

MINUTES OF THE BOARD OF CITY COMMISSIONERS  
HELD APRIL 16, 2018

The regular meeting of the Devils Lake City Commission was held Monday, April 16, 2018 at 5:30 P.M. with the following members present: President Dick Johnson, Commissioners Shane Hamre, Craig Stromme, Rick Morse and Dale Robbins. None were absent.

Pledge of allegiance was recited.

Commissioner Hamre moved to approve the minutes of the regular City Commission meeting held April 2, 2018. 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 final plat for Field of Dreams Subdivision, located adjacent to Hwy 2 E (east of Mertens Dairy), a part of Government Lot 2, Section 12, Township 153 N, Range 64 W. The City Engineer stated one of the parcels belongs to the City. It is for access to the embankment and may be used for public right-of-way. Hearing and receiving no other comments, President Johnson closed the public hearing.

Commissioner Robbins moved to approve the final plat for Field of Dreams Subdivision, located adjacent to Hwy 2 E (east of Mertens Dairy), a part of Government Lot 2, Section 12, Township 153 N, Range 64 W and zoned as residential single family 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 to review language to amend Chapter 17 of the Municipal Code to allow medical marijuana manufacturing as a conditional use permit in limited industrial, heavy industrial and agricultural zoning districts and to allow medical marijuana dispensaries as a conditional use permit in highway commercial and central area commercial zoning districts. The City Attorney summarized the process for the medicinal marijuana regions. Hearing and receiving no other comments, President Johnson closed the public hearing.

Commissioner Robbins moved to approve changes to the zoning ordinance that would allow medical marijuana manufacturing as a conditional use permit in light industrial, heavy industrial and agricultural zoning districts and allow medical marijuana dispensaries as a conditional use permit in highway commercial and central area commercial zoning districts. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

5:30 P.M. – This was the time set for reconvening a public hearing to review final language to amend Chapter 17.78 Temporary Uses of the Municipal Code. The City Assessor reviewed the recommended changes. Discussion continued on how to handle requests for permits until the new ordinance goes into effect. Hearing and receiving no other comments, President Johnson closed the public hearing.

Commissioner Hamre moved to approve the change to the zoning ordinance that regulates temporary uses such as greenhouses as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Morse moved to approve amending the resolution of rates and fees for temporary uses – one fee of \$250.00 per permit rather than different rates for different uses as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Hamre. Discussion continued on the time limit for temporary structures. The motion carried unanimously.

Holly Malheim, owner of Sunnyside Daycare, appeared before the City Commission to give an update on the business and to request the renewal of her lease for the City's building. She would also like to add an additional classroom for ten more kids and to replace the sand with wood chips on the playground.

Commissioner Robbins moved to approve the remodeling and to work in collaboration with the City Assessor. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

Commissioner Robbins moved to approve the lease agreement for the City daycare building to Holly Malheim dba Sunnyside Childcare. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

**Commissioner Robbins** – The Public Ways Supervisor said LeRoy Shereck started work in the cemetery today.

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

**Commissioner Morse** – The Public Ways Supervisor said they started sweeping, and are still patching.

The City Engineer stated work continues on the various street improvement projects and the downtown project.

**Commissioner Stromme** - The Sanitation Supervisor said spring cleanup starts Monday.

The Police Chief discussed the overtime programs with the ND Department of Transportation (NDDOT). NDDOT allows exempt employees to work these programs if the commission approves it.

Commissioner Stromme moved to approve to allow exempt Police Department employees to work shifts for the overtime grants. The motion was seconded by Commissioner Morse. The Police Department is mandated to work certain times for the grants. The motion was carried unanimously.

Discussion followed on landfill free dumping.

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

The City Assessor stated the equalization meeting is April 25<sup>th</sup> at noon.

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

The City Administrator reviewed a request from John and Kim Dahlen regarding the splitting of a parcel in the TIF district.

Commissioner Stromme moved to approve splitting Lot 2 of Block 3, Highland Park Estates First Subdivision and adding the west 52.5' of Lot 2 to Lot1 and adding the east 52.5' of Lot 2 to Lot 3 as recommended by the City Administrator. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

The Fire Chief stated a fire school for hazmat IQ training will be held April 28<sup>th</sup> & 29<sup>th</sup>.

The Fire Chief and the Police Chief made three presentations to tenants at Metro Plains.

The City Attorney said everything was fine.

Discussion followed on the sale of the fire truck. The bids will be opened on May 21, 2018.

The second reading of Ordinance No. 952 – Sales Tax was held. The ordinance will go into effect October 1, 2018.

Commissioner Robbins moved to approve the second and final reading of Ordinance No. 952 –Sales Tax – An ordinance to establish and regulate a city sales, use and gross receipts tax under the home rule charter of the City of Devils Lake which will repeal Ordinance 874 which has been codified as Chapter 3.08 of the Devils Lake Municipal Code. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

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

1. Authorizing the City Auditor to call for bids for the 2018 Sand, Gravel & Rip Rap and 2018 Asphalt & Street Repair with bids to be opened on Monday, May 21, 2018 at 5:30 P.M. at the City Office as recommended by the City Engineer;
2. Authorizing the City Auditor to call for bids for the 2018 Curb, Gutter & Sidewalk with bids to be opened on Monday, May 21, 2018 at 5:30 P.M. at the City Office as recommended by the City Engineer;
3. Authorizing the City Auditor to cancel Check No 113606 dated November 17, 2017 in the amount of \$1,063.68 to SimplexGrinnell (Library-Non-departmentalized-Operation & Maint Expense) – The check was lost and will be reissued:
4. Extension of premises application for a special event submitted by Thirstys for corn hole event for Reel Fun Days to be held on July 14, 2018 from 10:00 A.M. to 8:00 P.M.;
5. Fireworks permit submitted by Black Powder Fireworks LLC dba TNT Fireworks;
6. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for the CHI Mercy Hospital fundraiser on April 27, 2018 at the Memorial Building;
7. Permit to sell alcoholic beverages at a special event submitted by Proz Inc for the Lake Region State College Sports Banquet Dinner on May 10, 2018 at the Burdick Arena;
8. Permit to sell alcoholic beverages at a special event and a public dance permit submitted by Ye Olde Tavern for the wedding dance for Seth Fredricks on May 12, 2018 at the Memorial Building;
9. Permit to sell alcoholic beverages at a special event and a public dance permit submitted by Ye Olde Tavern for the wedding dance for Elizabeth Gunderson and Ryan Gibben on June 16, 2018 at the Memorial Building;
10. Permit to sell alcoholic beverages at a special event and a public dance permit submitted by Ye Olde Tavern for the wedding dance for Tate Cichos and Roxy Nass on August 11, 2018 at the Memorial Building;
11. Permit to sell alcoholic beverages at a special event and a public dance permit submitted by Ye Olde Tavern for the wedding dance for Marta Berg on October 20, 2018 at the Memorial Building;
12. Permit to sell alcoholic beverages at a special event and a public dance permit submitted by Ye Olde Tavern for the wedding dance for Jacob Lagasse on November 17, 2018 at the Memorial Building; and
13. Permit to sell alcoholic beverages at a special event and a public dance permit submitted by Ye Olde Tavern for the Reel Fun Days to be held July 14, 2018 from 8:00 P.M. to 12 A.M.

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

The first reading of Ordinance No. 953- temporary uses was held.

The City Assessor reviewed the request for a property tax exemption. Lamotte Properties is fixing an older duplex. The improvement exemption is for 5 years, and it doesn't take the existing value off of the tax rolls.

Commissioner Robbins moved to approve the application for property tax exemption for improvements to commercial and residential buildings submitted by Thomas Lamotte for the duplex at 717 & 717 ½ 5<sup>th</sup> St NE and as recommended by the City Assessor. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Hamre moved to approve the memorandum of understanding among Devils Lake Municipal Court, North Dakota Supreme Court, and North Dakota Criminal Justice Information Sharing Division for fulfilling notification requirements of Article I Section 25 of the North Dakota Constitution ("Marsy's Law") and to authorize the Municipal Court Clerk to sign the memorandum. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Stromme moved to approve the resolution approving plans and specifications and directing advertisement for bids for Water, Sewer, Street Improvement District No 57-17, Phase 2 Mauve Estates – 3<sup>rd</sup> St NE. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Engineer stated the residents have 30 days to protest Street Improvement 66-18 and Street Improvement 68-18. The probables will be sent. The costs will be split 75% city and 25% property owners.

Commissioner Hamre moved to approve the resolution declaring the necessity of an improvement for Street Improvement No 66-18 (2<sup>nd</sup> Ave NE between 10<sup>th</sup> St and 14<sup>th</sup> St, 3<sup>rd</sup> Ave NE between 11<sup>th</sup> St and 12<sup>th</sup> St, 4<sup>th</sup> Ave NE between 12<sup>th</sup> St and Ruger St, Ruger St NE between 4<sup>th</sup> Ave and 5<sup>th</sup> Ave) as recommended by the City Engineer. The motion was seconded by Commissioner Robbins. Discussion followed on what work was being done. Mauve is curb, gutter and construct road. Up north is mainly mill and overlay. Parts of 2<sup>nd</sup> St will be full depth repair. The motion carried unanimously.

Commissioner Morse moved to approve the resolution approving plans and specifications and directing advertisement for bids for Street Improvement District No 66-18 (2<sup>nd</sup> Ave NE between 10<sup>th</sup> St and 14<sup>th</sup> St, 3<sup>rd</sup> Ave NE between 11<sup>th</sup> St and 12<sup>th</sup> St, 4<sup>th</sup> Ave NE between 12<sup>th</sup> St and Ruger St, Ruger St NE between 4<sup>th</sup> Ave and 5<sup>th</sup> Ave). The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Commissioner Stromme moved to approve the resolution declaring the necessity of an improvement for Street Improvement No 68-18 (15<sup>th</sup> Ave NE between Walnut St and 3<sup>rd</sup> St, 2<sup>nd</sup> St NE between 14<sup>th</sup> Ave and 15<sup>th</sup> Ave, 3<sup>rd</sup> St NE between 14<sup>th</sup> Ave and 140 feet east of 15<sup>th</sup> Ave, 5<sup>th</sup> St NE between 14<sup>th</sup> Ave and Heartland Ave) as recommended by the City Engineer. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Robbins moved to approve the resolution approving plans and specifications and directing advertisement for bids for Street Improvement District No 68-18 (15<sup>th</sup> Ave NE between Walnut St and 3<sup>rd</sup> St, 2<sup>nd</sup> St NE between 14<sup>th</sup> Ave and 15<sup>th</sup> Ave, 3<sup>rd</sup> St NE between 14<sup>th</sup> Ave and 140 feet east of 15<sup>th</sup> Ave, 5<sup>th</sup> St NE between 14<sup>th</sup> Ave and Heartland Ave). The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

Commissioner Stromme 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. Municipal Court monthly report.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:21 P.M.

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

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