

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, Suzi Sobolik and Robert Baer

Telephone: None

Absent: None

1. PLEDGE OF ALLEGIANCE

Bobbi Jo Helgeson calls point or order. States the city's attorney Ms. Wenko is in contempt of court. Ms. Helgeson states that the way Ms. Wenko went around getting everyone's oath of office is unlawful. She states without an oath of office the position is vacant. Ms. Helgeson states Ms. Wenko faked a forge to attempt to deceive the people of Dickinson and should be removed and a new election should be held. She states the city should start up new and hopefully not violate the law again. She states the City Commission cannot have another meeting.

President Scott Decker states the city is going to continue with the meeting.

Charles Tuttle states they will be seeking court remedies is unlawful. He states Ms. Wenko is a deception to the public and unlawful. Mr. Tuttle states they are collecting Ms. Wenko's emails. Mr. Tuttle states they will be going after the Commissioners \$2 million dollar bonds.

Bobbie Jo Helgeson reads Ms. Wenko's email from August 17, 2023. She states the remedy at this time is to appoint positions and vote to ratify positions to back of the date of hire and change the ordinance.

2. ORDER OF BUSINESS

MOTION BY: John Odermann

SECONDED BY: Suzi Sobolik

To approve the October 3, 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: Robert Baer

SECONDED BY: Jason Fridrich

A. Approval of Meeting Minutes dated September 5, 2023 and September 19, 2023.

B. 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. Extra Mile Day Proclamation**

President Scott Decker reads the Extra Mile Proclamation which dedicates November 1, 2023 as Extra Mile Day.

MOTION BY: Jason Fridrich

SECONDED BY: Robert Baer

To approve the Extra Mile Day Proclamation.

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

B. Humankindness Day Proclamation

President Scott Decker reads the Humankindness Day Proclamation which dedicates November 4, 2023 as Humankindness Day.

MOTION BY: John Odermann

SECONDED BY: Suzi Sobolik

To approve the Humankindness Day.

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

C. Fire Prevention Week Proclamation

Fire Chief Jeremy Presnell states every year the first week in October is Fire Prevention Week. This year October 8-14, 2023 is Fire Prevention Week. The week was kicked off by a free community breakfast on Sunday. This event was well attend. This year's theme is pay attention to fire prevention and message to be put out to the community.

MOTION BY: Jason Fridrich

SECONDED BY: Suzi Sobolik

To approve the Fire Prevention Week Proclamation.

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

D. 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 states reappointments are ceremonial in nature. Ms. Wenko presents modifications and changes to the proposed ordinance according to the AG's Office and NDLC. She is proposing to be appointed once certain officers are hired and then do not appointment them again until a new person fills the position again. She states appointing annually does not make sense.

Commissioner John Odermann states quite a bit of information was covered at the last meeting. Commissioner Odermann thanks Attorney Wenko because she inherited an issue that was identified and that Ms. Wenko is doing what she can to rectify the issue. He states this is the way the city has been conducting business and now the city will be adding a required oath. He states the idea that the city is going to eliminate the oath of office is not true. Ms. Wenko is doing her job as the City Attorney and giving the Commissions advice to make sure the ordinance is reflecting the way the city does business.

President Scott Decker states Commissioner Odermann summed this up appropriately from the last meeting and to how to proceed. He states no one is trying to cover up anything and the city is just trying to fix what the AG's office tells the city what to do.

MOTION BY: Robert Baer

SECONDED BY: Suzi Sobolik

To approve second reading and final passage of Ordinance No. 1784.

ORDINANCE NO. 1784

AN ORDINANCE AMENDING AND RE-ENACTING ARTICLE 2.12 OF THE MUNICIPAL CODE OF THE CITY OF DICKINSON, NORTH DAKOTA, RELATING TO CHAPTER 2 ADMINISTRATION – APPOINTIVE OFFICERS

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

E. Chapter 13 Code Amendments

City Attorney Christina Wenko states Chapter 13 Code Amendments is concurrent with Chapter 2 Code Amendment. She states this is mostly a cleanup of an ordinance.

MOTION BY: Suzi Sobolik

SECONDED BY: Jason Fridrich

To approve second reading and final passage of Ordinance No. 1785.

ORDINANCE NO. 1785

AN ORDINANCE AMENDING AND RE-ENACTING SECTION 11.12.010 OF THE MUNICIPAL CODE OF THE CITY OF DICKINSON, NORTH DAKOTA, RELATING TO FINES AND IMPRISONMENTS

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

F. 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. She states the increase from 2023 to 2024 is \$27,025,495. Ms. Carlson states the biggest is the wage and benefit at 68%. There are 3 additional full-time positions for 2024. This would also include a 2% merit and a 4% cola along with a 3% market increase. Ms. Carlson along with city staff recommend approval.

President Scott Decker thanks everyone for their hard work on the 2024 budget. He states Dickinson has not touched its property tax amount they are asking for the past 9 years. He states a lot of hard work goes into figuring the budget and he appreciated all the hard work. He states employees are working everyday trying to make the best city in North Dakota and to show people how really good Dickinson is here.

MOTION BY: Robert Baer

SECONDED BY: Jason Fridrich

To approve second reading and final passage 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

5. PUBLIC WORKS

A. RFP For Baler Building

Interim Deputy Public Works Director Aaron Praus updates the Commission on the baler building and recycling expansion. The city has received two proposals. The city is recommending going with Burns McDonnell. He states this firm would assist the city with the final design states, bidding process and construction management of the expansion. Mr. Praus will be bringing forward the paperwork at the next commission meeting.

6. PUBLIC SAFETY

A. Fire Department

Reports:

1. Monthly Fire Report

Fire Chief Jeremy Presnell updates the Commission on the August, 2023 Fire Department Report. He states there were 165 calls for service for the month along with 8 fires and 170 EMS calls. Station #1 receives most of the calls. Response times have been pretty descent in the past month. Chief Presnell discusses training hours a state the department

is a little ahead in training for the year. He is proud to state that all employee openings for his department is filled at this time.

President Scott Decker states the breakfast event for Fire Prevention Week was a great success. He commends Chief Presnell on continuing to do great work in the community.

B. Police Department

Reports:

None

7. COMMUNITY DEVELOPMENT SERVICES

A. Final Plat – TCB Subdivision

Engineering and Community Development Director Joshua Skluzacek presents a final plat for TCB Subdivision. He states this was previously platted area on the east side of Dickinson. This will be where Quick Lube will be constructed. The lot line needed to be adjusted therefore a final plat was needed.

MOTION BY: Robert Baer

SECONDED BY: Jason Fridrich

Adopt Resolution No. 28-2023.

RESOLUTION NO. 28-2023
A RESOLUTION APPROVING FINAL PLAT ENTITLED THE
TCB SUBDIVISION
STARK COUNTY, NORTH DAKOTA.

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

B. Final Plat – Centerpointe Addition

City County Planner Steven Josephson presents a final plat for Centerpointe Addition. He states the applicant seek approval for a final plat of the property. The propose land use for the subject parcel is defined as General and Limited Retail Services.

MOTION BY: John Odermann

SECONDED BY: Suzi Sobolik

Adopt Resolution No. 29-2023.

RESOLUTION NO. 29-2023
A RESOLUTION APPROVING FINAL PLAT ENTITLED THE
CENTERPOINTE ADDITION
STARK COUNTY, NORTH DAKOTA.

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

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

A. Legacy Square Ice Rink Presentation

Kristi Schwartz whom is the President of the Downtown Improvement District has helped raise funds for Legacy Square. She visits about the Comp Plan 2035 which is needed to revitalize downtown Dickinson. Ms. Schwartz reviews the ice rink and that they have chosen real ice for the square. She states they have chosen Iron Sleet Company to install the ice. She states storage of equipment, etc. is a concern. There is currently staff to upkeep the square so she feels the city should use the same people to keep up the ice rink. Ms. Schwartz also suggests using volunteers to staff the ice skate rentals and concessions. There will be revenue from the skating rentals.

Commissioner John Odermann thanks Ms. Schwartz for her presentation.

Ms. Schwartz states the Downtown Improvement District does plan on raising \$300,000 for the rink and skates and some for operating for 1 to 2 years. She is asking for approval

of the Commission to move forward with the ice rink. Employees from the City will be taking care of the rink.

City Administrator Dustin Dassinger states Parks and Rec are having challenges for open skate right now. He feels there will be challenges for the city on how to staff, storage of skates, concession stands and space is limited in the concession stands for skates and concessions.

Commissioners Robert Baer states he was not a Commissioner when this was approved and is concerned about the indoor rink and the outdoor rink.

Kristi Schwartz states that their thought was that it would enhance the experience on the ice. She states in fact, people are needing more time on the ice. Parks and Rec pull off figure skaters off the ice so that they can make more time for hockey.

Executive Director Benjamin Rae states this ice rink will have a minimal impact on the rec center's ice rink. He states when they did the community survey the community did want more winter sports activities. Mr. Rae states the biggest challenge is hard to staff open skate. He states the biggest challenges is the lack of employees and no one wants to work nights or weekends. It is almost impossible at this time. Mr. Rae states that in his opinion that it is not always easy to have ice with non-refrigeration.

Commissioner John Odermann states if the ice rink is in place this would basically lock down a large percentage of the square for 4-6 months. This will impact Legacy Square for events. He is also concerned about the underlying cement and the lift span of the cement if it is under the rink.

City Administrator Dustin Dassinger states the city would have to adjust their programming to fit around the ice.

Commissioners Jason Fridrich states that when the planning was a few years ago about the square the number one item in the community panel was an ice rink.

President Scott Decker states this would be a great asset but there are concerns of staffing, programming, warranty, Zamboni, chiller and the cost of a lot of dollars. He is also concerned of the warranty of the chillers.

Ms. Kristi Schwartz would have to review all of this and states there would be no concerns about the concrete as this ice rink is foam and lightweight.

City Administrator Dustin Dassinger is concerned about the electrical features in the ice. He also questions the time line for the installation of the ice rink.

Ms. Schwartz states they will begin raising funds right away and probably have an ice rink in the winter of 2024.

D. Public Comments not on Agenda

Ms. Stacy Piatz from the Dickinson Dolphin Swim Team approaches the Commission about the diving board at the Rec Center. She states she has not heard anything about the diving board from the Commission.

Mr. Benjamin Rae of Parks and Rec states that Ms. Piatz came to the board meeting and an agreement was made that the swim team would raise funds for one board and the Parks and Rec would purchase the other board. Mr. Rae states he would not mind sitting down with Ms. Piatz for further discussions. He states these are functional boards and the Dolphin Swim Team wants to have competitive diving program and that would put extra use and wear on the boards so it was felt that they should raise funds for one board.

Ms. Piatz states Dickinson High School and Trinity High School teams have been using the board as well. The Dolphin Team is using this board only 3 months of the year. They only utilize the board in the summer time. She states the diving coach cannot use this diving board. She states these boards have not been replaced for the past 20 years. Ms.

Piatz is wondering where the funds are going for the replacement of the diving boards. She states a 5013C should not be responsible for funding an entire board. She has been in contact with Mr. Fridley multiple times. Ms. Piatz states diving is only allowed in the summer. Normal diving is used by the high schools' other times of the year.

Commissioner Suzi Sobolik states a lot of times partnership are with the parks and rec and other boards. She suggests that the common place with 5013C status is to use money to purchase equipment for usage. She does believe the club should use funds to purchase equipment. She would like to see Ms. Piatz and her club try other avenues first as that is what the booster clubs are for.

Commissioner John Odermann asks Ms. Piatz to contact the President of the Booster Board Clubs directly. He states they have regular scheduled meetings and open for these types of proposals. He states it might be easier for the Parks and Rec to purchase the board and work with the Dolphins Swim team for funding.

President Scott Decker states Ms. Piatz should bypass the athletic directors and go directly to the boards of the clubs.

9. COMMISSION

Commissioner Suzi Sobolik updates the Commissioner is on the Youth Commission. She states it was a good first meeting. There are a few spots open for more Commissioners. These students can range from Sophomores to Seniors in high school.

Commissioner Robert Baer feels that members of the Youth Commission could be part of the boards that the Commissioners are on and getting their suggestions on what the city should do.

Commissioner John Odermann states they had a good discussion and they would like to work more with the government for the city. Youth Commission would like to be part of the boards that the Commission sit on. Also, they would like to give a monthly report to the Commission. Their swearing in of officers will be on the 7^h day of November.

ADJOURNMENT

MOTION BY: Suzi Sobolik

SECONDED BY: Jason Fridrich

Adjournment of the meeting was at 6:10 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 17, 2023