

MINUTES OF THE BOARD OF CITY COMMISSIONERS
HELD JANUARY 6, 2020

The regular meeting of the Devils Lake City Commission was held Monday, January 6, 2020 at 5:30 P.M. with the following members present: President Dick Johnson, Commissioners Shane Hamre, Rob Hach and Jacob Volk. Commissioner Dale Robbins was absent.

Pledge of allegiance was recited.

President Johnson recognized the following employees for their years of service

Corey Erickson, Sanitation Supervisor – 25 years
Joel Myhro, Public Utilities Supervisor – 25 years
David Austin, Sanitation Operator 1 – 20 years
Devin Grey Water, Police Officer – 5 years
Andrew Johnson, Police Officer – 5 years

Commissioner Volk moved to approve the minutes of the regular City Commission meeting held December 16, 2019 and of the special City Commission meeting held December 18, 2019. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

5:30 P.M. – This was the time set for a public hearing to review a request for a 500 gallon above ground fuel tank to be located at City Plaza on Hwy 2 W. Hearing and receiving no comments, President Johnson closed the public hearing.

It was noted the setback is 15 feet from the building.

Commissioner Hamre moved to approve a conditional use permit to allow a 500 gallon above ground fuel tank to be located on the west side of City Plaza on Highway 2 W which is zoned as highway commercial as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Hach, 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 a laundromat at 317 4th St NE which is zoned as central area commercial. Discussion followed on the capacity of the water and sewer lines. Hearing and receiving no other comments, President Johnson closed the public hearing.

Commissioner Volk moved to approve a conditional use permit to allow a laundromat in an area zoned as central area commercial and located at 317 4th St NE, contingent on no changes being made in the 2nd reading of Ordinance No 963 that adds a laundromat as a conditional use in central area commercial zoning as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

5:30 P.M. – This was the time set for a public hearing to review an amendment to the zoning regulations that would change the maximum sidewall height for an accessory building on lots between 20,000 and 35,000 square feet from 10 feet to 12 feet; adjust minimum side yards setbacks when sidewall exceeds 10 feet; and adjust lot area requirements for accessory buildings. The City Assessor reviewed the reasons for the changes. Hearing and receiving no other comments, President Johnson closed the public hearing.

Commissioner Hamre moved to approve the proposed language changes regarding garage wall height, lot area and setbacks as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

Commissioner Volk – The City Engineer stated the Street Department is working on equipment.

Commissioner Hach – The City Assessor stated everything was fine.

The City Engineer said the Sanitation Department picked up Christmas trees today.

Commissioner Hamre – The City Engineer reported the Public Utilities Supervisor and he would be in Bismarck to attend a workshop on the lead copper pipe rules.

President Johnson – The City Engineer indicated the completion date for the Hwy 2 traffic signals is February 1st.

The Police Chief requested to purchase portable radios. It would cost \$10,089.00; however, the department will be receiving a grant from Walmart for \$3,250.00 and will receive \$3,600.000 from the State for the purchase.

Commissioner Volk moved to approve the purchase of portable radios as recommended by the Police Chief. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

The City Auditor stated everything was fine.

The City Administrator reported everything was fine.

The Fire Chief indicated preparations are being done for the fishing tournament.

The City Attorney said everything was fine.

The 2nd reading of Ordinance No 963 – Laundromat was held.

Commissioner Volk moved to approve the second and final reading of Ordinance No. 963- Vaping - An ordinance, which upon adoption, shall be codified as Section 17.44.030 of the Devils Lake Municipal Code. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

The 2nd reading of Ordinance No 964 – Curb Stop was held.

Commissioner Hamre moved to approve the second and final reading of Ordinance No. 964 – Curb Stop - An ordinance, which upon adoption, shall repeal and modify that section of Ordinance 855 which has been codified as sections 3.01.100 and 13.08.160 of the Devils Lake Municipal Code. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

The 2nd reading of Ordinance No 965 – Vaping was held. The City Attorney contacted the Attorney General regarding the ordinance and was referred to the Food and Drug Administration (FDA). The FDA will be prohibiting sale of vaping products, but it will not go into effective for two to three years. The FDA does not address possession or use.

Commissioner Volk moved to approve the second and final reading of Ordinance No. 965- Vaping – An ordinance, which upon adoption, shall amend Ordinance 962 which has been codified as Chapter 9.74 of the Devils Lake Municipal Code, with an effective date of January 6, 2020. The motion was seconded by Commissioner Hamre, and the motion carried unanimously.

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

1. Authorizing the City Auditor to call for bids for two pickups for Public Utilities to be opened on Tuesday, January 21, 2020 at 5:30 P.M. at City Office as recommended by the Public Utilities Supervisor;
2. Authorizing the City Auditor to cancel Check No 117799 dated December 17, 2019 in the amount of \$1,116.51 to ND Dept. of Environmental Quality (Sewer-Wastewater Treatment-Testing and Sewer-Sewer Operation-Building Maintenance). The amount will be reissued in two checks since the agency has requested separate checks for the lagoon discharge and boiler inspection; and
3. Game of chance permits for the month of December 2019.

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

Brad Barth, Executive Director of Forward Devils Lake, appeared before the City Commission to request PACE loan interest buy-down funds for Lone Tree Designs, which has been certified by the State as a primary sector business.

Commissioner Hamre moved to approve PACE loan interest buy-down funds for Lone Tree Designs in the amount of \$45,951.73 as recommended by Forward Devils Lake. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

It was note that President Johnson will need to sign an approval letter.

The bills from Lake Region E-911 Authority for \$109,282.56 for joint powers revenue and from Lake Region Law Enforcement Center (LEC) for \$82,990.00 for percentage of use revenue were reviewed. The City during budgeting approved funding for 2020 as \$175,000.00 for boardings and \$127,000.00 for financial support. Discussion followed on paying the first quarter, on the billing being based on what was decided at the LEC meeting, on the number of inmates being housed and on the number needed to breakeven, on the number of clients at the reentry center and on the impact of Towner County changing to Cavalier County for 911.

Commissioner Volk moved to approve paying one quarter of the request from Lake Region E-911 Authority and Lake Region Law Enforcement Center and to revisit it in March. President Johnson called for a second to the motion three times. The motion died for a lack of a second.

Discussion followed on paying half of the amount now.

Commissioner Volk moved to approve paying one quarter of the amount (\$48,068.14) like the City does for other entities. The motion was seconded by Commissioner Hach on the second call. On roll call Commissioners Hach, Volk and President Johnson voted aye. Commissioner Hamre vote nay. The motion carried.

Commissioner Hamre moved to approve funding for the first quarter of 2020 for the Lake Region Heritage Center in the amount of \$6,926.50 to be paid from general fund (1000-000-55170). The motion was seconded by Commissioner Volk. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Hamre moved to deny relief on utility account #9061 since the water ran through the meter and through the sewer system. The motion was seconded by Commissioner Volk, and the motion carried unanimously.

Commissioner Hamre moved to approve the list of bills as submitted. The motion was seconded by Commissioner Volk. On roll call all Commissioners voted aye, and the motion carried.

President Johnson acknowledged the following reports:

1. 4th quarter economic data;
2. 2018 Audit; and
3. City Auditor monthly report.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:43P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT