

**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****2. ORDER OF BUSINESS**

MOTION BY: Jason Fridrich

SECONDED BY: Suzi Sobolik

To approve the August 1, 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: John Odermann

SECONDED BY: Robert Baer

**A. Approval of Meeting Minutes dated July 18, 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. Chapter 11 Code Amendment**

City Attorney Christina Wenko presents a Chapter 11 code amendment which proposes simply to update the penalty and misdemeanor to be with the century code. There have been no changes from the first reading and the penalty is \$1,000.

MOTION BY: Robert Baer

SECONDED BY: John Odermann

To approve second reading and final passage of Ordinance No. 1779.

**ORDINANCE NO. 1779****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

**B. Preliminary Budget Statement**

Deputy City Administrator Linda Carlson presents a preliminary budget statement. She states according to the state statute the city needs to declare what is needed in dollars to levy for property taxes. This year is the amount since 2017 at \$5,724,000. There will be 4 mills dedicated to the library and 4 mills to the airport. The valuation has gone up by \$133,244,581. This is \$1,000 dollars per mill. The airport and library will each receive approximately \$532,978.32.

MOTION BY: Jason Fridrich

SECONDED BY: Suzi Sobolik

To approve the Preliminary Budget Statement

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

### **C. ARPA Funding Projects**

Deputy City Administrator Linda Carlson states the city received \$3.6 million dollars back in 2021-2022 ARPA funding. She reviews the options for using the funding. She reviews the spreadsheet of what the city does with the funds and the rules that need to be followed in order to spend the funding. She suggests the city give SW Art Gallery and Science Center \$500,000 – with \$125,000 each year for 4 years. Also \$250,000 to Park and Rec for the community center with \$50,000 in 2023; \$100,000 in 2024 and 2025. Also \$75,000 for a feasibility assessment study for a new fire station. Ms. Carlson states the only approval she is asking for is for 2023. Dept. City Administrator Carlson states the city will treat this like any other subsidy like SW Grant and Senior Grant.

Commissioner Robert Baer states the SW Art Gallery and Science Center states has not been in business for any amount of time as this is a newly formed non-profit. If the city goes with the planned \$125,000 for 2023 and they fail where does the money go to.

City Attorney Christina Wenko states the city would have the ability to reallocate those funds if that organization is no longer viable. It does not make sense to allocate funds to something that no longer exists.

Commissioner Robert Baer does believe in arts and science and would like to see them succeed but would like to make sure this is going to work. He is concerned about the dedication of money toward this project. There is not much information or facts. This organization used to be part of the Badlands Art Association over at the college. He states the information that has been presented is found to be untrustworthy and that is why he cannot support the funding as of date. There is money for the homeless shelter and he doesn't see any money allocated this year for the shelter.

Commissioner John Odermann feels the city has gotten more from SW Art Gallery and in due diligence then any other organization that the city has given money to. The art gallery has done a business plan and 5 year Performa. The CTE is the closest to the programming structure and the city gave them \$2.5 million dollars. Commissioner Odermann is supportive of this contribution.

President Scott Decker states this allocation is year to year and not going to give the money up front until the doors open. If they close then the funds would be allowed again.

Badlands Art Association Ruth Heile states this is not a local organization. She states Badlands Art Association is the art association for the city and invites the commissioners to view their webpage. She states Badlands Art Association has been a non profit since 1977 with over 200 members from ND and surrounding states. They do significant fund raising through membership, etc. Ms. Heile thanks all their donors. She questions what the reasoning is for the city to fund competition in a none for profit organization. She would like to see the application for ARPA funding.

Commissioner Jason Fridrich states the city does give to non-profit organizations. He feels this is a quality of life for the community.

Ruth Heile states this doesn't make it a fair playing field. Badlands Art Association is an established organization and the other one is a new start up. They are in the midst of planning process and they opted to separate to pursue the new path. She is not sure why they broke away. She states when \$500,000 is being offered to the competition and she states this doesn't make for a reasonable competition.

Badlands Art Association Manager Crystal Fahlsing states this is an already established art organization in the community and this new organization has been an issue and not to have two organizations. Why not make the funds available to all organizations.



City Administrator Dustin Dassinger presents a request from home owners to reduce the speed between exit 59 and exit 64. The homeowners along this highway are concerned about accidents, etc. Administrator Dassinger is asking the Commissioners to allow the city to work with NDDOT to initiate a study.

MOTION BY: Jason Fridrich

SECONDED BY: Suzi Sobolik

To approve the discussion with NDDOT to review the changing of speeds between exist 59 and exit 64.

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

#### **H. Memorandum of Understanding with Bravera Bank**

City Administrator Dustin Dassinger presents an MOU with Bravera Bank. Administrator Dassinger states Braver bank would like the south parking lot exclusively for Bravera bank employees and not allowing anyone else to use the lot. They would like the south parking lot dedicated to Bravera employee parking Monday through Friday from 7:30 a.m. to 5:00 p.m. The south lot would be available for public parking all other hours. Bravera will maintain the south parking lot. Administrator Dassinger states the Bravera have been excellent neighbors with Legacy Square. City staff does have concerns for the south parking lot being exclusively for Bravera bank employees. He states Bravera does have a certain number of spots dedicated to their employees. Other employees from other businesses are also parking in the area. Administrator Dassinger states the city has worked with Bravera and this is quite a change as to an exclusive use. Administrator Dassinger states it would be Bravera's responsibility to regulate who parks in the parking lot. They generally let the city set up for the Legacy Square at 5:00 p.m.

President Scott Decker suggests to table this item until the redesign and striping is complete.

Commissioner Jason Fridrich stated the intention was that the city traded lots with them that the east half of the south lot was to use exclusively for them. They have worked well with the city and they are asking for the parking lot for their intent.

City Attorney Christina Wenko state it is probably not a bad idea to set out if the intent is to use the parking lot for Legacy Square events. The agreement may change after 15 years and different commissioners on the board. She states Bravera has been excellent in that respect of the square.

MOTION BY: Robert Baer

SECONDED BY: Suzi Sobolik

To table the Bravera parking lot discussion until the next meeting.

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

#### **5. PUBLIC WORKS**

##### **A. Reports:**

None

#### **6. PUBLIC SAFETY**

##### **A. Fire Department**

##### **Monthly Fire Department Report:**

Fire Chief Jeremy Presnell updates the commission on the June Fire Department report. Chief Presnell states there were 162 calls for June. Most call types were EMS calls and then false alarm or good intent calls. He states Station #1 sees most calls in the area at 57%. The response times for June were very good. There were 1,265 hours of training which puts the department just under 8,000 hours of training for the year. Chief Presnell states the reason for the improvement in response times is that the firefighters are getting into their vehicles quicker and making sure they are getting on the road.

**B. Police Department**

**Reports:**

None

**7. COMMUNITY DEVELOPMENT SERVICES**

**A. Special Use Permit – 849 16<sup>th</sup> Avenue East**

City Planner Matthew Galibert presents a special use permit for 849 16<sup>th</sup> Avenue East. He states this is for a home based business for dog grooms. Planner Galibert reads the conditions for this permit. He states there were no public comments at the Planning and Zoning meeting.

City/County Planner Steven Josephson states that in her application she would only take six dogs per day. He states there are special conditions with this special use permit. Planner Josephson states they have asked the applicant to draft a business plan as part of their proposal for the special use permit. He states if the city does get complaints then they would inspect the property.

Commissioner Suzi Sobolik states that six dogs per day would not impede the neighbors. She states this condition is good to have in the application.

MOTION BY: Jason Fridrich  
Adopt Resolution No. 21-2023.

SECONDED BY: Robert Baer

**RESOLUTION NO. 21-2023**

**A RESOLUTION APPROVING A SPECIAL USE PERMIT TO THE BARKING LOT FOR A DOG GROOMING FACILITY LOCATED AT 849 16<sup>th</sup> AVE EAST, DICKINSON, ND**

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

**B.Rezone Request – Riverview Addition Subdivision**

City/County Planner Steven Josephson presents a rezone request for Riverview Addition Subdivision and Lots 15-20, Block 2 of Fischer’s Addition Subdivision. This consists of 2.08 acres. He states this is the second reading and no changes from the first reading.

MOTION BY: Suzi Sobolik

SECONDED BY: Jason Fridrich

To approve second reading and final passage of Ordinance No. 1780.

**ORDINANCE NO. 1780**

**AN ORDINANCE AMENDING THE DISTRICT ZONING MAP FOR REZONING AND RECLASSIFYING DESIGNATED LOTS, BLOCKS OR TRACTS OF LAND WITHIN THE ZONING JURISDICTION OF THE CITY OF DICKINSON, NORTH DAKOTA.**

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

**C. Rezone Request – District Addition Subdivision**

City/County Planner Steven Josephson presents a rezoning request for a property legally described as Lot 4, Block 1 of the District Addition Subdivision. This site consists of 5.47 acres. There are no changes from the first reading. This development would have limited commercial usages.

MOTION BY: Robert Baer

SECONDED BY: Suzi Sobolik

To approve second reading and final passage of Ordinance No. 1781.

**ORDINANCE NO. 1781**

**AN ORDINANCE AMENDING THE DISTRICT ZONING MAP FOR REZONING AND RECLASSIFYING DESIGNATED LOTS, BLOCKS OR**





City Administrator Dustin Dassinger states that Marketing Director Joel Walters will be having a report on the Legacy Square next meeting.

**ADJOURNMENT**

MOTION BY: Suzi Sobolik

SECONDED BY: Jason Fridrich

Adjournment of the meeting was at 6:35 P.M.

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

OFFICIAL MINUTES PREPARED BY:

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Rita Binstock, Assistant to City Administrator

APPROVED BY:

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Dustin Dassinger, City Administrator

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Scott Decker, President  
Board of City Commissioners

Date: August 15, 2023