

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, Carson Steiner, and Joe Frenzel

Absent were: None

STANDARD MOTIONS1. ORDER OF BUSINESS

MOTION BY: Joe Frenzel

SECONDED BY: Carson Steiner

To approve the March 1, 2010 Order of Business as presented.

DISPOSITION: Motion carried unanimously.

2. CONSENT AGENDA

A corrected set of minutes was provided to the Commissioners for review.

MOTION BY: Gene Jackson

SECONDED BY: Shirley Dukart

A. Approval of minutes of regular meeting dated February 16, 2010

B. Approval of Bid from Midco Diving and Marine Service Inspection of Water Storage Reservoirs for \$3,998.

C. Approval of Fire Department to apply for Energy Development Impact Grant

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

Motion declared duly passed.

TIMETABLE AGENDA

5:30 PM

STARK DEVELOPMENT CORPORATION REPRESENTATIVE -2010 CENSUS AWARENESS CAMPAIGN – LORI JORDHEIM

Lori Jordheim from Stark County Development states she is not an employee of the Federal Government and the Census Bureau and that she works directly for Stark Development. Jordheim states “Be Counted” sites still have not been finalized and will be announced at a later date. She states according to the Denver census bureau the campus area shows a very low census response so she is focusing on receiving census counts from that area. She states the oil field industry workers are also difficult individuals to be counted. Jordheim states citizens should be receiving a census form in the mail very soon. She reports that another reminder flyer will be inserted with the monthly utility bills, a 40’ banner will be hung over Hwy 22N and the local schools have been great supporters for allowing census flyers, etc. to be distributed in the schools. Also radio trivia will be started soon. Jordheim again reminds people to fill out the census and to return them as for every person not counted North Dakota loses \$10,000.

5:45 PM

CITY PARK – DOWNTOWN PARKING OVERLAY

Green Drug owner Dwight Mundy speaks about the inadequacy of not having enough parking spaces in the downtown area. This problem has continued since 1979 and still continues. There is a City Park on the corner of Sims and Villard Street which Mr. Mundy feels could be restructured and more parking spaces could be created in this area. Mundy feels a committee could be created and suggestions could be communicated to the Commission. Mundy states that the maintenance in the park is a nightmare with overgrown bushes, lighting and garbage collecting in the bushes. Mundy feels the park is

not used very often and he feels the only time is at the 4th of July and Christmas time. Mundy's solution is to remove bushes, retain lighting and make more parking spaces.

President Johnson is concerned about the entrance and exit coming off of Sims.

City Engineer Shawn Soehren states the design would have to be reviewed in entering, exiting and parking.

Commissioner Steiner agrees with Mundy as the integrity of the park needs to remain but to also gain some parking spaces.

Commissioner Dukart stated the reason some downtown business have moved is because of the parking issues.

Administrator Kessel presents the handout which states the preliminary cost estimate could be approximately \$75,000.

Esquire Club owner Bernie Marsh states there has been a parking problem for quite some time. Marsh feels that now is the time to take charge of the issue and to add more parking.

Brickhouse Grille owner Mike Reisinger states that he is a newer business owner and he feels there is a need for parking and feels parking can be used around the rock area in the city park. There is a problem with the bushes being overgrown and also the garbage that collects there is quite a problem. He states there are 11 businesses facing Villard Street and there is only parking spaces on that street for 9 cars. Another issue is renters who leave their cars parked on the side of the streets take up to 2-3 spaces and are not moved on a regular basis. He also does not feel there is much use of the park only at holiday times.

Urban Forestry Committee Member Keith Fernsler does not agree with the changes proposed of the City park. He feels an entrance from Villard or Sims would be a safety hazard. If parking spaces are constructed in the park the City would lose the sprinkler system and many trees would be lost and there has been much time invested in pruning and shaping the bushes. He feels there is a need for space for the Christmas tree. He feels there are other options such as 2-4 hour parking and this may take care of the parking problems in the downtown area.

Urban Forestry Committee Chairman Robert Keogh states that this has been a problem for many years. Keogh would like to have some time for the Forestry Committee to review this issue and to present some solutions. Keogh would like to find a way to make the park more functional and possibly more parking spaces.

Colors of Health Owner Linda Krank feels that customers are not going to drive around the block many times to find a parking space, they will go elsewhere. She feels that this would be a good start and we should find a solution. She is wondering if this was a commissioners business would they deal with the problem or would they just let it slide.

Commissioner Dukart feels the parking lot next to Westwind could be useable with trees and greenery. Dukart states the downtown cannot service a client if there is no parking. She would like to make the park feasible for everyone and keep merchants downtown.

Commissioner Jackson does like a green spot in downtown. He feels more input is needed and more options should be looked at. He feels Villard frontage should continue to be kept green.

Commissioner Steiner feels alternate designs should be brought to the meeting and more opinions should be voiced. A public hearing should be held next meeting.

President Johnson feels the parking lot next to Westwind could possibly be improved and this would lessen the parking problem downtown.

City Engineer Soehren states the City did purchase that parking lot 7 years ago and did plan on improving it. There is a power pole in the middle of the parking lot and this was to be removed. Now that the pole is not going to be removed the City should look at improving that lot.

President Johnson states a public hearing will be held on March 15, 2010.

NON-TIMETABLE AGENDA

4. GENERAL ISSUES/FINANCE

A. DECEMBER FINANCIAL REPORT

Finance Director Tina Johnson highlighted the December 2009 financial report. Director Johnson states this is the first year the Major Maintenance Reserve has been distributed to the West River Community Center. Johnson also states that a 5% increase in revenue for the Solid Waste Department was budgeted as they have been experiencing higher expenses due to the tornado and fire.

MOTION BY: Shirley Dukart

SECONDED BY: Joe Frenzel

To accept the December, 2009 Financial Report as presented.

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

Motion declared duly passed

B. DICKINSON PUBLIC TRANSPORTATION BOARD

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 quite a bit in the past year. The City of Dickinson previously received 5311 State grant funding for the taxi cab. Eldercare has since taken over the taxi cab and the City no longer receives 5311 funds. Their by-laws state the City Commission can dissolve this board by a vote. Kessel has written a letter to the board members inquiring their thoughts to continue the board as is or to dissolve the board. Most of the board members responded and decided to dissolve the board as it is no longer needed. Kessel states the members would be happy to serve on a future board if needed.

Colleen Rodakowski, Director of Eldercare, supports dissolving the Transportation Board. Rodakowski thanks the board members for their past support. Eldercare has taken over the 5311 funding distribution. She states that if there are any complaints people come directly to Ms. Rodakowski or Eldercare. She is in agreement with dissolving the board.

MOTION BY: Shirley Dukart

SECONDED BY: Joe Frenzel

To dissolve the Dickinson Public Transportation Board

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

Motion declared duly passed.

5. PUBLIC SAFETY

A. Reports:

None.

6. PUBLIC WORKS – ENGINEERING

A. 2010 Urban Road Cost Participation Agreement for Project 1st Street West from State Avenue to ND 22 and 2nd Street West from State Avenue to ND 22.

City Engineer Shawn Soehren presents the 2010 Urban Road Cost Participation Agreement for Project 1st Street West from State Avenue to ND 22 and 2nd. Street West from State Avenue to ND 22. This Mill and Overlay project has an April bid letting date set. This is a standard DOT contract to allow federal funding for this project. The project cost is \$1,744,000.

MOTION BY: Gene Jackson

SECONDED BY: Shirley Dukart

To approve the 2010 Urban Road Cost Participation Agreement for Project 1st Street West from State Avenue to ND 22 and 2nd Street West from State Avenue to ND 22.

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

Motion declared duly passed

B. Lincoln Lift Station

City Engineer Shawn Soehren explains the concerns of an increased volume of sewage going through the lines in the central part of town coming from hotels/motels on Museum Drive. This lift station would alleviate these concerns. Bid letting was on February 16th and Molstad Excavating was the lowest bidder and Engineer Soehren recommends the signature of the Notice of Award to Molstad Excavating, Inc. Soehren states Molstad Excavating Inc. is an easy company to work with and is very reputable.

MOTION BY: Joe Frenzel

SECONDED BY: Gene Jackson

To approve the Notice of Award to Molstad Excavating, Inc.

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

Motion declared duly passed

C. Reports:

1. Development Impact Fees

City Engineer Shawn Soehren reports on the development impact fee and he has seen a lot of activity over the past couple of months with developers platting new subdivisions with developing water, sewer and streets. Soehren feels it is good to review an ordinance to include projects and developer concerns. Development impact fees ordinance states any developers who have 51% ownership can request impact fees. The developers are eligible for 50% of the cost improvements not to exceed \$300,000. These projects have to be within city limits and standards. The City has created 170 improved lots which currently 86 lots have houses or business built on them 50% of those nine projects have been developed over time. Soehren presented a worksheet in regards to the projects, assessments, payments, reimbursements and funds yet to be received. Soehren does state projects are geared to \$300,000 but there has been an increase in asphalt and other costs over the last few years. Soehren states only one project had fallen through and the impact funds were refunded to the City.

Commissioner Jackson remembers the 1980's and this causes him to be more conservative. He feels that new development is needed but the numbers need to be reviewed again.

Developer Jason Fridrich states the \$300,000 limit on development impact fees is not enough. He states that projects are costing between \$100,000 and 200,000 more than in the past. Fridrich states lots are selling fast and he

would like to create some streets, water and sewer. He feels the City should support the developer as this benefits the city by new construction.

Commissioner Frenzel questions Fridrich on how his lender would allow the City to lend the developer money and have the bank as a second lien against the property. Frenzel would like to hear from some of the bankers.

Fridrich states there has never been any problems with the lender and the developer. He states the purchaser is taking over the lots and would be responsible for the development impact fees which are assessed to their property. Fridrich states the banks only finance 65% of the land.

President Johnson asks Mr. Fridrich why the City should be the lender to the developer and why should the taxpayer bear part of the risk. Johnson is comfortable with the risk the City is taking right now with the \$2 million limit. If the City took a \$2 million dollar hit they could absorb it. He does not want to increase the development impact fees. Johnson is concerned with the economy if it worsens throughout the US we will attract contractors and developers out of the area and we won't know them like we know the local contractors and developers and have to do due diligence we haven't had to do in the past. The City is actually being the lender here and they need to be careful of who they lend to.

Administrator Kessel states this is like the PILOT program which was requested of the City a month ago.

President Johnson reiterates the City needs to be careful of the risk even if it slows development. Developers are not entitled to public money and the City needs to see what is in the best interest of the City. He states the City has been taking a reasonable approach so far and this is working. The City offers incentives on property taxes for new home builders at this time.

Administrator Kessel states we are being exposed to the finances of other communities and the City of Dickinson's financial strength is one of the strongest he has ever seen. This stability will help the City down the road. He states priorities will be discussed in April when talk about the capital improvements come to the table.

Commissioner Jackson feels that a better handle needs to be on the incentives that the City is allowing for developers, home owners, etc.

President Johnson reveals the City needs to look at the future needs of the City and the growth of the City. The City will not be the same for 30-40 years and the growth will change. Johnson states that we are in good financial strength but he would like to keep it that way.

President Johnson thanks Mr. Soehren for a good development impact fee report.

7. PUBLIC WORKS – MAINTENANCE AND UTILITIES

A. Reports:

1. Tire Recycling:

Public Works Director Skip Rapp thanks the Solid Waste staff for their effective and efficient operations of the Solid Waste Department. Rapp reports that he has some concerns about burying used tires. The staff has found an alternate solution

to burying tires and that would be recycling. A company in Minnesota grinds up the tires and uses them for other products. Rapp feels a minimal charge can be assessed to the citizen bringing in the tire and then it could be shipped to Minnesota and recycled. Rapp reports that shredding tires is very expensive and the City may look into a different shredder in order to shred the tires ourselves. The Commissioners feel this is an excellent opportunity to continue recycling in our community.

2. 2009 Storm Water Report:

Public Works Director Skip Rapp would like to thank Ken Miller for all the work he has done for the Water Utilities Department. Rapp states Mr. Miller has done an extremely good job over the past year with complying with all the rules and regulations. Rapp presents the report this meeting for informational purposes and will ask for an approval on the report next meeting.

8. ADMINISTRATION:

A. City Administrator Report

1. Volunteer Labor Credit Regarding Tornado

Administrator Kessel reports the City was responsible for 3% match in regards to the FEMA reimbursement for tornado recovery. The City's volunteer hours provided the necessary 3% match required to recover from the tornado.

2. Public Works Building Architect and Engineering Recommendations

Administrator Kessel states an RFQ for the public works building was requested and 3 responses were received. A committee of Commissioner Steiner, Public Works Director Rapp, Ed Krank, Aaron Praus and Kessel reviewed the RFQs for the design of the public works building. An interview process has been completed and at the next commission meeting a request will be made to approve the recommended designer.

3. Recycling Committee Update

Administrator Kessel states numerous applications were received for the Recycling Committee and members were selected to serve on the committee. The first meeting will be set up for next week.

4. Talk Show

Administrator Kessel states a talk show has been created in regards to the issues of the City. The first interview was held with Lori Jordheim, Eli Turnbough, Shawn Kessel and Shawn Soehren. Topics discussed were the 2010 Census and snow removal. If a citizen would like to have a topic discussed please notify City Hall. This talk show will air on Channel 19.

5. Paperless Agenda Packets

Administrator Kessel approached the Commission in regards to paperless agenda packets. Kessel states going paperless would eliminate the binders which tend to get thick with all the information provided. Minimal discussion took place and this option will be considered at a later date.

9. ACCOUNTS PAYABLE

MOTION BY: Gene Jackson

SECONDED BY: Shirley Dukart

To approve the accounts payable list as presented along with the additional accounts payable list, numbers 071853 to 71950. 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 Frenzel states that he will not be seeking a fourth term on the City Commissioner. Frenzel thanks everyone for the support and feels it is time for a change on the Commission. A detailed thank you from Frenzel will be given in June.

President Johnson states the Commission will express their appreciation at a later date. Johnson appreciates the service that Frenzel has given the community.

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

None.

ADJOURNMENT

MOTION BY: Shirley Dukart

SECONDED BY: Carson Steiner

For adjournment of the meeting at approximately 7:21 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: _____