

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 Robert Baer
Commissioners Jason Fridrich and Joe Ridl

Telephone: None

Absent: Commissioner John Odermann

1. PLEDGE OF ALLEGIANCE

2. ORDER OF BUSINESS

MOTION BY: Robert Baer SECONDED BY: Joe Ridl
To approve the November 5, 2024 meeting as presented.

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

3. CONSENT AGENDA

A. MOTION BY: Jason Fridrich SECONDED BY: Joe Ridl

B. Approval of Meeting Minutes dated October 15, 2024

C. 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. Water Reclamation Supervisor Job Description

HR Director Shelly Nameniuk presents a Water Reclamation Supervisor Job Description for review. She states this a new position for the WRF division of Public Works. This position will oversee the operation and maintenance of the Water Reclamation Facility. The position requires an Associate’s degree, three years of directly related experience, or the equivalent combination of experience and education sufficient to successfully perform the essential duties of this job. The position is in Grade 17 and is a non-exempt position. This position was approved with the 2025 budget and City staff recommend approval.

MOTION BY: Jason Fridrich SECONDED BY: Joe Ridl

To approve the Water Reclamation Supervisor Job Description.

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

MOTION BY: Joe Ridl SECONDED BY: Robert Baer

To approve the Water Reclamation Supervisor Job be advertised and hired in 2024.

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

B. Recall Petition Update

City Administrator Dustin Dassinger presents a recall that was submitted for President Scott Decker, Commissioner John Odermann and Commission Jason Fridrich. The deadline was October 30, 2024.

City Attorney Christian Wenko states the home rule status has arisen. She states her office did ask for a formal opinion. The question asked if the City should use home rule or the century code. She said the City did request immediate guidance from ND attorney general

office. Opinion requested after multiple communications Attorney General's office applicability of home rule charter. She states at 11:00 a.m. today, Tuesday, November 5, 2024 the City received formal opinion from ND Attorney General office. A person states that I did not request that information. I did receive a mail from AG's office last Wednesday. Document discussed from October 15, 2025. She states the AG's Office process for opinion records not followed. Their office sends apologies and confusion created. Attorney Wenko states the City received a formal opinion from AG's office today. A copy of opinion is for public. In the Attorney General's opinion, the City shall follow the ND Century Code and the number of signatures required for the recall is 25% of number of votes in the year the person was voted into office.

Administrator Dustin Dassinger states that Mr. Helgeson was informed that the City would follow the Century Code upon the Attorney General's office opinion. Therefore, President Scott Decker and Commissioner John Odermann would need to have 724 signatures and Commissioner Jason Fridrich would need 424 signatures. Administrator Dassinger states that unofficially President Decker received 547; Commissioner Odermann 520 and Commissioner Fridrich ended up with 478 and he needed 424. The deadline to review the signatures would be November 29, 2024. Administrator Dassinger states if the City finds Commissioner Friedrich's the signatures valid officially he will automatically be on ballot; other candidates and shall 64th day of recall election; reviews the election process. A formal determination of the validity and sufficiency on the recall petitions will be made by the end of the week.

City Christina Wenko and the City of Dickinson is very grateful to the Attorney General's office on the timely manner as much as possible as they had had multiple other opinions ahead of ours. Grateful for the AG's office for the work on this opinion.

5. **PUBLIC WORKS**

A. Southwest Water Land Lease Agreement

Public Works Director Aaron Praus presents a Land Lease Agreement between the North Dakota State Water Commission and the City of Dickinson to lease property from the City of Dickinson through the duration of the expansion of the Southwest Water Treatment Facility. The property will be used to stage equipment and materials for the expansion. The lease commences on January 1, 2025 and terminates on December 31, 2027. The land to the southwest of our Building and Grounds Facility on West Broadway and the area to the north of West Broadway commonly known as the City snow dump site. The rent of the property will be a sum of \$15,000.00 per year and any unused amount for each full month remaining in the term for which the rent has been paid will be paid back to the State Water Commission. The Tenant will install a gate at the property access point between the two building on West Broadway in which construction traffic will be directed. Upon completion of the project, the gate will remain intact and become property of the City of Dickinson. Attorney Wenko has reviewed the agreement and Public Works staff recommends approval.

MOTION BY: Robert Baer

SECONDED BY: Joe Ridl

To approve the Southwest Water Land Agreement

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

B. Heinen Sewer Connection Contract

Public Works Director Aaron Praus presents an amendment to a wastewater agreement between Andrew and Keanna Heinen and the City of Dickinson dated October 7, 2020. This amendment is to allow the Heinen's to connect multiple structures to the City's wastewater infrastructure at a location determine by the City. A connection fee shall be paid for each structure connected along with a base and usage rate as determined by Dickinson's annual fee schedule. This amendment includes testing requirements as needed

to determine any applicable surcharges required to treat the sewage. Attorney Wenko has reviewed the amendment and Public Works staff recommends approval

MOTION BY: Jason Fridrich

SECONDED BY: Joe Ridl

To approve the Heinen Sewer Connection Contract

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

6. PUBLIC SAFETY

A. Fire

1. Medical Director Approval

Fire Chief Jeremy Presnell presents a Medical Director agreement with Dr. David Kuylen. Chief Presnell would like for Dr. Kuylen to be the Medical Director agreement for the Fire Department as this helps with review and development of review of protocol. The City does have a Medical Director and Dr. Kuylen would be the ER Physician.

MOTION BY: Joe Ridl

SECONDED BY: Jason Fridrich

To approve the Water Reclamation Supervisor Job Description.

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

2. Purchase of Ambulance

Fire Chief Jeremy Presnell states the City would like to purchase two Type I ambulances for \$393,750.00 overage of what initially budgeted and this is due to the extreme cold weather package. He states the ambulance would be delivered next fall. Chief Presnell states the Macqueen was earliest delivery date for the ambulances. The City would be using group purchasing through Soucewell.

Deputy City Administrator Linda Carlson states Sourcewell is specific for ambulance purchases. She states Chief Presnell looked at the time line and that is why we went with MacQueen. Sourcewell is more of a State bid.

Chief Presnell states a lot of bids will go through Sourcewell and best price is already produced. Ability to add cold weather package. The City will then have in the fleet without getting rid of anything it would put us at 6 ambulances. Intention is to get rid of old ambulances, pass onto smaller facilities or put to auction. He states the life expectancy is about 3 years and then look at a remount. These would be diesel engines.

MOTION BY: Robert Baer

SECONDED BY: Joe Ridl

To purchase two Type I Ambulances from MacQueen.

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

3. EMS Update

Division Chief Tyler Kientopf discusses the personal to include an EMD Educator was hired and that is Sarah Rhode; a Firefighter EMT – there were 25 applicants and 6 offer letters were send and all have accepted; Paramedics – there were 9 applicants and 4 accepted position and 2 additional officers. Chief Kientopf states this leaves 3-5 positions still open. He reviews the equipment with the Commission and states they have been working with the current owners on the equipment transfer. He states there is ALS Licensure required by the Department of Human Services. The application has been submitted and they are working with Dept of Health. The City is waiting for official licensure with affective date of 7/1/2025. At this time Chief Kientopf does not see any issues in getting the license. He states with the City buying diesel, he feels diesels will last

longer in over the road trips; 3 years is a very conservative but may last longer; doing the City's best and being mindful with the current budget. If they can make them last longer, they will.

B. Police

None

Commissioner Joe Ridl left the meeting.

7. COMMUNITY DEVELOPMENT SERVICES

A. CMAR Contract – Library, Museum and Baler Building

Senior Engineer Kris Keller presents a Master Service Agreement contract to perform Construction Manager At-Risk services for the Library, Museum, and Baler Building Expansions. Currently the CMAR – JE Dunn, will perform pre-construction activities at no cost to the City. When each projects design team generates the construction documentation, JE Dunn will go out for bids and generate a guaranteed maximum price for individual project completion. After a GMP for a specific project is submitted, a work order will then be presented to the City for approval to proceed. This additional step keeps each project independent during design and construction progress. He states the City Attorney has reviewed the contract. The City Engineering staff recommend approving this contract.

MOTION BY: Jason Fridrich

SECONDED BY: Joe Ridl

To approve the CMA Contract for the Library, Museum and Baler Building with JE Dunn.

DISPOSITION: Roll call vote...Aye 3, Nay 0, Absent 2
Motion declared duly passed

B. State Avenue Bridge Erosion Repairs Bid Award

Senior Engineer Kris Keller presents for consideration is a construction contract to perform repairs on the State Ave. Bridge spanning the Heart River. The sole bidder on the project is BEK Consulting. The project bid includes rip-rap salvage and placement, additional Grade III rip-rap, geo fabric, and concrete end section installation. These contract for the material and services is for **\$164,469** on a Lump Sum basis. The project is the 2024 budget and the revenue is from the Gross Production Tax. The City Attorney has reviewed the contract. The City Engineering staff recommend approving this contract.

MOTION BY: Robert Baer

SECONDED BY: Jason Fridrich

To approve the State Avenue Bridge Erosion Repairs bid with BEK Consulting.

DISPOSITION: Roll call vote...Aye 3, Nay 0, Absent 2
Motion declared duly passed

C. 10th Avenue East Contract Amendment to SRF Consulting

Engineer and Community Development Director Joshua Skluzacek presents a contract amendment with SRF Consulting Group, Inc. to perform engineering services for the 10th Ave. E. – Museum Drive to 21st Street East project for a cost-plus fixed fee not to exceed amount as specified in the contract of \$13,534.26. The City Attorney has reviewed this contract, and has no comments. The project was approved with the 2024 capital improvement project budget, and it is to be paid for using Gross Production Tax.

MOTION BY: Jason Fridrich

SECONDED BY: Robert Baer

To approve 10th Avenue East Contract Amendment to SRF Consulting.

DISPOSITION: Roll call vote...Aye 3, Nay 0, Absent 2
Motion declared duly passed

D. Demolition of Buildings - 348 E Broadway, 119 7th Avenue W, 219 5th Street East

Code Enforcement Officer Tiffany Stewart presents three properties for demolition. She states this request is to set a hearing for the demolitions. After discussion it was decided to have this hearing on December 18, 2024 at 9:00 a.m.

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

A. Swearing in of Youth Commission

President Scott Decker swore in the following Youth Commission: Beth Dobitz, Sofia Contreras, Dilcia Contreras, Ariel Hecker and Amethyst Britton.

B. Public Hearing – 2025 Road Improvement Project SID 202501-1

Engineer and Community Development Director Joshua Skluzacek presents for consideration is a Resolution determining the protests of the 2025 Road Maintenance Special Improvement District 202501-1. This district was established at the September 17, 2024 Commission Meeting with approval by this board of Resolution 38-2024. The protest period for the project, as required by the North Dakota Century Code, ended on October 25, 2024. A total number and overall percental of the protests are provided below. These protests did not meet the statutory requirement to bar the City from proceeding with the special improvement project. The area percentage was 45%. The project benefits are listed below: The streets, curb and gutter, and sidewalks need repairs. Several of the sidewalks are not ADA compliant. These improvements will ensure safe pedestrian walkability and access throughout the neighborhood. The street improvements will extend the life expectancy of the roadways and will reduce maintenance costs for the City. The total project construction cost is estimated to be \$7.62 million, which will be funded through a combination of special assessments and City funds. The total assessment estimate for the project is \$1,910,680.10 as per the engineering report. The assessment amount will be included in property taxes and paid back over 10 years at an interest rate of 5.4%. Those who pay their assessments in full by October 1, 2026, will not be charged interest or penalties.

Joel and April Gregg who live at 809 Shinagle Drive state their house flooded from inaccurate pipes in home. School tax bond has increased taxes, made their home unaffordable and is pushing me out of my home. This special would crippling me. This is money going to drainage this would be good. Sidewalks slightly cracked. We are literally being pushed out.

President Scott Decker has visited with staff about 6” pipe to carry all those homes. There are 60 homes in the area that drain into home.

City Engineer Josh Skluzacek states they are looking specifically at pipe carrying out to 10th Avenue East. The City could look at surface drainage improvements in those lots. They are looking at pipe going to 10th Avenue East and if no additional drainage opportunity we could look at trunk main 10th Avenue E.

Commissioner Jason Fridrich states the capacity in the system that we have, does that need to be upgraded into a bigger pipe? Doesn't pay to fix roads and then have storm water drainage issues.

Alissa Mack who lives at 1254 7th Street E states residents did request be part of opening of protest ballot didn't not feel this would be fair. She visits about discarded protest ballot, of 115 how many did the City actually get in. She states no one is going to walk near a farmstead. Yes, roads need to be repaired but too much tax. It is not always easy to sell properties with leans and taxes against it. She asks the Commission to reconsider approval. She also questions the .25 cent tax that was sunset.

President Scott Decker states the City is bound by ND century code. He asks Ms. Mack to bring paper forward about sun set. Bound by century code. If you want to change it, bring it forward. Assessments we are bound by the state to perform and evaluations in a certain way because of state law. The City does what we can to try and take care of our citizens. Other cities do assess the street but Dickinson does not.

Commissioner Jason Fridrich states the City does not fix curb and gutter without fixing the street. Some point the sidewalks need repair. We pay for mill and overlay 100%. It comes back one way or another.

David Steinbach who lives at 1192 11th Avenue East questions why would the residents have to pay special assessments twice. The city is overseeing the work, it should last more than 45 years. He states 10th Avenue East was done in 2021 and it looks pathetic. The cracks go from the street to curb and gutter and to the sidewalk. What is the use of causing all this physical and financial hardship when it is going to do it again in a couple of years? The City might as well go over there and put hot tar. If you are not going to take care of the city properties, why come around and ask us to take care of the sidewalks. I have waited six months to have my concrete.

Commissioner Jason Fridrich states the City has completed \$2.5 million on our road construction. He states the State came and looked at the City's streets and the State told the City if the City was not going to spend \$6-8 million dollars on our streets, they would not last. Commissioner Fridrich completed a tour through Shinagle and the curb and gutter are in terrible condition.

James Kiedrowski from KLJ told Mr. Steinbach it is a simple calculation, deeded acreage divided by sum of all parcels in district. City right away is not calculated in the parcels.

Tom and Joann Sahr who live at 1177 10th Street East. He states west of them are 2 vacant lots and wheat field. The 2 vacant lots that they own the City is requesting that they put sidewalk in. This ends up against fence and it is a gravel road past our house. The assessment \$45,000 to perhaps \$63,000. That is mortgage on our house. He states they are retired and this would probably force us to sell those lots or sell our home and move elsewhere. We would be in our mid 80s until we have those paid off. They have spoken to Kris Keller prior today. This would be 507' of sidewalk in and that is quite expensive.

President Scott Decker states the Sahrs would have the option to do the concrete themselves.

Commissioner Jason Fridrich questions if they have had staff review the sidewalks. Once neighborhoods are 80% built out and then there is sidewalk/no sidewalk/sidewalk and we have to put sidewalks in as it is not continuous. When neighborhoods are built out, I feel it should be completed.

Paul Bartholomew asks what is the criteria for replacing curb and gutter. He lives at 1116 Garfield Street. He has 75' replaced of curb and gutter. Probably 10' that he can say that needs attention. The next-door neighbor filled her cracks with tar, none of her curb is slated for replacement. He asks if I fill my cracks with sealant and then won't need it replaced? Trying to find contractors and the closest to the cost \$2,000 less money. Curious about criteria. He states an intern from Fargo was out to inspect the concrete and states what needs to be replaced and not replaced. Possible that this needs a second look.

Commissioner Jason Fridrich questions if the City has to put these projects on bids. The City gets one bid each year. The City uses professional engineers and they know what they do.

Cole Boespflug who lives at 1315 8th Street East feels this project probably should not go through because of the cost to the residents. If this does go through may consideration of 40% over estimated cost. If this does go through, when do they find out if that increase is going to be occurred. Will the residents be notified by mail to see if my cost is going to be increased? He states he lives in an area where during heavy rain falls there is a collection of water. There was no talk about anything being done in the inlet. If this does happen get something looked at there. single inlet.

Engineer Skluzacek states when we put the project out to bid, that specific statement has to be in the letter. Historically we have not sent the bid results out. Those items that Mr. Boespflug mentions need to be looked at.

Commissioner Jason Fridrich states the soil type is super clay and tough and he knows that a lot of areas have settled. He states the crowing has been patched over the year. The City is going to mill it all off with this project.

Glenda Schatz who lives at 832 Shinagle states her basement floods with a lot of rain in a short time, every time it rains a lot that corner builds up fast. Fire hydrant was almost covered. She is concerned that if they pay this dollar amount to fix the roads and then 2 years down the road they are going to worry about the drainage. We need to worry about the drainage prior to doing any work with the roads and sidewalk.

Commissioner Jason Fridrich states they are unable to use this type of curb that is used there and they don't allow that anymore.

Brett Messel who lives at 1233 8th Str. East states when you drive down that road it is like a sponge. Too many undetermined factors that have not been looked at yet. He suggests to maybe table the item. He is concerned that the City is going to have issues if the City doesn't look at core samples will be same situation on Baker 5 years from now. Maybe just bad timing. Maybe do another evaluation. Too many undetermined questions out there. Interest that the city is charging us on the money that we are already paid.

Commissioner Jason Fridrich states the only thing the City is doing tonight is approving special improving district. We know that the curb and sidewalk need to be replaced. Street repair portion could go way up from total. We are just approving of what we think the curb and sidewalk are going to cost today.

President Scott Decker states the City has to do with the street and storm. The only thing you are responsible are for are curb, sidewalk and gutter.

Commissioner Robert Baer states possibly give the residents some more time to hire contracts to do the work and then to get in and follow-up. Time is an issue here. Is it possible to get a letter out to the residents as they would have an entire year to get the work done and then have the city do the work?

City Engineer Skluzacek states there have been a number of people that we have met with.

Commissioner Jason Fridrich states there is a lot of subgrade issues obviously causing curbs and sidewalks being lifted, cracked or sunk and this is unfortunate. This area needs this for a long time. Time for reconstruction.

City Attorney Christina Wenko states the City is to charge an annual rate not exceeding 1.5 over net annual interest rate.

President Scott Decker states the complete amount of property tax as a city is \$4.8 million dollars across the whole city. Individuals pay in property tax we don't even pay for the Police Department. The City needs to find ways to pay for these projects. The City could switch the way we collect property tax. Property tax has not moved we have been there the same at 8 years. Reality of the world we have to find the way to do it. We are trying to do it in the most equitable manner as possible.

President Scott Decker closes the public hearing at 6:42 p.m.

Commissioner Joe Ridl states it looks like some things can be hashed out and give a little bit extra time for these folks.

MOTION BY: Joe Ridl

SECONDED BY: Robert Baer

To table the 2025 Watermain Project SID 202501-1 until the next meeting.

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

C. Public Hearing – 2025 Road Improvement Project SID 202501-2

Engineer and Community Development Director Joshua Skluzacek presents 2025 Road Improvement Project SID. He states this project would determine concrete replacement to include sidewalk panels, pedestrian ramps, driveway, settling of concrete due to lack of drainage, curb, sidewalk and gutter. HE states the total cost of this project is \$381,000 and the total assessment would be \$31,747.

President Scott Decker opens the public hearing at 6:56 p.m. Hearing no public comments, the public hearing was closed at 6:58 and the following motion was made.

MOTION BY: Robert Baer

SECONDED BY: Jason Fridrich

Adopt Resolution No. 46-2024.

RESOLUTION NO. 46 - 2024

A RESOLUTION DETERMINING WRITTEN PROTESTS TO THE 2025 ROAD MAINTENANCE PROJECT SPECIAL IMPROVEMENT DISTRICT NO. 202501-2 DIRECTING THE FILING OF AN ENGINEER'S REPORT REGARDING THE SAME, AND DECLARING THAT IT IS NECESSARY TO MAKE THE IMPROVEMENTS DESCRIBED THEREIN.

DISPOSITION: Roll call vote...Aye 3, Nay 0, Absent 2
Motion declared duly passed

D. Public Hearing – 2025 Watermain Project SID 202503-1

Engineer and Community Development Director Joshua Skluzacek for consideration a Resolution determining the protests of the 2025 Watermain and Lead Service Line Replacement Special Improvement District 202503-1. This district was established at the September 17, 2024 Commission Meeting with approval by this board of Resolution 40-2024. The protest period for the project ended on October 25, 2024. A total number and overall percental of the protests 8%. These protests did not meet the statutory requirement to bar the City from proceeding with the special improvement project. This project would have benefits such as streets, curb and gutter, and sidewalks need repairs. Several of the sidewalks are not ADA compliant. These improvements will ensure safe pedestrian walkability and access throughout the neighborhood. The street improvements will extend the life expectancy of the roadways and will reduce maintenance costs for the City. The watermains are 6-inch cast iron. These mains are the most frequent material to break. The mains are often corroded, filled with mineral deposits, cause water color issues, and lack sufficient flow to meet fire flow requirements. There are multiple lead services lines that will be replaced from the watermain all the way to the meter in the building and will be paid for 100% by the City of Dickinson. The lead service lines replacements will ensure safe drinking water. The total project construction cost is estimated to be \$4.69 million, which will be funded through a combination of special assessments, a possible State Water Commission grant, State Revolving Fund Loan, and City funds. The total assessment estimate for the project is \$911,242.60 as per the engineering report. The assessment amount will be included in property taxes and paid back over 10 years at an interest rate of 5.4%. Those who pay their assessments in full by October 1, 2026, will not be charged interest or penalties.

President Scott Decker opens the public hearing at 7:00 p.m.

Resident Shane Bennett who lives at 1312 1st Street West does not agree with the City going up his driving and replacing his driveway for a cost to him. He feels this is unnecessary

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: November 19, 2024