

I. CALL TO ORDER

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

II. ROLL CALL

Present were: President Scott Decker, Commissioners Jason Fridrich, Suzi Sobolik and Robert Baer

Telephone: None

Absent: Commissioner John Odermann

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

MOTION BY: Robert Baer

SECONDED BY: Suzi Sobolik

To approve the June 6, 2023 Order of Business as presented with the removal of the 5:05 p.m. time table, Sundance Coves.

DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 1
Motion declared duly passed

3. CONSENT AGENDA

MOTION BY: Jason Fridrich

SECONDED BY: Suzi Sobolik

A. Approval of Meeting Minutes dated May 2, May 16 and May 30, 2023.

B. Approval of Accounts Payable, Commerce Bank and Checkbook

DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 1
Motion declared duly passed

4. ADMINISTRATION/FINANCE**A. Gaming Site Authorizations**

Deputy City Administrator Linda Carlson presented the following gaming Sites. She reviewed the types of games for each entity and recommended approval of them.

1. Dickinson Eagles #2328

2. DSU Heritage Foundation – Bernie’s Esquire Club

3. Fort Abraham Lincoln Foundation – Paragon Bowl

MOTION BY: Suzi Sobolik

SECONDED BY: Robert Baer

To approve the Gaming Sites for Dickinson Eagles #2328; DSU Heritage Foundation – Bernie’s Esquire Club; and Fort Abraham Lincoln Foundation – Paragon Bowl.

DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 1
Motion declared duly passed

B. City Lot Sales**1. Lot 3, Block 3, Fisher East Side Second Subdivision and Lot 4, Block 3, Fisher East Side Second Subdivision.**

Deputy City Administrator Linda Carlson stated sealed bids for the above listed properties were received and opened on May 16, 2023 at 10:00 a.m. There was one bidder for each parcel.

MOTION BY: Robert Baer

SECONDED BY: Jason Fridrich

To approve the sale of Lot 3, Block 3, Fisher East Side Second Subdivision and Lot 4, Block 3, Fisher East Side Second Subdivision for \$50,000 to Russ Heiser.

DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 1
Motion declared duly passed

2. Lot 2, Block 5, Springwood 2nd Addition, and Phase 2 Area B, of Block 1 Surrey Heights Addition.

MOTION BY: Suzi Sobolik
SECONDED BY: Robert Baer
To approve the lot sales of Lot 2, Block 5, Springwood 2nd Addition, and Phase 2 Area B, of Block 1 Surrey Heights Addition for \$45,000 to Tooz Construction.

DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 1
Motion declared duly passed

MOTION BY: Suzi Sobolik
SECONDED BY: Jason Fridrich
Adopt Resolution No. 11-2023.

RESOLUTION NO. 11-2023
A RESOLUTION AUTHORIZING THE SALE OF CERTAIN CITY LOTS

DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 1
Motion declared duly passed

C. Ridgeway Church Roof Repair

Deputy City Administrator Linda Carlson presented the church in Prairie Outpost Park needs repair of the roof. She stated the city thought this would be a 2023 project but because of the damage and needed repairs she is asking for this project to be completed in 2023. The cost estimate is around \$20,000. There are building roofs in this same area that are being repaired, and she would like to add the church to the list for repairs. Deputy City Administrator Carlson stated the funding would come out of the Building and Construction Fund. There is \$72,000 in this fund; \$25,000 is dedicated to parking signs, and \$25,000 to the parking lot fund. There would be a remaining \$22,000 left to use on the roof of the church.

MOTION BY: Jason Fridrich
SECONDED BY: Robert Baer
To approve the Ridgeway Church Roof Repair.

DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 1
Motion declared duly passed

D. Reports:

1. SW Regional Grants

Deputy City Administrator Linda Carlson provided this for informational purposes only.

2. Beautification Committee Update

City Forester Blake Johnson updated the Commission on the progress of the downtown beautification. Forester Johnson stated this is a brand new committee, and started in response to the concerns of the lack of beautification in the downtown area. He stated the committee brainstormed and addressed goals and objectives. He stated there will be a meeting at the end of August to identify the pros and objectives to see if these have been met. He stated the flowers in the large black pots have been installed and taken care of by volunteers. The main goal is consistency using live plants from local areas.

5. PUBLIC WORKS

A. Apex Task Order – Reuse Water Evaluation

Public Works Director Gary Zuroff presented an Apex Task Order for Reuse Water Evaluation. Director Zuroff stated this is for an amendment to Task Order N0. 2023-2, and includes an alternative evaluation of possible solutions to supplement WRF flows with the Cell 4 stored reuse water. With the possible future demands of reuse water there is the need to analyze and develop long term alternatives using our Cell #3 and Cell #4 for storage and use. The scope includes boundary survey, and study and report services.

MOTION BY: Robert Baer
To approve the Apex Task Order for Reuse Water Evaluation

SECONDED BY: Suzi Sobolik

DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 1
Motion declared duly passed

6. **PUBLIC SAFETY**

A. Fire Department

1. Lease Agreement for Office Space for State Fire Marshal

Fire Chief Jeremy Presnell presented an office space agreement for the State Fire Marshal. Chief Presnell stated they have an open office available at this time. City Attorney Christina Wenko did review the contract.

MOTION BY: Jason Fridrich
To approve the Lease Agreement for Office Space for State Fire Marshal

SECONDED BY: Suzi Sobolik

DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 1
Motion declared duly passed

2. MOU For Regional Hazardous Materials Team

Fire Chief Jeremy Presnell presented a MOU which has been in place since 2011. This has been updated with verbiage changes, training requirements, mission statement, and vision for the team. City Attorney Christina Wenko reviewed the contract. This contract has very little impact. Chief Presnell stated the city receives between \$35,000 and \$45,000 dollars each year to support this team.

MOTION BY: Jason Fridrich
To approve the MOU for Regional Hazardous Materials Team.

SECONDED BY: Robert Baer

DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 1
Motion declared duly passed

3. Monthly Report

Fire Chief Jeremy Presnell updated the Commissioners on the monthly report which has been a very busy month with 180 calls for service. He stated 78% of the calls were EMS calls, and Station #1 has the majority of the calls. He discussed training, inspections, and prevention activities.

B. Police Department

Reports:

1. None

7. **COMMUNITY DEVELOPMENT SERVICES**

A. Introduction of new City Planner

Engineering and Community Development Director Skluzacek introduced Matthew Galibert to the City Commission.

Mr. Matthew Galibert was born in North Carolina and lived in Europe where he graduated from Norway. He is engaged in the city's procedures, but he is also interested in gaining a new people's vision in Dickinson. He has reviewed the Comprehensive Plan from 2013 and can understand what the visions were before. He is going to update this plan now and eagerly work on it. He is interested, and available, to discuss with community members.

B. Lead Service Line Construction Agreement

Engineering and Community Development Director Josh Skluzacek presented a lead service line construction agreement. The proposal is from American Engineering Testing, Inc. to provide construction material testing for the project as a time and materials estimate not to exceed \$13,397.00. In the past, construction material testing was the responsibility of the contractor. City engineering staff is working toward direct contracting this scope of work to gain visibility and timeliness to the testing reports and daily field reporting. The project was bid and the construction awarded at April 4, 2023 City Commission meeting to BEK Consulting LLC to complete the Bid Schedule 1 for Pipe Bursting in the amount of \$2,479,520.00. The project started on May 29, 2023 and is scheduled to be completed on August 25, 2023.

MOTION BY: Robert Baer
SECONDED BY: Suzi Sobolik
To approve the Lead Serviced Line Construction Agreement with American Engineering Testing, Inc.

DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 1
Motion declared duly passed

C. Bid Openings

1. Legacy Square Parking Lot Bid Award

Engineering and Community Development Director Josh Skluzacek presented the Legacy Square Parking Lot Bid, which had only one bidder, Northern Improvement. This project does include striping. The total cost would be \$419,341.00.

MOTION BY: Jason Fridrich
SECONDED BY: Suzi Sobolik
To approve the Legacy Square Parking Lot Bid Award to Northern Improvement.

DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 1
Motion declared duly passed

2. South Dickinson Cemetery Bid Award

Engineering and Community Development Director Josh Skluzacek presented the south Dickinson cemetery bid award which was a bid for concrete. The bid was from Northern Improvement for \$406,378.00. Director Skluzacek stated that due to the cost difference, Engineering staff recommends asphalt alternative. Staff does need to relook at for future bids. There will be wider roads than the previous cemetery.

MOTION BY: Suzi Sobolik
SECONDED BY: Robert Baer
To approve the bid from Winn Construction for asphalt for the south Dickinson cemetery.

DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 1
Motion declared duly passed

3. 2023 Sidewalk Program Bid Award

Engineering and Community Development Director Josh Skluzacek presented the 2023 sidewalk program bid award from Winn Construction. He stated this is associated with City of Dickinson sidewalk program, which is run annually.

MOTION BY: Robert Baer
SECONDED BY: Jason Fridrich
To approve the 2023 Sidewalk Program Bid Award to Winn Construction.

DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 1
Motion declared duly passed

D. Reports:

1. Monthly Report

Engineering and Community Development Director Skluzacek stated it has been quite a

busy month. They have onboarded a new Admin for the front desk. He stated Building and Codes have picked up quite a considerably along with fees. There has been a very significant number of permits for the past couple of months. The Building Inspector II position has been filled with Blaine Dukart. The Code Enforcement position is open and is tough to fill. He discussed other positions and happenings in his department for the month.

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

A. Introduction and Approval of New Library Board Members

Library Director Danielle Kappel presented three new Library Board Members, Marcus Fries, originally from Mott; Luke Hurt from Dickinson Public Schools Para and Speech Coach; and Kimberly Ho whom is a home school mom from California. She stated the city did receive six interest forms.

Commissioner Robert Baer stated there were six applications for the three positions. He is somewhat concerned of how the city has the initial interview process. He stated with HB1205, the city had a renegade board and wanted to do whenever they wanted. They are currently signed on with a lawsuit with the State. He stated back in April, City Attorney Wenko stated the city staff was going to be neutral, and understood the board is not independent. The Commissioner do not get a chance to interview all six applicants. He questioned if these individuals will take the city in the right direction.

President Scott Decker asked if the interviewees felt threatened, why was this not related to staff and Commissioners. This is the first time the Commissioners have heard of this concern. Commissioner Baer stated he spoke to Deputy City Administrator Linda Carlson about the matter.

Deputy City Administrator Linda Carlson stated that Commissioner Baer and herself spoke about the issue and she felt it was not an issue. Library Director Kappel are ex officials and are not on the board. She stated all members were interviewed, and no contention from any one of them. Commissioner Baer is welcomed to watch the video. Ms. Carlson did not feel anything was threatening. This was a complete board decision.

Commissioner Robert Baer did suggest for the applicants to come to the commission meeting to express their concern.

Director Kappel did not make any recommendations. She stated any of the six she would have been fine with them. She did not ask any questions, and left the final decision to the board.

City Attorney Christina Wenko stated per century code, the board of commissioners can appoint five members to the library board. Century code talks about appointment process and designates requirement of library board once appointed. The library board is to determine policies, etc. This is a separate board from the commissioners. The interview process of these candidates was more thoroughly vetted than any other servicing board. She does not recall a time that applicants were interviewed. The library board is giving the recommendation and asking the commission to appoint those individuals. The commissioners need to trust the boards representative capacities and any other board we do vest with the current board to make responsibilities and recommendations.

Ms. Terry Bolke was one of the applicants. She received an email from Danny asking if she was interested in the board. Danny then requested an interview. When being interviewed, she was confused as to why the candidates were not told of this earlier. Since when does the board chose their own members? No diversity of ideas or goals. She stated one goal is to get rid of all the books in the library, and this is not what a library is for. She is still interested in being on the board. She did not feel threatened, but was concerned of the process and feels it is unfair.

Ms. Ruth Healy is the one whom made a video of the meeting. She stated candidates were uninformed of what was happening, and this was not communicated ahead of time. They were unsure of the role of the library director in this process. Some candidates were interviewed prior to the meeting.

Executive Director Benjamin Rae thanked the Commissioners for the long-term relationship with the City and Parks and Rec. Director Rae stated the community center has seen an increase in revenue over the last three years. He stated the revenue gains are from memberships. The revenue is strong and to keep expenses in check. He reviewed the upcoming projects such as golf cart storage, condensing tower, etc. The Friendship Park is scheduled to open in June, 2023. He stated a survey sent out had received 1,250 responses.

D. Convention and Visitors Bureau Presentation

Executive Director Terri Theil presented her annual Convention and Visitors Bureau report. She reviewed the activities for the year. They have now hired Anika Plummer. She discussed events and meetings. She stated they have been very busy lately and are pleased with the traffic. Director Theil reviewed community outreach programs. She stated that Peggy Rixen Kuntz, whom was an employee for the past 20 years, has passed away. She stated Shirley Gengler is now their new summer employee. She stated Occupancy and Lodging tax are both up.

E. Public Hearing – Houston Engineering CWSRF Loan – Landfill Cell 3B5

Project Manager Dennis McAlpine presented an update of the future development of the landfill. He stated there will continue to be disposal at Cell 3B5. They are trying to maximize the facility and continue operation at this site. The challenge with this site is such an aggressive slope. They have used up all the usable space but a master plan is being completed in an effort to identify sequencing. The improvement will provide for about 14 more years of capacity. The project's estimated cost is \$3 million dollars with engineering design and construction management support. The schedule at this time is to work to finish plans and get the DEQ for their approval and move on with the project. With the delay of workers, this project may go in 2024. Mr. McAlpine stated they are trying to save material with a more sloped area.

President Scott Decker opened the public hearing at 6:38 p.m. Hearing no public comments, the hearing was closed at 6:40 p.m.

F. Public Hearing – Chapter 9 Code Amendment

Solid Waste Recycling Manager Aaron Praus presented Chapter 9 code amendments. This would include mausoleums into the code which would include definitions; living plants, which will not be permitted on the cemetery; floral displays secured to the monuments and foundation; mausoleums with floral arrangements attached to the covers, niches, crypts that have to be secured vases; amongst other items listed for changes on the chapter 9 code amendment. He stated the city would like to have privately owned benches to be removed as it is very difficult to maintain around these items.

President Scott Decker suggested that if people would like to have benches they would be responsible for maintaining them themselves.

Commissioner Robert Baer would like to see a grandfather clause to allow the benches that are already there. Commissioner Baer has spoken to Nic Stevenson about the benches and the benches are very heavy and having someone to remove these could cause damage to the area. He stated people have paid a lot of money for those benches.

President Scott Decker stated who is going to police this item. He questioned the weekends, as this is somewhat understandable. President Decker questioned the selling of lots and why the city cannot sell the lots where people want them.

Solid Waste Recycling Manager Praus stated the work day is Monday through Friday until 4 p.m. The reason they would like to go row by row is so no spots get skipped out of.

City Attorney Christina Wenko envisions that would be like the Police Department or Code Enforcement would monitor these items.

President Scott Decker opened the public hearing at 6:55 p.m.

Mr. Jim Ladbury stated he appreciates all the city has done but he feels this presentation is wrong. He stated several of the benches are used for monuments. He stated the city has

President Scott Decker stated he has been on the Commission since 2014, and this is the first time he has heard of this issue. He stated many areas of the city are affected. He does not disagree with Commissioner Fridrich to provide some kind of relief. He stated the city should look at the abandoned house on the corner. He stated maybe this could find some temporary relief until the city gets to the root of the problem.

9. **COMMISSION**

No comments

ADJOURNMENT

MOTION BY: Jason Fridrich

SECONDED BY: Robert Baer

Adjournment of the meeting was at 8:10 P.M.

DISPOSITION: Roll call vote... Aye 4, Nay 0, Absent 1
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: July 18, 2023