

REGULAR MEETING DICKINSON CITY COMMISSION FEBRUARY 21, 2006

I. CALL TO ORDER

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

II. ROLL CALL

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

STANDARD MOTIONS

1. ORDER OF BUSINESS

MOTION BY: Bill Reitmeier SECONDED BY: Rhonda Dukart

To approve the February 21, 2006 Order of Business as presented.

DISPOSITION: Motion carried unanimously.

2. CONSENT AGENDA

MOTION BY: Rhonda Dukart SECONDED BY: Bill Reitmeier

To approve the consent agenda items with the addition of the Library, Convention and Visitors Bureau building, Joachim Museum, and if approved by their board, the Dinosaur Museum to the ESG Contract in 2B:

A. Approval of minutes of regular meeting dated February 6, 2006;

B. Approval of Agreement with Energy Services Group (ESG)

C. Approval of Pledged Securities report for December 31, 2005;

D. Approval of NDDOT Traffic Safety Contract for 2006 overtime wages;

E. Approval to bid Tool Cat sole source from West Plains Implement (2006 budgeted item)

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

Motion declared duly passed.

TIMETABLE AGENDA

5:45 PM

PUBLIC HEARING – DEVELOPMENT IMPACT FEE ORDINANCE AMENDMENT

President Johnson opened the public hearing at 5:45 PM regarding gathering input regarding amendments to the development impact fee ordinance. No public input was received. Johnson closed the public hearing at 5:46 PM.

MOTION BY: Bill Reitmeier

SECONDED BY: Carson Steiner

To approve first reading (and waiver thereof) of Ordinance No. 1311:

ORDINANCE NO. 1311

AN ORDINANCE AMENDING AND RE-ENACTING SECTIONS 2.70.010, 2.70.020, AND 2.70.100 OF THE CITY CODE OF THE CITY OF DICKINSON, NORTH DAKOTA RELATING TO DEVELOPMENT IMPACT FEES

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

Motion declared duly passed.

NON-TIMETABLE AGENDA

4. GENERAL ISSUES/FINANCE

A. DECEMBER 2005 MONTHLY FINANCIAL REPORT

Timothy Kessel, Director of Finance and Administrative Services presented the December 2005 monthly financial report.

MOTION BY: Joe Frenzel

SECONDED BY: Carson Steiner

To accept the December 2005 monthly financial report as presented.

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

B. CONTRACT WITH DICKINSON AMBULANCE SERVICE

Police Chief Chuck Rummel presented an agreement for dispatching services for the Dickinson Area Ambulance Service. He stated a couple months ago the Dickinson Ambulance Service approached the City requesting that the communication center answer all telephone calls to Dickinson Ambulance. Rummel stated because the City's communication center currently answers all 911 calls, he anticipated the additional calls per month would be approximately 30-40, therefore could be handled without additional staffing requirements. He stated the Ambulance Service has agreed to pay the City \$150 per month for the service. City Attorney Timothy Priebe stated he was involved with conversation and drafting of the agreement and noted if approved, the contract would be effective as of March 1, 2006.

MOTION BY: Joe Frenzel SECONDED BY: Carson Steiner
To approve the Agreement with Dickinson Area Ambulance Service for dispatch services
for the ambulance service subject to correcting paragraph two of the contract making the
effective date March 1, 2006.

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

C. PRECINCT BOUNDARIES AND POLLING PLACES ORDINANCE AMENDMENT

President Johnson referenced Ordinance No. 1310 which amends the voting precinct boundaries based upon the annexation of the NDSU land in Section 32. President Johnson asked if there was any public comment regarding the ordinance. No public comment was received. Sund stated the description for Precinct No. 2 changed slightly from first reading and it was the intent to keep everything north of the interstate in Section 32 in Precinct 1 and the balance was included into Precinct 2.

MOTION BY: Joe Frenzel SECONDED BY: Carson Steiner
To approve second reading and final passage of Ordinance No. 1310:

ORDINANCE NO. 1310

AN ORDINANCE AMENDING AND RE-ENACTING SECTION 1.080 OF THE CITY CODE OF THE CITY OF DICKINSON, NORTH DAKOTA RELATING TO PRECINCT BOUNDARIES AND POLLING PLACES.

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

D. LOCAL MATCH FOR AIRPORT GRANT

Greg Sund stated the federal grant the Airport received for airport promotion is complete with a funding shortfall of \$635.65. Sund questioned whether the City is willing to cover the shortfall or ask for reimbursement from the Airport.

MOTION BY: Bill Reitmeier SECONDED BY: Rhonda Dukart
To amend the 2006 general fund budget to cover the \$635.65 shortfall for the Dickinson Airport Promotion grant and amend General Fund budget accordingly.

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

E. SOLID WASTE REAR LOAD TRUCK AND BODY LEASE/PURCHASE

Finance Director and Administrative Services, Timothy Kessel, stated three proposals were received for the lease/purchase of a Solid Waste Rear Load Truck and Body. He stated the City sought proposals in the amount of \$65,000 for four years. He stated all three institutions quoted financing rates within 21 basis points of each other and after compiling the calculations there was a total difference of \$63.75 among the three proposals. Kessel recommended accepting the proposal from Wells Fargo Bank subject to requiring Wells Fargo Bank provide the required documentation within two weeks and close within two weeks.

MOTION BY: Rhonda Dukart

SECONDED BY: Bill Reitmeier

To accept the Lease/Purchase proposal from Wells Fargo for the Solid Waste Rear Load Truck and Body (\$65,000, 4.81%, 48 months with payments in the amount of \$1,485.36) subject to requiring Wells Fargo Bank to provide the required documentation within two weeks and close within two weeks.

DISCUSSION: President Johnson stated because the proposals from all three institutions were virtually equal, whether it was in the City's best interest to spread the City's business among the different institutions. He stated it is common that the City receives bids from the same three institutions and it may be good business to reward one of three not recently successful. Commissioner Steiner echoed the comments of President Johnson. Commissioner Frenzel stated the institutions could misconstrue the gesture as meaning the City is not interested in the most competitive bid. Johnson noted his statement was for those instances when the proposals are equal or near equal to each other.

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

F. CIVIL SERVICE ORDINANCE AMENDMENT

City Attorney Timothy Priebe highlighted the proposed Civil Service Ordinance amendment. He stated over the last several days he has received calls with concerns regarding the ordinance. He stated the basic purpose of the amendment was to try and clarify the structure of the Civil Service Commission (CSC). He stated in the last couple years the CSC has been placed in situations when they have not felt comfortable making a recommendation that was an issue that the City Commission had authority over. He stated the amendment would clarify the CSC role, the Human Resource Committee/Department role and the City Commission's role on specific items. Priebe stated he felt additional work was need on the wording of the amendment prior to consideration of final passage. President Johnson stated it was his recommendation that no action be held at this time to allow City Attorney Priebe additional time to further review and revise and also allow people additional time to comment.

G. CLEAN UP ORDINANCE

Greg Sund stated the ordinance draft would repeal sections of the code that are no longer enforced or used by the City. President Johnson asked if there was any public comment regarding the ordinance. No public comment was received.

MOTION BY: Rhonda Dukart

SECONDED BY: Bill Reitmeier

To approve first reading (and waiver thereof) of Ordinance No. 1312:

ORDINANCE NO. 1312

AN ORDINANCE REPEALING CHAPTER 16 OF THE CITY CODE OF THE CITY OF DICKINSON, NORTH DAKOTA RELATING TO FROZEN DESSERTS, ARTICLE 21.08 RELATING TO GOING OUT OF BUSINESS SALES, ARTICLE 21.12 RELATING TO LICENSING OF MOBILE HOME COURTS, CHAPTER 22 RELATING TO MEAT LICENSES AND SECTION 25.16.06010 RELATING TO SUNDAY BUSINESS OR LABOR.

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

H. REPORT:

1. Property Tax Report:

Tim Kessel presented an overview of the breakdown for property taxes for year 2005. He stated based upon population, the City of Dickinson is sixth largest out of the top 12 largest cities in ND; he stated of those cities Dickinson ranks seventh based on 2005 taxable valuation and 11th when it comes to total mills. Commissioner Steiner requested a colored copy of the presentation so the charts are easily distinguishable and can be used to assist and explain issues to concerned citizens.

2. Cash Management Interest Income Reports:
Presented for informational purposes.

5. PUBLIC SAFETY

A. REPORTS:

1. Fire Department Monthly Report:

Acting Fire Chief, Bob Sivak, presented the monthly summary of activities

2. Fire Department Year End Report:

Acting Fire Chief, Bob Sivak, presented the 2005 Annual Report for the Fire Department. He stated the report includes the new mission and value statement as adopted by the department. He stated the department operates with five different types of responses and referenced the alert crew, night duty, special operations, general alarm, and Full Time personnel/Officer in Charge. He noted the City received a refund from the ND Insurance Reserve Fund in the amount of \$61,251.21 which assists to keep the fire protection cost per capita reasonable. Sivak noted the equipment replacement projection, training hours and fire prevention activities. Commissioner Reitmeier thanked Sivak for the department's new mission statement and their cooperative efforts.

3. Police Department Monthly Report:

Police Chief Chuck Rummel presented highlights on department activities. He stated for year 2005 the SWTT team accumulated 1122 training hours and stated all SWTT members have received a semi-auto rifle certification. He stated they had six actual call-outs in 2005 which included two high risk search and/or arrest warrants, two barricaded subjects, one high risk drug delivery/arrest and one federal arrest warrant. Rummel presented a report from Lieutenant Wallace regarding school resource activities for January. He stated the activities included five parking tickets, two traffic citations, 10 incidents at Hagen, 14 incidents at Dickinson High School, one juvenile referral for theft, and six safety presentations. Rummel also presented accomplishments of the department since he became Chief. Some included the addition of a drug dog; three new patrol division personnel, new computers and work stations, new police department web page, new patrol car design, new 12-hour shift implementation; new glock handguns for all personnel, differential pay implemented and integration of the Bike Program into Patrol duties

Gary Kostelecky stated the Communications Center at the Law Enforcement Center was recently renovated. He stated it was a substantial upgrade to the dispatch center which allows use of digital radios, new furniture which is ADA compatible and the work surface is hydraulic which allows the keyboards to be used in varied positions. He stated the area is environmentally controlled with capabilities of 4 stations. Commissioners were invited to view the new area.

4. Alarm Monitoring Ordinance Amendment:

Captain Stewart Stenberg presented background from other cities regarding alarm monitoring. He stated the City received a request that the City monitor auto dialers. Stenberg stated he contacted five cities: Williston, Minot, Bismarck, Fargo, West Fargo and learned none of those cities allow calls to dispatch from auto dialer systems. He stated all ordinances prohibit the use. He stated in talking with the cities he learned that not only are they not monitoring auto dialers but they are phasing out monitoring of alarm systems. He stated it is believed that the monitoring of alarms should be done by private companies. Stenberg stated the City currently monitors 56 alarms. Commissioner Dukart stated she agrees that auto dialers should not be monitored by the Police Department. Stenberg stated based upon information received from other cities, he believes it is worthwhile the City research the possibility of discontinuing alarm monitoring.

6. PUBLIC WORKS - ENGINEERING

A. 2006 SIDEWALK ASSESSMENT DISTRICT

City Engineer Shawn Soehren requested approval to create the 2006 Sidewalk Improvement District. He stated it is a mechanism which allows citizens to make improvements to sidewalks, curbs and gutters which are within the street right of way through a voluntary special assessment process. He stated over the years the district has grown and feels it is a benefit to the City and citizens.

MOTION BY: Bill Reitmeier
To authorize introducing Resolution 02-2006:

SECONDED BY: Rhonda Dukart

RESOLUTION NO. 02-2006

A RESOLUTION CREATING SIDEWALK IMPROVEMENT DISTRICT 2006-1 OF THE CTIY OF DICKINSON AND AUTHORIZING THE IMPROVEMENTS AND ASSESSMENTS.

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

B. RESOLUTION DIRECTING ENGINEER TO PREPARE ANNUAL REPORT FOR 2006 SEAL COAT ASSESSMENT

City Engineer Shawn Soehren requested authorization to prepare the annual report for the 2006 Seal Coat Assessment district. He stated the district is located north of Interstate 94 and is year eight of the ten year district.

MOTION BY: Bill Reitmeier
To authorize introducing Resolution No. 03-2006 for adoption:

SECONDED BY: Carson Steiner

RESOLUTION NO. 03-2006

A RESOLUTION DIRECTING ENGINEER FOR THE CITY OF DICKINSON TO PREPARE THE ANNUAL REPORT FOR THE 2006 PORTION OF THE TEN-YEAR SEAL COAT IMPROVEMENT DISTRICT.

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

C. REPORT:

1. Code Enforcement Report for January 2006:
Presented for informational purposes.

2. Highway 22 Project Update:

City Engineer Shawn Soehren updated the Commission on continued conversation with NDDOT regarding the request for a concrete intersection at 15th Street and also a channeling island on 14th Street and Highway 22. He stated NDDOT has agreed to a concrete intersection and are in the process of preparing a contract that will require the city pay the additional cost for the concrete and permit the city to utilize Urban Roads money with a 80/20% match. He stated NDDOT is not in favor of the channeling island at 14th Street intersection and removing the left turn lane as there has not been accidents to support the request and they have received objection from Mr. Simonson. Soehren stated he is in the process of contacting Mr. Simonson to discuss his concerns and express the cities desires

7. PUBLIC WORKS – MAINTENANCE AND UTILITIES

N/A

8. ADMINISTRATION

A. CITY ADMINISTRATOR’S REPORTS:

1. Fire Chief Selection Process:

Greg Sund stated a committee has reviewed the applications for Fire Chief. He stated initially 13 applications were received with approximately seven of those not completing the required City Application form. He stated the committee has ranked the balance of applications and have narrowed them to three. Sund stated interviews will be held on Monday, February 27th with the interview group consisting of Bismarck Fire Chief Joel Boespflug, Civil Service member Bryan Personne, Police Chief Chuck Rummel, City Commissioner Bill Reitmeier, Tim Kessel and himself. He stated the City’s Acting Fire Chief is in the top three that will be interviewed.

2. Stark County Uncollected Tax Report:

Sund provided a copy of the Stark County Uncollected Tax report. He stated for taxes assessed in 2004 there is an outstanding amount of \$43,934 which he considered very minimal and thanked the taxpayers for their commitment to paying property taxes.

3. Historic Preservation/Museum Curator Job Classification:

Sund referenced a draft job classification for the Historic Preservation/Museum Curator position. He stated it is authorized in the 2006 Museum Center budget. He stated the job creation was approved by the Stark County Historical Society Board and Joachim Museum Board. Sund stated he will be requesting creation of another classification grade as he feels this position should be an exempt position just may not warrant the salary. Sund stated the position is funded out of the hospitality tax and is supported by the CVB board.

9. ACCOUNTS PAYABLE

MOTION BY: Carson Steiner

SECONDED BY: Joe Frenzel

To approve the accounts payable as presented with accounts payable numbers 72,331 to 72,521. Said list is available in the Accounting Office.

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

10. CITY COMMISSIONERS' REPORTS:

N/A

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

N/A

ADJOURNMENT

MOTION BY: Rhonda Dukart

SECONDED BY: Bill Reitmeier

For adjournment of the meeting at 6:56 PM.

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

OFFICIAL MINUTES PREPARED BY:

Cindy Selinger, Assistant to City Administrator

APPROVED BY:

Greg Sund, City Administrator

Dennis W. Johnson, President
Board of City Commissioners

Date: _____