

**Monday, August 3, 2026
5:30 pm CST**

City Commission Agenda

Meeting Items

- 1) Call to Order
- 2) Pledge of Allegiance
- 3) Approval of Minutes – July 20, 2026
- 4) Approval of Minutes – July 28, 2026, Special Meeting

Awards and Proclamations

Public Hearings – 5:30 PM

- 1) Planned Unit Development – 14th St NW - Devils Lake FD Training Area
- 2) Planning Commission – Change of Zoning Regulations for Temporary Green Houses
- 3) Planning Commission – Change of Zoning from Single Family to Highway Commercial for Lots 1 and 2 of the Tips Subdivision

Bid Openings – 5:30 PM

Visitors or Delegations

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

Commission Portfolios

- 1) Employee Step Increases

Old Business

- 1) Tobacco Retailer Training (Cindy Schmidt / SRO CPL Dallas)
- 2) Sunnyside Childcare Center – Personal Property Bill of Sale
- 3) RFP Selection Committee (115 5th Ave NE)

Consent Agenda

New Business

- 1) First Reading – Ordinance #1041 Section 17.76.030 – Signs

2) First Reading – Ordinance #1042 Section 17.76.040 – Accessory Buildings

Citizen Comment

Informational Items

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

This Commission meeting can be viewed live or on replay via YouTube at the following link:
<https://www.youtube.com/watch?v=H-kiNjl4xR8>

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.

**MEETING MINUTES OF THE CITY COMMISSION
OF THE CITY OF DEVILS LAKE, ND
JULY 20, 2026**

The regular meeting of the Devils Lake City Commission was held on July 20, 2026, with the following members present: President Moe and Commissioners Hach, Knowski, Uhlenkamp, and Pierce.

MEETING ITEMS

- 1) Call to Order
- 2) Approval of Minutes – June 15, 2026

Commissioner Knowski made a motion to approve the minutes of the June 15, 2026 meeting. Commissioner Hach seconded the motion, and the motion was approved unanimously.

- 3) Approval of Minutes – July 6, 2026

Commissioner Uhlenkamp made a motion to approve the minutes of the July 6, 2026 meeting. Commissioner Pierce seconded the motion, and the motion was approved unanimously.

AWARDS AND PROCLAMATIONS

- 1) Years of Service – Richard Godman (25 years with Sanitation Department)

President Moe thanked Richard Godman for his 25 years with the Sanitation Department.

- 2) Years of Service – Helen Carlson (35 years with Engineering Department)

President Moe thanked Helen Carlson for her 35 years with the Engineering Department.

PUBLIC HEARINGS – 5:30 PM

BID OPENINGS – 5:30 PM

VISITORS OR DELEGATIONS

- 1) Forward Devils Lake – Release of Funds (\$53,800)

Brady Ash, Executive Director of Forward Devils Lake, gave an update on the projects that he has done and potential projects he is working on. Brady said that one discussion he has been having is about data centers. He said there have been conversations about a data center and he has been in contact with companies regarding this. Commissioner Pierce asked if there was any interest in other businesses coming to Devils Lake. Brady said that there will be a Jimmy John's coming, but other than that, they are just working on some expansion projects. Commissioner Uhlenkamp made a motion to release the funds in the amount of \$53,800. Commissioner Knowski seconded the motion, and the motion was approved unanimously on a roll call vote.

COMMISSION PORTFOLIOS

Commissioner Pierce – The Fire Chief said that they are working on a couple of projects and are hoping to get more information within the next month.

Commissioner Uhlenkamp – The City Engineer said that the Street Department has seen an increase in mosquito counts, so spraying will happen when weather allows.

Commissioner Uhlenkamp said that there was a library meeting last week and they discussed a leak in the roof. They are looking for bids on that project. She mentioned that there is not an update from the LRLEC meeting that they had last week.

Commissioner Hach – The City Engineer said that the Sanitation Department is discussing on how they would like to proceed with the new garbage cans. He said the automated truck will be coming in the September/October timeframe. The Engineering Department has met with contractors on the projects and those should be starting here in the near future.

The Airport Manager said that if anyone sees a job opening for the airport online, do not do anything with it, as it is not legit. He also gave an update on actual numbers for boardings at the airport.

The Police Chief said that the calls for service continue to rise. He said that they are continuing with the downtown foot patrol. He mentioned that they did an alert training last week and thanked Chief Bennett for the use of the facility.

Commissioner Knowski – The City Engineer said that the Utility Plant is going to be harvesting lemna this week. They are also working on some things at the water plant.

The City Assessor said that Dustin is going to Nashville August 18-21 and all the expenses will be paid for. Commissioner Knowski made a motion to approve the out-of-state travel. Commissioner Pierce seconded the motion, and the motion was approved unanimously. He also said that there is a Planning Commission meeting this Thursday at 7am.

The City Auditor said that they have closed on two (2) of the HIF homes. He gave an update regarding our 2022 audit.

The City Attorney said that there is a second reading of an ordinance on the agenda, other than that there is nothing to report.

OLD BUSINESS

1) Second Reading – Ordinance 1040 – Chapter 9.74 – Tobacco Retailers

A second reading of Ordinance 1040 – Chapter 9.74 – Tobacco Retailers was held. Commissioner Pierce made a motion to approve Ordinance 1040. Commissioner Uhlenkamp seconded the motion, and the motion was approved unanimously.

2) Sunnyside Childcare Center – 115 5th Ave NE

Brady Ash, Executive Director of Forward Devils Lake, gave an update on Sunnyside Childcare Center and possible next steps moving forward. He met with the owner of Sunnyside Childcare regarding the lease, possible payment obligations, and the building. He said that the owner asked if she could stay in the building through the month of August due to the amount of stuff that is still in the building. She also discussed leaving the contents in the building to let a new person see what the setup could look like if a daycare was to go back into that building. He said that the RFP is open to anyone, not just someone looking to open daycare. Commissioner Pierce asked if there has been any progress with removing stuff from that building and if 11 days is enough time to get everything out. Brady said that the last time he was there, he noticed there was stuff getting packed up. Brady mentioned that the city purchasing the content was an option that was thrown out. President Moe and the Commission said that we (city) do not want to be owners of content that is in the building. Brady said that there is some equipment that is staying in the building (kitchen items and the washer and dryer). President Moe said that he would like to see an appraisal value of these items. Brady went through the RFP qualifications and explained how to process is going to work. Brady also said that once proposals start coming in, there will need to be a selection committee to review the applications. Commissioner Uhlenkamp made a motion to approve the RFP. Commissioner Pierce seconded the motion, and the motion was approved unanimously.

3) 2027 Budget

The City Auditor said there is a 3% property tax cap, so our max increase on dollars levied is \$65,606. He also said that a lot of the new growth is in a TIF district, so we will not see that until the TIF is paid off. The current CPI is 4.4%, so the placeholder in the budget is 3%. Each percentage we use costs the general fund around \$42,000. He also said that the public safety was due for the salary review, but we have not heard from our HR consultant about that.

The preliminary budget must be approved and sent to the County by August 10th. Two (2) special meetings have been proposed: July 29th at noon and on August 5th at noon. Commissioner Uhlenkamp said that Wednesday is not a good day for her and that July 28th would work better.

CONSENT AGENDA

NEW BUSINESS

1) Pay Estimate #3 – 2026 Curb, Gutter, Sidewalk

Commissioner Knowski made a motion to approve pay estimate #3 – curb, gutter, sidewalk. Commissioner Uhlenkamp seconded the motion, and the motion was approved unanimously on a roll call vote.

CITIZEN COMMENT

INFORMATIONAL ITEMS

1) June 2026 Financial Report

LIST OF BILLS

Commissioner Pierce made a motion to approve the list of bills as submitted. Commissioner Hach seconded the motion, and the motion was approved unanimously on a roll call vote.

ROB JOHNSON
INTERIM CITY AUDITOR/CITY ASSESSOR

JIM MOE
PRESIDENT OF CITY COMMISSION

**MEETING MINUTES OF THE CITY COMMISSION
OF THE CITY OF DEVILS LAKE, ND
JULY 28, 2026**

The regular meeting of the Devils Lake City Commission was held on July 28, 2026, with the following members present: President Moe and Commissioners Hach and Pierce. Commissioner Uhlenkamp and Knowski were absent.

MEETING ITEMS

- 1) Call to Order
- 2) 2027 Budget
 - a. Property Tax Levy Calculations

The City Auditor gave an update on how the mill levy dollars are calculated and what the amount we can levy for 2027 budget is. He said that the property tax cap levy is 3%, which would leave the max dollars levied at \$2,252,466, which is a mill rate of 88.67 if the max dollars are levied.

- b. Cost of Living Adjustment

The City Auditor said that at the last meeting we had a 3% placeholder for cost of living, but it has been changed to 4% as a placeholder.

- c. Airport

The City Auditor said that the airport is looking to get 2.5 mills in 2027 instead of 2.2 mills. 2.2 mills would be \$55,885 and 2.5 mills would be \$63,508. Commissioner Pierce said that the mill was agreed upon when the fire department took over ARFF. Dennis Olson, Chairman, said that this was agreed, but they also agreed on a \$20,000 deduction on the lease for the city shops. It was mentioned that the County is hoping to stay where it currently is, but if it does increase, we can estimate \$3,000. The City Auditor said that he believes the state airline tax could still increase, but the airport authority would like to keep it at \$13,000. On the expense side, health insurance is budgeted with a 10% increase, with the hope that it will not come in this high.

Dennis said that the Airport is in the position right now where Federal dollars are lagging, so they have been asked to pay the bill for a project that they have going on. The amount would be around \$134,000. He said that they have the funds available to do this and they will apply for reimbursement from the state, who would reimburse 50%. They also purchased a fire truck from South Dakota that is in the process of being renewed, which will cost roughly \$60,000 and they will apply for reimbursement for that from the state as well.

d. Library

The City Auditor said that the library gets a 3% increase on the mill dollars instead of a certain number of mills. The library is unsure what the County is going to do this year, so budgeted is a 1.5% increase.

On the expense side, the healthcare is reduced due to staffing levels, but it does include a 10% increase.

Shawna, the Library Director, said that they need a full roof replacement. They have received one estimate and that came in at around \$65,000. It was recommended that this be completed before winter, but it will need to be replaced this year or next year.

e. Economic Development/JDA/Growth Fund

The City Auditor said that economic development budget is standard and consistent year after year. The only concern is constantly running in a deficit, and the fund balance is starting to get low.

The City Auditor said that the Jobs Development Authority will stay at 2 mills for 2027, with most of the dollars going to Forward Devils Lake.

The City Auditor said that the Growth Fund is mainly sales tax driven and there could be some flexibility if needed.

3) 2027 Budget Meeting and Public Hearing Schedule

The City Auditor said that the meeting on Monday can start early, either 4 or 4:30, to go through general fund. There will be a special meeting on August 5th at noon to go through the enterprise funds. If preliminary is not approved on August 5th, there will be a special meeting held on Friday, August 7th for approval.

4) Authorize 2026 Collection Toto RFP

Commissioner Hach made a motion to approve the 2026 collection tote RFP. Commissioner Pierce seconded the motion, and the motion was approved unanimously on a roll call vote.

ROB JOHNSON
INTERIM CITY AUDITOR/CITY ASSESSOR

JIM MOE
PRESIDENT OF CITY COMMISSION

devils lake

Planning Commission

Date: July 27, 2026

To: Planning Commission Members

From: Helen Carlson, Planning Commission Secretary 

Re: Change in zoning

The Devils Lake Planning Commission took action at their July 23, 2026 meeting to recommend approval of a change in zoning from single family residential to PUD for the Fire Department training center located on 14th St NW. The documents for the PUD zoning are attached.

PLANNED UNIT DEVELOPMENT DISTRICT

Purpose.

This planned unit development district is intended to be used for fire department training activities and uses.

Permitted uses.

- A. Any existing use related to fire department training activities.
- B. Any existing structure that needed for the fire department training.

Conditional uses.

None

Yard requirements.

- A. Minimum 20' Rear Setback
- B. Minimum 20' Side Setbacks for Single Units
- C. Minimum 20' Front Setbacks

Building height.

The building height requirement in C-HWY district shall be subject to the provisions of the airport ordinance.

(Ord. 827 (part), 1999)

Parking.

All parking will be on the property.

Signs.

For signs in this PUD district the provisions of Section 17.76.030 shall apply.

Landscapes Unlimited Nursery
PO BOX 387
Devils lake ND 58301
701238-7203

Explanation for necessity of request ;

To change the zoning to allow a Legitimate Greenhouse Operation that uses engineered greenhouse plastic film to cover there greenhouses for 12 months instead of 6 months. The greenhouse film we use is engineered and rated for a minimum of 6 years or 72+ months. The city ordinance is written so we have to remove our greenhouse plastic in a 6 month time frame , 66 months early from the minimum expectation of the engineered greenhouse plastic. This is a large expense to our greenhouse. The biggest expense is to our environment. Using a plastic film product for less then 10% of its expected use life and tossing it in our landfill.

The other reason for the zone change is we grow a good percentage of what we sell. 6 months does not allow us to grow our plants and also use the greenhouse for sales. The growing starts mid Feb and sales last in the greenhouse through July. The plastic film needs to be installed in warm weather to ensure a tight fit. The 6 month time frame does not work for using the greenhouse for #1 growing plants # 2 selling the plants.

Lets Review :

1. Greenhouse film is engineered for 72+ month usage not 6 months.
- 2 Using a plastic film product for less then 10% of its intended use is senseless to our environment and a added business expense.
- 3 6 months time does not allow our business to grow our plants and sell them to under cover of our greenhouse.
- 4 Plastic film needs to be installed in warm weather making the 6 month time frame impossible.

Notice of Public Hearing

The Devils Lake Planning Commission will hold a public hearing on July 23, 2026, 7:00 am, City Office, 423 6th St NE, Devils Lake, ND, to review a request for a change in zoning from residential low density to PUD (Planned Unit Development) for the Devils Lake Fire Department Training area on 14th St NW. If special accommodations are needed, please contact city office.

Documents relating to the request are on file in the office of the City Engineer and may be viewed during regular working hours.

for legals: 7-16-26

Notice of Public Hearing

The Devils Lake City Commission will hold a public hearing on August 3, 2026, 5:30 pm, City Office, 423 6th St NE, Devils Lake, ND, to review a request for a change in zoning from residential low density to PUD (Planned Unit Development) for the Devils Lake Fire Department Training area on 14th St NW. If special accommodations are needed, please contact city office.

Documents relating to the request are on file in the office of the City Engineer and may be viewed during regular working hours.

for legals: 7-16-26, 7-23-26

devils lake

Planning Commission

Date: July 27, 2026

To: Planning Commission Members

From: Helen Carlson, Planning Commission Secretary 

Re: Change in zoning

The Devils Lake Planning Commission took action at their July 23, 2026 meeting to take no action for the request to change zoning regulations for temporary green houses. New zoning for temporary uses is being reviewed. The application for the zoning request is attached.



Application for Planning Commission Hearing

Name of Applicant Landscapes unlimited Nursery

Applicant 206 5th ST SE Devils Lake ND
Address PO Box 387

Phone # 701-238-7203 Applicant Email SmellyPerch@icloud.com

Name of Property Owner (if needed) Steve Bouncy

Property Address 206 5th St SE

Legal Description SCT: 00 Twn: 000 RNG: 000

W 10' LOT 5 & all of lots 6-12 & VAC ALLEY LY W ETC Block 63

Project Description (attach sketch) Changing Zoning to allow 12 month greenhouse

Plastic Film Coverage instead of 6 months for growing and selling bedding & vegetable plants

Type of Action Requested ☐ Conditional Use Permit ☐ Subdivision Approval
☒ Zoning Change ☐ Right-of-Way Vacation
☐ Annexation ☐ Other _____

Explanation for Necessity of Request ATTACHED

I certify that the above information is, to the best of my knowledge, accurate and complete. I understand that any false or inaccurate statements may constitute grounds for revocation of any action taken on the basis of this information.

Applicant's Signature S. Edman Date 6-23-26

Owner's Signature (if needed) SSD Date 6-23-26

(for office use only)

Date of Hearing 7-23-26 Fee Paid 500

Request _____ Approved _____ Denied _____ Tabled _____ Withdrawn _____ Other _____

Comments _____

Notice of Public Hearing

The Devils Lake Planning Commission will hold a public hearing on July 23, 2026, 7:00 am, City Office, 423 6th St NE, Devils Lake, ND, to review a request for a change in zoning to change time limit for temporary uses as noted in Chapter 17.78.070 of the City's Ordinance. If special accommodations are needed, please contact city office.

Documents relating to the request are on file in the office of the City Engineer and may be viewed during regular working hours.

for legals: 7-16-26

Notice of Public Hearing

The Devils Lake City Commission will hold a public hearing on August 3, 2026, 5:30 pm, City Office, 423 6th St NE, Devils Lake, ND, to review a request for a change in zoning to change time limit for temporary uses as noted in Chapter 17.78.070 of the City's Ordinance. If special accommodations are needed, please contact city office.

Documents relating to the request are on file in the office of the City Engineer and may be viewed during regular working hours.

for legals: 7-16-26, 7-23-26



Date: July 27, 2026

To: Planning Commission Members

From: Helen Carlson, Planning Commission Secretary *HC*

Re: Change in zoning

The Devils Lake Planning Commission took action at their July 23, 2026 meeting to deny a request for a change in zoning from single family to highway commercial for Lots 1 and 2 of the Tips Subdivision located off County Rd 1. Changing the zoning would have created spot zoning, which is not allowed.

Application for Planning Commission Hearing

Name of Applicant Kale Miller

Applicant

Address 7984 County Hwy 1 Devils Lake, ND 58301

Phone # 701-303-0911 Applicant Email lakeregiondrilling@gmail.com

Name of Property Owner (if needed) _____

Property Address County Hwy 1

Legal Description The Tips Subdivision

Project Description (attach sketch) Shop for business

Switch Lot 142 to commercial

Type of Action Requested ☒ Conditional Use Permit ☐ Subdivision Approval
☒ Zoning Change ☐ Right-of-Way Vacation
☐ Annexation ☐ Other _____

Explanation for Necessity of Request It is zoned as residential and I would like to switch the zoning to commercial so I can build a shop.

I certify that the above information is, to the best of my knowledge, accurate and complete. I understand that any false or inaccurate statements may constitute grounds for revocation of any action taken on the basis of this information.

Applicant's Signature Kale J. Miller Date 6-30-26

Owner's Signature (if needed) _____ Date _____

◇
(for office use only)

Date of Hearing _____ Fee Paid _____

Request ☐ Approved ☐ Denied ☐ Tabled ☐ Withdrawn ☐ Other

Comments _____



COUNTY HWY 1

0500000111

Two lots requested to be zoned as highway commercial to construct a shop

Notice of Public Hearing

The Devils Lake Planning Commission will hold a public hearing on July 23, 2026, 7:00 am, City Office, 423 6th St NE, Devils Lake, ND, to review a request for a change in zoning from residential single family to highway commercial and a conditional use permit for a contractor's yard and storage garage for Lot 1 & 2, Tips Subdivision. If special accommodations are needed, please contact city office.

Documents relating to the request are on file in the office of the City Engineer and may be viewed during regular working hours.

for legals: 7-16-26

Notice of Public Hearing

The Devils Lake City Commission will hold a public hearing on August 3, 2026, 5:30 pm, City Office, 423 6th St NE, Devils Lake, ND, to review a request for a change in zoning from residential single family to highway commercial and a conditional use permit for a contractor's yard and storage garage for Lot 1 & 2, Tips Subdivision. If special accommodations are needed, please contact city office.

Documents relating to the request are on file in the office of the City Engineer and may be viewed during regular working hours.

for legals: 7-16-26, 7-23-26

MEMORANDUM

To: Devils Lake City Commission

From: Rob Johnson, Interim City Auditor/City Assessor

Date: July 30, 2026

Re: 2026 Employee Step Increases

Mayor Moe and City Commissioners,

Annual performance-based step increases were awarded to qualifying employees effective July 1, 2026. As part of that process, my office reviewed recommendations for step increases provided by Department Heads to ensure compliance with policy.

As per policy #210 – Performance Evaluation and Salary Review from the City of Devils Lake Employee Personnel Policy Manual it states:

Step increases are provided one time per year, whether that be at the conclusion of an employee's introductory period, or after annual performance evaluations should approval be provided from the employee's supervisor.

There were situations where requested step increases were not given due to the above policy. The Department Heads were encouraged to advocate for the additional step increases to their portfolio holder. I was asked to bring present these cases to the full commission for review.

The first two cases are from the Fire Department and involve Myles and Garrett. The following is directly from Chief Bennett.

Myles

Myles was hired on July 7, 2025, and was initially placed at Grade 8, Step C because he possessed certifications that justified starting him one step higher than the standard entry level.

When Step B was removed from the salary schedule in January, we had another employee who had started in September without those same certifications. That employee would have been placed at Grade 8, Step C, eliminating the distinction that had intentionally been established based on qualifications. To preserve that difference, Myles was administratively moved to Grade 8, Step D, maintaining the one-step advantage that reflected his additional certifications.

Now, at the time of annual raises, we are being told that Myles is not eligible to move to Grade 8, Step E because his January adjustment is being treated as his annual step increase. That January movement, however, was not a merit or longevity increase. It was simply an administrative adjustment made to preserve the compensation difference that already existed before the City's salary schedule changed.

Garrett

Garrett was hired on September 22, 2025, and began at Grade 8, Step B. Under the normal process, he would have completed his probationary period in February and advanced to Grade 8, Step C at that time.

When Step B was eliminated in January, Garrett was administratively moved to Grade 8, Step C before completing probation because his original step no longer existed. We are now being told that this administrative move makes him ineligible for his annual step increase.

The result is that Garrett remains at Grade 8, Step C. Meanwhile, Karsen, who was hired on May 4, 2026, is currently at Grade 8, Step C and, upon successfully completing probation in November, will advance to Grade 8, Step D. This places a newer employee ahead of Garrett despite Garrett having more time with the department and meeting the expectations required for annual progression.

Our concern is not simply the pay difference, but the fairness and consistency of the City's compensation structure. Neither Myles nor Garrett received an actual annual step increase as intended by the City's compensation plan. Instead, they received administrative adjustments that were necessary because the salary schedule itself changed. Treating those adjustments as annual raises effectively causes them to miss a year of earned step progression through no fault of their own.

I respectfully ask that these situations be reconsidered so that the administrative changes to the salary schedule do not unintentionally disadvantage employees who have otherwise met the requirements for their annual step increase. I believe reviewing these circumstances will help maintain fairness, consistency, and employee confidence in the City's compensation system.

The next case is from the Sanitation department and involves Andrew. The summary of Andrew's situation is best laid out as such from Mr. Grafsgaard:

1. He was hired below the Step E threshold that his supervisor was allowed and was promoted to Step E at the end of probationary period.
2. The probationary period ended 8 days into 2026. If it had ended December 31, 2025, policy would not be in question.
3. Grade 5 is the lowest full-time employee grade we have. Andrew has proven to be a valuable employee in a position that has seen steady turnover, so working with the supervisor we will work to ensure he is compensated accordingly.

There were also two employees at the Library that were not given requested step increases. I addressed this with the Library Board when I met with them on July 9th and left it in their hands to address any adjustments that they deemed necessary and appropriate.

While I understand and support the requests made by Chief Bennett and Mr. Grafsgaard regarding their employees' step increases, policy was clear and I did not feel it was within my authority to deviate from policy, especially with multiple and differing situations. Thus, my referral of the Department Heads to the portfolio holders.

The requests under consideration are:

- Myles moves from a Grade 8, Step D to Grade 8, Step E.
 - Increase of \$2,136 annually
- Garrett moves from a Grade 8, Step C to a Grade 8, Step D
 - Increase of \$2,052 annually
- Andrew moves from a Grade 5, Step E to a Grade 5, Step F
 - Increase of \$1,392 annually

My recommendation would be to make any changes decided by the commission effective July 20, 2026.

To: **Devils Lake City Commission**

From: **Brady Ash, Executive Director, Forward Devils Lake**

Date: **July 30, 2026**

Re: **Sunnyside Childcare Center – Personal Property Bill of Sale**

Sunnyside Childcare Center was a local daycare in downtown Devils Lake. They operated out of 115 5th Ave NE, a building owned by the City of Devils Lake. Operations were ceased as of June 30, 2026.

Over the last month, options were discussed in terms of how rent should be paid to the City of Devils Lake for the months of June and July. One idea that appeared to be the most attractive was for the owner of Sunnyside to leave some of the business' personal property in the building, and transfer ownership over to the city. This property includes kitchen equipment, and a washer/dryer set utilized for laundry.

To memorialize the transfer, the City Attorney has prepared a “modified” bill of sale to evidence the transfer of ownership from Sunnyside Childcare to the City of Devils Lake. It is recommended that this document be approved.

Attached – Bill of Sale

BILL OF SALE AND SATISFACTION OF DEBT AGREEMENT

This Bill of Sale and Satisfaction of Debt Agreement (hereinafter, "Agreement"), dated this _____ day of August, 2026, is entered into and executed by and between the **City of Devils Lake**, a municipal corporation, which has an address of 423 6th St NE, P.O. Box 1048, Devils Lake, ND 58301, party of the first part, referred to herein as "City," and **Holly Malheim, individually, and Sunnyside Childcare Center, LLC**, a North Dakota limited liability company, who has an address of 205 16th Ave SE, Devils Lake, ND 58301, party of the second part, referred to herein as "Malheim and Sunnyside Childcare."

WHEREAS, the parties entered into a Lease Agreement on or about January 20, 2026 in which the City was the "Owner" and Malheim and Sunnyside Childcare was the "Tenant," which Lease Agreement did provide for a lease term of two (2) years commencing January 1, 2026 and terminating December 31, 2027, which Lease Agreement was for certain real property located in Ramsey County, North Dakota, which property is described as follows, to-wit:

Lots 1, 2, 3, 4, 5, and 6, all in Block 47 of the Original Townsite to the City of Devils Lake, Ramsey County, North Dakota; and

WHEREAS, Malheim and Sunnyside Childcare did terminate said Lease Agreement on or about June 24, 2026; and

WHEREAS, pursuant to the Lease Agreement, Malheim and Sunnyside Childcare owe the City the sum of \$4,300.00, which amount includes the following: (a) June 2026 rental payment in the amount of \$100.00; (b) July 2026 rental payment in the amount of \$600.00; and (c) childcare incentive payments in the amount of \$3,600.00; and

WHEREAS, Malheim and Sunnyside Childcare are the owners of certain personal property, more specifically described below, which is currently located at and within the above-described real property; and

WHEREAS, the parties to this Agreement are agreeable to Malheim and Sunnyside Childcare transferring ownership of said personal property to the City in exchange for full satisfaction of the \$4,300.00 debt owed by Malheim and Sunnyside Childcare to the City under the terms of the Lease Agreement; and

WHEREAS, the parties to this Agreement wish to memorialize said transfer of ownership of personal property in exchange for full satisfaction of the debt owed on the Lease Agreement by entering into and executing this Bill of Sale and Satisfaction of Debt Agreement.

NOW THEREFORE, in consideration of the promises and mutual covenants set forth herein, the sufficiency of which is hereby agreed to and acknowledged, the City and Malheim and Sunnyside Childcare agree as follows:

1. The personal property currently owned by Malheim and Sunnyside Childcare and currently located at and within the above-described real property is as follows:
 - a. LG Dryer Model #DLE3400, with a retail value of \$750;
 - b. LG Washer Model #WM3400CW, with a retail value of \$770;

- c. GE Tall Deep Freezer Model #FUF14SMRDWW, with a retail value of \$800;
- d. GE Chest Freezer Model #FCM7SUMWW, with a retail value of \$450;
- e. Whirlpool Gold Series Oven with no Model No., with a retail value of \$750;
- f. LG Microwave Model #LCM2075BD, with a retail value of \$260;
- g. Hamilton Microwave Model #EM031N2ZC-X3, with a retail value of \$120; and
- h. GE Ice Maker Model #P4INAASST1SS, with a retail value of \$450.

2. Malheim and Sunnyside Childcare, in consideration of full satisfaction of the \$4,300.00 debt owed by Malheim and Sunnyside Childcare to the City under the terms of the Lease Agreement, the receipt of which is hereby acknowledged, has bargained and sold by these presents does grant, sell and convey unto the said City, its heirs or assigns, forever, the personal property described above.

3. Malheim and Sunnyside Childcare do hereby agree to warrant and defend the title to the above-described property unto the said City, its heirs and assigns, against all lawful claims, and has delivered the same unto the said City by delivery hereof.

4. The City, having received title to and delivery of the above-described property does fully satisfy the \$4,300.00 debt owed by Malheim and Sunnyside Childcare to the City under the terms of the Lease Agreement.

IN WITNESS WHEREOF, the parties have set their hands and seal the day and year first above written.

CITY OF DEVILS LAKE, a municipal corporation,

By: _____

Jim Moe, President
Devils Lake City Commission

ATTESTED TO:

By: _____

Robert Johnson
Devils Lake Interim City Auditor/Assessor

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Holly Malheim, individually

Sunnyside Childcare Center, LLC

By: _____
Holly Malheim
Its: Managing Member

To: **Devils Lake City Commission**

From: **Brady Ash, Executive Director, Forward Devils Lake**

Date: **July 30, 2026**

Re: **Selection Committee – RFP, 115 5th Ave NE**

The City of Devils Lake owns a commercial property that has been utilized as a licensed child care facility for many years. This property is located at 115 5th Ave NE.

At the July 20, 2026 regular City Commission meeting, it was approved to release the proposed Request for Proposal (RFP) for a leasing opportunity at this property. It was also approved by the Commission to have the Executive Director of Forward Devils Lake form a selection committee of five (5) people. This committee will be made up of two (2) City Commissioners, two (2) Forward Devils Lake Board members, and the Executive Director of Forward Devils Lake.

It is recommended that the following individuals be appointed to the Selection Committee responsible for reviewing proposals submitted in response to the Request for Proposals (RFP) for the lease of the City-owned property located at **115 5th Avenue NE**.

1. Jason Pierce – Devils Lake City Commission
2. Lisa Uhlenkamp – Devils Lake City Commission
3. David Steffen – Forward Devils Lake Board
4. Paul Wilhelmi – Forward Devils Lake Board / Ramsey County Commission
5. Brady Ash – Executive Director, Forward Devils Lake

ORDINANCE NO. 1041

AN ORDINANCE WHICH UPON ADOPTION SHALL AMEND, MODIFY, AND ADD TO WHAT HAS BEEN CODIFIED AS SECTION 17.76.030 OF THE DEVILS LAKE MUNICIPAL CODE, AND IN ITS PLACE INCLUDE THE FOLLOWING:

BE IT ORDAINED by the Board of Commissioners for the City of Devils Lake, North Dakota, pursuant to the Home Rule Charter that Section 17.76.030 of the Devils Lake Municipal Code shall be amended, modified, added to as follows:

Section 17.76.030 - Signs.

- A. Purpose. The purpose of regulating signs in the city is to provide for a visually-pleasant urban environment and minimize potentially unsafe street, highway and sidewalk conditions for all age groups, but yet offer many opportunities for public and private information and advertising.
- B. General Requirements.
 - 1. No sign shall be located, erected, moved, reconstructed, extended, enlarged or structurally altered without obtaining a permit from the code administrator. Nonconforming signs shall be subject to the provisions of Section 17.76.010 of these regulations.
 - 2. All signs, canopies, awnings and marquees shall be structurally safe and securely anchored, fastened or supported in order to protect the safety of persons or property.
 - 3. No revolving beacon or fountain signs are permitted in any district, except such signs connected with the operation of the airport or public facilities.
 - 4. No sign, canopy, awning or marquee in any district shall conflict in any manner with public devices controlling public traffic.
 - 5. Publicly owned and maintained ground signs shall not be erected on the public right-of-way until reviewed by the planning commission and approved by the city commission.
 - 6. Signs, canopies, awnings and marquees projecting over a street, public way or other public space shall project not more than two feet. Clearance below such signs shall be a minimum of nine feet.
 - 7. Awnings that are collapsible, retractable or capable of being folded against the face of the supporting building, may in fully open position extend over public way no more than seven feet from the face of the supporting buildings, but no portion shall extend nearer than two feet to the face of the nearest curb line measured horizontally. In no case shall the awning extend over a public way greater than two-thirds of the distance from the property line to the nearest curb in front of the building site.
 - 8. Signs may be wall, pedestal, ground or projection type but shall not project into the public right-of-way or public property.

C. Special Requirements.

1. Signs in residential districts shall be limited to:
 - a. One sign per dwelling structure not exceeding two square feet in area and not exceeding six feet in height which may be wall, pedestal, ground or projecting type;
 - b. One sign per lot or complex for identifying the apartment building, or condominiums with more than four residential units, or one sign per business not exceeding thirty-six square feet and not exceeding 8 feet in height;
 - c. One temporary sign such as "For Sale," "For Rent," not exceeding six square feet in area;
 - d. Other temporary signs such as political campaign signs, greeting signs or rally signs.
2. Signs in the C-NGH and C-CAC districts and only for commercial uses shall be limited to:
 - a. Signs and electronic message centers not exceeding one hundred square feet in area and not exceeding the height of the highest point of the principle structure which may be wall, pedestal, ground or projecting type;
 - b. Temporary signs, including "For Sale," "For Rent," political campaign signs, greeting signs and rally signs not exceeding forty square feet in area.
 - c. Electronic message centers (EMC) in C-NGH and C-CAC districts not exceeding one hundred square feet in area may be wall, pedestal, ground or projecting type. EMCs may not be placed within 300 feet of a residential district. EMCs must have a minimum dwell time of 6 seconds with a transition time of no longer than 2 seconds. Animated or flashing EMCs are prohibited. EMCs must have automatic dimming at dusk. EMC Maximum Brightness = 5,000 cd/m² (Daytime) and 280 cd/m² (Nighttime) (cd/m² = candelas per square meter)
3. On premise signs in C-HWY, I-LT and I-HVY districts are limited to forty feet in height and are limited to 120 square feet in size for each sign and EMC. EMCs may not be placed within 300 feet of a residential district. EMCs must have a minimum dwell time of 6 seconds and a transition time of no longer than 2 seconds. Animated or flashing EMCs are prohibited. EMCs must have automatic dimming at dusk. EMC Maximum Brightness = 5,000 cd/m² (Daytime) 280 cd/m² (Nighttime)
4. On premise signs located in C-HWY, I-LT, and I-HVY districts located adjacent to the Highway 2 corridor shall not exceed two hundred square feet in area and shall not exceed sixty feet in height for each sign and EMC. EMCs on the Highway 2 corridor shall not be placed within 300 feet of a residential district. EMCs must have a minimum dwell time of 6 seconds and a transition time of no longer than 2 seconds. Animated or flashing EMCs are prohibited. EMCs must have automatic dimming at dusk. EMC Maximum Brightness = 5,000 cd/m² (Daytime) 280 cd/m² (Nighttime)

5. Off premise signs located in C-CWHY, I-LT, and I-HVY are subject to DOT regulations for height and size. Off premise EMCs shall not be placed within 300 feet of a residential district. EMCs must have a minimum dwell time of 6 seconds and a transition time of no longer than 2 seconds. Animated or flashing EMCs are prohibited. EMCs must have automatic dimming at dusk. EMC Maximum Brightness = 5,000 cd/m² (Daytime) 280 cd/m² (Nighttime)
6. Signs in special districts, excepting PUD districts, shall be limited to:
 - a. One sign per use not exceeding twenty square feet in area which may be wall, pedestal, ground or projecting type;
 - b. Location and size of the signs for PUD district shall be a part of the detailed site plan.
7. Signs for conditional uses shall be consistent with the provisions for the district in which they are located and the provisions of this section.
8. The standards for measuring EMCs are set forth by the OAAA Recommended Digital Brightness Guidelines.

ORDINANCE NO. 1042

AN ORDINANCE WHICH UPON ADOPTION SHALL AMEND, MODIFY, AND ADD TO WHAT HAS BEEN CODIFIED AS SECTION 17.76.040 OF THE DEVILS LAKE MUNICIPAL CODE, AND IN ITS PLACE INCLUDE THE FOLLOWING:

BE IT ORDAINED by the Board of Commissioners for the City of Devils Lake, North Dakota, pursuant to the Home Rule Charter that Section 17.76.040 of the Devils Lake Municipal Code shall be amended, modified, added to as follows:

Section 17.76.040 - Accessory buildings.

- A. Accessory building serving as private garages may be built in a rear yard but must not occupy more than thirty percent of the rear yard and 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 must not be located closer than ten feet to the alley line. When sidewall heights exceed ten feet, the minimum side yard setback must be four feet. If the private garage is located closer than ten feet to the main building, the garage must be regarded as a part of the main building for the purpose of determining side yards and rear yards. Accessory buildings serving as storage garages must not be nearer than five feet to any side or rear lot line.
- B. No accessory building may be constructed on a lot without a habitable dwelling or until the construction of the main building has commenced, and no accessory building 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 may not occupy more than twelve percent of the lot area nor be larger than one thousand two hundred square feet. The area of the attached garage shall not exceed the area of the living area unless the attached garage is located on a lot the size of one acre or greater. The maximum wall height measured from the sill plate to the top plate shall not exceed twelve feet. For lots between twenty and forty thousand square feet, attached and detached accessory buildings shall not exceed six percent of the lot area. The maximum wall height, overall height, and distances to property lines must be as shown in Table 17.76.040. The first seven hundred 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 attached and detached accessory structures may not exceed the values as shown in Table 17.76.040. The first seven hundred 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, then the building setback distance may be as stated in Section 17.76.040(A).
- E. Attached garages must have a proper frost protected foundation with a depth of four 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 twelve-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 four 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 for detached garages
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 1.5 Ac.	2,400 sq. ft.	14 feet	25 feet	15 feet
1.5+ Ac. to 2 Ac.	2,800 sq. ft.	14 feet	25 feet	15 feet
+2 Ac. to 2.5 Ac.	3,200 sq. ft.	14 feet	25 feet	15 feet
2.5+ Ac. to 3 Ac.	3,600 sq. ft.	14 feet	25 feet	15 feet
+3 Ac. to 3.5 Ac.	4,000 sq. ft.	14 feet	25 feet	15 feet
3.5 Ac. to 4 Ac.	4,500 sq. ft.	14 feet	25 feet	15 feet
+4 Ac. to 4.5 Ac.	5,000 sq. ft.	14 feet	25 feet	15 feet
4.5 Ac. to 5 Ac.	5,500 sq. ft.	14 feet	25 feet	15 feet
+5 Ac. to 10 Ac.	6,000 sq. ft.	14 feet	25 feet	15 feet

LIST OF BILLS FOR THE CITY OF DEVILS LAKE
3-Aug-26

VENDOR	AMOUNT DUE
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AIRPORT

Airport Lighting Company	\$1,591.72
Andrew Kraft	\$50.00
Dakota Implement	\$231.23
Dennis Olson	\$250.00
Dominic Eritano	\$150.00
Farmer's Union Insurance	\$468.00
Forte	\$60.89
John Deere Financial	\$3.18
Keller's Briteway	\$220.00
Midcontinent	\$79.17
Russell Gerhardt	\$50.00
The Glass Shop	\$3,500.00
Wade Halvorson	\$50.00

CITY

Advanced Business Methods	\$102.14
Alex Air Apparatus	\$1,408.65
Amazon Capital Services	\$687.96
Apex Equipment	\$2,892.00
Aspire Services	\$250.00
AT & T	\$417.17
B & B Lawn Care	\$300.00
Bravera Bank Credit Card	\$4,743.54
City of Devils Lake	\$36.14
Corporate Technologies	\$8,334.00
Dakota Implement-NAPA	\$1,665.41
Devils Lake Park Board	\$63,206.77
DL Chamber of Commerce/Tourism	\$41,363.81

LIST OF BILLS FOR THE CITY OF DEVILS LAKE
3-Aug-26

VENDOR	AMOUNT DUE
Ecolab	\$159.87
General Traffic Controls	\$10,140.00
Geveko Markings	\$6,493.13
Gowan Construction	\$464.18
Grand Forks Fraternal Order of Police	\$270.00
Grinch Service & Sales	\$3,364.43
Hach	\$116.72
JB Vending	\$71.34
Johnson Controls	\$7,013.51
Lake Region Law Enforcement Center	\$13,667.42
Landscapes Unlimited	\$22,325.00
Mid-Land Excavating	\$9,350.00
Motorola Solutions	\$590.00
MTI Distributing	\$3,223.72
ND Department of Transportation	\$38,136.00
North Central Granite	\$325.00
North Dakota Order of Police	\$1,485.00
NDTC	\$800.00
Old Castle Infastructure	\$4,368.30
Ottertail Power Company	\$20,648.80
Quill	\$252.12
Railroad Management	\$458.76
Ramsey Photo	\$200.00
Schmaltz's Greenhouse	\$481.97
Scott Knoke	\$290.00
Service Tire	\$1,565.09
Tanya Weiler	\$1,250.00
The Village Family Service Center	\$2,010.00
Tractor Supply Credit Plan	\$617.93
Usable Life	\$392.16
Western Asphalt Products	\$1,466.25

LIST OF BILLS FOR THE CITY OF DEVILS LAKE
3-Aug-26

VENDOR	AMOUNT DUE
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PREPAID EXPENSES

TOTAL LIST OF BILLS \$284,108.48