

DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0

Motion declared duly passed

D. Beer and Wine Only On Sale Liquor License – Battle Bunker

City Administrator Dustin Dassinger states Bunker Battle would like to apply for a beer and wine only on sale liquor license. They are located at 30 7th Street West LL34 Administrator Dassinger states a background check was completed and the city recommends approval. This is a gaming store.

MOTION BY: Jason Fridrich

SECONDED BY: Suzi Sobolik

To approve Beer Only Liquor License for Island Cuisine.

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

E. Class A Liquor License Reinstate – Army's West

City Administrator Dustin Dassinger states Army's West would like to reinstate their 2023 liquor license. Currently Final Final has a city license but not a state license. Administrator Dassinger states with the delay in the background checks Army's would like to reinstate their 2023 liquor license. Army's would continue to hold the license until the transaction happens at the State level. This is the recommendation after a visit with the State. Army's West liquor license will be reinstated until the State approval of Final/Final State Liquor License.

Attorney Jordan Selinger states that Mike Armstrong owns Army's West. The sale transaction is still moving forward but with the out of state owners there has been a delay in this transaction. The State says it could be 2-3 weeks yet. The city is requesting having Army's license reinstated with the contingency with State approval of Final/Final.

MOTION BY: Suzi Sobolik

SECONDED BY: Jason Fridrich

To approve the reinstatement of Army's West liquor license for 2023.

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

F. Tobacco License Renewal – Army's West

City Administrator Dustin Dassinger states Army's West would like to reinstate their 2023 Tobacco License.

MOTION BY: John Odermann

SECONDED BY: Suzi Sobolik

To approve the reinstatement of Army's West tobacco license for 2023.

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

G. Class A. Liquor License Renewal for 2024 – Army's West

City Administrator Dustin Dassinger states Army's West would like to renew their liquor license for 2024. This license would be terminated immediately upon State approval of Final/Final. This application was reviewed and a background complete and the city recommends approval.

MOTION BY: John Odermann

SECONDED BY: Jason Fridrich

To approve the renewal of Army's West Liquor License for 2024.

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

H. Tobacco License Renewal 2024 – Army's West

City Administrator Dustin Dassinger states Army's West would like to renew their tobacco license for 2024. This license would be terminated immediately upon State approval of Final/Final. This application was reviewed and the city recommends approval.

MOTION BY: John Odermann

SECONDED BY: Robert Baer

To approve the renewal of Army's West tobacco license for 2024.

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

I. Class A Liquor License Renewal – Final Final

City Administrator Dustin Dassinger presents a 2024 Class A Liquor License renewal for Final/Final. He states City staff has reviewed the application and a background check has been completed. This license is contingent upon notification of State approval.

MOTION BY: John Odermann

SECONDED BY: Suzi Sobolik

To approve the renewal of Final Final Class A Liquor License for 2024 contingent upon State approval.

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

J. Tobacco License Renewal – Final Final

City Administrator Dustin Dassinger presents a renewal license for tobacco for Final Final for 2024.

MOTION BY: Suzi Sobolik

SECONDED BY: Jason Fridrich

To approve the renewal of Final Final Class tobacco license for 2024 contingent upon State approval.

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

K. City Boards/ Committees Appointments/Reappointments

City Administrator Dustin Dassinger states several boards with committee members are expiring at the end of 2023. He has reviewed the appointments and some that do not desire to be reappointed.

MOTION BY: Jason Fridrich

SECONDED BY: Suzi Sobolik

To approve the reappointment of Megan Lindquist to the Civil Service Board for another three-year term.

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

MOTION BY: Jason Fridrich

SECONDED BY: John Odermann

To approve the reappointment of Shawn Soehren to the Board of Adjustment for another three-year term.

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

MOTION BY: Robert Baer

SECONDED BY: Suzi Sobolik

To table the appointment of Jon Frantsvog for another five-year term on the Airport Board. The city will bring this back on the next Commission Meeting.

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

MOTION BY: Robert Baer

SECONDED BY: John Odermann

To approve the reappointment of Shawn Soehren to the Airport Board for another five-year term.

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

L. January, 2024 Commission Meeting Discussion

City Administrator Dustin Dassinger visits about changing the January, 2024 commission meetings to a different date as the first one is the 2nd of January. He states moving these dates to the 9th and 23rd would allow city staff to gather information for the meetings.

MOTION BY: Robert Baer

SECONDED BY: Jason Fridrich

To approve the changing of the January, 2024 meeting dates to January 9, 2024 and January 23, 2024.

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

M. Fiber Contract

IT Director Aaron Meyer states in order to better support the city's wireless infrastructure network, the city is working on adding a dedicated fiber line to the NW Water Tank on States Ave. This connectivity would serve to eliminate connectivity issues experienced during weather events both rain and snow. The NW Water Tank site serves as a central hub for the West Lift Station Septage Receiving Station as well as many of our intersections throughout the city. Similar to our other fiber contracts, this contract would be reevaluated/renewed every 5 years.

MOTION BY: Suzi Sobolik

SECONDED BY: John Odermann

To approve the fiber contract for the NW water tank.

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

N. Vanguard Appraisals Contract Renewal

Deputy City Assessor Deb asks for approval on three contracts from Vanguard. She states the City Attorney has reviewed the contracts. These contracts would be for six years. This would provide an overall cost. The first contract is for annual achieving of assessing data. The second contract adds a pictometry model and the third is to add an additional user to the program. There is an opt out clause which we would have the option of terminating the agreement upon notice to the other party.

MOTION BY: Suzi Sobolik

SECONDED BY: Jason Fridrich

To approve the Vanguard annual archive contract for six years.

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

MOTION BY: John Odermann

SECONDED BY: Robert Baer

To approve the Vanguard contract with the addition of a pictometry model for six years.

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

MOTION BY: Robert Baer

SECONDED BY: Suzi Sobolik

To approve the Vanguard contract to add on another user for six years.

DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0

Motion declared duly passed

O. Monthly Financial Report

Deputy City Administrator Linda Carlson presents the monthly Financial Report. Ms. Carlson states the total cash on hand is around the same amount as last month. The current interest rate did rise at 3.71%. There were no changes to the investments. The sales tax is up this month but no explanation for this. This is the largest amount the City has seen over the past 7 years and is up over a million dollars. Ms. Carlson did call the State Treasurers Office and they did say there was an increase in online sales. Hospitality and Occupancy tax was also up for November. Oil Impact revenue was down slightly. She discusses revenue and expenses.

MOTION BY: Robert Baer

SECONDED BY: Suzi Sobolik

To approve the monthly Financial Report.

DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0

P. 2024 Annual Fee Schedule

Interim Public Works Director Aaron Praus presents recommended proposals to the fee structure for 2024 for solid waste fees. He states it is the recommendation to increase the solid waste fee for 2024 for single family of \$21 from \$19. Each additional container would be \$10.50 increase and with multiple units it would increase. Also proposing a 10% rate increase for commercial solid waste collections. Household tipping fees and construction fees at the landfill will go from \$55 dollars a ton to \$60 a ton. All these increases would start in 2024.

Deputy City Administrator Linda Carlson states these are the only changes for 2024.

MOTION BY: Jason Fridrich

SECONDED BY: Suzi Sobolik

Adopt Resolution No. 38-2023.

RESOLUTION NO. 38-2023

A RESOLUTION AMENDING CITY OF DICKINSON FEE SCHEDULE

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

Q. HR Monthly Report

HR Director Shelly Nameniuk presents the monthly HR report. Ms. Nameniuk reviews the open positions and promotions.

Deputy City Administrator Linda Carlson states the Library Director position has been approved by the HR system but the Library Director position has to be approved by the Library Board first and then approved by City Commission.

5. PUBLIC WORKS

A. Monthly Public Works Report

Deputy Public Works Director Aaron Praus presents the monthly Public Works report. He reviews services provided by Public Works. He informs the Commissioners the city will be ready to start selling Dickinson South Cemetery plots tomorrow for \$900 and \$1,000 per lot. He reviewed October request for services. He states the Forestry Beautification meeting will be held in March, 2024. He updates the Commissioners on happenings in the Public Works Department along with new staff. He also states the City received a \$1,500 grant from MDU for ECO community to help support the Kids Camp.

6. PUBLIC SAFETY

A. Fire Department

Reports:

1. None

B. Police Department

Reports:

1. Monthly Police Report

Police Chief Joe Cianni states dispatch had 4,175 calls for services with 648 actual emergency calls, which is slightly down from the previous month. There were 400 traffic stops in November with 61 total accidents. There were 167 arrests; 6 callouts for criminal investigations with 117 new cases. Behavior health shows 117 incident with 70 welfare checks. Chief Cianni discusses SRO officers, reviews training, and community relations. Corporal promotions were given to Aaron Bates, Evan Kinto, Mike Legler and Jesse Kubik. Chief Cianni states the Police Department has a lot of openings but have a lot of prospects.

7. COMMUNITY DEVELOPMENT SERVICES

A. Annual Oversize Load Permit with Fisher Sand and Gravel

Engineering and Community Development Director Josh presents the annual oversize load permit with Fisher Sand and Gravel. He states this is one of the largest number of applicants for the permits over the years. City staff recommend approval.

MOTION BY: John Odermann

SECONDED BY: Suzi Sobolik

To approve the annual oversize load permit with Fisher Sand and Gravel.

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

B. I-94 Business Loop MOU with Stark County for Chip Seal

Engineering and Community Development Director Josh presents an MOU with Stark County for a chip seal project on the I-94 East Business Loop. The City has been working with NDDOT for the seal coat on 10th Avenue. This area is a short stretch by the interchange. Stark County would pay \$18,000 which does include contingency.

MOTION BY: John Odermann

SECONDED BY: Suzi Sobolik

To approve the I-94 Business Loop MOU with Stark County for Chip Seal.

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

C. Engineering and Community Development Monthly Report

Engineering and Community Development Director Joshua Skluzacek reviewed the Community Development Monthly Report to include Building and Codes and Planning and Zoning. He states there was a Comp Plan kick off meeting on 12/21/2023. The South Dickinson Area Study is on schedule to conclude in February, 2024. He reviews Building and Codes along with their fees and number of permits which area slightly up. He also reviewed the 2023 projects and also included the 2023 GIS imagery and lidar acquisition that has been completed and now processing all the data to include the Bureau of Reclamation of the lake. He states the 2025 road maintenance will be sent for an RFP in January and moving it forward in a much earlier circumstance. The City would like to improve on the project's timelines.

Commissioner Jason Fridrich would like to see the building permits split into commercial and residential.

Engineering and Community Development Director Joshua Skluzacek will include the above information in his next monthly report.

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

A. Public Hearing - Chapter 4 Amendment – Legacy Square Fee

City Administrator Dustin Dassinger presents a Chapter 4 Amendment in regards to Legacy Square. This change will remove the percentage from 4.08.06. He states that prior to the bid process the percentage will need to be approved by the Commission annually.

President Scott Decker opens the public hearing at 5:01 p.m. Hearing no public comment, the hearing was closed at 5:02 p.m. and the following motion was made.

MOTION BY: Suzi Sobolik

SECONDED BY: Robert Baer

To approve second reading and final passage of Ordinance No. 1790.

ORDINANCE NO. 17960

AN ORDINANCE AMENDING AND REENACTING ARTICLE 4.08.06 OF THE MUNICIPAL CODE OF THE CITY OF DICKINSON, NORTH DAKOTA, RELATING TO THE LEGACY SQUARE CONCESSION LICENSE

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

B. Public Hearing – 2024 Road Maintenance SID District 202401-1

Engineering and Community Development Director Joshua Skluzacek presents the 2024 Road Maintenance SID project. He states the City has gone through the SID process as City Ordinance and Century Code. He has received no feedback or protest in this district.

President Scott Decker opens the public hearing at 5:04 p.m.

Arlan Hofland of 690 9th Avenue SW questions why the homeowner would have to pay for the curb. He does understand why the home owner would have to pay for the sidewalk and city would pay for the pavement but the home owner would be assessed the curb, gutter and sidewalk. He is questioning why the homeowner is responsible for this as the city is normally runs the curb and gutter. He states this special seems to be high. Mr. Hofland questions who determines which sections of his sidewalk need to be replaced. He states that there is section of the sidewalks have no cracks and it is supposed to be replaced and he questions why would he have to pave for this. He would like to be shown why this area would need to be replaced. He states there are a lot of people in this area that have these concerns.

Commissioner John Odermann states that the city has done this in coordinate for standards practice since 2019. The cost of the pavement is picked up and the city is allowing the concrete cost to the residents. ADA needs to be in compliance.

President Scott Decker states that instead of assessing the street cost to the resident it came to the determination that the City would pay for the street and the resident would pay for curb, sidewalk and gutter.

Commissioner Jason Fridrich states in the past the City had paid for the sidewalks, curb and gutter and now the streets the City pay. He questions why the City would replace sidewalk that is not bad. If the sidewalk is broken or missing then they need to be replaced. The homeowner has the right to have the property reviewed by staff and maybe mud jacked instead of replacing the sidewalk. Commissioner Fridrich states the homeowner can also hire their own contractor. Every municipality sidewalk curb and gutter are the homeowner's responsibility.

Engineering and Community Development Director Joshua Skluzacek states that maybe the ADA compliance does not need to be paid by the homeowner. Also, if the panels are raised then the City will look for that and for ADA. He states normally the sidewalk is to be ADA compliant.

Commissioner John Odermann states that the City has heard these complains in the past years. Property owners do not feel that their sidewalks are in need to be replaced. He does feel KLJ does go out and review the sidewalks. They will have them replaced if they are not in compliance but Commissioner Odermann does look at some sidewalks and he doesn't think they need to be replaced. Commissioner Odermann feels this needs to be rereviewed and put on as a timeline as this puts KLJ in a bad spot and property owner in a bad spot.

Commissioner Jason Fridrich questions why the front of a resident's house needs to be ADA compliant.

Resident Carolyn True Bright White states that everything Mr. Hofland has stated is point on with the issues and the issues are limitless. She states she represents the group on the other side of the highway open the Southside and this property has already been assessed and received the bills on their tax statement. She states this assessment has opened up wounds for many of the residents. She states many residents have come before to discuss the issues but they have not been heard. She states this is such a huge, huge problem about special assessments. She states residents have come to the City for help and answers and have not received any. She states residents try and hire other contractors to do their sidewalk and they will not get into this mess. She questions why the residents were not able to see the protest letters from the south side.

Commissioner John Odermann states that when a resident hires a private contractor, they do not want to do the work as they are afraid there is some red tape or the city has to do the work.

Carolyn True Bright White states that when you ask the City's advice for other bids this is not trusty advice.

President Scott Decker closes the public hearing at 5:30 p.m.

MOTION BY: Suzi Sobolik
To table the 2024 Road Maintenance SID District 202401-1.

SECONDED BY: John Odermann

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

Commissioner John Odermann states these issues were brought up last year. He does feel like the same conversation was had and he doesn't know if any of the changes have taken place of what the Commissioners talked about. He states if the residents have private contracts the they do not want to do the work the City should get involved and find out for whatever reason they do not want to the work for residents. Commissioner Odermann would like to know the reasons private contractors are not doing work for the residents.

President Scott Decker needs to have more information to get better options for what is best for individuals. The process itself to what Commissioner Fridrich states is what exactly meets the standards of what the concrete needs to come forward. Could some sidewalks be mud jacked to level it out?

C. Public Hearing – 2024 Road Maintenance SID District 202401-2

MOTION BY: Suzi Sobolik
To table the 2024 Road Maintenance SID District 202401-2.

SECONDED BY: John Odermann

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

D. Public Comments not on Agenda

None

9. COMMISSION

No discussion.

ADJOURNMENT

MOTION BY: Suzi Sobolik
Adjournment of the meeting was at 6:30 P.M.

SECONDED BY: Jason Fridrich

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: January 9, 2023