

I. CALL TO ORDER

President Dennis W. Johnson called the meeting to order at 5:15 PM.

II. ROLL CALL

Present were: President Dennis W. Johnson, Commissioners Joe Frenzel, Gene Jackson, Shirley Dukart and Carson Steiner

STANDARD MOTIONS

1. ORDER OF BUSINESS

MOTION BY: Joe Frenzel

SECONDED BY: Shirley Dukart

To approve the May 04, 2009 Order of Business as presented.

DISPOSITION: Motion carried unanimously.

2. CONSENT AGENDA

MOTION BY: Joe Frenzel

SECONDED BY: Gene Jackson

A. Approve minutes of regular meeting dated April 20, 2009 (Enc);

B. Approval of Gaming Site Authorization Renewals (Enc);

C. Approval of Identity Theft Prevention Program (Enc);

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

Motion declared duly passed.

TIMETABLE AGENDA

5:28 PM

2010 CENSUS BUREAU – MAX WETZ

Max Wetz, Partnership Specialist for the US Census Bureau from Rapid City, SD relayed the importance of the 2010 Census. City Administrator Shawn Kessel and Mr. Wetz recorded an infomercial earlier in the day that will be aired on public TV locally. Mr. Wetz stated the census is required by the US Constitution. It's also required by law in order for our community to receive federal and state funding. This year's census is a short version with only 10 questions in regards to race, age, sex and if you own or rent your home. The goal this year is to receive more responses than in the last census. Census takers make six attempts to get the information needed to complete the survey. All information presented to the census takers is held in strict confidence for 73 years. Mr. Wetz stated that anyone living in North Dakota for six months or more can fill out

the survey. Funding to our community is based on \$1,000.00 per person for the next 10 years so Mr. Wetz again stressed the high importance of completing the census for 2010.

5:45 PM

MOBILIZATION SAFETY/CLICK IT OR TICKET PROCLAMATION – BECKY BYZEWSKI

Becky Byzewski of Community Action presented the annual Mobilization Safety/Click It or Ticket campaign proclamation. She stated the campaign is conducted by the Southwest Coalition of Safe Communities, North Dakota Department of Transportation and the National Highway Traffic Safety Administration. President Johnson read the proclamation and designated May 2009 as Mobilization Safety, Click It or Ticket month. Ms Byzewski urged all citizens of the City of Dickinson and its surrounding community to recognize and appreciate the vital contributions that the use of vehicular occupant safety devices make to the well being of our community and its citizens' health.

5:50 PM

ABANDONED CEMETERY LOTS – GEORGE DYNES:

Citizen George Dynes spoke about the concerns he has about the cemetery plots that have been vacant for more than 60 years. Mr. Dynes is asking the City Commissioners to take action under the state law that states if the cemetery plot has not been used for more than 60 years and the current owners cannot be found to retain their claim then the plot/s can be vacated and the title can be reacquired by the City and resold. Mr. Dynes feels that once the city goes through the appropriate procedure to acquire a lot then the procedure will be easier later one. Mr. Dynes stated his daughter from Fargo contacted the city in 2007 and this issue has been percolating for some time. He is interested in four plots that are owned at this time by Margaret Galloway. He has tried several avenues in order to get in contact with this family and has failed each time. He feels that with the four cemeteries in Dickinson that there are probably 100's of plots that could be reacquired and resold.

President Johnson complimented Mr. Dynes on his presentation here to the Commission. Shirley Dukart had no objection with Mr. Dynes but she states she feels that if people have bought a plot then they have the right to it at any given time and this issue should be handled in a private and cautious manner.

City Attorney, Matt Kolling stated this matter would require a resolution to start the process under the state law and not have a separate ordinance. Mr. Kolling stated that if this is the route that the City would like to consider he will proceed and bring the information and resolution to the next commission meeting.

6:13 PM

ELDER CARE UPDATE – COLLEEN RODAKOWSKI

Colleen Rodakowski, Director of Elder Care/Public Transportation updated the City Commissioners on how Elder Care is integrating cab services. Colleen along with Shawn Kessel and Shirley Dukart attended the United We Travel transit Seminar in South Dakota. Colleen reported that three vehicles are just about ready for use as repairs were completed along with installation of computers and software for dispatch and routing purposes. The newly hired staff include 3 full-time people; 1 office assistant; 1 driver who is trained and working alone; another driver who is in training and will be for another week, there is a need of part time drivers and dispatchers and one full time dispatcher. There have been some rider concerns with the increased number of rides. The hours have been extended and also prescheduled rides are being taken for Saturday. Also prescheduled rides are being scheduled for Memorial Day.

President Johnson thanks Colleen for coming to update the Commission on the progress of Public Transportation.

NON-TIMETABLE AGENDA

4. GENERAL ISSUES/FINANCE

A. MARCH 2009 FINANCIAL REPORT

Accounting Manager Tina Johnson presented the first quarter 2009 financial report.

MOTION BY: Shirley Dukart

SECONDED BY: Carson Steiner

To accept the first quarter 2009 financial report as presented.

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

Motion declared duly passed.

B. INTRODUCTION OF NEW INFORMATION TECHNOLOGY (IT) MANAGER

Accounting Manager Tina Johnson reported to the Commission the hiring of a full time IT Manager. The IT position had been previously contracted through NRG for 75% of the individual's time. After advertising the IT position and receiving 15 applications Chief Rummel, Mr. Soehren and Ms. Johnson interviewed six candidates. After careful deliberation they offered the position to Mr. Bill Fahlsing who had been working with NRG. Ms. Johnson introduced the new IT Manager, Bill Fahlsing.

Mr. Fahlsing thanked the City and Commissioners for the opportunity to work for the City of Dickinson.

5. PUBLIC SAFETY

N/A

6. PUBLIC WORKS – ENGINEERING

A. CHANGE ORDER POLICY

City Engineer, Shawn Soehren, requested approval of a Change Order Policy. This policy outlined three different criteria which incorporates the use a percentage of the original bid in addition to a fixed dollar value only, whichever figure is less.

MOTION BY: Gene Jackson

SECONDED BY: Joe Frenzel

To approve the Change Order Policy as presented.

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

B. SIDEWALK IMPROVEMENT DISTRICT CONTRACT

City Engineer Shawn Soehren stated bids were opened for the 2009 Sidewalk Improvement District Contract. He stated two bids were received with Tooz Construction being the lowest bidder at \$70,807.80.

Mr. Soehren recommended if someone in the community would be interested in using this pricing and financing through the city they should call the City Engineer at City Hall. They will then get on a list and the City Engineer will come out and look at your sidewalk to proceed. This project has been growing each year as it has received more recognition.

MOTION BY: Joe Frenzel

SECONDED BY: Shirley Dukart

To award the 2009 Sidewalk Improvement District Contract to Tooz Construction in the amount of \$70,807.80.

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

C. REPORT

1. Planning and Zoning Meeting Minutes – April 15, 2009

Meeting minutes presented for informational purposes only.

Mr. Soehren reported the sewer relining project has been moving forward and going well. He also stated that construction is beginning to pickup in the area. A contractor will be in town this week in regards to the water tower north of the interstate.

7. PUBLIC WORKS – MAINTENANCE AND UTILITIES

N/A

8. **ADMINISTRATION:**

A. **City Administrator Report:**

1. 2009 Budget Reforecast Presentation (Enc):

Based on revenue trends that indicate shortfalls in general fund revenues including; Municipal Court fines, interest earned, oil and gas production tax and leases, easements and royalties and an increase in snow removal expenses, recommendations were made to eliminate the potential budget deficit which included postponing the animal shelter, not making a budgeted transfer of funds from the general fund to the capital street projects fund and moving the snow removal expenses to the capital street projects fund.

Animal Shelter

Mr. Kessel identified a different location for the animal shelter. This would be the City owned Baker Building. The Baker Building currently is the site for Elder Care operations and storage for City's equipment. The State of North Dakota will be funding a building for Public Transit and construction is estimated to be complete in 12-18 months. This would be the new home for Elder Care and other transportation services. The City could construct the public works building in tandem with the transit building and that would free up the Baker Building. At that time the space could be renovated for an animal shelter. The Baker Building has many positive attributes; it is more centrally located, no special permit is needed, would not require acquisition costs or expansion costs, and it would not place additional property on the tax exempt list. There is not a projected cost to renovate the Baker Building at this time. Champions Leslie Wilkie and Jodi Foss are willing to chair a private fund raiser to help with this cause.

President Johnson commended Mr. Kessel and his staff for being on top of these issues and watching the budget numbers so early in the calendar year.

2. Legislative Update

Administrator Shawn Kessel updated the City Commission on Legislative issues. Mr. Kessel reported the City of Dickinson will be asking for reimbursement from the State of North Dakota for the snow removal expenses. This reimbursement could be from \$65,000.00-75,000.00.

A hearing was held with the North Dakota Department of Health on the air quality of the coal beneficiation plant near South Heart. There was a great deal of public comment. The Department of Health asked for written comments in regards to the plant. All City Commissioners agreed that Mr. Kessel should author a letter in favor of GTL Energy to dry coal at the beneficiation plant and mail the letter to the Department of Health.

MOTION BY: Joe Frenzel

SECONDED BY: Carson Steiner

Authorize the City Administrator, Shawn Kessel to write a letter to the North Dakota Department of Health in favor of GTL Energy coal plant.

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

Motion declared duly passed.

3. 2009 Senior Citizen Grant Applications

Mr. Kessel stated the Senior Citizen Grant Committee reviewed the grant applications and have recommended specific grant amounts. Mr. Kessel stated the committee consists of individuals who are involved with senior citizen centers and are familiar with their needs. The total awarded this year was \$23,100.00.

4. HR/Personnel Code Amendment

In the City Code all job descriptions are to be reviewed each year. There are approximately 120 job descriptions to review each year. Mr. Kessel requested Civil Service to review this section of Code to state job descriptions be reviewed once every three years. Also, to be sure of the accuracy of the job description, they would also be reviewed prior to any hiring. Civil Service has agreed to these changes. Mr. Kessel will request first reading of the code at the next commission meeting.

5. Swine Flu Update

Swine flu has brought a great deal of national attention. Southwest District Health Unit has coordinated a regional effort to provide public awareness of this flu. Questions and concerns could be directed to the Southwest District Health Unit at 483-0171 or 1-800-697-3145. Citizens are advised to take precautions such as washing your hands, getting a good number of hours of sleep, eat nutritious foods and drink plenty of fluids.

6. Reminder Board of Equalization Meeting

Mr. Kessel reminded the Commissioners and the public of the Board of Equalization Meeting which is to be held on Tuesday, May 5, 2009 at 4:00 p.m. at the City Hall.

7. Elks Building

Mr. Kessel updated the progress of the Elks Building and stated that the renovations are supposed to be completed this summer. He feels Mr. Brinkman will be contacting the City for an extension. Mr. Brinkman is actively trying to lease the building or to sell it. Mr. Kessel will contact Mr. Brinkman for further information on the progress of the building.

9. ACCOUNTS PAYABLE

MOTION BY: Shirley Dukart

SECONDED BY: Carson Steiner

To approve the accounts payable list as presented along with the additional accounts payable list, numbers 68860 to 69009. Said list is available in the Accounting Office.

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

Motion declared duly passed.

10. CITY COMMISSION:

Commissioner Shirley Dukart had expressed a desire to change the City of Dickinson and Stark County from Mountain time zone to Central time zone. She stated that there is only a small section of North Dakota still on Mountain Time and most of the population in Dickinson work with people on Central Time. At the next meeting she will be bringing more information in regards to the time change issue.

11. PUBLIC ISSUES OF CITY CONCERN NOT ON THE AGENDA:

Public Works Manager, Skip Rapp provided information about stimulus package available for use for clean water and safe drinking water. There is \$800,000.00 available for the use at 1% interest rate with a 20 year payback. There are several projects Mr. Rapp indicated that he would be interested in completing. These would include construction of wastewater lift station, water main replacement project, expansion of aeration cells, installation of stand-by wastewater treatment plant, and transfer facility wastewater treatment plant 3rd cell to 4th cell. Mr. Rapp will provide more information on this issue at the next meeting.

ADJOURNMENT

MOTION BY: Gene Jackson

SECONDED BY: Shirley Dukart

For adjournment of the meeting at approximately 6:45 PM.

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:

Shawn Kessel, City Administrator

Dennis W. Johnson, President
Board of City Commissioners

Date: _____