

I. CALL TO ORDER

President Dennis Johnson called the meeting to order at 4:30 PM.

II. ROLL CALL

Present were: President Dennis W. Johnson, Commissioners Gene Jackson, Klayton Oltmanns, Shirley Dukart and Carson Steiner

Absent: None

STANDARD MOTIONS

1. ORDER OF BUSINESS

MOTION BY: Klayton Oltmanns SECONDED BY: Shirley Dukart

To approve the August 20, 2012 Order of Business as presented.

DISPOSITION: Motion carried unanimously.

2. CONSENT AGENDA

MOTION BY: Gene Jackson SECONDED BY: Klayton Oltmanns

A. Approval of minutes of regular meeting dated August 6, 2012;

B. Approval of Accounts Payable (via email);

C. Approval of Pledged Securities from American Bank Center June 30, 2012D.

Approval of appointment of Tom Grimm to unexpired term (12/31/13) of Larry Dockter to Planning and Zoning Commission

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

Motion declared duly passed.

TIMETABLE AGENDA

5:00 PM

INTRODUCTION OF OATH OF OFFICERS FOR POLICE OFFICERS;

HUNTER EASTERLING, EVAN KOWALSKI AND RYAN BETTIN

Police Chief Dustin Dassinger introduced the new police officers and City Administrator Shawn Kessel read the Oath of Officers to them.

President Johnson welcomes all new police officers to the community.

NON-TIMETABLE AGENDA

4. GENERAL ISSUES/FINANCE

A. FINANCIAL REPORT THROUGH JULY, 2012

City Administrator Shawn Kessel reports that Finance Director Tina Johnson was unable to attend the meeting.

President Johnson defers approval of the Financial Report until the September 4, 2012 meeting.

B. TOBACCO ORDINANCE

City Attorney Matt Kolling presents the proposed ordinance for a second reading and final passage. The changes to this ordinance would allow the City to initiate a license system where any person or business selling tobacco would be issued a license after an application and fee were paid. Kolling states if any business or licensee that sells to a minor would have an administrative fine of first time offence of \$150, 2nd offense \$250 and \$500 for a third offense. A suspension of license could also be administered. Kolling states that he and Administrative Kessel did meet with the Southwest District Health Unit to discuss this matter prior to creating the ordinance.

President Johnsons asks for public opinions. Hearing none the following motion was made.

MOTION BY: Shirley Dukart

SECONDED BY: Carson Steiner

To approve the second reading and final passage of Ordinance No. 1478.

ORDINANCE NO. 1478

**AN ORDINANCE AMENDING AND RE-ENACTING ARTICLE
21.20 OF THE CITY CODE OF THE CITY OF DICKINSON,
NORTH DAKOTA, RELATING TO AUTHORITY TO SELL
TOBACCO**

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

C. SMALL BUSINESS CREDIT INITIATE

City Administrator Shawn Kessel explains Gaylon Baker was appointed to the Small Business Credit Initiative Loan Committee and now a Steering Committee member needs to be appointed. Kessel states Mr. Scott Bullinger from American Bank Center would be interested in this position. Should Mr. Bullinger not be able to attend a meeting Mr. Kessel would take his place.

MOTION BY: Carson Steiner SECONDED BY: Gene Jackson
To appoint Scott Bullinger to the Small Business Credit Initiative Steering Committee.

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

D. SANFORD HEALTH

City Attorney Matt Kolling presents a resolution that has been requested by Sanford Health. Sanford Health is anticipating building a clinic in Dickinson. Sanford Health is asking for a bond to be issued through South Dakota in order to borrow money for construction. The IRS rules state Sanford Health need to receive approval from the City Commission to use bond proceeds from this bond issue to build. The resolution presented is to hold a public hearing. Sanford Health will be able to attend the September 17, 2012 meeting and that a public hearing will be held at that time.

MOTION BY: Carson Steiner SECONDED BY: Shirley Dukart
To authorize introduction Resolution 45-2012 for adoption.

RESOLUTION NO. 45 - 2012

A RESOLUTION CALLING FOR A PUBLIC HEARING ON AN
ISSUE OF REVENUE BONDS ON BEHALF OF SANFORD

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

E. COBORN'S INCORPORATED ON-SALE/OFF-SALE LIQUOR LICENSE

City Administrator Shawn Kessel states an additional liquor license will be added. Advertising had taken place and sealed bids were opened and Coborn's was the only bidder at \$185,000 which was the minimum bid. The City has done a background check and it is recommended the bid be awarded as to Coborn's. Kessel states the funding will go into the general fund. Initial indications would be that Coborn's would have the store opened prior to 2014. The City's ordinance states the company has one year from date of award to open for business.

Commissioner Oltmanns would like to state the City's stance. Common sense states there is no building that can be built from scratch to existing in one year as this is quite a tight time frame. Oltmanns feel that Coborns and Wal-Mart would like to utilize their licenses but due to the timely manner of building this is impossible.

City Attorney Kolling presents the proposed north side, along Highway 22, 2.19 acre parcel Annexation final step with the resolution stating that less than 25% of property owner were opposed to the annexation. No written protests were received.

MOTION BY: Shirley Dukart SECONDED BY: Carson Steiner
To authorize introduction Resolution 47-2012 for adoption.

A RESOLUTION FINDING THAT THE OWNERS OF LESS THAN ONE-FOURTH OF THE TERRITORY PROPOSED TO BE ANNEXED HAVE FILED WRITTEN PROTESTS

H. REPORTS:

- ## 5. PUBLIC SAFETY

Fire Chief Robert Sivak presents the July, 2012 Dickinson Fire Department report. Sivak reports on the 35 calls for service which is 42% ahead of 2011. The Department has had 109 inspections and 2 tours and lectures. The Fire Department also participated in Roughrider Days parade, Family Fun day and other events. Hydrant testing was performed; the City has approximately 1200+ hydrants. Sivak states 80% of the staff are trained in auto extraction.

Chief Sivak also presents for approval the Energy Impact Grant Application requesting funds for the purchase of a Quick Attack Pumper. The cost of this equipment is approximately \$225,000. This vehicle would allow effective response to grass fires, vehicle fires and structure fires. This would give the Fire Department the opportunity to replace an older apparatus as a front line response unit.

MOTION BY: Klayton Oltmanns SECONDED BY: Shirley Dukart
To approve the motion to proceed with the Energy Impact Grant Application for
a Quick Attack Pumper.

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

B. Police Department

Police Chief Dustin Dassinger presents the July, 2012 monthly report. Dassinger reports on the 96 traffic accidents to include 75 property, 4 injury and 17 hit and run accidents. For the month of July, 401 citations were issued with 793 traffic stops. Dassinger states there were 2,330 calls for service in July, 2012. Dassinger states the Battle of the Badges Blood Drive will be held on August 27th and 28th. Also a family BBQ picnic will be held for the police officers.

Chief Dassinger also presented the Energy Impact Grant Application to apply for a Lenco Bearcat armored truck to be used for a tactical team vehicle. This vehicle would protect the team as well the equipment.

Commissioner Jackson feels these applications should be prioritized.

City Administrator Kessel states that the City has not prioritized these and usually the City has the luxury of choosing which project is needed.

Chief Dassinger states currently the tactical team does have a vehicle that was leftover from surplus. It is not armed and not the most reliable vehicle. Dassinger states this vehicle has been used in outlying communities and has been shot at. Again this vehicle would allow protection for the team, equipment and citizens.

MOTION BY: Shirley Dukart SECONDED BY: Klayton Oltmanns
To approve the motion to proceed with the Energy Impact Grant Application for
a Lenco Bearcat.

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

6. PUBLIC WORKS/PLANNING

A. REZONING PETITIONS

1. Schneider

City Planner Ed Courton presents a rezoning petition from Ag to Light Industrial (LI) for property situated to the east of Highway 22 and to the south of 32nd Street approximately one-half mile from the intersection. Courton states there are no changes from the first reading.

President Johnson asks for public comment. Hearing none the following motion is made.

MOTION BY: Gene Jackson SECONDED BY: Shirley Dukart
To approve the second reading and final passage of Ordinance No. 1481.

ORDINANCE NO. 1481

AN ORDINANCE AMENDING THE DISTRICT ZONING MAP FOR REZONING AND RECLASSIFYING DESIGNATED LOTS, BLOCK OR TRACTS OF LAND WITHIN THE CITY LIMITS, CITY OF DICKINSON, NORTH DAKOTA.

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

2. Kostelecky

City Planner Ed Courton presents the Rezone Petition from GC to R3 for the property situated at 26 5th Avenue East. The purpose of this rezone is to allow refinancing and/or the ability to sell the property in the future. There are no changes from first reading.

President Johnson asks for public comment. Hearing none the following motion is made.

MOTION BY: Carson Steiner SECONDED BY: Gene Jackson
To approve the second reading and final passage of Ordinance No. 1482.

ORDINANCE NO. 1482

AN ORDINANCE AMENDING THE DISTRICT ZONING MAP FOR REZONING AND RECLASSIFYING DESIGNATED LOTS, BLOCK OR TRACTS OF LAND WITHIN THE CITY LIMITS, CITY OF DICKINSON, NORTH DAKOTA.

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

3. TTT Development

City Planner Courton presents a Rezone Petition from R1 to Medium Density Residential (R2) for property situated to the east of Country Oaks Drive and to the south of 25th Street West. No changes from the first reading

President Johnson asks for public comment. Hearing none the following motion is made.

MOTION BY: Shirley Dukart SECONDED BY: Gene Jackson
To approve the second reading and final passage of Ordinance No. 1483.

ORDINANCE NO. 1483

AN ORDINANCE AMENDING THE DISTRICT ZONING MAP FOR
REZONING AND RECLASSIFYING DESIGNATED LOTS, BLOCK
OR TRACTS OF LAND WITHIN THE CITY LIMITS, CITY OF
DICKINSON, NORTH DAKOTA.

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

B. CLAY SIDEWALL BID AWARD TO LANDFILL

City Engineer Shawn Soehren presents the opening bid results for the clay sidewall liner at the Dickinson Municipal Landfill. The clay sidewall is a necessary barrier needed to eliminate contamination between the solid waste and natural ground outside of the permitted property. The lowest bid came from Martin Construction, Inc. for the amount of \$162,445.00. Soehren states originally this was two projects but now has been combined to one project as it is part of the master plan.

MOTION BY: Gene Jackson SECONDED BY: Klayton Oltmanns
To approve the bid from Martin Construction, Inc. in the amount of \$162,445 for
the clay sidewall liner.

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

City Engineer Soehren states a preconstruction meeting was held for the waste water treatment facility and action has taken place with the moving of dirt in order to bring office trailers on site this week. Soehren states the project is moving forward and trying to keep on schedule.

C. REPORTS:

a. Code Enforcement Report, June and July, 2012

City Planner Ed Courton presents the June Code Enforcement Report for information purposes only. He does discuss the July, 2012 Code Enforcement report which has more pertinent information. The report shows to date there are 384 new building permits with a value of \$134,458,015.66. Courton discusses the building permits, multi-family housing along with fees.

City Administrator Kessel is trying to hire a private contract for plan reviews and that would be the City of Grand Forks to assist Dickinson. Kessel explains the current staff does spend a lot of time out in the field.

7. CITY COMMISSION

None.

8. PUBLIC ISSUES OF CITY CONCERN NOT ON THE AGENDA

Citizen Keith Anton raises a question of how far someone has to be away from a building in order to smoke. This item will be reviewed by City Attorney Kolling and Mr. Anton will be contacted with the information.

City Engineer Soehren does visit about the grass clippings issue. There have been some issues with citizens leaving their grass clipping bags beside their garbage cans and this should be thrown in the can unless the can is full. He would first like people to take their clipping for recycling but if not they should try and get them in the containers.

President Johnson feels citizens should not be allowed to pile anything next to their container. He feels this should be avoided so the rear loader equipment can operate. He states a general rule of thumb should be to fill the container first.

Commissioner Jackson feels individuals should purchase a mulcher for their grass.

Commissioner Dukart discusses the need for the City to have a business license. She states she has been contacted numerous times questioning the businesses in our area.

Administrator Kessel states that this subject has been brought to the Commissioners previously and it was voted not to issue licenses to businesses.

Commissioner Jackson feels this would not be feasible.

President Johnson would also be hesitant to support another license just so people know what businesses are in Dickinson.

City Planner Courton states that where he worked before the City did issue licenses to all businesses and this is how they dealt with zoning issues, multiple tenants and building codes. He states these licenses were a mechanism needed in order to do the work they did.

Administrator Kessel stated the ad for 4 unrelated individuals ran in the newspaper on Saturday.

ADJOURNMENT

MOTION BY: Shirley Dukart SECONDED BY: Gene Jackson
For adjournment of the meeting at approximately 6:05PM.

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: _____