

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD JULY 18, 2016

The regular meeting of the Devils Lake City Commission was held Monday, July 18, 2016 at 5:30 P.M. with the following members present: President Johnson, Commissioners Ben Sander, Craig Stromme, Rick Morse, and Dale Robbins. None were absent.

Pledge of allegiance was recited.

Commissioner Morse moved to approve the minutes of the regular City Commission meeting held July 5, 2016 and of the special City Commission meeting held June 28, 2016. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Commissioner Stromme moved to approve adding the bid opening for a free standing pier to the agenda. 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 a free standing pier. The following bids were opened and read:

- | | | | |
|----|--|-----------------|------------------------------|
| 1. | Woodland Resort & Marine - Devils Lake, ND | Bid \$45,500.00 | |
| 2. | Blake's Marine - Devils Lake, ND | Bid \$38,241 | \$12,850 installation option |

Commissioner Morse 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 for the proposed CDBG application for the removal of architectural barriers at the Hope Center Inc. Michelle Fritz from North Central Planning Council indicated the Hope Center Inc is responsible for the 10% local share. Hearing and receiving no other comments, President Johnson closed the public hearing.

Commissioner Stromme moved to approve the proposed CDBG application for the removal of architectural barriers at the Hope Center Inc. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

5:30 P.M. - This was the time set for a public hearing for the proposed CDBG application for the removal of architectural barriers at the Lake Region Heritage Center Inc. Michelle Fritz from North Central Planning Council indicated the Lake Region Heritage Center Inc is responsible for the 10% local share. Hearing and receiving no other comments, President Johnson closed the public hearing.

Commissioner Sander moved to approve the proposed CDBG application for the removal of architectural barriers at the Lake Region Heritage Center Inc. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

5:30 P.M. - This was the time set for a public hearing to review a final plat for Eddy's Acres Subdivision a replat of a part of Outlot Plat 05-0060 in Government Lot 6, Section 3. Hearing and receiving no comments, President Johnson closed the public hearing.

Commissioner Robbins moved to approve the final plat for Eddy's Acres located behind Ed's Bait Shop on Hwy 20 S which is part of Government Lot 6 and a replat of Outlot 05-0060, Section 3 and zoned as highway commercial as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Sander, and the motion carried unanimously.

5:30 P.M. – This was the time set for a public hearing to review a request for amending high density zoning to allow medical flight facilities as a conditional use permit. Two written comments were received on the project as a whole. The following comments were heard:

Andy Lankowicz, President CHI St. Alexius Devils Lake Hospital, stated after hearing the concerns about the original location of the hangar and tank, they have moved where the hangar and tank would be located. They have spoken with the nearest neighbors and have gotten approval for the new location of the project. Their service is to save lives, and they ask the neighbors on 13th Avenue NE to support the proposed project.

Kari Hunt, resident on 13th Ave NE, said it's an emotional topic with each entity having a different vested interest. The property owners have their homes and the hospital and Valley Med have their missions which are appreciated by the residents. It is an issue where they may have to agree to disagree. The feelings of the property owners are the structure and fuel tank should not be in a residential area; therefore, they oppose the project. It has nothing to do with the service which they recognize as being needed.

Art Cavallo, Devils Lake resident, stated this is a complex situation and asked that everyone act in a dignified and civil manner as this tough decision is made. All parties should look at the project objectively. The doctors at the hospital can provide emergent care, but the community does not have the assets for those in critical care. The doctors here are responsible to get the patients stabilized, treated and shipped out.

Hearing and receiving no other comments, President Johnson closed the public hearing.

Commissioner Stromme moved to approve a change in the zoning ordinance for High Density Multiple-Family Residential District that would add a definition of "emergency medical air transport services" and allow such services as a conditional use permit in High Density zoning as recommended by the Devils Lake Planning Commission. This amendment would require the 1st and 2nd reading of an ordinance to enact the change. The motion was seconded by Commissioner Morse. On roll call all Commissioners voted aye, and 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 a medical flight facility on the north side of the hospital located at 1031 7th St NE. Hearing and receiving no comments, President Johnson closed the public hearing.

Commissioner Robbins moved to approve a request for a conditional use permit that would allow a medical air transport service including a 66'X100' hangar and landing pad located on the north side of Mercy Hospital in an area zoned as High Density Multiple-Family Residential District, contingent on the City Commission's final approval of a zoning amendment allowing this use as a conditional use permit in an area zoned as High Density Multiple-Family Residential District and submitted by CHI St Alexius Health Devils Lake Hospital. The motion was seconded by Commissioner Morse. On roll call all Commissioners voted aye, and 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 for an above ground fuel tank at a medical flight facility on the north side of the hospital located at 1031 7th St NE. Hearing and receiving no comments, President Johnson closed the public hearing.

Commissioner Sander moved to approve a request for a conditional use permit to put a 12,000 gallon above ground fuel tank on the north side of Mercy Hospital to be used for a medical air transport service in an area zoned as High Density Multiple-Family Residential District, contingent on the City Commission's final approval of a conditional use permit for a medical air transport service including a 66'X100' hangar on the north side of Mercy Hospital and submitted by CHI St Alexius Health Devils Lake Hospital. The motion was seconded by Commissioner Robbins. On roll call all Commissioners voted aye, and the motion carried.

5:30 P.M. - This was the time set to reconvene a public hearing to review a request for a conditional use permit for an outdoor storage yard in an area zoned as highway commercial and described as proposed Eddy's Acres Subdivision, a replat of a part of Outlot Plat 05-0060 in Government Lot 6, Section 3. Hearing and receiving no comments, President Johnson closed the public hearing.

Commissioner Stromme moved to approve a conditional use permit for an outdoor storage yard to be located on Lot 3 of Eddy's Acres subdivision contingent on the owner placing a 6 ½' chain link fence with privacy slats on the north and east sides of the storage yard, 6 ½' chain link fence on west side and a vinyl stone-look fence on the south side and on the contract for maintenance and submitted by Nels Nelson as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Sander. On roll call all Commissioners vote aye, and the motion carried.

President Johnson thanked everyone for their input on the main issue of the helicopter hangar and fuel tank. Everyone has to work together. It is important to our community, and we do not want to disrupt any of our residents anywhere. Unfortunately sometimes we have to make tough decisions.

Commissioner Sander – The Public Utilities Supervisor stated everything was fine in the Sewer Department.

The City Assessor said everything was fine.

Commissioner Stromme - The Police Chief said everything was fine.

The Sanitation Supervisor reported everything was fine.

Commissioner Robbins – The Public Utilities Supervisor said everything was fine in the Water Department.

The Public Ways Supervisor said the city crew has the fence line work done, and the cement contractor should be there next week.

Commissioner Morse – The Public Ways Supervisor stated everything was fine in the Street Department.

The City Engineer said the seal coat work is completed; work on Cenex continues; work on 1st Street NE for the watermain continues, and residents should avoid the area for two weeks; and work on 16th St SE continues.

President Johnson – The City Auditor stated the State Auditors are here working on the 2015 audit.

The City Administrator reviewed the dates of the budget meetings.

The Fire Chief said everything was fine.

The City Attorney said everything was fine.

President Johnson stated the 1st reading of the ordinance related to amending the high density zoning to allow medical flight facilities will be tonight and the 2nd reading will be at the next meeting.

The City Engineer stated the water purchase agreement for selling water to the Northeast Regional Water District was on the agenda if the Commissioners had any questions. He noted a bulk water agreement with Greater Ramsey Water District will be forthcoming.

The City Engineer recommended awarding the bid for East Ditch playground equipment to BC6 Builders.

Commissioner Stromme moved to accept the bid from BC6 Builders of Fargo, ND for the East Ditch playground equipment in the amount of \$37,987.00 as recommended by the City Engineer. The motion was seconded by Commissioner Sander, 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 Sand & Gravel with bids to be opened on Monday, August 1, 2016 at 5:30 P.M. at the City Office as recommended by the Public Ways Supervisor; and

2. Declaring body armor as surplus and selling it to NDSU Police Department in the amount of \$850.00.

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

The Police Chief reported there were 22 service calls from June 30th through July 1st. The Public Ways Supervisor indicated there were no issues with cleaning the streets afterwards. Hospital personnel state there were very few if any emergency calls at hospital related to fireworks.

The City Commission meeting was recessed at 6:10 P.M. in order for the Devils Lake Park Board to set up for the presentation.

The City Commission meeting reconvened at 6:12 P.M.

Mike Dunn and Kale Stromme, Park Board Commissioners; Terry Wallace, Park Board Superintendent, and engineering representatives from JLG appeared before the City Commissioner to discuss a Devils Lake Recreational Center. The presentation included survey results, what type of spaces the center would have, what other communities have, the location, funding source - ½ cent city sales tax and project cost of \$23.5 million. Discussion followed on operation costs, if the sales tax could go on the November ballot, other funding options, if bonding had been considered and other community projects being worked on that need funding.

The 1st reading of Ordinance No. 941 – emergency air medical transport services was held.

The City Engineer reviewed the pay estimate for the Cenex project. The project is being funded with 50% TIF, 25% city and 25% Cenex. Cenex is fronting payments. Discussion followed on the NTI billing being for onsite or public work.

Commissioner Robbins to approve payment of Estimate No. 1 to Farmers Union Oil of DL for Water, Sewer and Street Improvement District #60-15 – Cenex in the amount of \$842,711.57 as recommended by the City Administrator. The motion was seconded by Commissioner Morse. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Stromme moved to approve payment of Estimate No. 2 to Elshaug Concrete Construction for 2016 Curb, Gutter & Sidewalk in the amount of \$7,052.21 as recommended by the City Engineer. The motion was seconded by Commissioner Morse. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Stromme moved to approve the Pledge of Assets by Bremer Bank as recommended by the City Auditor. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Stromme moved to approve funding for the third quarter of 2016 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 Sander. 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 Robbins. On roll call all Commissioners voted aye, and the motion carried.

President Johnson acknowledged the following reports:

1. City Auditor monthly report; and
2. Police Department monthly report.

The City Engineer recommended award the free standing fishing pier to Blake's Marine. He will wait on the installation portion to see if it something the volunteers can do.

Commissioner Morse moved to accept the bid from Blake's Marine of Devils Lake, ND for the free standing fishing pier in the amount of \$38,241 as recommended by the City Engineer. The motion was seconded by Commissioner Sander. 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 6:55 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT