

MINUTES OF THE BOARD OF CITY COMMISSIONERS  
HELD APRIL 6, 2015

The regular meeting of the Devils Lake City Commission was held Monday, April 6, 2015 at 5:30 P.M. with the following members present: President Johnson, Commissioners Tim Heisler, Craig Stromme, Rick Morse and Dale Robbins. None were absent.

Pledge of allegiance was recited.

Commissioner Heisler moved to approve the minutes of the regular City Commission meeting held March 16, 2015. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

Jon Jensen, Retired Senior Volunteer Program (RSVP), appeared before the City Commission to discuss the changes to RSVP and to present the National Service Recognition Day proclamation.

Commissioner Heisler moved to approve a proclamation proclaiming April 7, 2015 as “**National Service Recognition Day**” and encouraging residents to recognize the positive impact of national service in our city; to thank those who serve; and to find ways to give back to their communities. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Jim Chattin appeared before the City Commission to present the proclamation of the 150<sup>th</sup> anniversary of the end of the Civil War.

Commissioner Morse moved to approve a proclamation recognizing on April 9, 2015 the historic significance of the American Civil War and of the sacrifices made to ensure its successful conclusion and encourage that all bells within the city limits be rung for four minutes commencing at 2:15 P.M. 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 parcel of land which is part of the NW ¼ Section 1, T153N, R64W, Ramsey County, also known as East Gate Acres (located north of Hwy 2 and east of Elk’s Rd). Hearing and receiving no comments, President Johnson closed the public meeting.

Commissioner Stromme moved to approve a request to change the zoning from agricultural to highway commercial for a parcel of land in the NW ¼ of Section 1, previously described as East Gate Acres as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Morse. It was noted that the sub-divider pulled the subdivision from review so right now it is just a parcel. 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 contractor’s yard in an area zoned as highway commercial for a parcel of land which is part of the NW ¼ Section 1, T153N, R64W, Ramsey County, also known as East Gate Acres (located north of Hwy 2 and east of Elk’s Rd). Hearing and receiving no comments, President Johnson closed the public meeting.

Commissioner Stromme moved to approve a request for a conditional use permit to allow a contractor’s yard on the east 760 feet of a parcel of land in the NW ¼ of Section 1, previously described as East Gate Acres as recommended by the Devils Lake Planning Commission. 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 for a conditional use permit to allow more than 18 children in a home daycare at 2111 10<sup>th</sup> Ave SW, Frison Addition. One written comment was received. Jessica Ramey supported the permit. Hearing and receiving no other comments, President Johnson closed the public meeting.

Commissioner Heisler moved to approve a conditional use permit submitted by Darlene Hoffart to have more than 18 children at a home daycare located at 2111 10<sup>th</sup> Ave SW, Frison Addition as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

**5:30 P.M.** – This was the time set for a public hearing to review a request to allow a temporary RV park at 2003 Summers St NW (Industrial Park). One written comment was received. Jessica Ramey thought this request should be addressed with the oil refinery and that the issue with the bales needed to be addressed before putting people in that area. Discussion followed on what could be done with the bales. Hearing and receiving no other comments, President Johnson closed the public meeting.

Commissioner Morse moved to approve a permit to allow a temporary RV park at 2003 Summers St NW in the Industrial Park until December 31, 2017 if construction of an oil refinery commences with the condition that unless an extension is requested prior to December 2017 the property goes back to a use that conforms with heavy industrial zoning, and the RV park infrastructure is removed as recommended by the Devils Lake Planning Commission. In addition, the operation of the 32 unit RV park may take place only while construction is underway on an oil refinery. The motion was seconded by Commissioner Stromme. Discussion followed on the issue of the bales. The City Commission strongly encourages the removal of the straw. The motion carried unanimously.

**5:30 P.M.** – This was the time set for a public hearing to review a request to vacate a portion of property set aside for public use adjacent to the intersection of 5<sup>th</sup> St SE and 9<sup>th</sup> Ave SE. The City Assessor stated this is part of a road that goes along side railroad property the City purchased. The City is selling lots there, and this piece needs to be vacated. Hearing and receiving no comments, President Johnson closed the public meeting.

Commissioner Morse moved to approve a request to start the process to vacate a portion of public right-of-way located in the W ½ NW ¼ of Section 2 (intersection of 5<sup>th</sup> St SE and 9<sup>th</sup> Ave SE) as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

**5:30 P.M.** – This was the time set for a public hearing to review the final plat for the Replat of Sunny Estates, a Replat of Outlot A, Replat of Block 3, Smith's Subdivision (16<sup>th</sup> St SE). Hearing and receiving no comments, President Johnson closed the public meeting.

Commissioner Stromme moved to approve the final plat for a Replat of Sunny Estates, a Replat of Outlot A, Replat of Block 3, Smith's Subdivision located on 16<sup>th</sup> St SE as recommended by the Devils Lake Planning Commission and contingent upon a surveyor verifying and certifying that each unit constructed is located on the appropriate lot associated with that unit. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

President Johnson indicated a request to be on the agenda under visitors/delegations had been received. Since the request was to discuss the air quality permit that had been submitted to the State for the oil refinery. According to the State and the developers the permit has not been submitted; therefore, there was no need to address the item tonight denied. For future reference, if someone requests to be on the agenda, they will only be notified if they are included on the agenda.

**Commissioner Robbins** – The Public Utilities Supervisor said everything was good.

The Public Ways Supervisor stated the department has started cleanup all over town and at the cemetery. Thirty-four trees were taken down in the cemetery this winter. Altogether eighty-two trees were taken down this winter.

**Commissioner Morse** – The Public Ways Supervisor said for the next six weeks the department will be sweeping, crack sealing and patching. In May, the department will start painting for Devils Run.

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

**Commissioner Heisler** – The City Engineer said everything was fine.

The City Assessor requested a date for the Board of Equalization meeting. Consensus of the City Commission was to meet at noon on Wednesday, May 27, 2015.

**Commissioner Stromme** - The Police Chief distributed the 2014 annual police report. Discussion followed on the Lake Region Narcotics Task Force.

The Sanitation Supervisor said everything was fine.

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

The City Administrator stated the development agreement has been reviewed by the oil refinery developers. The developers would like to meet with the committee. The City Administrator would like the committee to meet with the developers at the office of the City's attorneys in Seattle. However, the committee would need authorization for out-of-state travel.

Commissioner Heisler moved to approve out-of-state travel for the Development Agreement Committee to meet with the oil refinery developers and the City's attorneys in Seattle, WA. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

The Fire Chief stated everything is fine in the Fire Department.

The Fire Chief reviewed the status of Shade Tree employees. He was able to hire two individuals earlier than normal; however, these two guys have offers to work for a farmer at \$20.00/hour. They currently make \$10.00/hour working for Shade Tree. The temporary 3 pay scale would get them to \$15.00/hour. The two employees are willing to stay employed with Shade Tree if the rate of pay was changed to \$15.00 /hour.

Discussion followed on the struggle to find employees and the level of danger and skill needed for Shade Tree. Local retailers and food businesses pay \$10.00/hour. Discussion continued on the dollar amounts of the temporary pay scale and the number of hours typically worked for a temporary employee. Consensus of the City Commission was to have the temporary pay scale reviewed.

Commissioner Heisler moved to approve changing the rate of pay for the Shade Tree employees to \$15.00/hour. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

The City Attorney said everything was fine.

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

1. Authorizing the City Auditor to call for bids for the 2015 Curb, Gutter and Sidewalk with bids to be opened on Monday, May 4, 2015 at 5:30 P.M. at the City Office as recommended by the City Engineer;
2. Game of chance permits for March 2015;
3. Gaming site authorization submitted by the Devils Lake Volunteer Fire Department for January 28, 2016 through January 30, 2016 at the Memorial Building – 524 4<sup>th</sup> Ave NE;
4. Parade permit submitted by Alyssa Erickson and Aaron Walter for their wedding on August 8, 2015 to begin at 2:45 P.M.; and
5. Transient merchant permit submitted by Ben Murphy dba Oof-da Tacos for food concession to be held May 27, 28, 29 and 30, 2015 at Leever's Supermarket, 807 Hwy 20 South.

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

The City Assessor reviewed the DLCE Interior Drainage Real Estate Certification. The City received a right-of-entry from the Davis family for the temporary easement. The Corps of Engineers is getting ready to open bids on this project. This certifies to the Corps of Engineers that the City has the needed right-of-way.

Commissioner Stromme moved to approve the Attorney's Certificate, the Project Cooperation Agreement and the Right-of-Entry from the Davis Family as to Right-of-Way for the Devils Lake, North Dakota, Creel Township, Flood Risk Management Project, Devils Lake City Embankments, DLCE Interior Drainage Improvements as recommended by the City Assessor. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Rachel Lindstrom, Executive Director of Forward Devils Lake, reviewed the multi-family housing incentive for Northland Properties. This is the first housing incentive request from the fourth round of funding. The City portion is \$50,000.00 for interest buy-down on this project. Northland is building two twin-home units for approximately \$750,000.00. Due to the lot sizes the twin-homes will be located on two different lots – one on Lincoln and 21<sup>st</sup> St NE and the other on Lincoln and Sadie Ave NE.

Commissioner Heisler moved to approve the multi-family housing incentive for Northland Properties as recommended by Forward Devils Lake. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Forward Devils Lake received a request for land in the industrial park and for flex funding from Yoder Transportation. The business currently operates out of Cenex. The project cost is estimated at \$350,000.00 with two jobs being created. The business is the only transporter of refined gasoline and refined oil.

Commissioner Robbins moved to approve selling three acres of land in the old industrial park to Yoder Transportation Inc. in the amount of \$1.00 with the contingency that property development must take place within twenty-four months and if the property is sold within five years, Yoder Transportation must repaid \$15,000.00/acre for the land and to approve flex pace funding of \$50,000.00 in community interest buy down which will be repaid at the end of the loan as recommended by Forward Devils Lake. The motion was seconded by Commissioner Morse, and the motion carried unanimously.

Commissioner Stromme moved to approve funding for the second quarter of 2015 for the Lake Region Heritage Center in the amount of \$5,500.00 to be paid from general fund (1000-000-55170). The motion was seconded by Commissioner Heisler. The Center is in the process of hiring a new director. The motion carried unanimously.

The City Engineer reviewed the plans for the water and sewer improvements at Smith Dr. The work is to be completed by August 1, 2015 and should cost \$127,000.00.

Commissioner Morse moved to approve the resolution approving plans and specifications and directing advertisement for bids for Water and Sewer Improvement District No 59-14 (Smith Dr). The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

The City Engineer reviewed the water main improvement project. These areas have had issues within the water system. The project will be 75% city and 25% special assessed. Surface work may be completed in later years.

Commissioner Heisler moved to approve the resolution creating Water Main Improvement District No 24-5 (Various Locations) and ordering the preparation of a preliminary report. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Commissioner Morse 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. 2015 1<sup>st</sup> quarter economic data;
2. City Auditor monthly report; and
3. Police Department monthly report.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:50 P.M.

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

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