

Devils Lake Planning Commission
7-14-16

Members present: Kevin Davidson, Larry Liere, Tom Traynor, Mike Grafsgaard, Greg Semenko, Gary Martinson, Ray Sletteland, Dick Johnson, Terry Thompson, Rodger Haugen.

Others present: Steven Zimmer via phone, signup sheet attached.

Larry opened the public hearing to review a request to amend the zoning for high density multiple family residential district to define “emergency medical air transport” and allow emergency medical air transport services as a conditional use permit in that zoning.

The proposed language for the zoning amendment is as follows:

Chapter 17.08.020 Definitions: Add “Emergency medical air transport services means a service in conjunction with a hospital and/or clinic used to transport patients by helicopter in need of emergency medical care at a medical facility either in Devil Lake or other medical facilities throughout the region.”

Chapter 17.28.030 Conditional uses: Add “Emergency medical air transport services with supporting structures, i.e. hangars, landing pads, etc.”

Andy Lankowicz, representing Mercy Hospital: He was a medical evacuation pilot and has knowledge of how flight services work. The plan that Valley Med has in place for medical flight services is a good plan. The hospital has been a good neighbor for the last 100 years and will continue to be a good neighbor. The site of the proposed helicopter hangar has been relocated to the west side of the hospital property mitigating the concerns of those residents on 13th Ave NE. The new location won’t obstruct their view from their back yards. There is little change to the actual site of the landing pad. Having the above ground fuel tank on the site will reduce the number of flights. The request for the tank originally said 8,000 gallon tank, but is has been corrected to a 12,000 gallon tank. The fire chief has reviewed and approved the tank specifications. Andy said he spoke with Father Wilhelm from St Joseph’s Church about the hangar being close to St Josephs’ School and was told the project has his blessing. Andy also said he spoke with Tom Burckhard from St Joseph’s School and was told he didn’t have problems with the hangar being that close to the school. The hospital is leasing the site to Valley Med for a 20 year term and at the end of the lease, the hospital will own the hangar. The building will be 66’ X 100’ and have room for 6 staff members to live. Only light maintenance would be done on helicopters on site. The hangar could house 2 helicopters if needed. The entire project is expected to be a \$3+ million project. Moving the hangar to the airport would increase the number of flights and the hospital would lose the ER staffing from Valley Med.

Larry closed the hearing and opened the public hearing to review a conditional use permit for a medical flight service on the property located on the north side of the hospital at 1031 7th St NE.

Ben Dorman, Valley Med: At the last planning meeting, the question was raised about the number of flights for Devils Lake patients compared to other flights and he said 73% of the

flights are for Devils Lake patients. If there is no hangar allow at the hospital, in inclement weather they would have to store the helicopter at the airport and could end up reducing the number of flights.

Alex Skaalen, Valley Med: He is the base manager for Valley Med and lives in Devils Lake and is invested in the community. If the helicopter has to get its fuel from the airport, it would take staff time away from flight time. Currently they are under 5 minutes before patient contact and if the service was located off-site, it would be more like 15-20 minutes before contact with the patient. Adding minutes to the patient contact time increases mortality rate.

Rick Follman, resident: He and his wife live on 13th Ave NE. He thinks there is misinformation out there that the neighborhood is against Valley Med and the hospital and wants to make it clear that no one is opposed to the service. He thinks Valley Med has a great plan, but his biggest concern is that a hangar does not belong in a high density residential area. There is a park adjacent to this area. He would want to see the city grow in a systematic way and having a hangar in the middle of town is not the right way to do that. The helicopter landing creates wind and could blow the shingles right off your house. Just because St Joseph's Church says it OK should not make it all OK. His concern as a citizen is that a hangar does not belong in the city limits.

Kari Hunt, resident: She is not opposed to the service provided by Valley Med. The zoning regulations state that it is meant to keep the area residential and not allow uses that are not residential. Valley Med is a for-profit business and their request would allow a hangar and fuel tank in the middle of the city. This could open up the city to lawsuits in the future if someone wants to do something similar. Other cities do not have a hangar at the hospital. The hospital does not own Valley Med; they are a for-profit business.

Wayne Barendt, resident: He wants to have a no vote to change the use to commercial. He hopes the planning commission has compassion and foresight to not allow the changes to the zoning.

Mark Olson, resident: When they purchased their property on 13th Ave NE, the covenants said there would be no commercial uses in the area. Allowing a hangar at the hospital would de-value his property.

Dean Bittner: He wants to talk about progress being made. This commission makes decisions on a case by case basis. One of the existing conditional uses in this zoning is for a hospital. The hospital has progressed to medical flight services which helps the whole community. This type of service is the same as having other emergency services in the neighborhood, such as a fire department. It's already proven it's hard to get medical staff to come to Devils Lake and it's a huge benefit to have the Valley Med staff available to help out in the ER. This progress is a good thing for the community. He questioned how the hangar could de-value property since there's already a big 3 story building on the property.

Rick Follman: This is not the same as a fire department. That is more like a government entity. Attracting medical staff is looking at schools, the city, residential areas. A hangar belongs at the airport.

Larry Liere: Larry said that the back and forth and repeating of concerns will need to stop or we will be here all day. Concerns will be heard only once and not repeated.

Art Cavallo: He thanked Andy for his service. He said that you can't take the emotion out of a request like this.

Ben Dorman: He said the hospital in Dickinson is building a hangar at the hospital and that Fargo's new hospital has a hangar and fuel tank. It's not abnormal for a hospital to have a hangar on site so the helicopter has to be moved less.

Heather McDonald: She said the crews have to fight the traffic to get from the city to the airport to get the helicopter or fuel. We currently don't have emergency options here so we definitely need this service.

Bridget Cavallo: She is an ER nurse at the hospital. She said the hospital needs Valley Med to be available in minutes to save people's lives.

Lee Gessner, Rural Fire Dept: He said he is the fire chief for the rural fire department and it's nice to have Valley Med there for backup when there is an emergency. There have to be changes in the community as progress is made instead of taking steps backwards. In an emergency, seconds count and the helicopter needs to be located at the hospital.

Mark Olson: It would only take about 20-25 minutes for a flight to get from the airport and land at the hospital.

Bridgette Cavallo: Time starts ticking when someone comes in that hospital door. Time is essential.

Tammy Karter, Mercy Hospital: She works at the hospital and we must keep up with progress. She asked what it was zoned as before.

Steven Zimmer, city planner (via phone): The hospital was at that site first before the existing ordinance was re-written. Hospitals are now a conditional use permit in high density zoning. The current hospital would be grandfathered into that zoning. This is not considered spot zoning and he didn't see there could be any grounds for lawsuits. The city has to give a reasonable amount of function and use of the property to the property owner.

Richard Johnson, MD: He has spent 30 years working at the hospital and realizes change is hard. Mercy Hospital received an award for one of the top 100 hospitals in the country. Seconds do count in an emergency and the hangar and operation need to be at the hospital.

Gary Martinson: the request to amend the zoning does not mean it will be zoned as commercial, just changing the current zoning to allow a medical flight service. That change has to be reviewed and approved by both the planning commission and the city commission to allow a medical flight service as a conditional use permit.

Mark Olson: He said the hospital is the one who sold the land for residential use.

Wayne Barendt: He said he wants Valley Med to be available, just not the hangar at that location. The building would become an eye sore if it were ever not used.

Tim Greene, Lake Region Clinic: Patients must come first and as a community we need to offer those types of services to draw people to our community. We need to make some sacrifices to provide services.

Andy Lankowicz: Andy did not believe the building would ever get to the point of being an eye sore. The contract says it can be moved or taken down. The building being proposed for the hangar fits in with the rest of the property. The hospital itself cannot afford this project and the project is for the common good of the community. The helicopter can't fly if it's not kept in a "garage", much the same as not being able to drive a car that has frosted up windows from sitting outside in the winter. He said he has never heard of anyone in the area of helicopter landings submitting a claim from damage from the helicopter landing. He urged the planning commission to approve the whole project for the hangar and fuel tank. He again stated that Father Wilhelm (representing St Joseph's Church) is in full support of the project. He briefed Tom Burckhard, principal of St Joseph's School, and he is in support of the project.

Larry closed the hearing and opened the public hearing for a request for a conditional use permit to place a 12,000 gallon above ground fuel tank at the site of the proposed hangar on the north side of Mercy Hospital, 1031 7th St NE.

Jim Moe, Fire Chief: He has received information on the 12,000 gallon fuel tank and after reviewing the specifications, finds they meet or exceed the fire codes. Research shows that aviation fuel is similar to kerosene or diesel fuel and is not nearly as flammable as regular gas. He said he would have more concern about an explosion from natural gas.

Mark Olson: Mark expressed concern about a fuel leak reaching the waters of Devils Lake.

Jim Moe: The tank is a double wall tank so a berm is not required. He doubted that a fuel leak from that site would ever reach the lake.

Ben Dorman: A containment area will be built, even though it's not required, because the cost of a leak would be too much and they want to make sure there is no leak.

Andy Lankowicz: Many homes have 1000 gallon fuel tanks in their homes for heating purposes and the majority of those tanks would be single wall tanks. The tank they are proposing exceeds all requirements.

It was noted 16 letters were sent to area property owners informing them of the request for the hangar and fuel tank. Of those sent, 2 returned their notice stating no objection, 2 returned their notice stating they objected, and 2 letters of objection were received.

Larry closed the hearing and opened the public hearing to review the final plat for Eddy's Acres, located in Government Lot 6, Section 3 (Hwy 20 S behind Ed's Bait Shop).

Hearing no comments, Larry closed the hearing and re-convened the public hearing to review a request for a conditional use permit to allow an outdoor storage yard on Lot 3 of the proposed Eddy's Acres subdivision.

A previous request for a conditional use permit for an outdoor storage yard was tabled until the owner provided a copy of the rental contract he intended to use and the type of fence he would be using to enclose the storage yard.

Nels Nelson: The contract he will use for tenants in the outdoor storage yard lays out what the uses and regulations for what is allowed in the outdoor storage yard. He said he would be using two types of fence – decorative vinyl for the fence facing south, chain link with privacy slats for the north and east sides, and chain link fence for the west side.

Larry closed the hearing and opened the regular meeting. Ray made a motion to approve the minutes of the last meeting. Motion 2nd by Rodger. Carried.

Mike Grafsgaard: The planning commission reviews the proposed amendment to the zoning regulations for high density multiple family residential and then makes a recommendation to the city commission. If approved, the city commission would have the 1st reading of a zoning amendment ordinance at their next meeting. Action on the request for a conditional use permit for the helicopter hangar and the fuel tanks would be subject to approval of the zoning amendment. The zoning amendment needs to be approved first before an application for a conditional use permit could be approved.

Steven Zimmer: Steven asked the planning commission to make a motion the city obtain a letter of support from St Joseph's Church or School to put on file showing support for the project, or ask them to verbally testify at the next meeting.

Andy Laskowicz: He felt it was not his position to ask for a letter or to testify. He has already done everything that was required of him.

Kevin made a motion to recommend approval of an amendment to the high density multiple family residential zoning that would define a medical air transport service and allow a medical air transport service as a conditional use permit in that zoning. Motion 2nd by Rodger. Carried.

Rodger made a motion to recommend approval of a request for a conditional use permit to construct a 66' X 100' helicopter hangar on the west side of the north parking lot of Mercy Hospital subject to approval of the ordinance amending the zoning to add a definition of

emergency medical air transport and to allow such as a conditional use permit. Motion 2nd by Terry.

Greg Semenko: He asked if the Lake Region Clinic was there by a conditional use permit.

Gary Martinson: A clinic is a conditional use permit in high density zoning but since the clinic was there prior to updating the zoning, the use is grandfathered.

Motion carried.

Greg made a motion to recommend approval of a conditional use permit to allow a 12,000 gallon above ground fuel tank as approved by the Fire Chief, subject to approval of a conditional use permit for an emergency medical air transport service to be located on the north side of Mercy Hospital. Motion 2nd by Kevin. Carried.

The passage of the motion recommending approval of an amendment to the high density multiple family residential zoning to define a medical air transport service and allow a medical air transport service as a conditional use permit in that zoning, the passage of the conditional use permit to construct a 66' X 100' helicopter hangar on the west side of the north parking lot of Mercy Hospital, and the approval of a conditional use permit to allow a 12,000 gallon above ground fuel tank to be located on the north side of Mercy Hospital were based upon the following findings:

1. The site of the proposed helicopter hangar has been relocated to the west side of the hospital property mitigating the concerns of those residents on 13th Ave NE.
2. The new location will not obstruct the view of those residents on 13th Ave.
3. The neighbor closest to the new site of the hangar and fuel tank, St. Joseph School, has no objection to the placement of the hangar and fuel tank.
4. The fire chief has reviewed and approved the tank specifications.
5. The site of the hangar is leased from the hospital to Valley Med Flight. The term of the lease is 20 years. At the end of the lease, the hospital will own the hangar.
6. Having the hangar at the hospital, rather than the airport, would decrease the numbers of flights.
7. Locating the hangar at the hospital will result in the patients receiving the required care in the shortest amount of time.
8. The ER staff and the Valley Med staff can work together to allow the patient to receive the necessary care within the shortest period of time.
9. Approximately 73% of the flights are for Devils Lake patients. If the helicopter is located at the airport instead of the hospital, the number of flights may increase in inclement weather.
10. Currently Valley Med has under five minutes before there is patient contact. If this service was at the airport, it would take 15-20 minutes before contact with the patient.

Kevin made a motion to recommend approval of the final plat for Eddy's Acres, located in Government Lot 6, Section 3 (Hwy 20 S behind Ed's Bait Shop). Motion 2nd by Ray. Carried.

Rodger made a motion to recommend approval of a request for a conditional use permit to allow an outdoor storage yard on Lot 3 of the proposed Eddy's Acres, with the south side of the fence being decorative vinyl, the east and north sides being 6' chain link with privacy slats, and the west side being 6' chain link fence. Motion 2nd by Terry.

Mike Grafsgaard: He wanted to make sure everyone is clear that this use is a conditional use permit and may come back to the planning commission if requirements are not followed.

Motion carried.

Ray made a motion to adjourn the meeting. Motion 2nd by Greg. Carried.

Respectfully submitted,

Helen Carlson
Recording Secretary