a second 24 units. Approval is needed for the second unit. Ramsey County Housing Authority (RCHA) is no longer involved in the project. RCHA decided instead to do updates and maintenance on their current properties.

Diane Weick of SW Design Build Inc reviewed the stipulations that need to be accomplished – one being contributions to HIF funds. They are currently looking for investors, but SW Design Build will be the owner if investors are not found. They must report monthly to the State since the approval of their application.

Commissioner Robbins questioned the potential of the buildings being sold to a nonprofit and then no property tax coming back to the City. There is a lot of tax payer money being used for the buildings so they need to be on the tax roll. The developer was agreeable to this being addressed in the developer's agreement.

Also discussed was the original plan changing from 2 12-units with attached garages to 2 24-units with detached garages; rent including utilities, but additional money being charged for a garage; the number of units set aside for each income bracket; the cost of constructing the buildings; the infrastructure needed; the city cost of the infrastructure; and the placement of an avenue in the area.

Commissioner Stromme moved to approve a letter of support for SW Design Build Inc for their participation in the Affordable Housing Program through the ND Housing Finance Agency for a second 24-unit with TIF funds in the amount of \$214,000 to be used as the community's portion for the program as recommended by Forward Devils Lake. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

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.

President Johnson acknowledged the following report:  
City Auditor monthly report.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 7:10 P.M.

**LINDA LYBECK**  
**CITY AUDITOR**

**RICHARD S. JOHNSON**  
**PRESIDENT**