

CITY OF LINCOLN
COUNCIL MEETING

June 5, 2014

The regular meeting of the Lincoln city council was called to order by Council President Daly at 7:00 pm, at the Lincoln Community Center, 74 Santee Road, Lincoln, ND. Other Members Present: Urlacher and Cantleberry. Mayor Johnston absent.

Approval of minutes for May 8

--1st motion—Cantleberry—to approve the minutes

--2nd motion—Urlacher

All members present approve and motion carried.

Alcohol Licensing

License applications were presented by Benchwarmers, Dj's, TriEnergy, and Tumbleweed.

--1st motion—Urlacher- to approve Benchwarmers A, B, and Sunday opening liquor permit; Dj's A, B, and Sunday opening liquor permit; TriEnergy Beer only A and Sunday opening; Tumbleweed A & B Sunday Opening; Jr's liquor and beer and Sunday opening.

--2nd motion--Cantleberry

All members present approve and motion carried.

Auditor Bond Resolution 2014-4

Auditor's bond set by NDCC at an amount at least equal to 25% of the average amount of money that has been subject to the auditor control during the proceeding fiscal year or \$250,000 whichever is less.

--1st motion—Cantleberry—to approve Resolution 2014-4

--2nd motion—Urlacher

All members present approve and motion carried.

Special Use Permits

Dj's requested a special permit for the sale of alcoholic beverages at the South 40 on 6-6-14, 6-14-14, and 6-21-14. Benchwarmers requested a special use permit for the sale of alcoholic beverages at the South 40 on 6-7-14 and 6-28-14.

--1st motion—Urlacher—to approve the special use permits

--2nd motion Cantleberry

All members present approve and motion carried.

Gaming Authorization

The Horse Racing Association of ND and Lincoln Community Club both presented applications for Gaming site authorization.

--1st motion—Cantleberry-to approve the site authorization

--2nd motion—Urlacher

All members approve and motion carried.

Application for Transient Merchant

ARM Security has applied for a transient merchant license to sell security systems from June 6 to June 27.

--1st motion—Urlacher—to approve the transient merchant license

--2nd motion—Cantleberry

All members present approve and motion carried.

Fireworks permit applications

Applications were received from Memory Fireworks and Big Bang Theory.

--1st motion—Cantleberry—to approve applications for fireworks permits

--2nd motion-Urlacher

All members present approve and motion carried.

Public hearing for zoning change for Lincoln Park from A to R-5

President Daly opened up the public heart at 7:15pm. Dave Patience from Swenson Hagen was representing the developer CVZ for the zoning change request from A (Agricultural) to R-5

(single family mobile home). The developer would like to put in a mobile home park that would allow for approximately 200 homes. The lots he has planned would be slightly larger than what we require. The manufactured home park would have a list of covenants and lots would be designed to have a garage. There will be 7 acres along Lincoln Road that will not be rezoned at this time. Engineer Krogstad stated that if the Park would go forward they still have the platting process to go through. There were several residents present who were concerned about the storm water drainage. President Daly reminded the public that this is a zoning change request and storm water is reviewed during the platting process. The platting process requires a lot of planning by the Developer's engineer. That will be reviewed by the city engineer. Approval needs to go through both Planning and Zoning and the City Council. There will be communication and coordination also to designate space for a park. There is a large amount of groundwater in that area that would prohibit them from being able to build homes with basements or slab on grade that would need to have piers. That is why they feel this location is perfect for a park. The Planning and Zoning meeting declined the zoning change request based on the fact that the comprehensive plan states single family R-1. President Daly closed the public hearing.

--1st motion—Urlacher—to move to table the zoning change until next month

Motion died for a lack of a second.

--1st motion—Cantleberry—to approve the zoning change from A to R-5

--2nd motion—Urlacher

All members approve motion carried.

Groundwater affects residential homes

It has been expressed at the last couple meetings that there is concern from residents on the amount of groundwater we are having. The Board asked Engineer Krogstad to study the options for some groundwater control. He presented a couple options. One was for a 3ft deep drain tile system to run in the boulevard to collect groundwater and provide a path for it to enter the storm sewer. Each lot would have a connection for their sump pumps to discharge directly. The first option estimated cost of \$7100 per home and lower groundwater 1-4 inches. The second option was deeper about 6-8 feet that would install drain tile within the boulevard to collect groundwater. This system would require a new outlet to Apple Creek in the form of a pipe through the existing drainage easement. This would expect the groundwater to lower 4-8 inches and cost approximately \$11200 per home. He recommended that if the city was interested on pursuing one of those options that they should do a couple things. A groundwater monitoring program should be started by measuring and recording the water level in the existing gate valves. This would provide a base line of the groundwater elevation. Also, we need to determine if the residents affected would be willing to pay for an assessment.

--1st motion—Cantleberry—to start monitoring the groundwater.

--2nd motion—Urlacher

All members present approved and motion carried. Public works will get info and equipment to begin monitoring program.

Storm water drainage easement

At the last meeting the city was approached to research the easement we have for storm water on the North Side of Lincoln Road. Some residents feel like the sediment has caused the outlet to plug up. The easement was changed in 2003. The aerial photos dating back suggest an approximate elevation increase of 1 foot. The council asked that KLJ research options to clean out the sediment to increase storm water outlet capacity. A project like this could have potential limitations as to what work can be done. The USACE has some restrictions on what can be done in a wetland. They would be contacted to obtain their requirements and interpretation. The potential design is to lower the outlet ditch from Benteen Drive to Apple Creek. Estimated construction cost is \$100,000. That does not include necessary USACE permits, potential

wetland mitigation, or dewatering costs. Resident Ervin Fischer asked if we could try to reduce cost by only reconstructing the last 100 feet instead of the whole ditch. Krogstad will look into the approximate cost of the 100 feet.

Second reading and final passage of Sections 5-03-01.5; 8-02-02.3,8; 8-02-03.1,2; 9-03-01, 9-03-10.1.l,p; 9-03-10.1.t; 9-03-10.6, 9-03-10.7; 9-03-13.10.e; 9-04-02; 9-04-07.6; 9-04-11.8.g; 9-05-01; 9-05-09; 09-08-05.1.d

--1st motion—Urlacher--to approve the changes to the above codes and table the second reading of 9-04-03.6 for July's meeting

--2nd motion—Cantleberry

All members present approve and motion carried.

First reading of the ATV ordinance

The first reading of the ATV would outlaw the use of ATV's within any city limits (including ditches). Residents and individuals in the ETA were present to express their concerns with the use of ATV's.

--1st motion—Urlacher—to have the police department visit with City Attorney Andrist further on this before the next meeting.

--2nd motion--Cantleberry

All members present approve and motion carried.

Portfolios

Cantleberry—The park board will meet at the shelter the 3rd Tuesday of the month. The park purchased a new drag for the softball diamond. Softball starts June 11. They park is starting to plan the area over in Moch Park. We will check on the deed for the transfer on the main piece of land by the lot the park purchased from Wheatland Hills 2nd.

Daly-Financials are in. The Tree Board has met and they will be replacing 10 trees that have died. They are planning further plantings.

Urlacher-Roto Rooter will be coming to clean the drain on Santee by Benteen. The hydrants have been flushed. We are getting bids for the fix at the water reservoir and concreting the drainage ditch that leads to Lincoln Road off of Santee/Benteen. Krogstad recommended they make sure they know the elevation of the ditch planned in the Lincoln Road Project.

Motion to pay Bills

-1st motion-Urlacher -to pay bills

-2nd motion—Cantleberry

All members present approve and motion carried.

Meeting adjourned

Minutes submitted by Auditor, Melanie Kitzan, subject to request and revision of the City Council.