

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, Gene Jackson, Shirley Dukart, and Carson Steiner, Joe Frenzel

Absent were: None

STANDARD MOTIONS1. ORDER OF BUSINESS

MOTION BY: Joe Frenzel

SECONDED BY: Shirley Dukart

To approve the February 16, 2010 Order of Business as presented.

DISPOSITION: Motion carried unanimously.

2. CONSENT AGENDA

MOTION BY: Carson Steiner

SECONDED BY: Gene Jackson

A. Approval of minutes of regular meeting dated February 1, 2010

B. Approval of Traffic Safety Grant to Purchase Radar Equipment

C. Approval of Pledged Securities report dated December 30, 2009

D. Approval of Reclassification of Accounting Manager to Finance Director Effective 3/1/10.

E. Approval of purchase of two-1/2 ton pickups; Solid Waste and Water Utilities at \$26,850 each from Parkway Ford.

F. Approval of purchase of Regional Response Vehicle (2010 Suburban) for Fire Department on State bid from Pfeifle Chevrolet in Wishek

G. Approval of Kinetic Leasing for Snow Blower

H. Approval of Letter of Support for Section 8 Housing Development

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

Motion declared duly passed.

TIMETABLE AGENDA

5:30 PM

TORNADO ABATEMENTS

City Assessor Jan Zent stated that four 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. Abatement forms and a spreadsheet showing the valuation after the tornado damage are also included. To date, forty-seven properties were affected from the tornado which resulted in \$2,295,000 of valuation that was abated from the damages. There are only a few people that have not filed as of date and they have up to two years from the date of the storm to file abatements. City Assessor Jan Zent recommends passing these four abatements.

MOTION BY: Shirley Dukart

SECONDED BY: Joe Frenzel

To approve the four 2009 tax abatements as presented.

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

Motion declared duly passed.

NON-TIMETABLE AGENDA4. **GENERAL ISSUES/FINANCE**

A. VOLUNTEER FIRE DEPARTMENT PENSION PLAN

City Attorney, Matt Kolling reported the proposed ordinance change for the Volunteer Fire Department Pension Plan is to the vesting schedule. There has been no change since the first reading of this ordinance.

MOTION BY: Gene Jackson

SECONDED BY: Shirley Dukart

To approve the second and final passage of Ordinance 1377.

ORDINANCE NO. 1377

AN ORDINANCE AMENDING AND RE-ENACTING SECTION 32.16.140 OF THE CITY CODE OF THE CITY OF DICKINSON, NORTH DAKOTA RELATING TO VESTING UNDER THE DICKINSON VOLUNTEER FIRE DEPARTMENT PENSION PLAN

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

B. SULLIVAN DEVELOPMENT LLC PURCHASE AGREEMENT

City Administrator Kessel received a Purchase Agreement for Lots 26-31 and E38.23' of Lot 32; E46.24' Lot 35; Lots 36-41 Block 5; S110' of Lot 1 Block 6 and Lots 7-11 Block 6; Lots 1-3 Block 3 and all Block 4 for \$54,463. Our code states that if 20 acres are available for purchase that the buyer should purchase at a minimum of 20 acres. Sullivan Development LLC is interested in purchasing this land and they would build necessary infrastructure. City Assessor Jan Zent, City Engineer Shawn Soehren and City Administrator met and discussed the purchase and they recommend the approval of the purchase agreement.

James Sullivan, President of Sullivan Development LLC stated their intentions are to build infrastructure and to sell to other builders and to also build on the property themselves. These buildings typically range from \$160,000-\$190,000 with 1230 square feet per level. These finished products would have 1230 square feet upstairs with one bedroom in the basement. There also would be a bathroom in the basement. Sullivan states they are currently building in Williston. They started out with 28 lots and now have 2 lots available which they are holding on for themselves. Their goal is really to get development built out efficiently and quickly as they can. Sullivan states they are hoping to begin construction this spring.

MOTION BY: Shirley Dukart

SECONDED BY: Carson Steiner

To approve the purchase of Lots 26-31 and E38.23' of Lot 32; E46.24' Lot 35; Lots 36-41 Block 5; S110' of Lot 1 Block 6 and Lots 7-11 Block 6; Lots 1-3 Block 3 and all Block 4 for \$54,463.

DISCUSSION: Commission Joe Frenzel stated he would need to abstain from voting on the motion as this purchase is taking place through his place of employment.

DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 0, Abstain 1 (Frenzel)
Motion declared duly passed.

C. CELL 3 HYDRAULIC IMPROVEMENTS

City Attorney Matt Kolling reports in order to receive funding from the State for the Cell 3 Hydraulic Improvements a resolution must be passed by the governing body.

Commissioner Jackson is concerned if the use of this money will in anyway inhibit future stimulus money that we may receive.

Public Works Director Skip Rapp states that receiving these funds from the State will not affect any future stimulus funding.

MOTION BY: Carson Steiner

SECONDED BY: Joe Frenzel

To authorize introducing Resolution 02-2010 for adoption.

RESOLUTION NO. 02-2010

**RESOLUTION AUTHORIZING ISSUANCE
OF SEWER REVENUE BOND OF 2010**

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

D. CELL 3 HYDRAULIC IMPROVMENTS LOAN AGREEMENT

City Attorney Matt Kolling states this loan agreement is to receive the funding for the Cell 3 hydraulic improvement. The total loan from the State is \$835,958.

MOTION BY: Gene Jackson

SECONDED BY: Shirley Dukart

To approve the Cell 3 Hydraulic Loan Improvement Application.

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

5. PUBLIC SAFETY

A. Reports:

1. Fire Department Monthly Report – January, 2010

Fire Chief Bob Sivak gives his monthly report for January, 2010. Sivak reports January had 14 incidents with two general alarms and a total of 156 inspections.

- 2009 Annual Fire Department Report

Fire Chief Bob Sivak highlighted the 2009 Annual Report. Sivak indicated 2009 had been a busy year with the department with a total of 218 incidents. He indicated the cost per resident remains reasonable at \$22.40. Sivak reported the volunteers have been quite active with training and participating on various boards/committees throughout the state. Fire Department members collectively invested over 2,412 hours of training in 2009. This training included hazardous materials training. Sivak was proud to announce the arrival of a new pumper in late 2009. Sivak also elaborated on the concern the Fire Department is having in regards to inspections. It is taking 18-20 months for a return inspection which should take 12 months. This issue is continuing to be a concern as the community grows. Sivak feels with additional staff a more complete job could be done to keep up on the inspections. Sivak could use another field inspector immediately. Sivak also explains the response time to fires. The standard for a community the size of Dickinson is the fire department should have 15 firefighters on a scene of a structure fire within nine minutes of being notified at least 90% of that time. This is quite challenging as the volunteers come from their homes, place of employment through posted speed limits.

Fire Chief Sivak does encourage residents to become firefighters and if someone is interested they should go to www.dickinsonfire.com or call 701-456-7625.

2. Police Department Monthly Report – January, 2010

Lt. Rod Banyai presented the January 2010 traffic report which includes 90 accidents in January. Banyai states these accidents are in comparison to the 2009 report. Also were 14 school zone citations, 14 school zone warnings, 22 school zone parking tickets. The weather has made it quite difficult to travel around the city.

Lt. Banyai states that the Police Departments usual procedure is to retrieve someone from Dickinson State University to help them translate foreign languages should the need arise.

A. Engineering Services Agreements with Kadrmas, Lee and Jackson (2010 Mill and Overlay Project)

MOTION BY: Shirley Dukart SECONDED BY: Carson Steiner
To award the Engineering Services Agreement to Kadrmas, Lee and Jackson for 2010
Mill and Overlay Street Projects.
DISCUSSION: Commissioner Gene Jackson stated he would need to abstain from
voting on the motion as he is an employee of Kadrmas, Lee and Jackson, Inc.
DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 0, Abstain 1 (Jackson).
Motion declared duly passed

1. Code Enforcement Report for January, 2010

President Johnson would like an update on the impact liability and policy in regards to impact fees.

Soehren will give a presentation on the projects that are completed and the future projects in regard to the impact fees.

Commissioner Jackson would like to review a status report on the undeveloped lots, for sale lots, any new subdivisions, zoned areas, etc. which are City owned.

N/A

A. City Administrator Report

Administrator Kessel explained the City of Bismarck undertook examining small wind energy systems and developed an ordinance in regards to this issue. The City of Dickinson does have an ordinance which addresses energy systems and zoning.

Administrator Kessel provides information on the Dickinson Public Transportation Board. This board was created many years ago and the purpose of

this board was to provide information, oversee operations, investigations, etc. The nature of this Board has changed dramatically in the past year.

The City of Dickinson previously received 5311 grant funding for public transportation. Eldercare has since taken over the taxi cab and is now a direct recipient of 5311 grant funds. . Since Eldercare has taken over the taxi cab the Public Transportation Board choose to become an advisory board several months ago. Their by-laws state the City Commission can dissolve this board by a vote. Kessel has written a letter to all of the board members inquiring their thoughts to continue the board as is or to dissolve the board. All of the board members that responded indicated a desire to dissolve the board as it is not longer needed. Kessel states the members would be happy to serve on a future board if needed.

Commissioner Jackson states this public transit board does not have anything to do with the regional transportation planning as this is done by DOT. This board could potentially be asked for advice only.

Commissioner Dukart states this board was originally Community Action, Social Services, and input from DSU in order to provide rides. Ms. Dukart feels that this board is no longer needed as these issues are handled by Eldercare.

Commissioner Frenzel feels this board should stay intact until the new transit facility is built. Frenzel feels there may be a role for this board in the future after the new public transit building is constructed. He feels there is no need to dissolve at this time and then regroup the board at a later date.

President Johnson feels that it would be appropriate to deal with this issue. He feels Eldercare could deal with items as they came about. Johnson would like to see this issue added to the agenda again. He feels that an Ad-hoc group could be created if a board is needed to discuss public transportation.

3. Transit Building

Kessel presents preliminary sketches of the public transit building. Some site grading will need to be done in order to accommodate the terrific slope on the site. Kessel states any dollars that are saved for site improvements can be used for other building priorities. The present sketches show 3000 square feet of office and 10-12,000 square feet of bus storage. This calculates out to be \$100 per square foot for office space and \$60 per square foot for storage.

4. Baker Building Update

Kessel reports the Baker building was used to house Eldercare until the roof began to leak. Their operations were then moved to the public works building until the transit building is constructed. The Baker building office space is unoccupied at this time but the storage space is full. If the sale of the Baker building took place the City would be hard pressed to find another location for interior storage. Since the public works building is not completed we are hesitant to sell the Baker building. Kessel states the recommendation is to not follow through on the offer and should postpone any future sales on this property until there is a better idea on the public works building construction. Kessel states the offer was slightly low and the City would have counter-offered.

President Johnson assumes as management it is their prerogative to reject the sale the one making the offer can appeal to the commission.

5. PILOT Informational Meeting Date/Time

Kessel reports the PILOT project developer is requesting to have an informational meeting with the City of Dickinson. This meeting will take place on February 23, 2010 at 8:00 a.m. at City Hall.

6. **Tax Increment Financing Interim Tax Committee Review Update**

Kessel reports an interim committee is forming organized through the ND League of Cities in regards to the tax increment financing. This committee will be reviewing the tax laws and how it will affect North Dakota.

7. **Thank You from Southwest Community Service and Restitution Program**

Kessel received a thank you note from Southwest Community Service and Restitution Program for the City's personal and financial support of the community service program.

8. **Thank You from Collin Blade-Make-A-Wish of North Dakota**

Kessel received a thank you note from Collin Blade. Collin Blade has a rare blood disorder. Blade is working through Make-A-Wish Program and part of his wish was to be a police officer for a day. The Dickinson Police Department did a superior job in making Collin's police officer for a day a wonderful experience and Collin along with his family thank the City and the Police Department.

9. **Oil for America, LLC Oil Lease**

Administrator Kessel reports Oil for America, LLC has presented the City with an oil lease. This proposed lease is similar to those executed in the past and consistent with leases executed in the area. While conducting due diligence a discussion took place with the Williston City Auditor where he shared they have asked for an Attorney General's opinion on this issue of whether a City must publicly bid oil leases. The City will wait for the Attorney General's opinion before any action will be taken on this lease.

10. **Recycling Committee Applications**

Administrator Kessel extended the recycling committee application deadline for another week or more. Kessel states several people have shown interest on being on the committee. If anyone is interested in the committee they should contact City Hall.

Commissioner Dukart questions the new public works building. Dukart feels a joint venture could be made with the National Guard. Administrator Kessel states that he has approached the National Guard and a new project is on their radar screen but not in the immediate future. According to the National Guard, due to budget limitations a new building is in the National Guard's future within the next 5-9 years.

9. **ACCOUNTS PAYABLE**

Commissioner Dukart states that approximately \$49,000 was spent for snow removal in January, 2010.

MOTION BY: Joe Frenzel

SECONDED BY: Shirley Dukart

To approve the accounts payable list as presented along with the additional accounts payable list, numbers 071675 to 71852. 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 Jackson discusses the city owned lot issue and wonders if the price of the city owned property is at fair market value. He feels previously, when the lots were partially developed, the price was probably fair.

Commissioner Frenzel also feels that the economy has changed drastically in the past four years and would like to see a price review on the property.

President Johnson feels the Real Estate Committee which consists of Assessor Zent, Engineer Soehren and Administrator Kessel along with the either of the two commissioners that have real estate backgrounds could review the pricing on the city owned properties. Kessel will set up a date and time for the review of the properties.

Administrator Kessel announces there are two seats coming available for the City Commission. Commissioner Frenzel and Commissioner Dukart terms are expiring in June, 2010. Kessel states if anyone is interested they should contact City Hall to make an application. Kessel states there is a signature requirement and that is due by April 9, 2010.

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

None.

ADJOURNMENT

MOTION BY: Shirley Dukart

SECONDED BY: Gene Jackson

For adjournment of the meeting at approximately 6:43 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: _____