

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD MARCH 6, 2017

The regular meeting of the Devils Lake City Commission was held Monday, March 6, 2017 at 5:30 P.M. with the following members present: President Johnson, Commissioners Ben Sander, Craig Stromme, and Dale Robbins. Commissioner Rick Morse was absent.

Pledge of allegiance was recited.

Commissioner Robbins moved to approve the minutes of the regular City Commission meeting held February 21, 2017. 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 a conditional use permit to allow an accessory dwelling unit at 2000 Quiet Acres. Hearing and receiving no comments, President Johnson closed the public hearing.

Commissioner Stromme moved to approve a conditional use permit to allow an accessory dwelling unit at 2000 Quiet Acres and submitted by Melissa and Jeff Stotts, as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Sander, and the motion carried unanimously.

Commissioner Morse arrived at 5:49 P.M.

5:30 P.M. - This was the time set for a public hearing to review a TIF District and associated Developer's Agreement for a parcel of land known as Mauve Estates and located in the SE ¼ of Section 35, T154N, R64W (south of Heartland Care Center). The City Administrator reviewed the parties involved and the terms of the agreement. The potential land buyer wants to finalize the documents before the land is purchased; however, he has to be the owner of the land for the documents. The City will pay 15% of the cost. The property owner would be assessed 25%, and the TIF would take care of the remaining 60%. The property owner requested 75% of the assessment get assessed to the west parcel since that parcel is being developed first. Discussion followed on the project delays, plans for the second building, project financing, and approving it contingent upon the sale of the land. Hearing and receiving no other comments, President Johnson closed the public hearing.

Commissioner Sander moved to approve a TIF District for a parcel of land known as Mauve Estates and located in the SE ¼ of Section 35, T154N, R64W (south of Heartland Care Center) contingent upon the sale of the land to Lakeland Court Apartments LLC and review and approval of the final documents by the City Attorney. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Stromme moved to approve the Developer's Agreement with Lakeland Court Apartments LLC contingent upon the sale of the land to Lakeland Court Apartments LLC and review and approval of the final documents by the City Attorney. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

5:30 P.M. – This was the time set to reconvene the public hearing to review a final plat for Mauve Estates, a parcel of land located in the SE ¼ of Section 35 (north side of 3rd St NE and 16th Ave NE). Hearing and receiving no comments, President Johnson closed the public hearing.

Commissioner Robbins moved to bring the public hearing to review a final plat for Mauve Estates, a parcel of land located in the SE ¼ of Section 35 (north side of 3rd St NE and 16th Ave NE) off the table. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Robbins moved to approve the final plat for Mauve Estates, a parcel of land located in the SE ¼ of Section 35 (north side of 3rd St NE and 16th Ave NE) contingent upon the name being changed, the sale of the

property, review and approval of the final documents by the City Attorney. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

5:30 P.M. – This was the time set to reconsider the 2nd reading of Ordinance No. 942 – Braunagel Annexation.

Commissioner Stromme moved to bring the 2nd reading of Ordinance No. 942 – Braunagel Annexation off the table. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Engineer stated the ordinance would need to be changed to reflect the current buyer, and to add Mauve Estates to the legal description.

Commissioner Robbins moved to approve the second and final reading of Ordinance No. 942 – Braunagel Annexation – An ordinance which upon adoption, shall annex to and become a part of the City of Devils Lake, which property is described as follows, to-wit: Part of the Southeast Quarter of Section 35, Township 154 North, Range 64 West of the 5th Principle Meridian, Ramsey County, North Dakota described as follows: Beginning at the northeast corner of SHANNON'S 1ST ADDITION; thence South 88 degrees 38 minutes 42 seconds West, along the north right-of-way line of 3rd Street Northeast, 353.83 feet to the east line of that parcel described in Document Number 199804; thence North 01 degree 19 minutes 49 seconds West, along said east line, 233.98 feet to the south line of that parcel described in Document Number 231818; thence North 88 degrees 53 minutes 26 seconds East, along said south line, 806.66 feet to the east line of said parcel described in Document Number 231818; thence South 00 degrees 56 minutes 09 seconds East, along the southerly extension of said east line, 310.59; thence South 88 degrees 38 minutes 42 seconds West 451.34 feet to the east right-of-way line of 16th Avenue Northeast; thence North 00 degrees 55 minutes 02 seconds West, along said east right-of-way line, 80.00 feet to the point of beginning. Annexation shall be contingent upon the name being changed from SW Design Inc to Lakeland Court Apartments LLC, the purchase of the described property by Lakeland Court Apartments LLC, and review and approval of the final documents by the City Attorney. The motion was seconded by Commissioner Sander, and the motion carried unanimously.

Commissioner Stromme moved to proclaim March 22, 2017 as SBDCs Day in the City of Devils Lake. The motion was seconded by Commissioner Sander, and the motion carried unanimously.

Commissioner Robbins –The Public Ways Supervisor stated the cemetery was closed today due to the wet conditions.

The Public Utilities Supervisor stated everything was fine in the Water Department.

Commissioner Morse – The Public Ways Supervisor said the sanders are ready.

The City Engineer said there was a preconstruction meeting last week on the west via duct. Preliminary work was reviewed.

Commissioner Sander – The City Assessor stated everything was fine.

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

Commissioner Stromme - The Police Chief said they will probably interview three people for the open position.

President Johnson indicated he had a call from Cody Schulz, Chairman of Morton County. Mr. Schulz thanked the City for allowing the Police Department to send officers to help during the protest.

The Police Chief reviewed payments received for assistance and the amount submitted through February 5th. He stated assistance is still being provided probably until the end of March.

President Johnson - The City Administrator said the Fire Chief was notified that the department would be receiving a \$75,000.00 Bremer grant for the new truck.

The City Attorney said the case with the railroad property by Decorated Wearables is done. The paperwork has been completed, and the title has been cleared up.

The City Attorney stated as part of his private practice, he sells title insurance, and he has been contacted by an individual to provide the title insurance for the property. The City Commission was fine with Traynor Law Firm providing the title insurance.

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

1. Authorizing the City Auditor to call for bids for the Henegar Landing fishing pier to be opened on Monday, April 3, 2017 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 2017;
3. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for private fundraising event for Pheasants Forever on March 25, 2017 at the Memorial Building;
4. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for the wedding reception and dance for Karissa Harper on April 8, 2017 at the Memorial Building;
5. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for private fundraising event for Mercy Hospital Foundation on April 21, 2017 at the Memorial Building; and
6. Permit to sell alcoholic beverages at a special event submitted by Ye Olde Tavern for Lake Region Heritage Center 3rd annual gala on March 24, 2017 at the Lake Region Heritage Center.

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

Commissioner Sander moved to approve the contract agreement with the North Dakota Department of Health – Laboratory Services Division – Chemistry Laboratory for the period of January 1 2017 through December 31, 2017. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Engineer indicated the work for Street Improvement District 60-17 is for the Stromquist Subdivision. As part of the project, 15th St SE and 10th Ave SE are being added as part of the federal urban roads, and the remaining roads are city-only. This would be a mill and overlay for existing asphalt roadways. The only road that is asphalt and would not be touched is 14th St SE since it was overlaid a few years ago.

Commissioner Stromme moved to approve the resolution creating Street Improvement District No 60-17 (Stromquist Subdivision – 10th St SE, 11th St SE, 13th St SE, 15th St SE, 10th Ave SE, 11th Ave SE) and ordering the preparation of a preliminary report as recommended by the City Engineer. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Robbins moved to table the resolution declaring the necessity of an improvement for Street Improvement District No 60-17 (Stromquist Subdivision – 10th St SE, 11th St SE, 13th St SE, 15th St SE, 10th Ave SE, 11th Ave SE) as recommended by the City Engineer. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Engineer stated the work for Street Improvement District 61-17 would be from College Dr to 10th Ave SE. The road is in rough shape. The watermain has been replaced over there. Discussion followed on if the road will need more than a mill and overlay.

Commissioner Robbins moved to approve the resolution creating Street Improvement District No 61-17 (6th St SE) and ordering the preparation of a preliminary report as recommended by the City Engineer. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Sander moved to table the resolution declaring the necessity of an improvement for Street Improvement District No 61-17 (6th St SE) as recommended by the City Engineer. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Engineer reported the majority of work for Street Improvement District 62-17 would be on streets where the City has recently replaced the watermain.

Commissioner Stromme moved to approve the resolution creating Street Improvement District No 62-17 (2nd Ave NE, 3rd Ave NE, 4th Ave NE, Kelly Ave NE, 8th St NE, 10th St NE, and 11th St NE) and ordering the preparation of a preliminary report as recommended by the City Engineer. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Stromme moved to table the resolution declaring the necessity of an improvement for Street Improvement District No 62-17 (2nd Ave NE, 3rd Ave NE, 4th Ave NE, Kelly Ave NE, 8th St NE, 10th St NE, and 11th St NE) as recommended by the City Engineer. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Sander 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 – December 2016;
2. City Auditor monthly report – January 2017; and
3. City Auditor monthly report – February 2017.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:47 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT