

**I. CALL TO ORDER**

President Scott Decker called the meeting to order at 4:30 PM

**II. ROLL CALL**

Present were: President Scott Decker, Vice President John Odermann,  
Commissioners Jason Fridrich and Robert Baer

Telephone: Commissioner Suzi Sobolik

Absent: None

**1. PLEDGE OF ALLEGIANCE****2. ORDER OF BUSINESS**

MOTION BY: Robert Baer

SECONDED BY: John Odermann

To approve the September 19, 2023 Order of Business as presented.

DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0  
Motion declared duly passed

**3. CONSENT AGENDA**

MOTION BY: Jason Fridrich

SECONDED BY: John Odermann

**A. Approval of Accounts Payable, Commerce Bank and Checkbook**

DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0  
Motion declared duly passed

**4. ADMINISTRATION/FINANCE****A. Manufacturing Day in Dickinson Proclamation**

President Scott Decker reads the Manufacturing Day Proclamation which proclaims October 3, 2023 as Manufacturing Day in Dickinson.

President Guy Moos of Baker Boy asks for the city's support of Manufacturing Day. He states manufacturers employee about 1,400 employees and is growing in the number. He states on October 3, 2023 there will be an annual event hosting student that are exploring the manufacturing career.

MOTION BY: John Odermann

SECONDED BY: Robert Baer

To approve the Manufacturing Day in Dickinson Proclamation.

DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0  
Motion declared duly passed

**B. Dickinson High School Support Resolution**

City Administrator Dustin Dassinger reviews the Dickinson High School Support Resolution which supports the public school for a bond referendum.

MOTION BY: Robert Baer

SECONDED BY: Jason Fridrich

Adopt Resolution No. 27-2023.

**RESOLUTION NO. 27-2023****A RESOLUTION IN SUPPORT OF DICKINSON PUBLIC  
SCHOOLS BOND REFERENDUM FOR EXPANSION AND  
IMPROVEMENTS TO THE DICKINSON HIGH SCHOOL**

DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0  
Motion declared duly passed

### **C. Monthly Financial Report**

Deputy City Administrator Linda Carlson updates the Commission on the monthly financial report to include the treasurers report of \$65 million with an interest rate of 3.25%, investments have not change for the month. The 1% sales tax is slightly higher, hospitality tax slightly higher, occupancy tax is slightly higher, oil impact revenue coming in steadily for the past 7 months but slightly lower than 2022. The general revenue fund is 54% spent and expenses are at 59%.

MOTION BY: John Odermann

SECONDED BY: Robert Baer

To approve the Monthly Financial Report.

DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0  
Motion declared duly passed

### **D. Property Abatement**

City Assessor Joe Hirschfeld presents an abatement request from McNeill Development. The property is located at 227 16<sup>th</sup> Street West. The building was valued as a taxable building during the 2014 Commercial revaluation and was carrying a value of \$2.5M prior to being purchased by the SW Health Department for \$2.4M in 2016. Assessor Hirschfeld states upon purchase, this property became exempt from taxation. However, Mr. McNeil says that he relied upon this valuation when swapping properties with SW Health. Mr. McNeil is asking for a value change to \$1,700,000 from \$2,191,100 for 2022. While the existing 2022 value is equitable, extenuating circumstances do exist, regarding the large reliance the public places upon Assessment data beyond that for tax purposes. While most exempt properties carry no value, posing other issues when changing taxable status, some exempt properties do change back and forth. Staff recommendation is to remain equitable with other commercial properties and make no change; however, a decrease to the \$1,866,600 amount determined in 2023 would not be unreasonable considering the circumstances.

Commissioner John Odermann states an empty building and not being utilized is not the best for the community as it would be better if someone moved into the building. He does not think giving \$1.7 for this property would cause any heartburn.

Commissioner Jason Fridrich states anything looking at a building they want to look at recurrent cost. Commissioner Fridrich is wondering where he gave you an idea of \$1.7 million. There are many clinic buildings for sale. He is wondering if the value is correct as the buildings are not selling.

City Assessor Hirschfeld feels the \$1,866 million is accurate but not out of line at \$1.7 million due to lack of data. He states if there is not adequate medical staff there is no demand for the building

MOTION BY: John Odermann

SECONDED BY: Jason Fridrich

To approve the request for abatement of the property to \$1.7 million dollars.

DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0  
Motion declared duly passed

### **E. Czech Museum Memorandum of Understanding**

Museum Director Bob Fuhrman presents an MOU for the Czech Museum located at Prairie Outpost Park. He states he was approached by the Czech group asking for some help in insuring the long term viability of the museum. He states the members are getting older and there are not many members anymore and they are looking toward the future. Director Fuhrman states the city is responsible for the grounds around the building since 2016 along with the maintenance of the buildings. The Czechs are worried about keeping up with the property. They would deed the building over to the city and the group would

lease the building. The lease would be for 5 years with a \$100 a year cost. The Czech's would use the building. Should the Czechs go out of the existence the museum collection would revert back to the City. The Czech group will maintain renter's insurance.

MOTION BY: John Odermann

SECONDED BY: Robert Baer

To approve the Czech Museum Memorandum of Understanding.

DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0  
Motion declared duly passed

**F. HR Monthly Report**

HR Director Shelly Nameniuk updates the Commission on the open positions for the City to include Accountant, Police Officer, internal positions at the Police Department, and others. Positions that have been filled are the Code Enforcement Officer, Records Clerk, Lieutenant, animal shelter volunteers, and Fire Fighters. She states positions are starting to be less and less.

**5. PUBLIC WORKS**

**A. Public Works Monthly Report**

Interim Deputy Public Works Director Aaron Praus gives the Public Works monthly report. Director Praus states the mausoleum is almost complete with a small punch lists of items that need to be completed. He reviews special events such as the kids camp, backyard bucket workshop and others. There were 113 service requests for the month. Forestry planted 39 trees and removed 9 Dutch elm disease trees. He reviews the usage of fuel for the month and tonnage of solid waste. He states soon South Heart golf course will be using water. He reviews the open positions and the newly hired staff.

**6. PUBLIC SAFETY**

**A. Fire Department**

**Reports:**

None

**B. Police Department**

**1. Monthly Police Report**

Police Chief Joe Cianni updates the Commission on the monthly Police Report. He states there were 5,081 incoming calls in dispatch with 893 calls were emergency, 2,389 calls were handled by the police, 365 traffic stops, 78 total arrests, 7 callouts for detectives with 48 new cases of criminal investigations. Sgt. Detective Travis Leintz attended the Operation Cross Country Training. He visits about the 93 behavior health calls, SRO officer details and records division. Chief Cianni states the Dickinson Police Department had several community relations events for the month of August.

**7. COMMUNITY DEVELOPMENT SERVICES**

**A. Geo Tech Work Contract**

Engineering and Community Development Director Josh Skluzacek states the City asked for an RFP for 2024 various technical projects. Three proposals were received and the City recommend American Engineering Technical, Inc. The projects that would be reviewed would be the 2024 watermain and lead service line, etc. The goal is to get Geo Tech work done prior to the ground freezing.

MOTION BY: John Odermann

SECONDED BY: Jason Fridrich

To approve the GEO Tech Work Contract.

DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0  
Motion declared duly passed

**B. District Tract 1, Block 1**

Engineering and Community Development Director Josh Skluzacek presents a quit claim deed with Venture Commercial LLC for a .6 acre parcel. This is part of the Development

Agreement for the storm water detention ponds for this project would be constructed within the tract. This quit claim deed is to the City. Director Skluzacek states there is one condition which is a little bit of minor grading with reseeding.

MOTION BY: Robert Baer

SECONDED BY: John Odermann

To approve the District Tract 1, Block 1 with the condition the condition and once the work is completed according to the City's Expectations the quit claim deed would be filed.

DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0  
Motion declared duly passed

### **C. District Tract 1, Block 2**

Engineering and Community Development Director Josh Skluzacek presents a quit claim deed with Venture Commercial LLC for a .68 acre parcel. This parcel has the same conditions as the first parcel with some pretty minor erosion. At times during heavy rains the pond does fill up. There may be ice jamming with a record amount of snow falling in previous years.

President Scott Decker states is hoping that these ponds could be turned into something besides an eyesore. He feels this is going to be a great addition to the community and hopefully developed some land through 15<sup>th</sup> Street.

MOTION BY: John Odermann

SECONDED BY: Robert Baer

To approve the District Tract 1, Block 2 with the condition the condition and once the work is completed according to the City's Expectations the quit claim deed would be filed.

DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0  
Motion declared duly passed

### **D. Community Development Monthly Report**

Director Skluzacek acknowledges the staff for all their hard work. He states the City is working on the South Dickinson area study, comprehensive plan and transportation master plan. Director Skluzacek reviews the updated features through the GIS program.

## **8. PUBLIC HEARING AND PUBLIC COMMENTS NOT ON AGENDA – 5:00 P.M.**

### **A. Public Hearing – Chapter 2 Code Amendments**

City Attorney Christina Wenko states the current City Code requires board of City Commission to appoint various City positions. Attorney Wenko states in visiting with city staff and what was done in the past reappointment process, the City has not been doing this. She questions why to appoint and reappoint who has sat in that position for a decade or more. Reappointments are ceremonial in nature. She questions whether the City continues this process that hasn't been followed or more practical in regards to the positions. Attorney Wenko reached out to various cities across the state and in discussion with attorney general office the city can provide article 3 – powers of the city. She states that currently what the City has is a Home Rule Charter requires. Home rule cities have a vast amount of discretion to determine what positions, how the officers are appointed, how long and whether it is required. She purposes a change would be to remove the requirement that you appoint at every new organization meeting. This appointment would be up to the Commission to how long the appointments last. She suggests to keep the original appointment until staff is replaced. These people would state that all these employees are governed by civil service regardless. The City would add a section that would designate who would be city officers such as a health officer. Secondly removes requirement for the formal appointment process for every new organization meeting. Third this would be consistent with how staff was perceived these positions for many years. Grand Forks code to remain appointed positions to seem more in line of what we have been doing. Signed an oath only when they are hired.

Commissioner Robert Baer states home rule government is different from a City with council members. He states he is surprised that the City has not changed this as of date. He feels the City is bringing the City's code to century code up to match what it is today.

City Attorney Christina Wenko appreciates all the research that Commissioner Baer had completed on his. She states the City only get to address these when these issues arise. Get up to speed with others are doing. Oath can be decided on from the Commission.

Commissioner John Odermann tends to agree with Commissioner Baer. He states the code didn't keep up with our practice. Appointing every year – think about do we really want to have our city staff to be sweating every year from a job security standpoint. We go through an extensive hiring process to hire the right person and to just be able to not reappoint them I think the way we are approaching these they are hired positions.

City Attorney Christina Wenko states positions are protected by civil service.

Commissioner Jason Fridrich states he does not have an have an issue with an oath sticking point and to have the employee take an oath when they are hired. We do that on a lot of positions already. But not have an oath every year. The Commission have it the year they are elected. Commissioner Fridrich feels the oath could be for when the City hires executive level positions. Other positions can be left to department heads.

City Attorney Christina Wenko states the Oath of office of higher level executives and if you going to require and go above and beyond and done at the inception of employment. She states that when the Police Department does require new officer to be sworn in front of commission, this is not changing. She questions if the Commission want to get rid of reappointment each year. She states SW District Health will remain the City's Public Health Officer.

President Scott Decker states the intention was for the Department Heads to take an oath. He states employees know what your role is does not need to be sworn in every year.

Commissioners John Odermann, Jason Fridrich all concur with President Decker.

City Attorney Christina Wenko will bring back a revised ordinance to include the City Auditor, Attorney, Assessor, PW Director, Fire Chief, Police Chief, City Engineer and she states personally she is a contracted position but would also sign it. It does not affect my ability or responsibility as the City.

Commissioner Suzi Sobolik agrees with the other Commissioners what has been said so far. Commissioner Sobolik feels that the appointed position should be appointed until the position has changed.

President Scott Decker opens the public hearing at 5:05 p.m.

Bobbi Jo Helgeson questions the Commission on who hires the employees and where are their oath of offices. She states that when she asked who was the City Auditor she was directed to the City Attorney. Ms. Helgeson is asking for everyone who does not have an oath to step down and to have another election. She presents several oaths of offices that were recently signed and dated.

Charles Tuttle states that he is an expert in Home Rule Charter. He states there is a State law that oath of offices is to be signed and if there is no oath the position is vacant. He states the positions for the City are owned by the public. He states no one had the authority to give the oath of office. He states the city employees were working together to deceive the public. He states the new movement needs to take the oath of office. It states the Century Code is to take the oath each time. He states the City does not have the authority to change the Century Code. Mr. Tuttle states the City ordinances are not the laws. He does state the Police are nice and listen.

President Scott Decker states the City was not following the policy and that is why the ordinance is brought forward.

Jessen Hagenbeck questions President Decker that he was in the military and that President Decker did not take the oath each time he moved a rank. He feels if the employees take the oath of office more often then maybe it would sink in. If the oath is only taken once in a career it may not register. He states there was no reason for the Police Department to pull my wife over. He does not feel taking an oath of office once a year is too much to ask for. Why are you not accountable.

Commissioner John Odermann states why not spend the time on what you were hired to do for the good instead of spending time on the oath of office that demonstrates why you are here.

Chad Mathiason states he must have been misinformed as the officers are required to take an oath as it is not voluntary. The Commissioners already have taken an oath.

City Attorney Christina Wenko states the this is why the City employees had taken the necessary steps to get the oaths of office signed as it was based on the recommendation of the AG's office. This is what the City had to do to come into compliance with the ordinance. She states this is what people have to do to fix something is to fix it. She states that the Commission voted and appointed the employees and the employees signed the oaths of office. The AG's office stated this issue was rectified. She appreciates the comments of whom came forward this evening.

Commissioners John Odermann states the Century code does not require the written piece of papers.

City Attorney Christina Wenko will look at specific code section. The city needs to get this addressed and they have according to the AG's office. This is the purpose of this meeting and to move forward to require the oath and that is how Ms. Wenko will draft it.

Jeff McDougal states that if there is not an oath on file that means a position is vacant. The job that was done by the person in that position that did not take an oath shall be null and void. He is questioning if the City is going to do the right thing as it is the law and employees should obey the law.

President Scott Decker closes the public hearing at 6:00 p.m.

MOTION BY: John Odermann  
Table Chapter 2 Code Amendments.

SECONDED BY: Robert Baer

DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0  
Motion declared duly passed

#### **B. Public Hearing – Chapter 13 Code Amendments**

City Attorney Christina Wenko states Chapter 13 Code Amendments is concurrent with Chapter 2 Code Amendment. She recommends to table this as well. She states it is not necessary for a public hearing at this time as there will be a public hearing at the next meeting.

MOTION BY: John Odermann  
Table Chapter 13 Code Amendments.

SECONDED BY: Jason Fridrich

DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0  
Motion declared duly passed

#### **C. Public Hearing - 2024 Proposed Budget**

Deputy City Administrator Linda Carlson presents the 2024 proposed budget for the City of Dickinson. She reviews the budget to include the capital requests, projects, subsidies, wages, staff requests. Ms. Carlson asks for approval of the first reading.

President Scott Decker states he wishes the room would have stayed but the city gets nothing but complaints about property tax and no one ever stays for the budget hearing. President Decker has been on the Commission for 9 years. There have been only two people who have attended the public hearing for the budget and these two people were worried their subsidy was going to decrease. He states the city has worked hard every year and not asked for a dollar more in taxes. The city has been at \$5.7 million dollars for 9 years. They city is very responsible for the dollars. President Decker state the City Commission is working very hard and trying to find funds to keep the city running. President Decker appreciates the staff and all their hard work

President Scott Decker opens the public hearing at 6:08 p.m. Hearing no comments, the public hearing is closed at 6:11 p.m. and the following motion is made.

MOTION BY: Robert Baer

SECONDED BY: John Odermann

To approve first reading of Ordinance No. 1786.

### **ORDINANCE NO. 1786**

**ANNUAL APPROPRIATION AND TAX LEVY  
AN ORDINANCE ENTITLED “THE 2024 ANNUAL APPROPRIATION  
AND TAX LEVY” APPROPRIATING THE SUM OF MONEY  
NECESSARY TO DEFRAY THE EXPENSES AND LIABILITIES OF THE  
CITY OF DICKINSON, NORTH DAKOTA, AND MAKING THE ANNUAL  
TAX LEVY FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2024  
AND ENDING DECEMBER 31, 2024, INCLUSIVE.**

DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0  
Motion declared duly passed

#### **D. Public Comments not on Agenda**

Mr. Chad Mathiason states he was concerned about the oath incidents when it comes to officers at PD as far as what they are allowed to investigate with. I filed complaints with Dickinson PD and their excessive speeding and joy riding. If the Police are going to speed they should have your lights and sirens on. They need to drive safety in school zone. Officer Schroeder was disciplined. Officer Bates which he witnessed this officer perform a traffic stop from our office and asked very officers believe in 4<sup>th</sup> amendment and canine does allow them to bypass a warrant by a judge. A drug dog was used and individual drove away. Mr. Mathieson had brought these incidents to the Police Department. Mr. Mathiason watched Officer Bates whip an illegal u turn, ripped down foster drive, another cookie and raced all the way back down foster drive. Only got to 22 miles a turn. He feels Officer Bates was blowing off steam. He feels for a minor traffic violation, he doesn't see why the officers have to put people in danger just to pull someone over. He states the Police Department marked him as a habitual caller. Ask commission to somehow be a little bit more authoritative towards Dickinson PD to allow officers to break the law without punishment. Mr. Mathiason asks for the Commission to put a flag into the lobby with a clean flag without a blue line in it.

#### **9. COMMISSION**

President Scott Decker states the Commissioners have received a letter of protest from an individual whom had seen an increase in their taxes. He would like to make the letter part of the records for this meeting. He states they are asking for the city to not consider increasing their property tax as they are a daycare and dance facility. The Commission ask Assessor Hirschfeld to reach out to this individual and go through the abatement process.

City Assessor Joe Hirschfeld states they have been in contact with this individual and will make them aware of the abatement process.

#### **ADJOURNMENT**

MOTION BY: Jason Fridrich

SECONDED BY: John Odermann

Adjournment of the meeting was at 7:20 P.M.

DISPOSITION:        Roll call vote... Aye 5, Nay 0, Absent 0  
Motion declared duly passed.

OFFICIAL MINUTES PREPARED BY:

\_\_\_\_\_  
Rita Binstock, Assistant to City Administrator

APPROVED BY:

\_\_\_\_\_  
Dustin Dassinger, City Administrator

\_\_\_\_\_  
Scott Decker, President  
Board of City Commissioners

Date:        \_\_\_\_\_ October 3, 2023