

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, Robert Baer and Suzi Sobolik

Telephone: None

Absent: None

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

MOTION BY: Suzi Sobolik

SECONDED BY: Jason Fridrich

To approve the January 9, 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: Robert Baer

SECONDED BY: Suzi Sobolik

A. Approval of Meeting Minutes dated December 19, 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. Giving Hearts Proclamation**

Giving Hearts Representative Ted Ueckert whom is the representative for Health Services in Hettinger, ND. He represents 15 non-profit organizations in SW North Dakota. He states Giving Hearts Day is the largest giving day in North Dakota and hopes the City and its residents consider giving a gift.

President Scott Decker reads the proclamation.

MOTION BY: John Odermann

SECONDED BY: Jason Fridrich

To approve the Giving Hearts Proclamation.

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

B. City Boards/Committee Appointments

City Administrator Dustin Dassinger presents the following boards for appointment. Administrator Dassinger also states Jason Bentz does not desire reappointment to the SW Water Board and if someone is interested in representing the City on the SW Water Board to contact the city to take out a petition to run for this position.

MOTION BY: Jason Fridrich

SECONDED BY: Suzi Sobolik

To appoint Scott Bullinger to the Planning and Zoning Commission.

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

MOTION BY: John Odermann

SECONDED BY: Robert Baer

To appoint Jon Frantsvog to the Dickinson Airport Commission.

DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0

Motion declared duly passed

C. 2024 Legacy Square Liquor License Approval

City Administrator Dustin Dassinger presents one bid for the 2024 Legacy Square Concessions. The Spur Bar did bid \$3,000 but the bid was received past the deadline for accepting bids. City staff do recommend approving the bid from the Spur for the 2025 Legacy Square Concession license.

City Attorney Christina Wenko states that the code particularly states the Commission does have the right to reject all bids. She states since this bid was received after the deadline and the only one bid received, she is comfortable about moving forward with the bid. She states if there were more bids then she would have recommended that the city rebid.

MOTION BY: Robert Baer
To accept the bid from Spur Bar for the 2024 Legacy Square Concession.

SECONDED BY: Suzi Sobolik

DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0

D. Public Works Director Position

City Administrator Dustin Dassinger states the current Public Works Director Gary Zuroff is planning on retiring at the end of January, 2024. After consideration the City recommends Aaron Praus as the new Public Works Director. Administrator Dassinger states Mr. Praus comes with a great wealth of experience and knowledge. He also has a deep understanding of the challenges for the City. City Administrator Dassinger recommends appointment of Aaron Praus as the new Public Works Director as of 2/1/2024.

President Scott Decker heard from the out of state candidates that this was the most thorough process they have ever been through for a position. President Decker does concur with Administrator Dassinger that Mr. Praus is the right person for the position.

MOTION BY: John Odermann
To appoint Mr. Aaron Praus as the new Public Works Director as of February 1, 2024.

SECONDED BY: Robert Baer

DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0

E. State of the State Address/State of the City Address

City Administrator Dustin Dassinger informs the Commission about the upcoming events such as the State of the State Address and State of the City Address. If the Commission is interested in attending these events, they should contact the City.

F. Property and Evidence Technician Job Description

HR Director Shelly Nameniuk presents a Property and Evidence Technician Job Description. Director Nameniuk states this position was approved in the 2024 budget. This is a civilian position to work with all departments in the Police Department. This individual will manage and oversee the evidence processing system. She states this position is a non-exempt position, Grade 13 and recommend approval.

MOTION BY: Jason Fridrich
To approve the Property and Evidence Technician Job Description as presented.

SECONDED BY: Suzi Sobolik

DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0

5. PUBLIC WORKS

A. Reports:
None

6. PUBLIC SAFETY

A. Fire Department
Reports:
1. Monthly Fire Department Report

Fire Chief Jeremy Presnell states there were 167 calls for services, 1,938 calls for the year which is a 28% increase from last year. He states this increase is a lot larger than the previous year as the City did not run med calls all year long. The EMS calls are the highest type of calls. He states there were two fires in December. Chief Presnell visits about the calls by station, training hours and inspections.

B. Police Department

A. Back the Blue Grant

Police Chief Joe Cianni presents Back the Blue Grant. He states the ND Legislators presented these funds to appropriate applied for retention. The Dickinson Police Department did receive \$61,742 dollars from the appropriations. With the restricted nature of the funds and the holistic way of presenting these funds toward retention were that the people who received a sign on bonus did not receive any sum but the people whom did not receive a sign on bonus did receive approximately \$1,800 dollars. The Police Department was restricted on what they could do with the funds. The first application was denied by the AG's Office and that is how the City got where they are at right now. There will be 33 officers receiving the funding.

President Scott Decker feels this is an equitable way to distribute the money.

MOTION BY: Robert Baer

SECONDED BY: Jason Fridrich

To approve the disbursement of the Back the Blue Grant.

DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0

B. Resiliency Grant Application

Police Chief Joe Cianni presents a Resiliency Grant. The City was successful in receiving approximately \$50,000 from this grant. These funds are specifically used for family membership of Dickinson Rec Department over 5 years. The City is hoping to have an overall positive impact on officers and their families. Chief Cianni states the payoff would benefit Parks and Rec and these funds could be used for maintenance and equipment acquisition. Chief Cianni is asking for approval of the Dickinson Parks and Rec contract.

MOTION BY: Suzi Sobolik

SECONDED BY: John Odermann

To approve Resiliency Grant disbursement to Dickinson Parks and Rec.

DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0

E. Report - Liquor and Tobacco License Failures

Police Chief Joe Cianni presents liquor and tobacco license failures to include Astoria Bar and Grill; Cenex on Villard, Blackmarket Vapes and The Pit Stop. Chief Cianni states these are the first time in the past twelve months and City staff will be having correspondence with these individuals.

7. COMMUNITY DEVELOPMENT SERVICES

A. Renaissance Zone Development Plan Amendments

City County Planner Steven Josephson presents amendments to the Renaissance Zone Development Plan. These changes are do to changes in the Century Code. Renaissance Zone can improve properties in the older portion of town and not get a large tax increase. Planner Josephson states the following are the changes: 1. Increase of tax exemption from 5 to 8 years; 2. Allow of previous Renaissance Zone applicants to have additional benefits after 30 years and 3. Allowing 2 exemptions or islands to the primary contiguous zone. He states Planning and Zoning recommended approval of these changes. He states once a property is taken out of the Renaissance Zone it cannot be added back into the Zone. He states the contract expires early in July of this year. The one change the cities can ask is for a 10-year expansion instead of a 5-year expansion. He states there is one application for the Renaissance Zone that will be coming to Planning and Zoning in February. Planner Josephson states a TIF and the Renaissance zone are two different exemptions and the

owner cannot have both of these programs on the same property. The idea is to not sock someone with a large amount of taxes once they improve the property. The property owner will have a large enough cost to bring the older property up to code.

MOTION BY: Suzi Sobolik
Adopt Resolution No. 01-2024.

SECONDED BY: Robert Baer

RESOLUTION NO. 01-2024
**A RESOLUTION AMENDED CERTAIN PROVISION OF THE
RENAISSANCE DEVELOPMENT PLAN**

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

B. 2024 Road Maintenance SID District #202401-1

City Engineer Loretta Marshik presents the 2024 Road Maintenance SID for District 202401-1. She states the protest period ended on 12/29/2023 with zero protested from this area. The number of parcels that did protest were 7. This is an estimated \$2.2 million dollar project funding through the City and special assessments. These assessments would be over 10 years with a 5.9% interest rate.

MOTION BY: Suzi Sobolik
Adopt Resolution No. 02-2024.

SECONDED BY: Jason Fridrich

RESOLUTION NO. 02-2024
**A RESOLUTION DETERMINING THE PROTESTS OF THE 2024 ROAD
MAINTENANCE SPECIAL IMPROVEMENT DISTRICT NO. 202401-1 AND
DIRECTION TO ADVERTISE FOR BIDS.**

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

C.2024 Road Maintenance SID District #2021401-2

City Engineer Loretta Marshik presents the 2024 Road Maintenance SID for District 202401-2. She states the protest period ended on 12/29/2023. The number of parcels that did protest were 14 out of 67 parcels which is a 22.4% protest. The protest did not reach the statutory requirement. This is an estimated \$2.2 million dollar project funding through the City and special assessments. These assessments would be over 10 years with a 5.9% interest rate.

MOTION BY: Suzi Sobolik
Adopt Resolution No. 03-2024.

SECONDED BY: John Odermann

RESOLUTION NO. 03-2024
**A RESOLUTION DETERMINING THE PROTESTS OF THE 2024 ROAD
MAINTENANCE SPECIAL IMPROVEMENT DISTRICT NO. 202401-2 AND
DIRECTION TO ADVERTISE FOR BIDS.**

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

City Engineer Loretta Marshik states that letters were sent to residents and her contact information is on the letters.

D. KLJ – Public Safety Center Task Order

Engineering and Community Development Director Josh Skluzacek presents a task order with KLJ for the Public Safety Center engineering design. There is an RFP for 2023 and had received two proposals. Director Skluzacek states KLJ would do an engineering design for a fire department burn tower, running track, parking lot and others. This site is adjacent to ND National Guard Readiness Center and would be joint use with Public Safety staff and National Guard.

MOTION BY: Robert Baer

SECONDED BY: John Odermann

To approve the KLJ for the Public Safety Center Task Order.

DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0

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

A. Public Hearing – Rezone Request – Highway Department Addition

City Planner Matthew Galibert presents a rezoning petition from the ND Highway Department. 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. The last plat was in 1975. They have been good partners with the City. The City has asked to have screening of the outdoor storage but this is difficult to establish foliage in this area. They have stated that relocation is not an option.

Commissioner John Odermann questions if this is an option for the city to deny if they are not willing to move.

City Planner Galibert states NDDOT is not willing to move.

Community Development Director Joshua Skluzacek states he has conversations with Rob Rayhorn and there are no future relocations plans as this is too costly.

Commissioner Jason Fridrich asks even if the City can deny the special use permit. NDDOT would probably continue on with the project anyway. He asks if does the City actually have the ability that they can build on this property.

City Attorney Christina Wenko states the city does have boundaries and would have the authority to delegate what happens in their own boundaries. She states to be good neighbors and work with them the best that we can.

City Planner Galibert states to apply the zoning ordinance and the city probably should be careful of what you wish for because then, don't open the door to let them do what they want. It is good to go through the process.

Commissioner John Odermann wants to ensure the long term that the thoroughfare through the City of Dickinson is aesthetically looks good and not that it looks like more of an industrial middle of town.

City Planner Galibert states once the facility is there the connection for individuals will be on 21st Street. They may need to look at a better flow option for traffic in this area.

Commissioner John Odermann states the north side of the property the landscaping hides the facility. Maybe this is the direction the City needs to go in the south to plant more trees to be more appealing.

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

MOTION BY: John Odermann

SECONDED BY: Jason Fridrich

To approve first reading of Ordinance 1791.

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 5, Nay 0, Absent 0

Motion declared duly passed

B. Public Comments not on Agenda

Arlan Hofland of 690 9th Avenue SW is questioning the number of people that protested the SID 2024-01. He is asking to see the protests as a number of his neighbors did protest this project. He is wondering what happens after the assessments if the home owner does not agree with what is being assessed. Mr. Hofland states he does not agree with the repairs that are going to be needed to be done. He questions if this is a common practice and is it not covered by the developer or the contractor. Mr. Hofland is also wondering if there are other improvements in other parts of the city that are having special assessments. Mr. Hofland is wondering of the process. Does the resident go through the process and whom does the resident contact? He wants to make sure this process is not a hit and miss.

President Scott Decker states there were 67 parcels and 14 individuals filed for protest which is 22.4%.

City Attorney Christina Wenko states the number of specials is set based on what the prior estimates were given. She states the home owner has the opportunity to replace the sidewalk by themselves.

City Engineer Loretta Marshik states the home owner has the ability to disagree with the amount. The cost is based on the projects in the past and the cost to install. Ms. Marshik states that both SID will move forward as both areas did not receive enough protest and the city will be looking for approve this evening. She states once the bidding is completed the city will have a better understanding of the cost of the concrete. The property owners can visit with KLJ and City staff and look at their concerns of what is being assessed on their properties. Ms. Marshik states the work can be done in the manner that is designated in the project and completed prior to the contractors come through.

Commissioner Jason Fridrich states the City used to pay for the projects and now some of the areas have not had an upgrade to their sidewalks, curb and gutter for 40 years. The process was to be simple with fixing the curb, sidewalk and gutter in front of your house. This City would be responsible for the handicap ramps. This would then be assessed back to the resident.

Commissioner John Odermann feels the City needs to make some adjustment to their timeline. KLJ nor the City want to go out now and take a look at the property that is going to be assessed. For the safety of the citizens and staff the City needs to look at a different timeline for projects.

President Scott Decker closes public comments at 5:25 p.m.

9. COMMISSION

No discussion.

ADJOURNMENT

MOTION BY: Jason Fridrich

SECONDED BY: John Odermann

Adjournment of the meeting was at 5:50 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: January 9, 2023