

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: John Odermann

SECONDED BY: Jason Fridrich

To approve the July 18, 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

Approval of Meeting Minutes dated June 6, 2023; June 15, 2023; June 20, 2023 and June 28, 2023.

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. Monthly Financial Report**

Finance Supervisor Robbie Morey presented the monthly financial report. He states the City is half way through the year and there are no changes from last month in the Treasurer's Report. Investments show no change. 1% Sales Tax is a slightly higher at \$100,000 compared to 2022. Sales tax is significantly higher. Finance Supervisor Morey states this is the highest in 7 years. Hospitality Tax is slightly higher and also being the highest it has been in the past 7 years. Occupancy Tax is slightly higher which is slightly higher then in the past 7 years. Finance Supervisor Morey states oil revenue is slightly less as compared 2022. He reviews the general fund, enterprise fund and expenses.

Commissioner John Odermann is curious as to why the sales tax revenue is up.

Finance Supervisor Robbie Morey states the online sales are a big reason for the increase in sales tax.

MOTION BY: John Odermann

SECONDED BY: Suzi Sobolik

To approve the Monthly Financial Report.

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

B. Monthly Hiring Journal

HR Director Shelly Nameniuk presented the monthly HR Report. Ms. Nameniuk states there are 4 Police Officer positions open, Lt. Hansen has not been promoted to Deputy Police Chief, 5 PT Firefighter positions open and currently filled, 3 positions in Solid Waste, Street Maintenance Foreman is open, Mechanic is open, 3 Shelter Volunteers and the Deputy Clerk of Court II position is an internal position which is open. HR Director Nameniuk states there are been a good number of applicants for the positions.

Commissioner Jason Fridrich states he is glad to see there are many applications and is hoping to have make some good hires.

5. PUBLIC WORKS

A. ND Dept. of Environmental Quality Loan Application

Public Works Director Gary Zuroff presents a resolution that authorizes the filing of an application to the ND Dept. of Environmental Quality for a loan under the Clean Water Act. Environmental Compliance Specialist Leah Upchurch will coordinate and work with the SRF group on the loan for Cell 3-B 5 which is currently up for bid.

MOTION BY: Jason Fridrich
Adopt Resolution No. 15-2023.

SECONDED BY: John Odermann

RESOLUTION NO. 15-2023

RESOLUTION OF GOVERNING BODY OF APPLICANT

Resolution authorizing filing of application with the North Dakota Department of Environmental Quality for a loan under the Clean Water Act and/or the Safe Drinking Water Act.

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

B. Apex Engineering Task Order -Water Reclamation Facility – Facility Plan

Public Works Director Gary Zuroff states the City of Dickinson Water Reclamation Facility (WRF) has been in operation for approximately 10 years of the 20-year design life. Although the facility has been operating well, analysis of various components is required to proactively plan for future operational and equipment needs: capacity, solids handling, electrical, controls and reuse supply. This Facility Plan will allow the City to budget capital improvements needed in the future and will satisfy the requirements for State Revolving Fund (SRF) funding. Director Zuroff states that the City is using one person all summer to apply and this project has been difficult to complete it all until the fall. With the proposed increased of wastewater, we are looking to the next phase.

MOTION BY: John Odermann

SECONDED BY: Jason Fridrich

To approve the Task Order 2023-03 for Water Reclamation Facility – Facility Plan

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

6. PUBLIC SAFETY

A. Fire Department

Reports:

None

B. Police Department

Reports:

None

7. COMMUNITY DEVELOPMENT SERVICES

A. Special Use Permit – 3936 6th Avenue East

City/County Planner Steven Josephson presents a request for a Special Use Permit for a Home-Based Business/Home Occupation to be located at 3936 6th Avenue East in the City of Dickinson's Extra-Territorial Zone. Both the Planning and Zoning Commission and Development staff recommend approval subject to conditions.

Commissioner John Odermann commends the application for going through the proper SUP process.

MOTION BY: John Odermann
Adopt Resolution No. 16-2023.

SECONDED BY: Jason Fridrich

RESOLUTION NO. 16 - 2023

A RESOLUTION APPROVING A SPECIAL USE PERMIT TO BUBBLE & PAW LLC FOR A DOG GROOMING FACILITY LOCATED AT 3936 6TH AVE EAST, DICKINSON, ND

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

B. Special Use Permit – 990 3rd Avenue West

City/County Planner Steven Josephson presents a request for a Special Use Permit for a expansion of an existing group day care located at 990 3rd Avenue West in Dickinson, North Dakota. Both the Planning and Zoning Commission and Development staff recommend approval subject to conditions. The daycare provider is expanding at this site and is following state regulations and could be expanded to 30 children. There is a number of improvements that need to be completed prior to having additional children. Planner Josephson states the State did send a letter of support.

MOTION BY: Robert Baer
Adopt Resolution No. 17-2023.

SECONDED BY: John Odermann

RESOLUTION NO. 17 - 2023

A RESOLUTION APPROVING A SPECIAL USE PERMIT TO MARIA MUNOZ/BRIGHT START FOR A DAYCARE LOCATED AT 990 3rd AVE WEST, DICKINSON, ND

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

C.Final Plat – Duchscher Subdivision

City/County Planner Steven Josephson's presents a request for a Final Plat for the Duchscher Subdivision a Replat of Lot 3, Block 1 of Braun Third Subdivision located in the SE ¼ of Section 34, Township 140N, Range 96W located in the City of Dickinson. The site consists of +/- 2.127 acres. Both the Planning and Zoning Commission and Development staff recommend approval. Planner Josephson states the current resident does want to split in to two lots and adding to the north and maintaining the existing home to the south. Ingress and egress and other easement aspects are needed to work though. There are conditions such as sidewalks need to be installed.

MOTION BY: Jason Fridrich
Adopt Resolution No. 18-2023.

SECONDED BY: Robert Baer

RESOLUTION NO. 18 - 2023

A RESOLUTION APPROVING FINAL PLAT ENTITLED THE DUCHSCHER SUBDIVISION A REPLAT OF LOT 3, BLOCK 1 OF BRAUN THIRD SUBDIVISON STARK COUNTY, NORTH DAKOTA.

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

D. Final Plat – North Lake Subdivision

City/County Planner Steven Josephson presents a request for a Preliminary/Final Plat for the North Lake Subdivision located in the NW ¼ of Section 8, Township 139N, Range 96W located within the City of Dickinson's Extra Territorial Zone. The site consists of +/- 11.65 acres. Both the Planning and Zoning Commission and Development staff recommend approval. He states there are individual lots for three public entities. There were no public comments on this topic.

MOTION BY: Jason Fridrich
Baer
Adopt Resolution No. 19-2023.

SECONDED BY: Robert

RESOLUTION NO. 19 - 2023

**I APPROVING FINAL PLAT ENTITLED THE NORTH
LAKE SUBDIVISION
STARK COUNTY, NORTH DAKOTA.**

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

E. Highlands Engineering Task Order – North Industries Utilities Construction

Engineering and Community Development Director Skluzacek presents a Highlands Engineering Task Order for North Industries utilities construction. He states this task order is for time and material and not to exceed \$355,010. This would be for construction engineering services for the project

MOTION BY: John Odermann SECONDED BY: Jason Fridrich
To approve Highlands Engineering Task Order for North Industries Utilities Construction

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

F. Patterson Lake Imagery and LIDAR Proposal

Engineering and Community Development Director Skluzacek states this imagery data is used through the City. The cost for the work is \$39,952. This imagery of Patterson Lake would be the exact time they would fly for the rest of the City. The City is working with the Bureau of Reclamation on their plan for 2024 and to do contour map at the bottom of the lake and supplement area of imagery and complete a full evaluation of the amount of sediments of the lake and look at other possible options for future improvements of the lake. The total cost of the area imagery in the fall for just the City of Dickinson was \$42,500 so this would be a fair amount of money.

MOTION BY: John Odermann
To approve Imagery and Lidar proposal.

SECONDED BY: Robert Baer

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

G. KLJ Task Order – 2024 Road Maintenance

Engineering and Community Development Director Skluzacek outlines the proposed agreement with KLJ Engineering for the 2024 Road Maintenance Project. This agreement is for the professional services consisting of Preliminary and Final Engineering Services associated with the 2024 Road Maintenance project. The 2024 Road Maintenance Project will follow a process similar to previous years mill and overlay projects. The commission will be presented potential areas to include in the project, considering factors such as need, future work planned for those areas, and budget considerations. The task order will be billed at hourly rates with a not to exceed amount of \$19,200. The city engineering staff recommends approval.

MOTION BY: Jason Fridrich
To approve the KLJ Task Order Agreement for the 2024 Road Maintenance project.

SECONDED BY: John Odermann

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

H. Transportation Master Plan and Comprehensive Plan Staff Report

Engineering and Community Development Director Skluzacek presents the transportation master plan which is in working with NDDOT. The City did receive 2 proposals through the project. The City does recommend KLJ and Apex to work on this project. The scope of work will not be paid by the grant.

MOTION BY: John Odermann

To approve the Transportation Master Plan and Comprehensive Plan.

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

I. Monthly Engineering Report

Engineering and Community Development Director Skluzacek updates the commission on the permits as they are very comparable with last year. He states the Building Inspection I have been filled. There is a Code Enforcement fulltime position open at this time. Director Skluzacek states the Planner is working with the downtown community and businesses. Director Skluzacek visits about the current projects. He states there were a total of 535 subdivisions in the city and this does not include replats. This is a pretty significant number that has been redrafted in the city's system. This information does help the city out a lot during the planning area.

Commissioner John Odermann thanks Mr. Skluzacek for the update on the projects. He states this is great information and to see what point the city is at with the projects.

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

A. SW Art Gallery and Science Center

Dustin Jung and Janelle Stoneking visit in regards to the SW Art Gallery and Science Center. Mr. Jung would like to secure the old city hall for the building He states this project is a nonprofit project. This project would enhance the understanding and appreciation of art and science. They are in the process of developing a strategic plan and recently a projection plan. They are at Stage 3 of 4. He outlines how the community would benefit and how this would positive impact the community. Mr. Jung states there is a need and explains the benefit they offer. They are collaborating with the Dickinson Parks and Rec. Their goals are \$2.4 million to secure a building.

Commissioner John Odermann states they talked a lot at the library board meeting and what kind of vibrancy of expansion of the library would be for the community. He states it would be a like the Bermuda triangle to have this art and science center on the next block. This really gives them the opportunity to pursue programming and building a successful vibrancy in downtown Dickinson.

Commissioner Jason Fridrich states this would be a wonderful great thing in downtown.

Mr. Jung states the \$2.4 million dollars would be great but they will take what ever funding the city can offer. They are working on a getting a solid down payment Mr. John states the building price is \$1.75 million and he is hoping to get this down a bit. Tooz construction states it would be \$400,000 for remodeling. He states they recently finished their financial projections and are now finalizing their financial plan. He states right now the old city hall structure would not take much remodeling. They are working with DLN consulting to get the plan.

President Scott Decker states the city is going through the budget season at this time and would visit about this and possibly have something to present to the center.

B. Public Hearing – Chapter 29 Code Amendment

HR Director Shelly Nameniuk presents for a second reading with no changes Chapter 29. This amendment relates to on-call pay for employees.

President Scott Decker opens the public hearing at 5:16 p.m. Hearing no public comments, the public hearing was closed at 5:17 p.m. and the following motion was made.

MOTION BY: Robert Baer

SECONDED BY: John Odermann

To approve second reading and final passage of Ordinance No. 1776.

ORDINANCE NO. 1776

AN ORDINANCE AMENDING AND RE-ENACTING SECTION 29.08.04070 OF ARTICLE 29 OF THE CITY CODE OF THE CITY OF

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

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

Motion declared duly passed

F. Public Hearing – Rezone Request – Riverview Addition Subdivision

City/County Planner Steven Josephson presents a rezone request for a PUD for properties legally described as Lots 20-24, Block 1 of the Replat of Riverview Addition Subdivision and Lots 15-20, Block 2 of Fischer's Addition Subdivision. This consists of 2.08 acres. Both the Planning and Zoning Commission and Development staff recommend approval subject to conditions. This is the first reading. There will be two subdivision final plats with the second reading of the ordinance.

President Scott Decker opens the public hearing at 5:30 p.m. Hearing no public comments, the public hearing is closed at 5:32 p.m. and the following motion is made.

MOTION BY: John Odermann

SECONDED BY: Jason Fridrich

To approve first reading 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

G. Public Hearing – Rezone Request – District Addition Subdivision

City/County Planner Steven Josephson presents a rezoning request for a Zoning Map Amendment from CC to PUD for a property legally described as Lot 4, Block 1 of the District Addition Subdivision. This site consists of 5.47 acres. He states this request is unique to Dickinson. They have a number of small buildings that would have business where they would allow for some walkability. He states they are two story buildings for a person to live in it. He states uses would be permitted and limited. There would be a private road and only one owner to potentially combine lots for a slightly larger business.

President Scott Decker asks if there could be any conveyance or standards that people are not storing vehicles outside. Similar to having shop condos issues like this and then the city has vehicles worked on sitting outside of the doors.

Highlands Engineering Andrew Shrank state the code would restrict in limited commercial. They do have a plan and some restricted conveyance. The majority of the building needed to be commercial.

President Scott Decker state it is tight int his area and when people decide to have small engineer repair shops and now have 10 tractors outside or lawn mowers it looks great in photo but we know that it can go downhill real fast if no conveyance.

City/County Planner Steven Josephson states both the Planning and Zoning Commission and Development staff recommend approval subject to conditions.

President Scott Decker opens the public hearing at 5:39 p.m. The public hearing is closed at 5:40 p.m. and the following motion is made.

MOTION BY: Robert Baer

SECONDED BY: John Odermann

To approve first reading of Ordinance No. 1781.

ORDINANCE NO. 1781

**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

H. Special Events Permits

Mr. Bernie Marsh from the Esquire Club came to stand up for his business. He states that he has been in business for 36 years. He states 19 years ago he started Party on the Pavement. He has experience running outdoor events. He states he has never been denied a special event permit until Legacy Square opened. Mr. Marsh feels the city is holding his business hostage while making the Legacy Square a success. He states Esquire Club has previously had an opportunity for greater gain and now the city is taking away the Downtown 1st on 1st income from them and this was an important part of his income for them in the past. He is wondering why there is no special event permits allowed when the city is having an event going on. He states the city is competing with the Esquire Club now.

President Scott Decker states that the Esquire is allowed to extend their permit into the parking lane but no band outside in the street.

Commissioner John Odermann states the city has granted the Esquire special event permits but there is no need to shut down the street at this time as the first on first events are being held in a different area. Commissioner Odermann states no one has said that the Esquire are not good stewards of downtown. He does not feel that this issue is what it is about being good stewards. Commissioner Odermann states the city is now selling alcohol for the first on first event. He feels the biggest hesitation is there is no competition and entertainment. Ultimately this is the reason the street is not shut down anymore because there is no need to shut the street down in front of the Esquire. Commissioner Odermann can understand Mr. Marsh's frustration. Commissioner Odermann has visited with the downtown businesses owners and they do not want the street shut down. He states the shut down of the street is detrimental to the neighborhood,

Mr. Marsh states they do clean the streets after events and they do their best to keep things cleaned up. He states Mr. Joel Walters has done a great job in the lineup of events.

Commissioner Robert Baer asks Mr. Marsh why does he not hold his events on other dates.

Commissioner Jason Fridrich is not in favor of live music outside. If Mr. Marsh would like a beer garden that would be fine. He states the alive at 5 is now at the north of City Hall. This whole area gives an opportunity to walk around and set up and this the first year it was changed. Commissioner Fridrich suggests maybe closing the street in front of the Esquire instead of Bravera.

Commissioner Robert Baer states the Spur paid \$10,000 to serve beer at the events. Neither the Esquire nor the Rock had bid. This would be a disservice to the Spur if the city allowed street closure and events. Commissioner Baer states possibly look at this process next year.

I. Public Comments not on Agenda

None

9. COMMISSION

Commissioner John Odermann is wondering if there is any update on Patterson Lake.

President Scott Decker states there are no updates on the lake. They are looking back and improve the quality of the lake.

Engineering and Community Development Director Josh Skluzacek states the City can look at a host of grant opportunities but the start is a study of the lake.

ADJOURNMENT

MOTION BY: John Odermann

SECONDED BY: Jason Fridrich

Adjournment of the meeting was at 6:30 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: _____ August 1, 2023