

I. CALL TO ORDER

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

II. ROLL CALL

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

Absent were: None.

STANDARD MOTIONS1. ORDER OF BUSINESS

MOTION BY: Carson Steiner

SECONDED BY: Shirley Dukart

To approve the January 4, 2010 Order of Business as presented.

DISPOSITION: Motion carried unanimously.

2. CONSENT AGENDA

MOTION BY: Joe Frenzel

SECONDED BY: Gene Jackson

A. Approval of minutes of regular meeting dated December 21, 2009;

B. Approval of minutes of special budget meeting dated December 28, 2009;

C. Approval of Kinetic Leasing for Fire Truck;

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

Motion declared duly passed.

D. Approval of Purchase Agreements:

Commissioner Gene Jackson would like an explanation on how we are committed or obligated to purchase Lots 9,10,11,12, &13 Block 7 Heart River 2nd Subdivision from Tooz Construction, Inc.

Administrator Shawn Kessel gave a little background on the results of the tornado which was in July, 2009. He states the property that the City would be purchasing is the exact location of four apartments that were destroyed beyond 50% of their value. The zoning in that area was changed 10 years ago and no longer allows multi-family housing units. This posed a problem for the owner because he could not rebuild. Through an effort to relocate Section 8 housing a verbal deal with the City for the listed property was made. This agreement was made with good intentions and Mr. Kessel feels it is the City's moral obligation to purchase the property. Mr. Kessel states it would be in the City's best interest to buy the property, sell the property and break even on it in order to develop Section 8 housing elsewhere.

Commissioner Joe Frenzel agrees with Administrator Kessel there is the City's moral obligation to acquire the property on the south side of Dickinson. Kessel states the land that is going to be purchased for Section 8 housing is slightly different from the original agreement and a fair price should be paid for this property.

Administrator Kessel states in order for Dickinson to continue with Section 8 housing and to preserve the units our property needs to be sold to Metro Plains/Tooz.

Administrator Kessel read the letter that was presented to the Commission on 10/23/09: The July 8, 2009 tornado devastated a complex of section 8 apartments that has caused an already tight housing market to become even tighter and adversely affecting some of our more vulnerable residents. The site was rezoned from R-3 to R-1 over a decade ago. This change no longer allows the multiunit apartments to be rebuilt on site. Section 8 guidelines include provisions that limit the number of covered units in a geographic

area. For these reasons other property was needed to recover the housing units. The owner of that complex lives out of state and had a desire to divest himself of the properties. Tooz Construction and Metro Plains formed a corporation and purchased the land and buildings. Tooz Construction is in the process of tearing down all the units and removing the foundations. Two alternate sites have been identified. One is located west of the Elks building and east of the drainage ditch and the other is located in the Lutz subdivision. The proposal in its current state is: City purchases 5 parcels from Tooz/Metro Plains for \$1.50 a square foot = \$122,724. Tooz/Metro Plains purchases the 23rd Street property for \$1.75 per square foot = \$170,376 and the second property (which needs parcel lines drawn) for \$2.50 per square foot = \$56,626. Grand total for all city owned parcels being \$226,626; and a difference of \$103,902 will be owed by Tooz/Metro Plains. This discussion took place in the November meeting and this is what leads me to say today that we have a moral obligation to purchase the land. Kessel explains that Section 8 housing contracts are cumbersome and the builder invests a great deal of money to carry out these contracts.

President Johnson explains Tooz Construction and Metro Plains did have to purchase the land that housed destroyed apartments in order to qualify for Section 8 housing. If these agreements are approved on the consent agenda then we agree to purchase the land on the south side of Dickinson and execute the purchase by Metro Plains.

Administrator Kessel would agree to purchase the land on the south side of the city and then execute the purchase with Metro Plains. He states there is a risk of purchasing the lots on the south side and develop them into single lots to sell.

Commissioner Dukart states she is okay with the \$1,000. earnest money. Dukart elaborates on the survey that was done in Dickinson for the need of Section 8 housing and if the State will allow Dickinson 60 housing units and that would be wonderful.

Commissioner Frenzel agrees that there is always a risk taken when building Section 8 Housing. He also feels that it would be unusual for a buyer who has gone through all these transactions to walk away from the project leaving a substantial amount of money invested.

Tracy Tooz, Owner Tooz Construction, Inc. explains to the Commission he had to purchase the land and have the State declare a State of Emergency on the property in order to receive the Section 8 housing contract. If Mr. Tooz did not proceed with this purchase the 30 housing units contract would have gone back to the State and the City would not be able to have the Section 8 housing in Dickinson. Tooz states according to the Section 8 housing you cannot change a legal address of the property that in the contract. Senator Pomeroy and Dorgan helped Mr. Tooz get around that issue with declaring the State of Emergency and to keep these housing units within city limits. North Dakota Housing Financing worked with Mr. Tooz and the State added another 24 units to the contract.

Commissioner Steiner states that we have dealt with Mr. Stenson from Metro Plains on other property issues and he does own several properties in Dickinson.

MOTION BY: Joe Frenzel

SECONDED BY: Carson Steiner

To remove Item D, Approval of purchase Agreements, from the consent agenda and place it as an item on the General Issues/Finance agenda.

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

TIMETABLE AGENDA

5:20 PM

2010 CENSUS UPDATE-LORI JORDHEIM

Lori Jordheim from Stark County Development updates the Commission on the 2010 Census. Jordheim states they are laying ground work in Dickinson to complete the count committee. Federal funding was approved through the U.S. Census Bureau. Jordheim states a 40' banner, 1000 table tents, 2000 flyers will be placed at the DSU bookstore, hotels, motels, banks and other areas to encourage individuals in the community to be counted. Ms. Jordheim was on a radio talk show on November 2, 2009 with key information in regards to having all snow birds be counted. Thirty three faith based churches will be inserting information in their bulletins in regards to the 2010 Census. Ms. Jordheim is trying to market the importance of the census, what it does for the community and how to get every individual registered. She spoke to Stark County Social Services and Badlands Human Service Center. Community Action placed 300 flyers in food baskets over the holidays. Only Stark County residents will be receiving a 2010 census form. All other county residents will be counted by a census worker coming to their door. Count sites will be named in February. These sites will allow individuals to go to the site and be counted in their appropriate county. Ms. Jordheim states that all individuals including college students, nursing home residents and snowbirds should be counted.

President Johnson asks Ms. Jordheim to return in February for a 2010 Census update.

5:30 PM

TORNADO ABATEMENTS

City Assessor Jan Zent stated that six property owners filed for property tax abatements due to the July, 2009 tornado. These people were given 50% reduction on the valuation on their properties.

MOTION BY: Gene Jackson

SECONDED BY: Shirley Dukart

To approve the 2009 tax abatements as presented.

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

Motion declared duly passed.

NON-TIMETABLE AGENDA

4. GENERAL ISSUES/FINANCE

A. PURCHASE AGREEMENTS

President Johnson states there has been quite a discussion about these purchase agreements already under the consent agenda. Purchase agreements for Lots 9, 10, 11, 12 & 13 of Block 7 Heart River 2nd Subdivision; Lots 2 & 3 of Block 3 Lutzs First and Lot 6, less the north 29' of Block 2 Prairie Hills Second Replat. President Johnson states if the purchase agreements pass Mr. Kessel will have the authority to execute them in any order he wishes.

MOTION BY: Shirley Dukart

SECONDED BY: Joe Frenzel

To approve the Purchase Agreements from Tooze Construction and MDI Limited Partnership#103.

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

Motion declared duly passed.

B. NOVEMBER FINANCIAL REPORT

Accounting Manager, Tina Johnson, presented November, 2009 monthly financial report. Ms. Johnson states that with the change in legislation the City is guaranteed \$500,000 each year from oil and gas productions. President Johnson questions the

revenues in the general fund. Ms. Johnson states the transfer from Enterprise Funds to the general fund will take place at the end of December.

MOTION BY: Shirley Dukart

SECONDED BY: Joe Frenzel

To accept the November, 2009 Monthly Financial Report as presented.

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

Motion declared duly passed

C. CIVIL SERVICE COMMISSION

Administrator Kessel explains Glen Roshua has applied for the Civil Service Commission. Mr. Roshau's presents himself to us with certification in human relations. Roshua has a great deal of experience in teaching and would be a good candidate for the position. The Civil Service Commission has reviewed Mr. Roshua's application and would recommend his appointment.

MOTION BY: Shirley Dukart

SECONDED BY: Joe Frenzel

To approve Mr. Glen Roshua to the Civil Service Commission.

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

Motion declared duly passed.

D. PUBLIC WORKS DIRECTOR JOB DESCRIPTION

Administrator Kessel explains the Public Works job description is one that has been used in the past. The Public Works Manager Streets/Solid Waste is not going to be filled at this time due to the change in the Organization Chart. Job duties will be split between the City Engineer and the Public Works Manager-Water Utilities/Buildings & Grounds. Therefore, by taking on the Solid Waste Department the Public Works Manager should be reclassified from D61 to D62, Public Works Director. Kessel relates this job description is used throughout the State.

MOTION BY: Carson Steiner

SECONDED BY: Joe Frenzel

To approve Public Works Director Job Description and reclass the Public Works Manager to Public Works Director.

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

Motion declared duly passed.

5. PUBLIC SAFETY

A. NONE:

6. PUBLIC WORKS – ENGINEERING

A. REPORTS:

1. Snow removal Update:

City Engineer Shawn Soehren updates the Commission and public on snow removal. Soehren states four contractors came in to help the City in removing snow. Soehren would like to thank Tooz Construction, Big K, Onsite Improvements and Terry's Water Works whom did most of the downtown parking lots. Snow removal has been quite a challenge for the City staff with 508 hours of overtime. Mr. Soehren would like to thank all the departments for the time that was spent removing snow during the holidays. The cost for snow removal has been from \$20,000 in contract labor along with \$8,000 in fuel for the equipment. Soehren reports there are 130 miles of streets right now. Forty miles are priority and it takes approximately 32 hours to get those roads open. There are 85 miles of residential streets which takes another 43 hours of time to open. There are six crews working on those roads which takes approximately 13 hours to make them passable. Cleanup is taking place now with our crews and no contract labor. Some streets need up to six passes to pick up the snow. Soehren informs the public that it takes more time to remove the snow when cars are parked in the streets. Also large piles of snow needed to be removed from corners

President Johnson questions the use of wing gates. Johnson would like to hear a presentation on pros and cons of snow wing gates. Johnson knows that Bismarck and Mandan use these gates when removing snow and their community does not have an issue with blocked driveways. Johnson states that the City did not suffer much financial devastation in 2009 for snow removal as disaster funds were applied for and reimbursement received.

2. Code Enforcement Report – December, 2009:

7. PUBLIC WORKS – MAINTENANCE AND UTILITIES

Administrator Kessel explains the Acceptance of American Recovery and Reinvestment Act Loan Matters Resolution as it is required by the ND Department of Health for funding of the Cell 3 Hydraulic Improvements project. Kessel explains there are certain responsibilities the City has when authorizing application of funds.

SECONDED BY: Joe Frenzel

To authorize introducing Resolution No. 01-2010 for adoption.

RESOLUTION OF GOVERNING BODY OF APPLICANT

Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Clean Water Act.

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

Motion declared duly passed.

N/A

MOTION BY: Shirley Dukart

SECONDED BY: Gene Jackson

To approve the accounts payable list as presented along with the additional accounts payable list, numbers 71332 to 71408. Said list is available in the Accounting Office.

Commissioner Dukart does express the gratitude to the Boy Scouts for the marvelous job on the planter near Museum Drive.

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

10. CITY COMMISSION:
N/A

11. **PUBLIC ISSUES OF CITY CONCERN NOT ON THE AGENDA:**
N/A

ADJOURNMENT

MOTION BY: Shirley Dukart

SECONDED BY: Gene Jackson

For adjournment of the meeting at approximately 6:22 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: _____