

MOTION BY: Suzi Sobolik
To approve Building Safety Month Proclamation.

SECONDED BY: John Odermann

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

E. Gaming Site Authorization – American Foundation for Wildlife – Southside Saloon

City Administrator Dustin Dassinger presents a gaming site authorization for the American Foundation for Wildlife- Southside Saloon. He states the gaming license runs from 7/1/2024-6/30/2025. He reviews the types of gaming allowed in this establishment.

MOTION BY: Robert Baer
To approve the American Foundation for Wildlife Gaming Site Authorization.

SECONDED BY: John Odermann

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

F. Gaming Site Authorization – Dickinson Eagles Area #2328

City Administrator Dustin Dassinger presents a gaming site authorization for Dickinson Eagles Area #2328. He states the gaming license runs from 7/1/2024-6/30/2025. He reviews the types of gaming allowed in this establishment.

MOTION BY: John Odermann
To approve the Dickinson Eagles Area #2328 Gaming Site Authorization.

SECONDED BY: Suzi Sobolik

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

G. Gaming Site Authorization - Dickinson Youth Activities – Spur Bar, Mavericks, Neighbors, Elks Lodge, and Grand Dakota Lodge

City Administrator Dustin Dassinger presents a gaming site authorization for the Dickinson Youth Activities. He states the gaming license runs from 7/1/2024-6/30/2025. He reviews the types of gaming allowed in this establishment.

MOTION BY: Robert Baer
To approve the Dickinson Youth Activities Gaming Site Authorization.

SECONDED BY: Suzi Sobolik

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

H. Gaming Site Authorization – DSU Heritage Foundation

City Administrator Dustin Dassinger presents a gaming site authorization for the DSU Heritage Foundation. He states the gaming license runs from 7/1/2024-6/30/2025. He reviews the types of gaming allowed in this establishment.

MOTION BY: Suzi Sobolik
To approve the Gaming Site Authorization for DSU Heritage Foundation.

SECONDED BY: Robert Baer

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

I. Gaming Site Authorization – Prairie Grit Adaptive Sports

City Administrator Dustin Dassinger presents a gaming site authorization for Prairie Grit Adaptive Sports. He states the gaming license runs from 7/1/2024-6/30/2025. He reviews the types of gaming allowed in this establishment. Administrator Dassinger states that he spoke with Dallas Kuntz from Dickinson Hockey Club and he is very happy with the contribution that Prairie Grit Adaptive Sports has contributed to the hockey club. He states they have purchased more sleds for the hockey club.

Commissioner John Odermann would like to deny this application and requests that the City look at the ordinance for gaming. He would like for the proceeds from gaming to stay in Dickinson. He states Prairie Grit had collected \$118,000 and no revenue was left in Dickinson. This is frustrating and it was made pretty clear a couple of years ago. He feels a good amount should stay in Dickinson. He would like to review the ordinance.

MOTION BY: John Odermann
To deny the Prairie Grit Adaptive Sports gaming site authorization for Buffalo Wild Wings.

SECONDED BY: Robert Baer

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

President Scott Decker states that this is not a commendation on Commission as to where the dollars go. The Commission made it clear that the majority of the funds need to stay in our community and this is not happening.

J. Museum Expansion Proposal

Museum Director Bob Fuhrman presents a museum expansion. He states this would be a 9,000 square foot upgrade which is a total of \$3.9 million dollars. He states the funding sources would include a million dollars from Destination Development Grant. He states they would be giving the City of Dickinson \$2.5 million dollars each year. The goal is to start with phase I of expansion. This would allow for additional space for paleontology and lab, programming space and a community room. This would also allow for up-to-date ADA standards with ramps, restrooms, etc. The goal is to achieve a greater energy efficiency and receive a grant from the State of ND. Also, a goal is to maximize existing gallery space. This space could serve for 25 years in terms of collecting specimens. He states the City of Dickinson is honored to host those specimens.

President Scott Decker states he likes the idea of phase I and to increase the activity area. He states the City needs to capitalize holding families here for more than a day or two. The City needs to make sure that they are tightening our belts on these projects.

Commissioner Robert Baer agrees that this is a good place to start is Phase I especially with the storage. He is hoping to have an upgraded sign also for the museum.

Director Bob Fuhrman states they have had good success with the billboard on the east side of Dickinson and is hoping to add another billboard on the west side of Dickinson. Also visiting about having a mobile billboard on the side of the garbage trucks. He states it is a great privilege to be involved in the support of the City for the expansion.

MOTION BY: Robert Baer
To approve the museum expansion.

SECONDED BY: Suzi Sobolik

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

K. Library Expansion Proposal

Library Director Ian Anguiano presents a library expansion proposal. He states this expansion has been in the works for quite some time. The goals of the expansion are to enhance compliance with HB1205, create additional collection space, address public desire for an all kids, children's section, create additional programming space and others. Mr. Anguiano shows the proposed explanation of 3,000 square feet and the cost of the project is \$2.7 million. The source of the funding is the sales tax of \$2.6 million. Also grant dollars of \$100,000. The foundation has raised \$130,000; citizens donation so \$15,000 and maintenance and building reserve fund of \$300,000.

MOTION BY: Jason Fridrich
To approve the library expansion.

SECONDED BY: Robert Baer

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

Motion declared duly passed

L. Chapter 29 Code Amendment

HR Director Shelly Nameniuk presents an updated Chapter 29 code amendment which would pertain to compensation and benefits. She states this code change would allow for the City Administrator to authorize a performance-based step increase for any employee that has reached the maximum wage allowed within a grade based upon a successful annual performance evaluation. Currently the city does not have this availability. If the employee reaches the top of the paygrade, they only get a cost of living and this is determinantal. Director Nameniuk states at this time there are only two employees, one at 20 years and the other at 23 years. She states this is very low budget impact. This increase would be retroactive to 1/1/24. Civil Service and City staff recommend approval.

Commissioner Jason Fridrich questions how many steps there are to each grade.

HR Director Nameniuk states that most of the grades have 18 steps in them so once they have reached the 18th step there is no movement forward in steps. She states the employee still gets a cost of living if one is granted each year. She states each step is approximately a 2% increase.

City Attorney Christina Wenko feels this change in the code does allow a little more flexibility. She states not everyone has a 20-year employee and this is a unique situation. She states the hope is to have this retention. This would allow the flexibility of the Administrator to address this concern.

MOTION BY: Robert Baer

SECONDED BY: Suzi Sobolik

To approve first reading of Ordinance 1796 retro back to 1/1/2024

ORDINANCE NO. 1796

AN ORDINANCE AMENDING AND RE-ENACTING SECTION 29.08.04080 – 17 OF CHAPTER 29 OF THE MUNICIPAL CODE OF THE CITY OF DICKINSON, NORTH DAKOTA, RELATING TO COMPENSATION AND BENEFITS

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

M. Board of Equalization

Removed from Agenda

5. PUBLIC WORKS

A. AET Task Order to provide QA Testing for Landfill Cell 3B-5 Project

Public Works Director Aaron Praus presents an agreement with American Engineering Testing to provide Quality Assurance testing services on an on-call basis when requested by the City of Dickinson or authorized representative for the Landfill Cell 3B-5 construction project. Services will be provided in the agreement based on time and materials estimated at \$46,091.00. The agreement has been reviewed by City staff and Attorney Wenko. It is staff recommendation to approve the agreement with American Engineering Testing.

MOTION BY: Suzi Sobolik

SECONDED BY: John Odermann

To approve the AET Task Order with American Engineering Testing.

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

6. PUBLIC SAFETY

A. Fire Department

Reports:

1. None

B. Police Department

1. None

7. COMMUNITY DEVELOPMENT SERVICES

A. Heart River Bridge Task Order Amendment – KLJ Engineering

Engineer and Community Development Director Joshua Skluzacek presents a Task order for geotechnical services. This would be quality assurance testing services as needed for Cell3 B-5. The cost for this task order is not to exceed \$46,091. City Attorney Wenko has reviewed the task order.

MOTION BY: Jason Fridrich

SECONDED BY: Suzi Sobolik

To approve the KLJ Engineering Task Order for Heart River Bridge.

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

B. PTSC Task Order Amendment – KLJ Engineering

Engineer and Community Development Director Joshua Skluzacek presents a KLJ Engineering Task Order Amendment for the public training safety center. He states that this would be for final design, bidding and others. This was related to erosion issues that had occurred. It will be moved to the L shaped property. The cost not to exceed \$33,400. Funding for this project is from using GPT.

MOTION BY: Suzi Sobolik

SECONDED BY: Robert Baer

To approve the KLJ Engineering Task Order for PTSC.

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

C. 2024 Road Maintenance Task Order Amendment – KLJ Engineering

Engineer and Community Development Director Joshua Skluzacek presents a KLJ Engineering Task Order Amendment for the 2024 Road Maintenance. He states that this would be for construction engineering services not to exceed \$487,800. This is under budget by about \$120,000. This project would mill and overlay areas around heart river and several miles of chip seals of roadways, 15th street and will continue to work through the mill and overlay 10th Avenue East out to the city limits.

MOTION BY: Jason Fridrich

SECONDED BY: Suzi Sobolik

To approve the KLJ Engineering Task Order for the 2024 Road Maintenance Task Order.

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

D. 2024 Watermain DWR Contract

Engineer and Community Development Director Joshua Skluzacek presents a contract with the North Dakota State Water Commission to fund a portion of the engineering & construction services cost-share of 60-percent not to exceed \$2,418,887. The project was approved with the 2024 capital improvement project budget, and it is to be paid for using Gross Production Tax, State Revolving Fund and 2024 Road Maintenance Fund with a SID. The total project is expected to be \$4,875,000. Apex Engineering has been awarded the construction engineering for this project. BEK Consulting has been awarded the construction portion of this project. City engineering staff recommends approval.

MOTION BY: Jason Fridrich

SECONDED BY: Suzi Sobolik

To approve the 2024 Watermain DWR Contract.

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

E. 2024 Road Maintenance Contract Amendment – American Engineering Testing

Engineer and Community Development Director Joshua Skluzacek presents a contract amendment with American Engineering Testing, Inc. to perform quality assurance testing services for the 2024 Road Maintenance project for an hourly not to exceed amount of **\$24,515.00**. This amendment is associated with the original contract for the project which was regarding the geotechnical engineering scope of work and was approved by the City Commission on September 19, 2023. The 2024 Road Maintenance project began construction on May 2, 2024 and be completed during the 2024 construction season. The total installed cost estimate for this scope of work is approximately \$7 million. This includes the following areas: portions of 15th Street West, 6th Ave. East north of the Heart River bridge to Villard Street, Heart Drive, Diamond Drive, Jade Street, and 8th Ave. SW. Additional scopes of work included are; chip seals of approximately 10-miles of alleys and streets. The city engineering staff recommends approval.

MOTION BY: Robert Baer

SECONDED BY: Suzi Sobolik

To approve the 2024 Road Maintenance Contract with American Engineering Testing.

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

F. Sims DWR Contract

Engineer and Community Development Director Joshua Skluzacek presents contract with the North Dakota State Water Commission to fund a portion of the engineering & construction services cost-share of 60-percent not to exceed as specified in the contract of **\$962,042**. The project was approved with the 2024 capital improvement project budget, and it is to be paid for using Gross Production Tax, State Revolving Fund and other sources. The 2024 portion of the project is expected to be \$5,863,000. Total installed cost for the project is expected to be \$6,273,000 and completed this year.

MOTION BY: Jason Fridrich

SECONDED BY: Suzi Sobolik

To approve the 2024 Road Maintenance Contract with American Engineering Testing.

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

G. Entrance Signs

Project Manager Kris Keller presents a service contract with Civil Science Infrastructure, Inc to fund a study to determine the Right-of-Way conflicts & utility connections for the signage. The fees are **\$11,650** on a time & material, not-to-exceed basis. The contract has been submitted to the City Attorney for review at the time of this writing. The project was approved with the 2024 capital improvement project budget, and it is to be paid for using the Local Sales Tax. The total project is budgeted at \$500,000.

MOTION BY: Robert Baer

SECONDED BY: Suzi Sobolik

To approve the contract with Civil Science for the entry signs.

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

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

A. Swearing in of Officers

President Scott Decker swore in officers Tarence Dillinger, Kella Norby, Anthony Mauser, Derek Miller. Each officer introduced themselves to the Commission and spoke a little bit about their background and education.

B. Public Hearing – North Industries Street and Storm SID Resolution

Engineer and Community Development Director Joshua Skluzacek presents a Resolution determining the protests of the North Industries Improvements Street and Stormwater Special Improvement District. The protest period for the project, as required by the North Dakota Century Code, ended on May 2, 2024. A total number and overall percentage of the protests is provided in the resolution. These protests did not meet the statutory

requirement to bar the City from proceeding with the special improvement project. The property evaluated by area was a total of 37%.

President Scott Decker opens the public hearing at 5:08 p.m.

Mr. Dale Pottoroff states he does not know what is happening at the City and he would really appreciate that everyone would drive upon the streets up there. He states that before the construction started you could drive on the streets with no mud and now there is nothing but mud on the roads. He states the underground guys are not road buildings but there are no shoulders, no road and no ditches. He states Badlands Trailers had 4" on the building when it rained. He states if things were like they used to be the Commission would be tarred and feathered. This is his opinion and he wishes that would happen.

Mr. Jay Wilhelm of Dickinson Eco Storage states he has one building and he did oppose this when the county annexed these parcels into the city. He has a cold storage and does not need water or sewer. He states the road was paved before they tore it up. His understanding is when they are completed with the work it is going to be milled and black top on there. Mr. Wilhelm states this is a bad deal for the people in this area. He states the City needs to grow a lot before it gets out to where they are at now.

Mr. Duane Aune from Well Pro states they have water problems now. All the water from 43rd North runs over 43 and into their property. He states they have even gotten water in their building and now with the project he has sand into his building. He states the direct is 9" higher than the culverts and 12" and 16" above the culverts on the other side of the road. Scoria is running into the ditch and onto the road and other property.

Engineer and Community Development Director Joshua Skluzacek states BEK is the general contractor and Highlands Engineering is representing the city. Some of the storm water concerns and roadway concerns are all part of the SUP. BEK is working on the water and sewer issues and sediments blocking the culverts.

Mr. Don Bren also has storage units and states that he did not get a letter of what is going on in this area. He did not receive a letter. He is against the project and prior to this the road was not perfect but it was at least maintained and taken care of. I am against the improvement. He has never seen the Police Department passed this area.

President Scott Decker closed the public hearing at 5:20 p.m.

President Scott Decker asks if someone can look into Mr. Aune's concerns.

Engineer and Community Development Director Joshua Skluzacek states he will look into Mr. Aune's issues. He states the bid will go out soon as possible and to get this project done in 2024.

Commissioner John Odermann would like for the entire community in that area to come together to hear what is going on up there in regards to the construction and the surface. He states people learn in different ways and until they actually see it, they don't know what it is going to look like.

Engineer and Community Development Director Joshua Skluzacek states letters were sent out in regards to the Special Use Permit.

President Scott Decker asks Mr. Bren to contact the city with his correct mailing address.

Mr. Wilhelm questions if the city did not get back any answers from some of the property owners, then the City has assumed that they are okay with the improvements.

Commissioner Robert Baer wonders if this was placed on our website. He feels that placing the projects on the website are a way for residents to see what is going on with the projects and the maps.

Engineer and Community Development Director Joshua Skluzacek states the City does not put this on the website but could do this going forward.

MOTION BY: Suzi Sobolik
Adopt Resolution No. 23-2024.

SECONDED BY: John Odermann

RESOLUTION NO. 23 - 2024
**A RESOLUTION DETERMINING WRITTEN PROTESTS TO
THE NORTH INDUSTRIES IMPROVEMENTS STREET AND
STORMWATER PROJECT SPECIAL IMPROVEMENT
DISTRICT NO. 202316-1**

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

C. Public Hearing – Utility Easement Dedication – Lot 1, Block 2, Pinecrest

Engineer and Community Development Director Joshua Skluzacek presents a utility easement dedication located within Lot 1A, Block 2 of the Plat of Pinecrest. The intent of the 17-foot utility easement is to take the place of the existing 20-foot utility easement that was platted with the Plat of Pinecrest subdivision. When the water main was constructed, it was not constructed entirely within the utility easement. In working with the property owner, the request was made to vacate the existing utility easement and file a new utility easement. The city engineering staff recommends approval.

Mr. Perry Boespflug stated that the line was located when the contractor was tapping into the main. Thankfully they noticed earth changes as they were within a foot of puncturing the main. This was 6' off of the parameters of the easement. Mr. Boespflug states with ongoing research it was found that the main runs in a serpentine fashion instead of a straight line.

President Scott Decker opens the public hearing at 5:35 p.m. Hearing no comments, the public hearing was closed at 5:36 p.m. and the following motion was made.

MOTION BY: Robert Baer
To approve the utility easement dedication for Lot 1, Block 2, Pinecrest.

SECONDED BY: John Odermann

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

D. Public Hearing – Utility Easement Vacation – Lot 1, Block 2, Pinecrest

Engineer and Community Development Director Joshua Skluzacek presents a utility easement vacation which was platted at the time of the Pinecrest Subdivision plat which was filed in the fall of 2014. The intent of the 20-foot utility easement was to construct a City of Dickinson water main within the easement. When the water main was constructed, it was not constructed entirely within the utility easement. In working with the property owner, the request was made to vacate the existing utility easement and file a new utility easement. The utility easement vacation was published in the Dickinson Press on April 24, 2024.

President Scott Decker opens the public hearing at 5:37 p.m. Hearing no comments, the public hearing is closed at 5:38 p.m. and the following motion is made.

MOTION BY: John Odermann
Adopt Resolution No. 24-2024.

SECONDED BY: Suzi Sobolik

RESOLUTION NO. 24 - 2024

**A RESOLUTION APPROVING VACATION OF A UTILITY EASEMENT
WITHIN THE PLAT OF PINECREST, CITY OF DICKINSON, STARK
COUNTY, NORTH DAKOTA**

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

E. Able Incorporated Presentation

Executive Director Mary Anderson thanks the Commissioners and the City of Dickinson for sponsoring the CBDG Grant which they received to create a handicapped bathroom. She states the reason for this is because she has knowledge about a person who has a child with a disability and states there is no place to change an adult child. Ms. Anderson states this bathroom is unique as they wanted it be accessible to the public. This is the first effort in North Dakota to have a changing table. Ms. Anderson reviews her PowerPoint. She also presents a vehicle that allows handicap individuals to roll into to use the bathroom. She states this vehicle is \$300,000 or there is a handicapped trailer for \$150,000. Ms. Anderson thanks the Commission again for the contribution.

F. Badlands Big Sticks Presentation

Owner and President Dave Ouellette thanks the Commission for allowing him to come and present. Mr. Ouellette had brought Badlands Big Sticks to Dickinson and feels the City needs local ownership. He is requesting financial assistance on an annual basis. He is for profit on paper but has not made a profit over the years. Mr. Ouellette has not received a paycheck or salary for putting all the work into this project. He states these are college players whom come to town to play ball. This year Badlands Big Sticks are in a new league and have joined 26 teams and is the largest league in the world. These include Bismarck, Minot and now Dickinson. Badlands Big Sticks have leased the park all year long. He states there are beginning to be larger crowds and the accommodations are needed for a larger crowd. They do have a good working relationship with Parks and Rec. Big Sticks host 35 home games and 35 away games. On the teams' days off they are in the community. They do need 35-40 host families for the summer. Big Sticks need restaurants to donate meals, fans to purchase tickets, etc. He is here requesting support to get a business to a cash flow state to benefit the community.

Commissioner John Odermann thanks Mr. Ouellette for everything he has done by bringing Big Sticks to Dickinson.

Dave Ouellette states the park is renting from Dickinson Parks and Rec. for \$20,000 per year.

President Scott Decker thanks Mr. Ouellette for coming forward. He feels that Mr. Ouellette has spelled out in this letter what is needed and the City will take this under consideration. He states the City will have to review this as it is a unique situation and that Big Sticks is a for profit organization. He states the City needs to look at this in a legal manner. He feels that Mr. Ouellette should contact the Park and Rec Board and look at other options.

Commissioner John Odermann states Big Sticks should visit Parks and Rec and see what Parks and Rec could do with offsetting the rental for the park. He states NFL is a nonprofit organization, he asks Mr. Ouellette if he has looked into this.

City Administrator Dustin Dassinger states Badlands Big Sticks pays Park and Rec \$18,000 annually. Administrator Dassinger questions whether Mr. Ouellette has contacted Stark County Development.

Mr. Ouellette has not spoken to Stark Development as of yet.

President Scott Decker opens the public hearing up in regards to Badlands Big Sticks.

Pat Knipp states he is part of Big Sticks as being a host family. He also runs the concessions for the park. He states Badlands Big Sticks has made a huge impact on his family as they have gained many family members. They have hosted up to four kids in

their house. He states the caliber of these young men are phenomenal. He states to have this in the community is a huge bonus for the City of Dickinson, Stark County and western, ND.

Dean Kluver feels that Badlands Big Sticks is a family event and is truly an asset to have the team in Dickinson.

Shawna Knipp is the Manager of the concession stand at the park. She states the experience of guests is that they do not have to wait in line for concessions. She states there are very few jobs that a 14-year-old can get for the summer and they have been giving them their first job and teaching them how to be a professional and work with customers.

Commissioner John Odermann had left the Commission Meeting.

G. Public Comments not on Agenda

No Comments

9. COMMISSION

No Comments.

ADJOURNMENT

MOTION BY: Robert Baer

SECONDED BY: Jason Fridrich

Adjournment of the meeting was at 7:20 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: _____ May 21, 2024