

I. CALL TO ORDER

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

II. ROLL CALL

Present were: President Dennis W. Johnson, Commissioners Joe Frenzel and Bill Reitmeier  
Absent were: Commissioners Rhonda Dukart and Carson Steiner

STANDARD MOTIONS1. ORDER OF BUSINESS

MOTION BY: Bill Reitmeier                      SECONDED BY:     Joe Frenzel  
to approve the January 18, 2005 Order of Business as presented with the addition of the City Commission Agenda Addendum to include #7C - Land south of Wastewater Treatment System.  
DISPOSITION:             Motion carried unanimously.

2. CONSENT AGENDA

MOTION BY: Joe Frenzel    SECONDED BY:     Bill Reitmeier  
A. Approval of minutes of regular meeting dated January 3, 2005;  
B. Authorization to send out 2005 Senior Citizen Grant applications;  
C. Approval of quote dated January 3, 2005 from Fisher Sand & Gravel to recycle concrete;  
D. Approval to appoint Darcy Kovash to the Urban Forestry Committee (term to expire 12-31-07);  
E. Approval of NDDOT Contract Extension for the Regional Transportation Study until April 29, 2005;  
F. Approval of Ultra Tec Products, Inc. CDBG Amendment #05.  
DISPOSITION:             Roll call vote...Aye 3, Nay 0, Absent 2.  
Motion declared duly passed.

TIMETABLE AGENDA

5:30 PM

2003 AUDIT - ND STATE AUDITOR=S OFFICE - AUGIE TERNES

Augie Ternes, Audit Manager for the State Auditor=s Office presented highlights for the 2003 audit. He stated 2003 was the first year the City had to implement the GASB34, therefore the 2003 report establishes a baseline for comparison in future years. He stated the City has a healthy general fund cash balance. President Johnson questioned whether the balance the City holds is comparable to other cities. Ternes stated the months of cash flow represented by the cash balance are comparable and normal for municipalities. He stated all utility funds had a positive cash flow with income exceeding expenses. He noted all pension plans were 100% funded for the year. Ternes stated all numbers indicate good budgeting practice and numbers well within acceptable ranges.

5:45 PM

TAX ABATEMENT - BENEDICT COURT

City Assessor Jan Riesinger, presented a 2004 Abatement for Benedict Court. She stated the abatement was the result of the January 3, 2005 City Commission meeting wherein they approved a property tax exemption. Riesinger stated Benedict Court is requesting the value of \$1,799,000 be reduced to \$932,950. She stated she recommended approval of the abatement.

MOTION BY: Joe Frenzel    SECONDED BY:     Bill Reitmeier  
to approve the Application for Abatement and Settlement of Taxes request from Benedict Court reducing the value from \$1,799,000 to \$932,950 for 2004  
DISPOSITION:             Roll call vote...Aye 3, Nay 0, Absent 2.

Motion declared duly passed.

### NON-TIMETABLE AGENDA

#### 4. GENERAL ISSUES/FINANCE

##### A. STREET SWEEPING FINANCING

Director of Finance and Administrative Services, Tim Kessel, presented proposals for the RFP that was sent to all financial institutions requesting financing for the new street sweeper.

He stated seven proposals were received. His recommendation was to accept the proposal submitted by Bank of the West.

MOTION BY: Joe Frenzel

SECONDED BY: Bill Reitmeier

to accept the proposal received from Bank of the West for lease financing the Street Sweeper at 3.50%, with a down payment followed by monthly payments over 48 months.

DISPOSITION: Roll call vote...Aye 3, Nay 0, Absent 2.

Motion declared duly passed.

##### B. CASH MANAGEMENT PROPOSAL

Director of Finance and Administrative Services, Tim Kessel, presented proposals for cash management services for the City of Dickinson. He presented a breakdown of proposals received and stated it was his opinion that based upon numbers presented, American State Bank and Wells Fargo were the two best proposals for the City. President Johnson noted that according to the numbers, there was a difference of \$5,000 between the top two proposals. Tim Kessel stated that the difference was caused by the fact that American State required a \$600,000 balance in the operating account to cover costs, whereas, Wells Fargo said the minimum balance would be about \$275,000. Johnson questioned whether there was representatives of Wells Fargo or American State Bank who wished to speak. Larry Ziegler of American State Bank thanked the Commission and staff for the opportunity to present a proposal for the City=s cash management. They stated they have served the City of Dickinson for the past fifteen years and if chosen to continue would continue to serve the community with their banking expertise along with provide trust and investment services. President Johnson stated the City has been served well over the past years by American State Bank but noted both bidders are qualified and felt it would be difficult to ignore bid from Wells Fargo Bank which projected \$5,000 more in income to the city each year.

MOTION BY: Bill Reitmeier

SECONDED BY: Joe Frenzel

to accept low bid from Wells Fargo Bank for the City=s Cash management services.

DISCUSSION: Commissioner Frenzel stated it was difficult to second the motion as

American State Bank has served the needs of the City well over the years but felt the City needed to accept low bid as Wells Fargo Bank is also qualified to provide the services to the City. Reitmeier echoed the comments of Commissioner Frenzel.

DISPOSITION: Roll call vote...Aye 3, Nay 0, Absent 2.

Motion declared duly passed.

##### C. REPORT:

###### 1. Fox Lawson Workshop:

Greg Sund stated last week a telephone conference call was held with Bruce Lawson of Fox Lawson and Associates. He stated Shawn Soehren, Ken Kussy, Tim Kessel and he participated in the conference call. He stated good discussion was held. He typed a report regarding the call and discussed it with the Civil Service Commission. He stated it was the recommendation of the Civil Service Commission that Mr. Lawson come to Dickinson for a day long workshop. He stated the sessions would include one session for all interested parties, one meeting with the City Commission and Civil Service Commission and one with the managing team. He stated the Civil Service Commission looked at the workshop as ongoing maintenance needed for the compensation system. Sund stated the cost of the workshop was estimated at a maximum of \$4,500. Sund stated it was his recommendation that the City proceed with the workshop but noted the costs were not a 2005 budgeted item.

President Johnson asked how the workshop will benefit the City. Sund stated the current compensation system is based on a study conducted in 1998 and there are still components of the system that are confusing to employees, Civil Service Commission, City Commission and management. He stated it is difficult for the Civil Service Commission to work with the system as since the study was implemented 4/5ths of the commission are new members. He stated there are day to day issues of how to update and edit the system and how the percentage of work should be applied. Frenzel questioned where the costs for the workshop would be obtained as it is not budgeted. Sund stated costs would likely come from the general fund with the option of charge the utilities for a portion of the expenses. Johnson stated he read Sund=s notes regarding the telephone conversation and stated it seemed to make a lot of sense and felt it would be beneficial to have Mr. Lawson travel to Dickinson. Commissioner Reitmeier questioned when the workshop would likely be scheduled. Sund stated it would likely be in March before the day can be scheduled.

MOTION BY: Bill Reitmeier                      SECONDED BY: Joe Frenzel  
to authorize the City request Bruce Lawson of Fox Lawson & Associates to schedule a workshop in Dickinson to review the current compensation plan and instruct interested parties how to manage it.

DISPOSITION: Roll call vote...Aye 3, Nay 0, Absent 2.  
Motion declared duly passed.

## 5. PUBLIC SAFETY

### E. REPORTS:

1. Police Department Yearly/Monthly Report:  
Police Chief Gary Banyai presented a powerpoint presentation of the year end and monthly activity report. He stated in comparison to 2003 numbers: calls for service were up 6.75%; accidents investigated down 7%; traffic summons issued were up 18%; traffic warnings were up 19% and misdemeanor arrests were down 9%. He stated detail of the annual statistics are available on the city=s web site: [www.dickinsongov.com](http://www.dickinsongov.com).

2. Fire Department Monthly Report:  
December monthly report for the Fire Department was presented with no oral discussion.

## 6. PUBLIC WORKS - ENGINEERING

### A. REPORT

1. Code Enforcement Report for December 2004:  
City Engineer Shawn Soehren, was not available for the meeting but provided the ~~December~~ 2004 Code Enforcement Report. Sund stated it is positive to see the total new building permits are up by 15 over 2003 numbers.

2. State Addition Joint Meeting on January 26, 2005 at 9:00 AM:  
President Johnson reminded the Commission that a joint meeting of the Planning and Zoning Commission, City Commission and County Commission was scheduled for January 26, 2005 to discuss zoning options for the western part of State Addition.

## 7. PUBLIC WORKS - MAINTENANCE AND UTILITIES:

### A. SEWER BACKUP CLAIMS:

Public Works Manager, Skip Rapp, presented a list of claims received for the sewer backup damages. He stated based upon a meeting with Commissioners Steiner and Dukart, City Administrator Sund and himself, it was the recommendation the City pay out 100% of the clean-up costs and 2 of other costs until the adjuster submits his report of damage. Johnson questioned whether the committee recommendation was acceptable to the affected property owners. Rapp stated based upon bills submitted they are in agreement. He stated the 50% payment of costs could be adjusted due to the finalization of the ordinance which would establish the City=s policy for sewer backup damages. He stated once completed the City could pay up to 100% of replacement cost. Johnson questioned whether there were any homeowners in the audience who wished to speak in regard to the issue. No owner present



MOTION BY: Joe Frenzel

SECONDED BY: Bill Reitmeier

to authorize City staff proceed with the potential purchase of 320+ acres at a cost of \$800/acre subject to the direction and approval of City Attorney Priebe.

DISPOSITION: Roll call vote...Aye 3, Nay 0, Absent 2.  
Motion declared duly passed.

8. ADMINISTRATION:

A. CITY ADMINISTRATOR REPORT:

1. City owned Property price increase proposal:

Sund stated based upon Commissioners Frenzel and Steiner's request, city staff has drafted a proposal to change prices on city owned property. Sund asked that commissioners review the list which includes current list price and proposed list price. Johnson noted the proposed increase is substantial. Sund acknowledged this fact and asked Commissioner Frenzel to comment on the proposal. Sund added the majority of remaining city owned property is undeveloped. Frenzel stated because the City has a very limited amount of residential property left for sale, the City should value the developed property higher to get back up to private market. He stated over the last 15 years, the appraisers have put virtually no value on land as they use the market set by the city which is nearly zero value and felt it is time the city gave value back to land. He stated the City can not sell undeveloped land yet give away developed land. Johnson stated he understands the taxpayers should receive the benefit of the value of the land versus a speculator but wanted to make sure Dickinson's develop land costs are less than Bismarck, Fargo, Rapid City, etc.

2. SW Night at the Legislature:

Sund stated should anyone be interested in attending the SW Night at the Legislature on Monday, January 31<sup>st</sup>, to contact City Hall so reservations can be made. President Johnson and Commissioner Reitmeier stated they will attend and asked for reservations be made.

3. Alcoholic Beverage Code draft amendment:

Sund stated a draft amendment has been prepared for revisions to the alcoholic beverage code. He stated the amendment deals with revocation and suspension by the City Commission. Sund asked for Commission direction on the draft. Johnson questioned whether clarification was needed regarding #a1d Alegal, bona fide resident@ and asked if it applies to the manager. Sund and Priebe stated the draft includes a tiered penalty scale and was drafted after the City of Fargo. Commissioners noted the draft included five offenses and felt the need to reduce the offenses allowable. Frenzel noted the ordinance refers to managers and violations of the law. He stated he is aware of at least one manager in Dickinson that has been convicted of DUI yet the City Commission was never made aware of it, therefore had some problems with the draft and how it is applied. Sund stated clarifications can be made to the appropriate sections. Frenzel stated revocation and suspension will likely depend upon the offense violated. Johnson questioned how the City would deal with a habitual offender. Priebe stated further discussion could be held and clarification made if deemed acceptable to the Commission. Frenzel stated revocation of a license should always be an option. Johnson noted that even though we can revoke a license, the licensee can still be subject to criminal penalty.

Commission directed revisions to the ordinance be reviewed by the City Commission prior to meeting with the liquor license establishments.

4. Energy Development Impact Grant Appropriation:

Sund stated he testified at a hearing on Energy Impact grant appropriation. He stated the program has been capped since 1991 and there is some legislators talking about removing the cap. He stated currently the cap is \$5 million per biennium.

5. Bills Submitted on City's behalf:

Sund stated he has and will be testifying on several bills submitted by Senator Wardner. Bills submitted were regarding retiree health insurance, allowance for government agencies to take property for taxes to seek reimbursement from former owner, study possibility of



Board of City Commissioners

Date: