

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,
Commissioner Robert Baer

Telephone: Commissioner Suzi Sobolik

Absent: Commissioner Jason Fridrich

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

MOTION BY: Robert Baer

SECONDED BY: John Odermann

To approve the January 23, 2023, Order of Business as presented with 7A becoming 7C and 7C becoming 7A.

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

3. CONSENT AGENDA

MOTION BY: John Odermann

SECONDED BY: Robert Baer

A. Approval of Meeting Minutes dated January 9, 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. City Boards/Committee Appointments**

Deputy City Administrator Linda Carlson presents the following boards for appointment for Civil Service. She presents for appointment Peggy O'Brien. She states Ms. O'Brien wishes to fulfill the Civil Service Board opening for a 3-year term.

MOTION BY: John Odermann

SECONDED BY: Robert Baer

To appoint Peggy O'Brien to the Civil Service Board for a three-year term.

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

C. Designation of depository Banks for Public Funds

Deputy City Administrator Linda Carlson states a list of local banks to be approved by our City commission as potential depositories. Staff had asked local banks that wished to be on the list to send their most recent available year-end financial reports to us for documentation. The purpose of bringing this to our City Commission is to have certainty that any bank we would use is both financially sound and that our government deposits would be protected. The banks are all aware that a pledge of security is required for any public funds exceeding federal deposit insurance. Ms. Carlson states the city will provide this update every two years. Ms. Carlson listed the banks that participated. Deputy City Administrator Carlson states the city has a master plan with Bravera Bank. She states the City went through and RFP and upon selection Bravera was chosen.

MOTION BY: Robert Baer

SECONDED BY: John Odermann

Adopt Resolution No. 04-2024.

RESOLUTION NO. 04-2024

**A RESOLUTION DESIGNATING DEPOSITORIES OF PUBLIC FUNDS
PURSUANT TO N.D.C.C. § 21-04-13**

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

D. Project Assignment for Actuarial Services with Gallagher Benefit Services, Inc.

Deputy City Administrator Linda Carlson present two agreements with Gallagher Benefit Services. She states one agreement is for project assignment and the other is for a master agreement. This is a standard performance between the City and Gallagher. The cost went up approximately 5% this year to \$9,900. This is due to a full evaluation in 2024. Ms. Carlson states the project assignment states what is exactly what they will be doing. The professional services are a contract between the city and Gallagher for services.

MOTION BY: John Odermann
To approve the Project Assignment contract with Gallagher Benefit Services, Inc.

SECONDED BY: Suzi Sobolik

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

E. Master Agreement for Professional Services with Gallagher Benefit Services, Inc.

MOTION BY: Robert Baer
To approve the Master Agreement with Gallagher Benefit Services, Inc.

SECONDED BY: John Odermann

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

F. Monthly Financial Report

Deputy City Administrator Linda Carlson presents the monthly financial report which is for December 31, 2023 and has unaudited figure. The city will close the year on February 15, 2024. Ms. Carlson states the cash and investments are about the same. She states the increase is possibly due to internet sales. She feels different entities report monthly and others report quarterly. Sales tax is the highest it has been in seven years. Hospitality and Occupancy tax is also up. Oil impact is up for the month but overall, down compared to 2022. Ms. Carlson explains the general fund revenue and expenses along with the utility and enterprise revenues.

MOTION BY: Suzi Sobolik
To approve the Monthly Financial Report as presented.

SECONDED BY: Robert Baer

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

5. PUBLIC WORKS

A. Farm Lease – Hondl – 111 Acres

Utilities Manager Duane Zastoupil presented a farm lease with Randy Hondl for 111 acres which is located by the south fire station. This lease is for \$40 per acre and is for four years. He states the city can cancel the lease at any time.

Public Works Director Gary Zuroff states the city went a little longer as there will be more weed control in this area. He feels if this area would get developed there would be plenty of time to talk to the renter.

Commissioner John Odermann would like to see a year-to-year contract in case the right developer would come forward the City would have the flexibility to cancel the contract.

MOTION BY: John Odermann
To table the farm lease for the Hondl lease for 111 acres.

SECONDED BY: Robert Baer

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

B. Farm Lease – Hondl – 288 Acres

Utilities Manager Duane Zastoupil presented a farm lease with Randy Hondl for 288 acres. This lease is for \$40 per acre and is for four years. This is the rotated land section for sludge. Manager Zastoupil states Hondl’s will spray both parcels to include the one they will not be seeding each year. This will help with the rotation of land and they will use their choice of spray. The city will rent the property to Hondl’s for \$35 dollars per acre and they will farm only one half at a time which comes out to \$17 dollars an acre. This will be a four-year contract.

MOTION BY: John Odermann
SECONDED BY: Robert Baer
To approve the farm lease with Hondl contract for 288 acres.

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

C. Public Works Monthly Report

Public Works Director Gary Zuroff presents his last monthly Public Works Report. He states the city has started to sell plots at the new cemetery. They also continue to sell niches and crypts. Director Zuroff states Building and Grounds employees have recertified in weed control. There were 1,459 services requests for the month. He reviews the air curtain burner and how this is being used. He states the overall water usage for 2023 is down due to the rainfall in 2023. Public Works Director Gary Zuroff thanks the Commissioners for the 2024 budget and feels due to this increase in pay they are full staffed since 2016. There is only one position in street open. Public Works Director Zuroff thanks the Commission and staff for the years and congratulates Mr. Aaron Praus as the new Public Works Director.

6. PUBLIC SAFETY

A. Fire Department

Reports:

1. None

B. Police Department

A. Monthly Police Report

Lt. Brandon Stockie presents the monthly Police Report which includes calls for service which is slightly down from 2022. There were 2,027 calls for service, 272 traffic stopes with 89 total accidents and 1 fatality. There were 191 arrests; criminal investigations had 6 callouts, 40 new cases in December and ended up with 32 at the end of the month. There were 125 behavioral health calls with 91 of them being welfare checks. Lt. Stockie updates the Commissioners on SRO calls for service for each school. He discusses the training hours, No Shave November and Shopping with a Cop for Christmas events.

7. COMMUNITY DEVELOPMENT SERVICES

A. Special Use Permit- NDDOT SUP to allow a Maintenance Facility

City Planner Matthew Galibert presents a Special Use Permit for a maintenance facility for the NDDOT. He states this facility would be used for fueling vehicles. They did discuss screening requirements. There was no public comment on this item.

MOTION BY: Robert Baer
SECONDED BY: John Odermann
Adopt Resolution No. 06-2024.

RESOLUTION NO. 06 - 2024

A RESOLUTION APPROVING A SPECIAL USE PERMIT TO THE NORTH DAKOTA DEPARTMENT OF TRANSPORTATION FOR A FUEL STORAGE FACILITY LOCATED AT 1700 3rd AVE WEST, DICKINSON, ND 58601

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

B. Special Use Permit – Robertson’s Metal Recycling

City Planner Matthew Galibert presents a Special Use Permit for Roberts Metal Recycling to allow for a heavy industrial use for a car shredder. The applicant also applied for an air quality permit. There will be a 20’ walled installed. Planner Galibert reviews the requirement of the SUP. They did receive a comment from the neighbors.

President Scott Decker is concerned of the noise issue and putting something up to dampen the noise. He states this is a conditional permit and will be reviewed annually. It is hopeful that the owners will keep this area as clean as possible as the materials look like you have a lot all of sudden.

MOTION BY: John Odermann
Adopt Resolution No. 07-2024.

SECONDED BY: Suzi Sobolik

RESOLUTION NO. 07 - 2024

A RESOLUTION APPROVING A SPECIAL USE PERMIT TO ALLOW FOR A HEAVY INDUSTRIAL USE (“AMERICAN PULVERIZER CAR SHREDDER”) IN THE GENERAL INDUSTRIAL (GI) ZONING DISTRICT. THE PROPERTY IS LEGALLY DESCRIBED AS LOT 6, BLOCK 2, ENERGY CENTER 1ST SUBDIVISION, CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA.

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

C. Rezone Request – Highway Department Addition

City Planner Matthew Galibert presents for a second reading a highway department addition. This rezoning petition would enable the project to have a maintenance facility with a special use permit. This is in coordinate with NDDOT to trouble shoot some conditions and an appetite to relocate. City Planner Galibert states NDDOT is not willing to move.

MOTION BY: John Odermann
To approve second reading and final passage of Ordinance 1791

SECONDED BY: Jason Fridrich

ORDINANCE NO. 1791

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 4, Nay 0, Absent 1
Motion declared duly passed

D. Fire Station Evaluation – Engineers- Architects, P.C. Contract

Engineering and Community Development Director Josh Skluzacek presents a contract for Engineering Architect PC for the fire station evaluation for a fixed fee of \$72,000. The City did receive 4 proposals. The City attorney has reviewed the contract. This evaluation is part of the 2024 budget and American Rescue Act funding will be used. This building evaluation is for the existing Station 1 and possibly a new facility and space analysis. There will be no travel or related expenses for this project.

MOTION BY: Robert Baer

SECONDED BY: John Odermann

To approve the Engineers Architect PC Contract for Fire Station 1 evaluation.

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

E. Recertification Document for the 2024 Community Rating System Recertification

Engineering and Community Development Director Josh Skluzacek presents a recertification document for the 2024 Community Rating System. This project has been going on since 2017 and it was started by FEMA. This would offer citizens in Dickinson a 5% reduction in insurance premiums.

MOTION BY: Suzi Sobolik
SECONDED BY: Robert Baer
To approve the Recertification Document for 2024 Community Rating System.

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

G. Engineering and Community Development Monthly Report

Engineering and Community Development Director Josh Skluzacek presents the monthly report which he states the team is very busy as a whole. The current planning applications continue to outpace 2023. The workload for planning applications is higher than in the past and this is a positive attribute. The building and codes are split between the residential and commercial. Director Skluzacek visits about the projects in progress and the ones that are near completion. He also gives an update of the FHWA Roadway Classification within the urban area boundary.

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

A. DSU Presentation

President Stephen Easton from Dickinson State University updates the City Commission on the Sanford Sports Complex. He states that no additional work needs to be done on the complex except for some grass needs to be grown. They do plan on playing on all fields in 2024. Dr. Easton thanks the City for their support. They do plan on serving 500 softball players. He visits about the updating of the Nursing Program, CTE, Diesel Tech program and others. President Easton visits about the Morris Papers that will only be able to be seen at the Theodore Roosevelt Center in Dickinson. He states at this time there are 1,100 full time students in Dickinson. The economic impact is \$10,000 annually per student. Dr. Easton introduces the agriculture arena expansion project that the state has allowed. This is an \$18 million dollar project. This project came with a 5% local match. He states Mr. Ty Orton is already working on getting funding from the State. He states in addition to rodeos there would be a substantial number of events that could use this space. President Easton states he is not here today to ask for a commitment from the City but will be coming soon to the City to ask for support.

Commissioner John Odermann commends President East for his spirited innovation. He states the county has been talking about an indoor arena south of town and this brings this into the center of the city. Commissioner Odermann appreciates the fact that they are talking to the county for partnerships with the city, county and DSU. This will be a great opportunity for the community. Commissioner Odermann also commends Dr. Easton on the TR Library.

President Scott Decker encourages the public to come to an open house for the CTE. He feels the City will be get paid back 10-fold for this place. This facility is more of a multi-purpose event center. He feels DSU needs to build it right the first time.

B. Public Hearing - 2024 Watermain and Lead Service Line Replacement Project #202401-1

Engineering and Community Development Director Josh Skluzacek presents the 2024 Watermain and Lead Service Line Replacement Project. He states that public forum was held and only one person showed. He did field a couple of phone calls and received a protest during the protest period. He states the resolution presented is well under the century code requirement of less than 50% protest.

President Scott Decker opens the public hearing a 5:45 p.m. and hearing no public comments closes the public hearing at 5:47 p.m. and the following motion was made.

MOTION BY: Robert Baer
Adopt Resolution No. 05-2024.

SECONDED BY: John Odermann

RESOLUTION NO. 05 – 2024
**A RESOLUTION DETERMINING WRITTEN PROTESTS TO
THE 2024 WATERMAIN AND LEAD SERVICE LINE
REPLACEMENT PROJECT SPECIAL IMPROVEMENT
DISTRICT NO. 202402-1**

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

C. Public Hearing – State 9th Addition Future Land Use Map Amendment

City Planner Matthew Galibert presented the FLUM map amendment for State 9th. He states the applicant would like to amend the Future Land Use Map for the land to be changed from commercial to residential. The applicant will develop the property to infill infrastructure. Planner Galibert had received no public comments and recommends approval.

President Scott Decker opens the public hearing at 5:49 p.m. Hearing no public comments, the hearing was closed at 5:51 p.m. and the following motion was made.

MOTION BY: Suzi Sobolik
To approve first reading of Ordinance 1792.

SECONDED BY: Robert Baer

ORDINANCE NO. 1792
AN ORDINANCE AMENDING THE FUTURE LAND USE MAP

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

D. Public Hearing – Rezone Request – State 9th Rezone from CC to R-3

City Planner Matthew Galibert presents a rezoning request for State 9th from Commercial to R3-High Density Residential. This rezoning would be to construct single family homes and duplexes. There would be 5 to 10 housing units. Planner Galibert states there was one public comment that expressed some concern with additional apartments in this area.

President Scott Decker opens the public hearing at 5:53 p.m. Hearing no public comments, the hearing was closed at 5:55 p.m. and the following motion was made.

MOTION BY: Robert Baer
To approve first reading of Ordinance 1793.

SECONDED BY: Suzi Sobolik

ORDINANCE NO. 1793
**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 4, Nay 0, Absent 1
Motion declared duly passed

E. Public Comments not on Agenda

No Comments.

9. COMMISSION

Commissioner Robert Baer states during the cold spell there was a homeless shelter set up at SW District Health Unit. This ran for 1 ½ weeks with a total of 11 people served. There

were many donations and several companies came forward with donations. There were 3 in hotels as they had different needs. Commissioner Baer thanks SWDHU, United Way and CHI.

Commissioner John Odermann thanks Dr. Baer and United Way. He states CHI has been working on bringing a permanent mental health city shelter. There have not been any allocated funds as of yet. They have applied for a million-dollar grant for acquisition of a facility and potential renovations for the faculty and \$600,000 operational grant. This would be a partnership with United Way. They are slowly moving forward and once the grants is received there will be a better vision. The grant is through the State of ND.

President Scott Decker was asked to be on the committee for Highway 85 which is a highway from Canada to Texas. He states he was asked to attend a meeting in Washington from March 3 – 8, 2024. This would be for the safety and economy of North Dakota.

Commissioner John Odermann would like to congratulate Kelly Armstrong on running for the Governor in 2024.

ADJOURNMENT

MOTION BY: Robert Baer

SECONDED BY: John Odermann

Adjournment of the meeting was at 6:35 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: February 6, 2024