

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: John Odermann

SECONDED BY: Jason Fridrich

To approve the August 15, 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: Suzi Sobolik

SECONDED BY: Robert Baer

A. Approval of Meeting Minutes dated August 1, 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. Class A Liquor License Amendment - Bernie's Esquire Club**

City Administrator Dustin Dassinger presents an amendment to the Class A Liquor License for Bernie's Esquire Club. Administrator Dassinger states Mr. Marsh has extended his service area to the adjacent building to the south of his original building. City staff has reviewed the application and recommend approval. Also included is the expanding of his basement as well. The Police Department and Building and Codes have worked with Mr. Marsh on this expansion.

Commissioners John Odermann questions what if the city did not like what the liquor license holder had changed in his service area and after the all the work was done and it doesn't meet standards and they have invested all their money into this project. He feels the city should grant a probationary license on the interim basis as maybe this area may not meet the city's standards.

City Administrator Dustin Dassinger states renovations would require a building permit and the process for applying for the amendment liquor license is carried through. Administrator Dassinger states he is hoping that the liquor license holder would have a good conversation with the city prior to any construction.

MOTION BY: Suzi Sobolik

SECONDED BY: John Odermann

To approve the Class A Liquor License Amendment for Bernie's Esquire Club.

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

B. Memorandum of Understanding – Bravera Bank

City Administrator Dustin Dassinger states Bravera Bank is asking for an MOU regarding the access to the south parking lot. They are asking the south parking lot be used exclusively for bank employees parking from 7:30 a.m. to 5:00 p.m. Monday through Friday. The south lot would be available for public parking during other hours. the bank will maintain the south lot and shall not convert the usage, access or purpose of the south lot. Administrator Dassinger states if the MOU is what the city intended for Bravera bank

then city staff recommends approval. Administrator Dassinger states Bravera has been very good to work with.

Commissioner Robert Baer is questioning the parking for staff. He has concerns for staff while they run errands and need to stop and drop off something at city hall and having to park in the back parking lot during inclement weather. He feels there should be a designated drop off/pick up spot near city hall. He does feel that during inclement weather there could be issues of slipping and falling. He feels this kind of distance for support staff carrying items could be an issue.

City Administrator Dustin Dassinger states the City could look for a pickup/drop off sites near city hall. He states if Bravera does intend to sell this parking lot the city would have first right of refusal if that is what their intent would be in the future is to sell the parking lot.

President Scott Decker states the original intent with the land swap was to make this parking lot exclusive to Bravera.

MOTION BY: John Odermann
To approve the MOU with Bravera Bank for the parking lot.

SECONDED BY: Suzi Sobolik

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

C. Museum Grant Match

City Administrator Dustin Dassinger presents a museum grant match which is a destination development grant for a new museum for the city of Dickinson. This grant match program would be for \$5 million dollars. City staff recommends approval of this application. Approval would allow for the museum staff to apply for the grant.

MOTION BY: John Odermann
Adopt Resolution No. 22-2023.

SECONDED BY: Robert Baer

RESOLUTION NO. 22-2023

A RESOLUTION AUTHORIZING CONTRIBUTION OF A PORTION OF THE CITY'S EXISTING SALES AND USE TAX REVENUE FOR DEVELOPMENT OF THE DICKINSON MUSEUM CENTER EXPANSION WITHIN THE CITY OF DICKINSON

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

D. Chapter 23 Code Amendment

City Attorney Christina Wenko presents a Chapter 23 amendment. This is the second reading with no changes. Attorney Wenko reiterates some code changes such as seatbelts, child restraints, road closure notification, adding one way roadways, windshields, DUI penalties, removing bicycles and animals as vehicles.

MOTION BY: Robert Baer

SECONDED BY: Suzi Sobolik

To approve second reading and final passage of Ordinance No. 1783.

ORDINANCE NO. 1783

AN ORDINANCE AMENDING AND RE-ENACTING SECTIONS 23.68.015, 23.68.020, 23.32.020, 23.36.175 AND ENACTING SECTIONS 23.36.125, 23.68.060, 23.76.170, AND 23.76.015 OF THE MUNICIPAL CODE OF THE CITY OF DICKINSON, NORTH DAKOTA, RELATING TO CHAPTER 23 MOTOR VEHICLES AND TRAFFIC

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

E. Monthly Financial Report

Finance Supervisor Robbie Morey presented the monthly financial report. Supervisor Morey states the interest rate has changed to 3.25%. The investments are slightly higher due to Parks and Rec contribution to the pension plan. 1% sales tax is comparable to the 2022 income. Hospitality tax is the highest it has been in the past 7 years. Occupancy tax is almost the same as prior years. However, oil impact is down as compared to 2022. The general fund is 52% collected and the expenses are 48% expended.

MOTION BY: Jason Fridrich

SECONDED BY: Suzi Sobolik

To approve the Monthly Financial Report.

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

F. Finance Committee Board Member Approval

Deputy City Administrator Linda Carlson presents two individuals whom are interested in serving on the Finance Committee Board. She states Kyle Smith will serve a one year term and Tom Fath will serve a two year term.

Mr. Kyle Smith states he is excited to serve the City and to help influence the City.

Mr. Tom Fath states his reason is twofold, one to give back to the community and also another way to improve himself professionally as a CFO. He looks forward to working with the City and help the community in any way he can.

MOTION BY: Robert Baer

SECONDED BY: Jason Fridrich

To approve Tom Fath and Kyle Smith to the Finance Committee Board Members.

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

G. 2021 Audit

Deputy City Administrator Linda Carlson presents the results of the 2021 audit. She states Widmer and Roel has completed the 20221 audit and has been accepted. She stated they do a regular audit and a single audit which reviews the federal awards. Ms. Carlson states the auditors look for internal controls, procedures, etc. She states there were no findings in the single audit for 2021. As for the 2021 main audit there were 2 findings: 1. Significant deficiency of a financial statement preparation. The auditors prepared the financial statement the auditors are hired to do this for the city. They also help prepare the financial statements. #2 Significant deficiency is the general fixed asset fund reconciliation, capital assets which includes all property. The city is trying to put together a report that is actually in the system doing depreciation and this is something the city needs help from the auditor to gather financially.

MOTION BY: John Odermann

SECONDED BY: Suzi Sobolik

To approve the 2021 Audit for the City of Dickinson.

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

H. Monthly Hiring Journal

HR Director Shelly Nameniuk updates the Commissioners on the open positions for the City of Dickinson. She states there have been more and more applications for the positions that are open.

5. **PUBLIC WORKS**

A. Landfill Cell 3B5 Bid

Public Works Director Gary Zuroff states that when you expand a landfill you have to have a cell development and systems need to be in place when you expand. He states making a new landfill isn't cheap. This is the area bid out for Cell 3B5. There were two bids, Martin and Veit and Company Inc. He states both bids were over the engineers estimate. The city feels time lines were hard to meet. Director Zuroff is asking for the commission to reject the bid and to rebid the project in three months. Director Zuroff has visited with Martin Construction and they understand and they are willing to rebid this winter.

MOTION BY: Robert Baer

SECONDED BY: Jason Fridrich

To reject the bids for Landfill Cell 3B5.

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

B. Monthly Public Works Report

Public Works Director Gary Zuroff presents the June and July monthly report. He states the mausoleum will be complete this mid-August. Director Zuroff discusses Family Fun Day which 600 hot dogs were served along with drinks, etc. He thanks the public works staff for all their hard work. He does plan to have this event annually. He states this year public work staff had dedicated employees to specific duties for mowing and this had turned out very well. He thanks Lee and his crew for all the hard work that was done. He discusses Forestry and the Beautification Committee. Director Zuroff discusses the open positions for public works. Mr. Zuroff states the city had a great seasonal work team.

Commissioner John Odermann states kudos to Director Zuroff and his staff. He feels Forestry and others have done a great job beautifying the city.

6. **PUBLIC SAFETY**

A. Fire Department

Reports:

1. None

B. Police Department

Monthly Police Department Report:

Deputy Police Chief Matt Hanson who has worked for the Police Department for over 13 years has now been promoted to Deputy Police Chief. Deputy Chief Hanson updates the Commissioners on the Police Department reports such as 426 traffic stops for the month. This was the last effort in trying to enforce the new seatbelt laws which took place on August 1, 2023. He states accidents were down a bit this month. There were 144 total arrests and thefts seem to be the most popular of all. There were 186 calls at the animal shelter. He states most offenses are dogs running at large, i.e. people letting their dog out to go to the bathroom and then getting out. He visits about the community relations such as the parade, family fun day, pole vaulting and others. He states Officer Taylor Peters does a good job with community relations.

Commissioner Robert Baer visits about turn signals which are becoming an option in the City of Dickinson. He is also concerned about crosswalks now that schools are opening. He feels residents are forgetting about stopping for people using the cross walks.

Deputy Police Chief Matt Hanson states schools now have school cross guards. There has been constructive training for crossing guards. He is hoping for the complete rollout of the crosswalk guard training. He states as for turn signals they continue to affect us when the city runs their traffic accidents. The most popular traffic accident is following too close as this tends to be more of a factor than turn signals themselves. Deputy Chief Hanson feels this is good feedback for him to bring back to his officers now that school is starting.

7. **COMMUNITY DEVELOPMENT SERVICES**

A. Rezoning Request – Lot 1, Block 6, Pinecrest Subdivision

City Planner Matthew Galibert presents a rezoning request for Pinecrest Subdivision. He states this request is from AG to High Density Residential. He states initially the applicant wanted to go to GC. The future land use map was different so the applicant decided to go to R3. No comments have been received in regards to this rezone request

MOTION BY: Suzi Sobolik

SECONDED BY: Robert Baer

To approve second reading and final passage of Ordinance 1782 subject to the following terms and conditions in the staff report.

ORDINANCE NO. 1782

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. Final Plat – Riverview Cottages 1st Addition

Engineering and Community Development Director Josh Skluzacek presents a final plat for Riverview Cottages 1st Addition. The PUD was approved at the last Commission Meeting. This lot will come into compliance after the final plat is approved.

MOTION BY: John Odermann
Adopt Resolution No. 23-2023.

SECONDED BY: Jason Fridrich

RESOLUTION NO. 23-2023

A RESOLUTION APPROVING FINAL PLAT ENTITLED THE RIVERVIEW COTTAGES FIRST ADDITION BEING THE REPLAT OF LOTS 20-24, BLOCK 1, OF THE REPLAT OF THE RIVERVIEW ADDITION, STARK COUNTY, NORTH DAKOTA.

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

C. Final Plat – Riverview Cottages 2nd Addition

Engineering and Community Development Director Josh Skluzacek presents a final plat for Riverview Cottages 2nd Addition. He states the PUD was approved at the last Commission meeting. The plat follows regulations.

MOTION BY: Suzi Sobolik
Adopt Resolution No. 24-2023.

SECONDED BY: Robert Baer

RESOLUTION NO. 24-2023

A RESOLUTION APPROVING FINAL PLAT ENTITLED THE RIVERVIEW COTTAGES SECOND ADDITION BEING THE REPLAT OF LOTS 15-20, BLOCK 2, FISCHER'S ADDITION

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

D. Final Plat - District Addition Subdivision

Engineering and Community Development Director Josh Skluzacek presents a final plat for the Business District Park 1st Addition. A companion PUD to what was approved last commission meeting. The PUD included modifications to the lot, usage and others. It will come into full compliance at this time. All engineering plans have been approved by staff.

MOTION BY: Robert Baer
Adopt Resolution No. 25-2023.

SECONDED BY: John Odermann

RESOLUTION NO. 25-2023
**A RESOLUTION APPROVING FINAL PLAT ENTITLED THE
DISTRICT BUSINESS PARK FIRST ADDITION
STARK COUNTY, NORTH DAKOTA.**

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

E. Final Plat – Tidal Wave Auto Spa (TWAS)

City Planner Matthew Galibert presents a final plat for Tidal Wave Auto Spa. He states the construction of the Tidal Wave Spa is on 3rd Avenue West and 21st Street West. There is an existing bike trail in this area. He does read all the conditions to this final plat. There have been no public comments.

Engineering and Community Development Director Joshua Skluzacek states there is quite an elevation in this area. He does not think the traffic volumes will be significant. There is additional volume compared to current volume of traffic and should not have a significant traffic flow.

Commissioner John Odermann is concerned about the traffic flow in this area with the new Tidal Wave Spa. Commissioner Odermann drives on this particular street daily and it is very congested at certain times of the day. He feels this is something the City should look at.

MOTION BY: Suzi Sobolik
Adopt Resolution No. 26-2023.

SECONDED BY: Jason Fridrich

RESOLUTION NO. 26-2023
**A RESOLUTION APPROVING FINAL PLAT ENTITLED THE TWAS
DICKINSON SUBDIVISION
STARK COUNTY, NORTH DAKOTA.**

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

F. 2023 Pavement Management Plan MDST Contract

Engineering and Community Development Director Josh Skluzacek presents a contract with MDS Technologies, Inc. to perform the 2023 Pavement Management Plan project for a lump sum amount not to exceed \$44,650.00. The pavement management plan report and digital data will be critical to the engineering department to better forecast and plan projects. The digital data will be utilized in our current GIS software.

MOTION BY: Robert Baer
To approve 2023 Pavement Management Plant MDST Contract.

SECONDED BY: Suzi Sobolik

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

G. Bartlett and West Lot Combination Professional Services Agreement

Engineering and Community Development Director Josh Skluzacek present a contract with Bartlett & West to perform a lot combination plat for the City. Bartlett & West is the firm who performed the engineering and design for the new North Dakota National Guard Readiness Center which will be located on these two existing lots. The proposal is for a total amount of \$2,950.00. Engineering staff requested the proposal from Bartlett & West to ensure project continuity with the new National Guard Readiness

MOTION BY: John Odermann

SECONDED BY: Robert Baer

To approve the Bartlett and West Lot Combination Professional Services Agreement.

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

H.NDDOT Cost Participation and Maintenance Agreement for I-94 Business Route East Micro Surfacing.

Engineering and Community Development Director Josh Skluzacek presents a NDDOT Cost Participation and Maintenance Agreement for I-94 East Business Route Micro Surfacing micro surfacing for the Interstate 94 (I-94) East Business Route from 10th Ave. East to the I-94 interchange. The project is scheduled to be executed in 2024 and is estimated total installed cost (TIC) is \$710,415. The City of Dickinson cost participation is 10% of the TIC because the route is classified as a minor arterial with the Federal Highway Administration. The micro surfacing is intended to extend the life of the pavement by sealing the surface, and the micro surfacing will provide additional friction for the roadway surface. The proposed funding for this project is Gross Production Tax.

MOTION BY: Jason Fridrich
To approve the NDDOT Cost Participation and Maintenance Agreement for I-94 Business Route East Micro Surfacing.

SECONDED BY: Suzi Sobolik

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

I. Property Compliance Report

Code Enforcement Officer Tiffany Stewart presents annual property compliance report which includes grass and weed issues for the City of Dickinson. She states once the city receives a complaint from the city they do check. The grass can only be 10" high. Ms. Steward states there were 527 properties within the city that were in noncompliance. Of those 160 of those properties also included obnoxious weed letters. The type of weeds are Worm wood, Canadian thistle and leafy spurge. The contractor has gone out 74 times to mow for a total of 69 properties and some have been mowed twice. The contractor has sprayed 27 of properties. Other code enforcement issues were 137 totals to include junk, unlicensed vehicles, unpermitted structures, unsafe structures and others.

Commissioner Jason Fridrich states to keep up the good work.

J. Engineering and Community Development Monthly Report

Engineering and Community Development Director Josh Skluzacek presents a monthly report which includes the building and codes are close to the 2022 statistics. The fees are overall significantly higher in 2023. He feels this is due to some pretty large applications. Director Skluzacek states Planning staff has been reaching out to the Downtown District, looking at parking and vacant buildings along with BNSF right away. Director Skluzacek visits about barnominiums and to see how it fits into our ordinances. He also updates the Commissioners on engineering projects.

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

A. Preliminary Museum Expansion

Jared Twogood and Derek Twogood update the Commissioners on the preliminary museum expansion. They visit about adding onto the existing structures or starting from scratch. They state the estimate budget for the addition to the museum would be \$12.8 million but this does not include design fees or site work. The reason for the new site cost is the proximity of the old landfill. He states to restart from scratch it would cost \$21,900,000. Both options would have some phasing done to maintain operations at those locations.

President Scott Decker feels starting from scratch would be the best option to be more of a cohesive type of building. He states the city does have in their minds what kind of budget they are learning towards.

Commissioner John Odermann would also like to start from scratch to build this so the aesthetics match and the best plan of action to go forward at this site.

B. Public Comments not on Agenda

Mark Hinrichs addresses the Commissioners in regards to sidewalks. Mr. Hinrichs states year ago he was told he had to put in sidewalks in the front of his house. Now he is wondering why the city is not telling others to put sidewalks in. He states that patches without sidewalks should be addressed by the Commission. He states the cost of installing sidewalks can be billed back to the property owner. He states this is an item of fairness. He has spoken to the Commissioners in the past and has not seen any progress. There is inequality of winter weather. He doesn't feel he should have to shovel his sidewalk in the winter and the people whom have no sidewalk don't have to shovel snow. Continuity access for elder and impaired. He feels letters should be sent to those without sidewalks to take steps to put them in place. He states there are three more months of concrete pursuing season left and encourage the Commission to come forward and pursue this as for the quality of the City. He will leave telling his neighbors they need sidewalks up to the City Engineer.

President Scott Decker states the City will address this matter.

9. COMMISSION

President Scott Decker would like for the Commissioners to prepare a couple of things for the next budget meeting. He would like to see recommendations for the cost of living increase and pay schedule for employees. Also, Administrator Dassinger annual evaluation is coming for review. He states there will be a budget meeting along with a regular commission meeting on the 5th of September.

ADJOURNMENT

MOTION BY: Suzi Sobolik

SECONDED BY: John Odermann

Adjournment of the meeting was at 6:35 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: September 5, 2023