

**Devils Lake Planning Commission**  
**3-8-07**

Present: Eric Boren, Tony Braunagel, Craig Stromme, Frank Mack, Kevin Davidson, Guy DeSautel, Terry Thompson, Tom Traynor, Mike Grafsgaard, Marlene Bertsch, Greg Otis, Gary Martinson, Fred Bott, Ray Sletteland, Tim Greene, Larry Liere (on phone).

Tim opened the meeting. Frank made a motion to approve the minutes of the last meeting. Motion 2<sup>nd</sup> by Kevin. Carried.

Guy DeSautel addressed the issue of big box ordinances and referenced materials that Planner Steve Zimmer put together in a study done in 2005. He stated that big box retailers are devastating to smaller, local retailers.

Eric Boren said many states have already dealt with this and wanted to make sure that they weren't singling out any particular retailer and are just looking at the large square footage of a retailer. The City needs to be responsible to protect the existing city economy.

Guy said we are not asking to approve a pipe dream. This type of ordinance has been upheld in the court systems. It is the planning commission's right and responsibility to preserve our community. This ordinance would limit the growth of big box retailers.

Eric stated they represent a large group of concerned property owners and businesses.

Guy said they are requesting adoption of the proposed ordinance with a trigger point of 90000 SF as the maximum building. This would not keep out a Best Buy or Menards. If a big box retailer was allowed, it would severely affect local businesses, gas stations, greenhouses, eye wear businesses.

Eric said it would also result in loss of jobs and more empty buildings.

Guy said there would be more negative effects. Big box retailers typically don't spend money on advertising for radio or newspaper. Loss of local advertising would affect the local media. He stated the group has contracted with Civic Economics from Texas to present a study of big box retailers.

Kevin asked if they are asking for this ordinance to be adopted now.

Eric said they are asking the planning commission to review the ordinance and adopt it at their regular meeting on March 22.

Guy asked what the process was for ordinance approval.

Tom stated that the City commission recommended the planning commission review the ordinance, amend the zoning, have a public hearing with a 1 week notice, City commission has a public hearing with a 2 week notice. Today you would set the time for a public hearing and if additional input is needed, we can continue the public hearing as needed.

Fred didn't see getting this all done in one meeting.

Larry asked if the date was set in stone with the people from Texas. He would be home by the 29<sup>th</sup> and asked if the meeting could be held then.

Guy thought he would be able to change the date with the people from Texas.

Larry said he couldn't envision what size building would be 90000 SF and asked what size Kmart and Wal Mart were.

Guy said Kmart is 87000 SF, Wal Mart is 72000 SF and Leevers is 41300 SF.

Tim asked if we should have a meeting for the whole commission to look at the ordinance before the public hearing.

Tom said it could be discussed at the public hearing and that should be held first.

Tony Braunagel said he is not for or against big box retailers, but is bothered that this started as a resolution and then an ordinance. The people in the community should have a vote on this. Don't rush this process. This is too big of a step to do too quickly and should be evaluated for 2-3 months. This will also affect land developers and realtors. The resolution already stops building. It's OK to regulate building based on access but we don't want to stop expansion.

The city commission has passed a resolution for a moratorium on building anything over 90000 SF until the end of 2007 to allow time for the planning commission to study this.

Tony felt we should be telling other stores in town about the meeting and we don't want to come across as negative.

Marlene asked if the people from Civic Economics would object to being recorded when they do their presentation.

Guy said they would not object and will have copies of their power point presentation to hand out.

There will be a request for the vacation of Elm St on the next planning agenda.

We will try to set the meeting for March 29 and Guy will let Helen know if that works for Civic Economics.

Larry made a motion to set a public hearing for March 29 if that works with Civic Economics. Motion 2<sup>nd</sup> by Ray. Carried.

Larry asked if it should be an evening meeting to accommodate all the people? Or should it just start in the morning and continue later if need by?

Tom said we would have to have another public notice if we did that.

It was agreed that the meeting would be held at the regular 7:00 am time.

Kevin made a motion to adjourn the meeting. Motion 2<sup>nd</sup> by Frank. Carried.

Respectfully submitted,

Helen Carlson  
Recording secretary