

I. CALL TO ORDER

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

II. ROLL CALL

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

Telephone: None

Absent: None

1. PLEDGE OF ALLEGIANCE

2. ORDER OF BUSINESS

MOTION BY: Suzi Sobolik

To approve the November 21, 2023, Order of Business as presented.

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

3. CONSENT AGENDA

MOTION BY: John Odermann

SECONDED BY: Robert Baer

A. Approval of Meeting Minutes dated November 7, 2023.

B. Approval of Accounts Payable, Commerce Bank and Checkbook

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

4. ADMINISTRATION/FINANCE

A. Board of Adjustment Appointment – Troy Bosch

City Administrator Dustin Dassinger states Mr. Larry Bares will be retiring from the Board of Adjustment at the end of December. The City has received a Citizen Interest form from a promising candidate Troy Bosch to support this role. He states with Mr. Bosch's experience this will make him an asset on the Board of Adjustment.

MOTION BY: Robert Baer

SECONDED BY: John Odermann

To approve the appointment of Troy Bosch to the Board of Adjustment.

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

B. 2024 Tobacco License Renewals

City Administrator Dustin Dassinger presents the 2024 Tobacco License renewals. He states there are 47 license renewals except for Black Market Vape. The city has not received a renewal application from Black Market Vape as of date. These licenses are from 1/1/24 to 12/31/2024. Staff recommends approval.

MOTION BY: Jason Fridrich

SECONDED BY: Suzi Sobolik

To approve the 2024 Tobacco License renewals as presented.

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

C. 2024 Liquor License Renewals

City Administrator Dustin Dassinger presents the 2024 Liquor Licenses Renewals. He states these licenses are from 1/1/2024 until 12/31/2024. Administrator Dassinger states the majority of establishments renewed. Three licenses did not seek renewals, Country Kitchen, Dakota Diner and Homstay. He states there are 46 licenses. At this time Final Final has not renewed their license for 2024.

MOTION BY: Suzi Sobolik

SECONDED BY: Robert Baer

To approve the 2024 Liquor Licenses as presented at this time.

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

D. Legacy Square Concession License Discussion

City Administrator Dustin Dassinger states in 2023 the auction for the Legacy Square Concession was a minimum bid of \$10,000 and 20% sales. He states with the current circumstances and the city would like to see local businesses succeed the city is suggesting a \$3,000 bid which reflects the cost of a Class A Liquor License and additionally decrease of percentage of gross sales down to 10%. Changing these requirements would encourage businesses to apply for this license. The city will maintain the wrist bands if the attendee wants to purchase alcohol to \$2. The city made approximately \$24,000 for the year 2023. Administrator Dassinger states there will be an informational meeting on November 28, 2023 at 4:00 p.m. at City Hall.

MOTION BY: Robert Baer

SECONDED BY: Jason Fridrich

To approve the 2024 Legacy Square bid at \$3,000 and 10% of sales.

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

E. Monthly Financial Report

Deputy City Administrator Linda Carlson presents the monthly financial report. She states the treasures is around \$63 million with an interest rate of 3.30%. She states the 1% sales tax is slightly lower. The Hospitality and Occupancy tax is slightly higher. Oil impact is slightly lower. She reviews the general expenses and revenue along with the utility and enterprise accounts.

MOTION BY: Suzi Sobolik

SECONDED BY: Jason Fridrich

To approve the monthly Financial Report.

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

F. Abatement Hearing – 1015-0100-0200 for 2021 and 2022

City Assessor Joe Hirschfeld presents an abatement for Grand Dakota Lodge for 2021 and 2022. The property address is 532 15th Street West. He states the economic revaluation for commercial properties did show this property to be \$4,751,000 in 2021 and \$4,733,400 in 2022. He states this property was transferred by sheriff's deed to American Bank Center for \$3,750,000 in 4/2021. It was then transferred to the applicant in 7/2021 for an undisclosed sum. The application is seeking a value of \$2,860,00 for both 2021 and 2022. He states the Grand Dakota Lodge is a very nice place and in addition has conference rooms and a restraint. The value probably should be higher than indicated. Assessor Hirschfeld states it is staff's recommendation that no change be made.

Mr. Michael Block, Consultant, states the property was purchased for \$2,860,000. He states it is difficult for hotels to get real estate value. The average sales are \$16,000 per room. This was purchased at an auction when the rooms were estimated to be an average of \$25,000. He is requesting a \$20,000 per room. He stated this property does have additional conference rooms and a restaurant. The comparable sales are coming in at \$13,00 per room.

Commissioner John Odermann feels this is fair request with the sale data they had used. They went up almost \$1.1 million of the sale price of \$2.8. Commissioner Odermann is asking for an idea of state wide market. He states the city is looking at a valuation of \$2 million dollars more than it was sold for in 2021. Commissioner Odermann is struggling with this idea. He has a hard time adding \$2 million additional dollars to this property.

City Assessor Joe Hirschfeld states what it is selling for now is not relevant. He states Vanguard proposed this property to increase to \$4.8 million and the city is just a shade under what they are asking for. He is comfortable of where the valuation is at. He feels the valuation would be a property that would have adequate management and having income for the property type. He states since it was not managed well and the conference rooms were not used therefore it will sell for less.

President Scott Decker feels it seems to him the ask of \$3.9 million is not harshly opposed by the City Assessor.

MOTION BY: John Odermann
To approve the change of the valuation to \$3.9 million dollars for 2021.

SECONDED BY: Robert Baer

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

MOTION BY: John Odermann
To approve the change of the valuation to \$3.9 million for 2022.

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

G. Abatement Hearing for 1188-0300-0100 for 2021 and 2022

City Assessor Joe Hirschfeld presents Raven Ridge Apartments which the applicant would like to lower the valuation for 2021 and 2022 to \$9,343,000. The City's valuation for 2021 was \$12,265,000 and the same for 2022 but Assessor Hirschfeld believes their 2022 has increased to \$15 million dollars. Vanguard appraisal increased the value to \$12,265,000. Vanguard has suggested to decrease this valuation in 2024. Mr. Hirschfeld states City staff is looking to make no change to these values. Sierra Ridge had abated the year from 2020 to 21 and the City was closer than people think on the valuation.

Mr. Michael Block, Consultant, gives a background on the apartment. He states the sale price was less than half of its valuation. The total sale of the two properties were equal to the 2022 valuation of \$15 million. He states he is asking for \$9,434 for 2021 and 2022. Mr. Block states this assessment is overstated.

City Assessor Joe Hirschfeld states this portfolio was compared to Tioga and this is higher than Dickinson. Assessor Hirschfeld states Mr. Block is asking for a valuation 2/3 lower than Vanguard. Mr. Hirschfeld is not keen on the data being presented. The median is 86% of sales price. Mr. Hirschfeld states the city for the most part has under assessed apartment buildings.

Commissioner John Odermann stated Mr. Hirschfeld provided an example of a time that the city did lower the value by \$2.5 million for Sierra Ridge and now the city has gotten a recent sale in the ballpark and now the city is under value.

Commissioner Jason Fridrich states the city seems to hear a lot of gross rent multiplier not being used in the industry but the city always uses it.

City Assessor Joe Hirschfeld states for lending it is not used and the city uses cap rates. The city is trying to get property to equitable valuation. The gross rent multiplier is a quick way to figure the valuation.

Commissioner John Odermann questions Assessor Hirschfeld if he thinks the valuation of this property is below of what it would actually sell for similar to Sierra Ridge

City Assessor Joe Hirschfeld states as for the value of this property he feels confident of the value of this property.

MOTION BY: John Odermann
To approve no change and to keep at \$12,365,000 for assessed value for 2021

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

City Assessor Joe Hirschfeld states for 2022 there is quite an increase but this was based on sales and an increase was given to all apartments and added obsolescence so Mr. Hirschfeld believes it was warranted and looking at what Vanguard came back with also. Mr. Hirschfeld states for this year he is confident this was warranted for all apartments.

MOTION BY: John Odermann
To approve no change for 2022 and keep at assessed value of \$15,233,700.

SECONDED BY: Jason Fridrich

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

Commissioner John Odermann would like to request a work session to sit down and visit with the Assessor and talk thoroughly philosophy or theory and maybe state tax, or possibly have Vanguard come to get a deeper understanding. He does not understand why the State sets the numbers. Mr. Odermann would like a deeper understanding or a solid understanding of why the city does the things they do. He wants to support the work the city does and feels it would be good for all commissioners to support the staff and the staff to support the Commissioners.

H. HR Monthly Report

HR Director Shelly Nameniuk presents the monthly HR Report which shows several Police Officer positions open along with several street positions open. She states the city is going through several promotions at this time.

5. PUBLIC WORKS

A. Ryan Kilwein Agreement

Utility Manager Duane Zastoupil presents a Ryan Kilwein water agreement. He states this would allow Mr. Kilwein to connect to the city's water distribution line. He states Mr. Kilwein is unable to be serviced by SW Water. He states SW water does not have the capability to service Mr. Kilwein. Manager Zastoupil states this will be the first time the city would have supplied water outside of the city limits. He states the city does have a waterline on 6th Avenue SE and would be connected to his property from our water line. Mr. Kilwein would then have all the connection fees as normal. SW Water would not be assessing any fees to them. Mr. Zastoupil states Mr. Kilwein has no other water access.

Commissioner John Odermann states this is the first of this agreement. He questions if there will be any concerns of people hooking up to the city water. He states Kilweins would have a strong argument as they are land locked and no other options.

MOTION BY: John Odermann
To approve the connection of Mr. Ryan Kilwein to the city's water source.

SECONDED BY: Jason Fridrich

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

B. Fee Schedule Amendment

Utility Manager Duane Zastoupil presents a fee schedule change to include the 1" meter rate plus 10% which is consistent with past contracts for Mr. Ryan Kilwein. This would be \$16.50 per month.

MOTION BY: Robert Baer
Adopt Resolution No. 32-2023.

SECONDED BY: Suzi Sobolik

RESOLUTION NO. 32-2023
A RESOLUTION AMENDING CITY OF DICKINSON FEE SCHEDULE

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

C. Brightly Software Agreement

Public Works Director Gary Zuroff presents a Brightly Software Agreement which is needed to update the computer maintenance system for OpWorks. This program integrates into GIS, service requests, work orders and this was a 2024 approved budgeted item. Updating this program will make it easier to submit requests and also get exact locations from where the request has been made.

MOTION BY: Suzi Sobolik
To approve the Brightly Software Agreement.

SECONDED BY: John Odermann

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

D. Request to Opt out of MDL Cases

Public Works Director Gary Zuroff discusses the PFAS settlement regarding DuPont and 3M. He states PFAS is long lasting chemicals and many PFAs are found in people's blood, found in water and may be linked to harmful affects in animals. There are multiple chemicals in PFAS. Director Zuroff states that if the city does not opt out at this time you are automatically in the lawsuit. He states the water system in ND generally do not show any chemicals at this time but if you do not opt out at this time you will be in the lawsuit. This is too preliminary to stay in it as it could be years until chemicals are found in the water in Dickinson. Director Zuroff states City Attorney Christina Wenko is working with Grand Forks on this issue. At this time, it is recommended that the city of Dickinson as Dickinson is not showing any chemicals in the water but Dickinson does not know of what the future will hold and may have issues at a later date.

President Scott Decker states in his opinion the city needs to follow legal counsel and the Public Works Director and opt out of the MDL case. He states the city could see different water results later on down the road.

MOTION BY: John Odermann
To opt out of the Dupont and 3M Cases.

SECONDED BY: Robert Baer

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

E. Public Works Monthly Report

Public Works Director Gary Zuroff updates the Commissioners on the training, special events, snow storm updates, fleet work orders, recycling and other happenings of the city of Dickinson and the Public Works Department. He reviews call outs and overtime hours. Director Zuroff also states 100 new radios were installed which were part of the 2020 SIRN program.

6. PUBLIC SAFETY

A. Fire Department

Reports:

1. None

B. Police Department

Reports:

1. Monthly Police Report

Deputy Chief Hanson updates the Commission on the monthly Police Report to include a slight increase in October for calls for service at 2,438, traffic stops of 391 with 155 citations and 209 warnings. The Police Department was slightly higher in total arrests. He states behavioral health calls were higher than normal at 1221. They have been in constant communication with Badlands Human Service Center but there are not a ton of services for people and it takes time to get people in place and out of the public. He visits about the shelter, reviews training, and community relations.

7. COMMUNITY DEVELOPMENT SERVICES

A. Rezone – TCB Subdivision

City Planner Matthew Galibert presents for a second reading the TCB Subdivision. This property is being requested to be rezoned from General Commercial to Community Commercial. There are no changes from the first reading. Currently there is a gas station on this property.

MOTION BY: Robert Baer

SECONDED BY: Suzi Sobolik

To approve second reading and final passage of Ordinance No. 1787.

ORDINANCE NO. 1787

AN ORDINANCE AMENDING THE DISTRICT ZONING MAP FOR REZONING AND RECLASSIFYING DESIGNATED LOTS, BLOCKS OR TRACTS OF LAND WITHIN THE ZONING JURISDICTION OF THE CITY OF DICKINSON, NORTH DAKOTA.

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

B. East Broadway Dam – Barr Proposal Consideration for Final Design

Assistant City Engineer Loretta Marshik presents the East Broadway Dam final design. She states the dam is a low head dam which has safety concerns. Ms. Marshik states it is also rated in poor condition. She states the adjacent property owner has contacted the city and is willing to donate property to the city. Ms. Marshik states Barr will help with the remaining paperwork for the project. This project will not exceed the standards hour rate of \$142,543.79.

MOTION BY: John Odermann

SECONDED BY: Suzi Sobolik

To approve the Barr Proposal for East Broadway Dam.

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

C. 2024 Road Maintenance SID District #202401-1

Assistant City Engineer Loretta Marshik presents the preliminary engineering report for 2024 road maintenance project. She lists the specific addresses along with the maintenance and location which is east of the water treatment plant facility and south of Broadway. This would include part of the Polensky Subdivision.

MOTION BY: John Odermann

SECONDED BY: Suzi Sobolik

Adopt Resolution No. 33-2022.

RESOLUTION NO. 33-2022

A RESOLUTION CREATING THE 2024 ROAD MAINTENANCE SPECIAL IMPROVEMENT DISTRICT NO. 202401-1, 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 5, Nay 0, Absent 0
Motion declared duly passed

D. 2024 Road Maintenance SID District #202401-2

Assistant City Engineer Loretta Marshik presents the 2024 road maintenance report which would include Heart River School as noted in the October 17, 2023 meeting. Ms. Marshik states that a public hearing will be held and a 30-day protest period will start on 11/29/2023. There will be a public hearing on 12/13/2023 at 4:30-6:00 pm.

MOTION BY: Jason Fridrich
Adopt Resolution No. 34-2023.

SECONDED BY: Suzi Sobolik

RESOLUTION NO. 34-2023

A RESOLUTION CREATING THE 2024 ROAD MAINTENANCE SPECIAL IMPROVEMENT DISTRICT NO. 202401-2, 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 5, Nay 0, Absent 0
Motion declared duly passed

E. Transportation Master Plan and Comprehensive Plan Update

Engineering and Community Development Director Josh Skluzacek presents a three-way contract with NDDOT, KLJ and the City of Dickinson. This plan would update the transportation plan and comprehensive plan for the city. There is a grant through the Federal Highway of \$350,000. This would be an 80/20 split for the city and the local match would be \$231,000.

MOTION BY: Suzi Sobolik

SECONDED BY: Jason Fridrich

To approve the Transportation Master Plan and Comprehensive Plan update with the NDDOT/City of Dickinson and KLJ.

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

F. 2024 Watermain and Lead Service Line Replacement project Pavement and Concrete Cost Breakdown Report

Engineering and Community Development Director Joshua Skluzacek presents a cost breakdown for 2024 watermain and lead service line replacement project pavement and concrete. This project will be part of the special improvement district with the project and also added the cost of the mill and overlay for those areas to include the concrete along with the street and area trenching. The total estimated cost for concrete to be included in the SID. This would include the SID costs, pedestrian ramps, etc. The total cost is \$731,000. The estimated mill and overlay would be \$292,000 for additional mill and overlay not associated with the trenched area. This is the preliminary data at 30% design. This did include specifically approximately 20% contingency and 1 ½" asphalt for the mill and overlay.

Commissioner Jason Fridrich states that it does make sense to find the money and complete the job while they are in that area. He states there is a lot of concrete work on this project.

Director Skluzacek states that there could be some concern if the bid prices were over the engineers estimate. The citizens will receive a quality project during the construction season of 2024.

MOTION BY: Jason Fridrich

SECONDED BY: Robert Baer

To approve the 2024 Watermain and Lead Service Line Replacement Project Pavement and Concrete Cost Breakdown Report.

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

G. Engineering and Community Development Monthly Report

Engineering and Community Development Director Josh Skluzacek presents the monthly report which states the city is looking for a Project Engineering Position and encourages people to apply. He states the City Planner Galibert has been asked with updating the goal of the city and working on a new program. He states homeless shelters are not included in the city ordinance and now will be added. He reviews the building codes which do include the county permits. He states North Industries is 40% completed for water. He reviews many projects for the city which ones are coming to the end and which are being worked on.

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

A. Public Hearing – Readiness Center Rezone

City Planner Matthew Galibert presents a rezone for the Readiness Center. Planner Galibert states this property is for the ND National Guard site. This property is owned by the City of Dickinson. There are plans for a Public Safety Center on the west side of the property to be constructed. There is no adverse impact on this rezone of the property. There has been no public comment. This address will be 1788 Energy Center 3rd.

President Scott Decker opens the public hearing at 5:07 p.m. Hearing no public comments, the public hearing was closed at 5:08 p.m. and the following motion was made.

MOTION BY: Suzi Sobolik
To approve first reading of Ordinance No. 1788.

SECONDED BY: Robert Baer

ORDINANCE NO. 1788

AN ORDINANCE AMENDING THE DISTRICT ZONING MAP FOR REZONING AND RECLASSIFYING DESIGNATED LOTS, BLOCKS OR TRACTS OF LAND WITHIN THE ZONING JURISDICTION OF THE CITY OF DICKINSON, NORTH DAKOTA.

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

B. Public Hearing – Readiness Center FLUM

City Planner Matthew Galibert presents the Readiness Center FLUM for the City of Dickinson. He states this FLUM would amend the future land use map. There was no public comment and recommends approval. This will be rezoned from industrial to public.

President Scott Decker opens the public hearing at 5:10 p.m. Hearing no public comments, the public hearing was closed at 5:11 p.m. and the following motion was made.

MOTION BY: Jason Fridrich
To approve first reading of Ordinance No. 1789.

SECONDED BY: John Odermann

ORDINANCE NO. 1784

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP

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

C. Public Comments not on Agenda

None

9. COMMISSION

Executive Session – Executive session pursuant to NDCC 44-04-19.1 (9) and 44-04-19.2

1. City Administrator Contract – Discussion

MOTION BY: John Odermann

SECONDED BY: Suzi Sobolik

To enter into an Executive Session to discuss City Administrator's Contract

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

MOTION BY: Jason Fridrich

SECONDED BY: John Odermann

To end the Executive Session

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

President Scott Decker states a discussion was held on City Administrator's contract for 2024. He states City Administrator was only required to get a 2 out of a possible 5. City Administration Dustin Dassinger received a 4.55 score which is high above the contracted amount stated that he needed and upon discussion Administrator Dassinger will receive the 6% increase. President Decker states this raise is well deserved and that Administrator Dassinger has done a good job this year. He states everyone is pretty happy with Mr. Dassinger.

MOTION BY: Suzi Sobolik

SECONDED BY: Robert Baer

To enter into an Executive Session to discuss City Administrator's Contract

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

City Administrator Dustin Dassinger states he has a very good team to work with in Dickinson and is excited about the future of Dickinson.

President Scott Decker will provide all documentation to Mr. Dassinger.

Commissioner Suzi Sobolik stated Leadership Dickinson will be held on December 13, 2023 at 11:00 a.m. for lunch to discuss issues with the Commissioners and staff. She also states the Youth Commission meeting on Monday went very well and elected officers. Vision West requested to have two members that are Freshman and Sophomores as they want younger people than Juniors and Seniors.

President Scott Decker states he would like to see the Youth Commission be placed on certain boards, the same ones the Commissioners sit on. Also, Vision West would like to see a Youth Commission representative from Dickinson.

Commissioner John Odermann has discussed this with Administrator Dassinger.

President Scott Decker would like for the Youth Commission to take on a couple of projects such as the city flag and city seal.

Commissioner Robert Baer will not be at the next Commission meeting as he will be at the NDLC. Commissioner Baer has taken on a new role as the Executive Director of United Way.

ADJOURNMENT

MOTION BY: Suzi Sobolik

SECONDED BY: John Odermann

Adjournment of the meeting was at 7:15 P.M.

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

OFFICIAL MINUTES PREPARED BY:

Rita Binstock, Assistant to City Administrator

APPROVED BY:

Dustin Dassinger, City Administrator

Scott Decker, President
Board of City Commissioners

Date: December 5, 2023