

MINUTES OF THE BOARD OF CITY COMMISSIONERS
OCTOBER 19, 2015

The regular meeting of the Devils Lake City Commission was held Monday, October 19, 2015 at 5:30 P.M. with the following members present: President Johnson, Commissioners Tim Heisler, Craig Stromme and Dale Robbins. Commissioner Rick Morse was absent.

Pledge of allegiance was recited.

Commissioner Stromme moved to approve the minutes of the regular City Commission meeting held October 5, 2015. 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 construction of storage garages at 8317 Hwy 2 E in an area zoned as highway commercial. Hearing and receiving no comments, President Johnson closed the hearing.

Commissioner Stromme moved to approve the conditional use permit to allow construction of 4 storage garages at 8317 Hwy 2 E in an area zoned as highway commercial contingent upon the buildings meeting building codes and setback as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Heisler, 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 place a 15,000 gallon above-ground fuel tank at 200 National Guard St NW – Devils Lake Airport. Hearing and receiving no comments, President Johnson closed the hearing.

Commissioner Heisler moved to approve the conditional use permit to allow installation of a 15,000 gallon above-ground, double-walled fuel tank at 200 National Guard St NW – Devils Lake Airport as recommended by the Devils Lake Planning Commission. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Commissioner Heisler – The City Engineer reported on the following projects:

1. Watermain project – All the pipe is in for the watermain to be replaced this year. Some services need to be connected to the main, and then there will be a final pressure test. First St will not be started this year.
2. Cenex – Within ten days the water and sewer will be completed on this project. Working on lift station and force main now. Some more watermain needs to be installed.
3. Dike – Work continues on the drainage contract. Culverts are going in south of Ed's Bait Shop. Work south of there has been essentially completed. Some additional work will be completed on the east side of the embankment and near Quiet Acres. The majority of the contract should be completed this year.

The City Assessor said a permit for Cobblestone Inn was issued for the foundation only.

Commissioner Stromme – The Police Chief offered the position, and the new employee will start November 2nd.

The Police Chief indicated work continues on updating ordinances. One change to be made will be to add drug testing to taxi cab drivers licensing. It would be a requirement before approving drivers and annually at licensing renewal.

The Sanitation Supervisor indicated fall cleanup will be done tomorrow.

Commissioner Robbins - The Public Utilities Supervisor said the portable boiler needs to be repaired. The certified boiler company said the tubes can't be rolled anymore. If opening the boiler, then all 24 tubes should be replaced instead of just the 7 leaking tubes. This type of boiler is no longer made; however, a new boiler would cost \$78,000.00. A repair kit costs \$42,000.00, but it contains items that don't need to be replaced.

Commissioner Robbins moved to declare an emergency for the repair of the portable boiler to be done by PBBS Equipment Corporation in the amount of \$16,391.00. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

The Public Ways Supervisor said the 1991 International tandem truck needs to be declared surplus.

Commissioner Heisler moved to approve adding the 1991 International tandem truck to the list of surplus items to be sold. The motion was seconded by Commissioner Robbins, and the motion carried unanimously.

President Johnson - The Public Ways Supervisor reported Tri State Paving is in town finishing asphalt street repairs.

The Public Utilities Supervisor asked to add 5 used fire hydrants to the surplus list.

Commissioner Robbins moved to approve adding 5 fire hydrants to the list of surplus property to be sold. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

The City Auditor stated everything was fine.

The City Administrator said the County Auditor called regarding the 2016 budget. The State has discontinued by Statute some funds. These funds will be included in the general fund; therefore, changes will be made to the City's budget to move the funds for advertising, insurance reserve premium, public buildings, weed control and shade tree to departments under the general fund.

The Fire Chief stated Shade Tree will end this week.

The City Attorney said everything was fine.

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

1. Authorizing the City Auditor to cancel Check No 108556 dated October 6, 2015 in the amount of \$25.00 to Brandon Dalzell (General-Municipal Judge- Legal Fees) and Check No. 108603 dated October 6, 2015 in the amount of \$4,500.00 to Midwest Wildlife Services LLC (Airport Grant- FAA & State Expenses - Payment to Contractors). The first check was destroyed and will be reissued. The invoice for the second check was paid by the Engineer; therefore, a check will be issued to the Engineer; and
2. Declaring the 1978 Fort LT8000 gravel truck, the 1996 ½ ton Dodge pickup, the 6-in Ford trash pump, the 1987 15' bush hog mower and five fire hydrants from Public Utilities, evidence room items and bikes from Police Department, Corayvac heating system, three Stihl chainsaws and the 1991 International tandem truck from Public Ways and Whirlpool water cooler from City Hall and offering the items for sale.

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

Commissioner Heisler moved to approve Budget Amendment #05-15 – Various. The motion was seconded by Commissioner Stromme, and the motion carried unanimously.

Commissioner Stromme moved to approve payment of Estimate No. 6 to Elshaug Concrete Construction for 2015 Curb, Gutter & Sidewalk in the amount of \$16,478.56 as recommended by the City Engineer. The motion was seconded by Commissioner Robbins. On roll call all Commissioners voted aye, and the motion carried.

Commissioner Heisler moved to approve payment of Estimate No. 6 to Murphy Pipeline Contractors for Watermain Improvement District 24-15 – various locations in the amount of \$314,604.50 as recommended by the City Engineer. The motion was seconded by Commissioner Robbins. On roll call all Commissioners voted aye, and the motion carried.

Molly McDonald, Safe Alternatives for Abused Families (SAAF), appeared before the City Commission to request donation of a City lot for a domestic violence shelter. Ms. McDonald presented a brief synopsis of what SAAF does and the services offered. Last year, the shelter was closed due to mold and asbestos. Presently, SAAF is using hotels, but this is not a safe alternative. The areas served are Ramsey, Benson, Wells, Eddy, Towner and Nelson Counties. A grant is available through the North Dakota Department of Commerce which SAAF would like to apply for to provide a shelter. Initial plans would be to purchase a modular home to be placed on a lot. SAAF would need a lot in order to apply for the grant.

Testimonial for the services provided by SAAF was given by a client.

Brenda Langerud, board member of SAAF, updated the City Commission on changes SAAF has gone through. The board wanted to make sure everything was stable before applying for the grant. The land would be used at match. The board has drove around to look at lots, but has not specifically identified one. Discussion followed on if any lots were available in the Roundhouse Subdivision.

Consensus of the City Commission was to have the City Assessor work with SAAF on finding an available, suitable lot.

Rachel Lindstrom, Executive Director of Forward Devils Lake, reviewed the following requests:

Agassiz Properties #2, LLLP would like to utilize the multi-family housing incentive. The City portion would be the in-kind contribution from the tax increment financing district. The project would be for 12 units. The amount of in-kind would be \$128,000.00.

Commissioner Robbins moved to approve using the tax increment district financing as in-kind for the multi-family housing incentive for Agassiz Properties #2, LLLP as recommended by Forward Devils Lake. The motion was seconded by Commissioner Heisler, and the motion carried unanimously.

Sungate Properties is requesting a multi-family housing incentive. This would be the 2nd project funded through the fourth round of funding. The City portion is \$50,000.00 for interest buy-down on this project. Sungate will build four units – 2 and 3 bedrooms with garages. The project totals \$980,000.00. The City share will be repaid after the ten year flex funding loan.

Rachel Lindstrom stated the housing committee will be meeting to discuss the housing needs in Devils Lake, and if the focus should shift from rental units to single family homes.

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

Joe & Bros Mow for Dough is requesting 1.78 acres in the old industrial park for their lawn care service business. They are also requesting to use the lot as in-kind for flex funding.

Commissioner Heisler moved to approve selling 1.78 acres of land in the old industrial park to Joe & Bros Mow for Dough 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, Joe & Bros Mow for Dough must repay \$15,000.00/acre for the land, and to approve using the lot as in-kind for flex funding as recommended by Forward Devils Lake. The motion was seconded by Commissioner Stromme. Discussion followed on the issue with the other city lot originally approved to be sold to the business. The motion carried unanimously.

Commissioner Morse arrived at 6:14 P.M.

Rachel Lindstrom informed the City Commission on new restrictions for flex funding – developer must have at least \$400,000 into the project, and if flex funding received, there will be no city or county tax abatements.

The City Administrator reviewed the truck route cost share. Major improvements were made to the truck route that runs from Hwy 20 north of town to Hwy 2 west of town. The local share is 10% or \$140,809.04. The Perimeter Roads Committee is requesting the City to pay half of the local share or \$70,404.52. Money would come from infrastructure.

Commissioner Robbins moved to approve reimbursing Ramsey County for \$70,404.52 - 50% of the 10% local share for work on the truck route (Hwy 20 N to Hwy 2W) Phase I. The motion was seconded by Commissioner Morse, 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 Commissioner voted aye, and the motion carried.

President Johnson acknowledged the following reports:

1. City Auditor monthly report;
2. Municipal Court monthly report; and
3. Police Department monthly report.

There being no further business to come before the Commission, President Johnson adjourned the meeting at 6:23 P.M.

LINDA LYBECK
CITY AUDITOR

RICHARD S. JOHNSON
PRESIDENT