

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD DECEMBER 4, 2017

The regular meeting of the Devils Lake City Commission was held Monday, December 4, 2017 at 5:30 P.M. with the following members present: President Johnson, Commissioners 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 November 20, 2017. 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 to change zoning from agricultural to highway commercial for a 36.95 AC parcel on Walleye Dr and for a conditional use permit to allow an RV park on said parcel. Hearing and receiving no comments, President Johnson closed the public hearing.

Commissioner Robbins moved to approve a change in zoning from agricultural to highway commercial for a 36.95 acre parcel of land located in the SE1/4SE1/4 of Section 5 (Walleye Dr) and to approve a conditional use permit to allow a RV park on the north 320 feet of the parcel and submitted by Rick Schwab, as recommended by the Devils Lake Planning Commission. 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 a conditional use permit to allow a machine shop and fabrication of metal products at 122 College Dr N. The public hearing was cancelled because the individual withdrew his request.

5:30 P.M. - This was the time set to reconvene a public hearing to review changes to the zoning manual that would allow animal shelters in an area zoned as central area commercial (downtown area). The City Assessor reviewed the changes in the language. LuAnn Hinderscheit asked the City Commissioners to approve the changes so that they could move forward with relocating the animal rescue operation. Hearing and receiving no other comments, President Johnson closed the public hearing.

Commissioner Robbins moved to approve a change in the zoning language that would allow animal rescue operations as a conditional use in central area commercial district, highway commercial district, limited industrial district and heavy industrial district as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Morse. Commissioner Stromme questioned what the language defines. It changes language in chapter 6 for animal control and adds the conditional use permit. The motion carried unanimously.

5:30 P.M. - This was the time set to reconvene a public hearing to review a request for a conditional use permit to allow an animal shelter at 211 6th St NE. Discussion followed on what the residence would look like and on where it is located. The rescue has 40 cats at its current location. Discussion continued on the City ordinance that only allows 6 animals in a residence. The rescue operation would be an exception to the residential ordinance. Also discussed was how the operation is funded – fundraisers and adoption fees. Hearing and receiving no other comments, President Johnson closed the public hearing.

Commissioner Robbins moved to approve a conditional use permit to allow an animal rescue operation at 211 6th St NE contingent upon approval of the proposed change to the zoning ordinance that would allow animal rescue operations as a conditional use permit in central area commercial zoning district and submitted by TLC-ND Animal Rescue as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Robbins– The Public Ways Supervisor stated everything was fine.

It was noted that Myron Asleson will be retiring at the end of the year. The City Commission thanked him for his service.

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

Commissioner Morse - The Public Ways Supervisor said they are cleaning up.

The City Engineer indicated there is a public open house meeting to discuss possible improvements including roadways, sidewalks and streetscapes in the downtown area.

Commissioner Stromme - The Police Chief stated everything was fine.

The Sanitation Supervisor is still trying to find an employee. Two different individuals had been hired, but neither had worked out. Now, he has received some applications from people with experience and CDL licenses so he requested permission to hire above the 5A.

Commissioner Stromme moved to approve the Sanitation Supervisor hiring an employee at a higher step not to exceed Grade 5 Step E with the City Administrator having the final approval of the salary. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

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

The City Assessor stated everything was fine.

The City Auditor stated everything was fine.

The City Administrator said everything was fine.

The Fire Chief said everything was fine.

The City Attorney stated the City's ordinance for taxi cab drivers does not apply to Lyft or Uber. Transportation network companies are governed by the North Dakota Century Code, and are not subject to the City's jurisdiction. Specifically 39-34-06 states a political subdivision may not impose a tax on, or require a license for, a transportation network company or a transportation network company driver or subject a transportation network company to the political subdivision's rate, entry, operational, or other requirements.

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

1. Designating the Memorial Building as the voting place for precinct 1 for the special election to be held March 13, 2018; and
2. Game of chance permits for the month of November 2017.

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

The first reading of Ordinance No. 950 – Animal Rescue Operations was held.

Mark Olson requested that the ordinance governing temporary greenhouses be reviewed. City ordinance requires the temporary greenhouses to be taken down each year. Mark Olson has requested to remove only the membrane while the ordinance is being reviewed.

The City Assessor stated the issue is whether it is a structure or not. It comes down to the building codes. Structures must meet building codes – snow loads, wind loads, etc. The code does allow temporary structures through a permitting basis. The temporary structures must come down, and are not subject to property taxes.

Commissioner Stromme moved to approve removal of the temporary greenhouse membrane and to allow the frames to remain during the review process of the temporary use ordinance as recommended by the Devils

Lake Planning Commission. The motion was seconded by Commissioner Robbins. Discussion followed on this applying to all greenhouses. The motion carried unanimously.

Mark Olson appeared before the City Commission to request that the greenhouse permit fees be waived for September through November of 2017. Commissioner Stromme asked if Mark was doing business out of the greenhouses to which Mark responded yes. Discussion followed on the amount of the fee and the length of time the greenhouses were used.

Commissioner Robbins moved to forgive the \$450.00 billed to Mark Olson for greenhouse permit fees from September 2017 through November 2017. The motion was seconded by Commissioner Morse. Discussion continued on the other greenhouses in Devils Lake and on what fees had been paid. On roll call all Commissioners vote aye, and the motion carried.

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 report:
Municipal Court monthly report.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:40 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT