



City Commission Meeting Agenda

Devils Lake City Hall Commission Chambers

423 6th St NE, Devils Lake, 58301

Monday, March 4, 2024

Meeting Items

- 1) Call to Order
- 2) Pledge of Allegiance
- 3) Approval of Minutes – February 20, 2024

Awards and Proclamations

- 1) N/A

Public Hearings – 5:30 PM

- 1) N/A

Bid Openings – 5:30 PM

- 1) N/A

Visitors or Delegations

**Limited to five minutes per guest, unless extended by presiding officer*

- 1) N/A

Commission Portfolios

- 1) N/A

Old Business

- 1) N/A

Consent Agenda

- 1) N/A

New Business

- 1) MOU with LRSC – Canopy Study
- 2) 1st Reading of Ordinance #994 – Accessory Buildings
- 3) Application for New Residential Construction Property Tax Exemption

Citizen Comment

- 1) N/A

Informational Items

- 1) N/A

Motion to approve payment of the list of bills as submitted.

The City of Devils Lake may convene in an executive session as provided by NDCC 44-04-19.2 to consider and discuss closed or confidential records and information, negotiating strategy or negotiating instructions as provided by NDCC 44-04-19.1, 44-04-19.2, 44-04-18.4.

Minutes of the Devils Lake City Commission
February 20, 2024

The regular meeting of the Devils Lake City Commission was held on February 20, 2024 with the following members present: President Moe, Jason Pierce, Dale Robbins, and Rob Hach.

Commissioner Pierce moved to approve the minutes of the regular Commission meeting held on February 5, 2024. The motion was seconded by Commissioner Hach, and the motion carried unanimously.

Devils Lake Rodeo Club – Brandon Padilla, President of the Devils Lake Rodeo Club, gave an update on how the rodeo went last year. He communicated that they are going to have a higher payout to contestants this year to hopefully get more people involved, especially in bull riding and bareback. He mentioned that the Rodeo Club was able to donate to the Ramsey County Fair Board.

Commissioner Hach – The City Engineer communicated that there is not an update for the Sanitation Department.

Commissioner Hamre - The City Engineering communicated that the utility department is working on the lead service line inventory.

Commissioner Robbins – The City Engineer communicated that there is not an update for the Street Department or the Engineering Department.

Commissioner Pierce – The Fire Chief communicated that their year end report is complete. They had 330 calls, completed 1900 hours of training, had 16 certifications, and completed 350 inspections. He also mentioned that he has one guy going to state fire school and 4 guys will be attending the school. He communicated that he will be getting in touch with the company that does the fireworks on the 4th of July to get him booked. ShiverFest is also looking good for the kids ice fishing tournament, even with the warmer weather that we have been having.

Commissioner Pierce mentioned that there was miscommunication between attorneys for the joint powers agreement with the LEC. Everything has now been agreed on and the attorneys will be getting together to sign the final copy.

The Police Chief communicated that John Mickelson has resigned and his last day will be February 29th. He also mentioned that they have hopefully hired a new officer that will be coming from Bismarck.

The City Administrator communicated that the 2021 audit is currently in a 7-day review window. He also mentioned that the 2022 and 2023 audit will be completed at the same time, but they will be separate reports.

National Opioid Settlement Agreement – Acceptance of Releases – The City Administrator communicated that he spoke to the City Attorney and he recommended that the City Commission approve the current plan and to accept the release as outlined in the correspondence we received from the Nachawati Law Group. Commissioner Hach made a motion to approve the recommendation. Commissioner Robbins seconded the motion, and the motion carried unanimously.

Approval of Floodplain Easement – Fuhrer – The City Engineer communicated that the landowner owns certain real property in Ramsey County in which the City is required to obtain a floodplain easement on a portion of said property for the purpose of water storage during heavy precipitation and snowmelt events. The City agrees to pay the landowner at closing the sum of \$4,800. Commissioner Robbins made a motion to approve the floodplain agreement for Fuhrer. Commissioner Pierce seconded the motion. The motion carried unanimously on a roll call vote.

Approval of Floodplain Easement – Howatt – The City Engineer communicated that the landowner owns certain real property in Ramsey County. The City has executed an agreement with the previous landowner of the said property. Said agreement allowed the City to acquire a portion of the said property for flood protection and to convey property the City owned in exchange for a floodplain easement on the said property. The full agreement is attached to the agenda. Commissioner Robbins made a motion to approve the floodplain easement for Howatt. Commissioner Hach seconded the motion. The motion carried unanimously on a roll call vote.

Approval of Public Ways Equipment – The City Engineer communicated that the City currently has two toolcats that we use for snow removal. He communicated that overtime we have purchased several attachments that connect with the toolcats. The City would like to trade one of the Bobcat Toolcats for a Bobcat Skidsteer. This will allow more versatility for snow removal and public work operations. Commissioner Robbins made a motion to approve the public ways equipment trade. Commissioner Pierce seconded the motion. The motion carried unanimously on a roll call vote.

Approval of Agreement for NDTC Crossing – Flood Protection – The City Engineer communicated that the City owns and operates a flood protection embankment that prevents the water of Devils Lake from inundating the City and surrounding area that is protected by the embankment. NDTC would like to

install a fiber optic cable across the flood protection embankment near the east ditch pump station and gatewell on the east side of the City of Devils Lake. The City will work with NDTC to make sure all the necessary paperwork is submitted for this project. The full agreement is attached to the agenda. Commissioner Robbins made a motion to approve the agreement for NDTC Crossing. Commissioner Hach seconded the motion, and the motion carried unanimously.

Resolution Declaring the Necessity of an Improvement for St Imp District #80-24 – 8th St NW, 9th St NW, 10th St NW, 11th St NW, ETC – The City Engineer communicated that there were no protests for this project so they will move forward. Commissioner Pierce made a motion to approve the resolution. Commissioner Hach seconded the motion, and the motion carried unanimously.

Commissioner Robbins moved to approve the list of bills as submitted. The motion was seconded by Commissioner Pierce. The motion carried unanimously on a roll call vote.

SPENCER HALVORSON
CITY ADMINISTRATOR/AUDITOR

JIM MOE
PRESIDENT OF CITY COMMISSION

Memorandum of Understanding
Citywide “Public” Tree Inventory Project

This Memorandum of Understanding (“Agreement”) is made on this 4th day of March 2024 (the “Effective Date”) between the undersigned institutions; Lake Region State College (the “COLLEGE”) and the City of Devils Lake (the “CITY”).

Recitals

WHEREAS, the undersigned institutions are recipients of grant funds from different entities to perform the same work but in different locations;

WHEREAS the CITY and the COLLEGE intend to accomplish a tree inventory as it exists on public property within the City of Devils Lake;

WHEREAS, cooperation and collaboration between the CITY and COLLEGE is beneficial to complete the work in the most effective and efficient manner;

WHEREAS, in order to ensure that adequate human and other resources are available to accomplish the work required of the individual grant awards;

The Parties hereby ENTER AND AGREE to the following terms and conditions.

1. The CITY and the COLLEGE will communicate information in a timely manner to ensure efficiency and to prevent duplication of effort.
2. The College and the City will use one ND TIP Tool account for all trees to be inventoried within the CITY limits; including those within the boundaries of individual subdivisions like the DLPB and DLPS.
3. If the ND Forest Service issues the ND TIP Tool account to the CITY, the COLLEGE will be provided access. If the account is issued to the COLLEGE, the CITY will be provided access.
4. Grant funds awarded to the COLLEGE will only be used with the approval of the COLLEGE. GRANT funds awarded to the CITY will only be used with the approval of the CITY.
5. The technology and equipment necessary for field work can be shared between the COLLEGE and the CITY, with required permissions, to support the effort.
6. The COLLEGE is responsible for the interns and employees of the COLLEGE. The CITY is responsible for the interns and employees of the CITY.
7. The CITY and the COLLEGE will share data to ensure grant reporting requirements can be met.

Signatures

Mayor Jim Moe, City of Devils Lake

VP Lloyd Halvorson, Lake Region State College

ORDINANCE NO. 994

17.76.040 Accessory buildings.

- A. Accessory building serving as private garages may be built in a rear yard but ~~shall~~must not occupy more than thirty percent of the rear yard and ~~shall~~must not be nearer than three feet to any side lot line or rear lot line, except that when a garage is entered from an alley at a right angle, it ~~shall~~must not be located closer than ten feet to the alley line. When sidewall heights exceed ten feet the minimum side yard setback ~~shall~~must be four feet. If the private garage is located closer than ten feet to the main building the garage ~~shall~~must be regarded as a part of the main building for the purposes of determining side yards and rear yards. Accessory buildings serving as storage garages ~~shall~~must not be nearer than five feet to any side or rear lot line.
- B. No accessory building ~~shall~~may be constructed on a lot without a habitable dwelling or until the construction of the main building has ~~been actually~~ commenced, and no accessory building ~~shall~~may be used for dwelling purposes.
- C. Total combined area of all detached accessory buildings on lots less than twenty thousand square feet in size ~~shall~~may not occupy more than twelve percent of the lot area nor be larger than one thousand two hundred square feet. The maximum wall height measured from the sill plate to the top plate ~~shall~~may not exceed twelve feet. For lots between twenty and forty thousand square feet, detached accessory buildings ~~shall~~may not exceed six percent of the lot area. The maximum wall height, overall height, and distances to property lines ~~shall~~must be as shown in Table 17.76.040. The first seven hundred and twenty square feet of attached garage is exempt from these limitations.
- D. When lots are forty thousand square feet or greater in size the building coverage, wall height, overall height, and distance to property lines of detached accessory structures ~~shall~~may not exceed the values as shown in Table 17.76.040. The first seven hundred and twenty square feet of attached garage is exempt from these limitations. When such buildings are one thousand two hundred square feet or less, and the sidewall height is ten feet or less the building setback distance may be as stated in item A.
- E. Attached garages must have a proper frost protected foundation with a depth of 4 feet to the bottom of the footing or to match the existing foundation of the house. A detached garage without plumbing must have a minimum 12-inch12-inch thickened edge monolithic slab foundation. For detached garages with plumbing, a frost protected foundation is required. This frost protected foundation must be at a depth of at least 4 feet to the bottom of the foundation or have a professionally designed shallow frost protected foundation.

Table 17.76.040

Lot Size	Maximum Area of Accessory Structures	Maximum Wall Height	Maximum Overall Height	Minimum Distance to Property Lines
20,000 sq. ft.	6% of Lot Area	12 feet	22 feet	4 feet
25,000 sq. ft.	6% of Lot Area	12 feet	22 feet	7 feet
30,000 sq. ft.	6% of Lot Area	12 feet	22 feet	10 feet
35,000 sq. ft.	6% of Lot Area	12 feet	22 feet	12 feet
40,000 sq. ft. to 2 Ac.	2,400 sq. ft.	14 feet	25 feet	15 feet
+2 Ac. to 3 Ac.	3,200 sq. ft.	14 feet	25 feet	15 feet
+3 Ac. to 4 Ac.	4,000 sq. ft.	14 feet	25 feet	15 feet
+4 Ac. to 5 Ac.	5,000 sq. ft.	14 feet	25 feet	15 feet
+5 Ac. to 10 Ac.	6,000 sq. ft.	14 feet	25 feet	15 feet

ORDINANCE NO. 994

(Ord. 879 (part), 2008: Ord. 856 (part), 2003: Ord. 853 (part), 2003; Ord. 837 (part), 2000: Ord. 818 (part), 1997; Ord. 788 (part), 1994)

(Ord. No. 966, 2-3-20)

Passed First Reading: _____

Passed Second Reading: _____

Final Passage and Adoption: _____

CITY OF DEVILS LAKE

By:

Jim Moe, President

Devils Lake City Commission

ATTEST:

By:

Spencer Halvorson

City Administrator / Auditor



APPLICATION FOR PROPERTY TAX EXEMPTION
NEW CONSTRUCTION OF RESIDENTIAL PROPERTY
SINGLE FAMILY, TOWNHOUSE AND CONDOMINIUM

Pursuant to N.D.C.C. Section 57-02-08(35)(36)

Name of applicant: Thomas LaMotte
Mailing address: 301-4th St NE
Telephone number: (701) 662-4976 (701) 351-2596

Legal description for which exemption is being claimed:

Parcel ID Number: 39190000030000
Lot(s) C Block _____ Subdivision Smiths Subdivision

☒ Single family residence

Building Permit No: 202085

☐ Townhouse

Building Permit No: _____

☐ Condominium

Building Permit No: _____

Date of commencement of construction: 09-28, 20 22

Actual or estimated cost of making the improvements: \$ 475,333.97

Previous assessment:

Land: \$ 38,000.00 Improvements: \$ 870,500.00 Total: \$ 908,500.00

I hereby certify that the above information is correct to the best of my knowledge and I hereby make application for this exemption.

Applicant signature: Thomas LaMotte Date 2-2-24

☐ Denied ☒ Approved for the years: 2021 and 2025

Action taken on this application by Assessor Rh [Signature] 2/29/24
Signature/date

☐ Denied ☐ Approved for the years: _____ and _____

Action taken on this application by Mayor _____
Signature/date

LIST OF BILLS FOR THE CITY OF DEVILS LAKE
4-Mar-24

VENDOR	AMOUNT DUE
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AIRPORT

Bergstrom Electric	\$101,912.00
Capital One-Walmart	\$28.12
Capital One Trade Credit-Walmart	\$71.88
Gleason Construction	\$125,100.00
Klemetsrud Plumbing	\$104,400.00
Mead & Hunt	\$46,970.20
Midco	\$106.00
Newby's Ace Hardware	\$4.74

CITY

ABM Equipment	\$2,991.22
Advance Auto Parts	\$80.34
Amazon Capital Services	\$1,180.34
AT & T	\$1,784.61
Bergstrom Electric	\$3,077.52
Capital One-Walmart	\$390.65
Capital One Trade Credit-Mac's	\$1,619.82
Ciox Health	\$20.00
Corporate Technologies	\$3,935.00
Creative Impressions	\$42.99
Cummins-GF	\$1,886.78
Dakota Implement-NAPA	\$2,479.05
Devils Lake Cars	\$194.70
DL Chamber of Commerce/Tourism	\$48,259.52
Devils Lake Park Board	\$70,419.59
Ecolab	\$361.62
Emery Fisher	\$94.80
Exhaust Pros	\$49.00
Galls	\$941.82

LIST OF BILLS FOR THE CITY OF DEVILS LAKE
4-Mar-24

VENDOR	AMOUNT DUE
Grainger	\$281.10
Harold's Auto Marine & Electric Motor	\$2,649.85
Hawkins	\$9,770.23
Howler Electric	\$150.00
International Association of Fire Chiefs	\$215.00
Interstate Towing	\$761.98
Kemper Construction	\$3,732.50
Klemetsrud Plumbing	\$44.46
Lake Chevy Buick	\$4,092.70
Land Surveying Services	\$2,590.00
Leading Edge Equipment	\$151.57
LEAF	\$315.37
Minnesota State Community & Technical College	\$300.00
Motorola Solutions	\$243.75
National Fire Protection Association	\$175.00
NDACO Resources Group	\$5,869.84
Newby's Ace Hardware	\$248.45
NDTC	\$262.89
Ottertail Power Company	\$21,657.27
Quadient Leasing	\$260.70
Razor Tracking	\$225.00
Reslock Printing	\$77.90
Sign Solutions	\$352.54
State of ND Chemistry Lab	\$185.37
Tanya Weiler	\$1,000.00
The Needle's Eye	\$6.00
Toshiba Business Solutions	\$17.70
Tractor Supply Credit Plan	\$486.47
Usable Life	\$604.14
Water Smith	\$4,149.00

LIST OF BILLS FOR THE CITY OF DEVILS LAKE
4-Mar-24

VENDOR	AMOUNT DUE
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TOTAL LIST OF BILLS	\$579,279.09
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