

Order of Business

City Commission Meeting

Monday, May 6, 2013

4:30 PM

Dickinson City Hall – 99 2nd Street East

Type of meeting: Regular Meeting of the Dickinson City Commission
Presiding Officer: President of Commission (Vice President in absence of President)

Opening of Meeting

Call to Order

Roll Call

President: Dennis W. Johnson

Vice President: Gene Jackson

Commissioners: Carson Steiner

Klayton Oltmanns

Shirley Dukart

1. ORDER OF BUSINESS: Consideration for approval

2. CONSENT AGENDA

- A. Approval of minutes of regular meeting dated April 15, 2013 (Enc.);
- B. Approval of Accounts Payable (via email);
- C. Approval of Energy Infrastructure and Impact Office Grant Application water and waste water infrastructure (Enc.);
- D. Approval of purchase of Asphalt Roller (Enc.);
- E. Approval of NDDOT Safety Contract for Radar Equipment Grant (Enc.);
- F. Approval of ND Department of Commerce Removal of Architectural Barriers in the SW ND Museum (Enc.);
- G. Approval of American Bank Center Allowable Investments/Accounts of Political Subdivisions (Enc.);
- H. Approval of Farm Leases for Randy and Jeffery Hondl (Enc.);
- I. Approval of Standard Form of Agreement with Manitoux Construction, Inc. (Enc.)

Persons desiring to attend the meeting who require special accommodations are asked to contact the City Administrator by the Friday preceding the meeting.

3. **Timetable Agenda**

- 4:55 p.m Introduction and Oath of Officers for Police Officers – Joshua Monson, Terry Oestreich, Eugene Mewborn, and Timothy Jokerst
- 5:00 p.m Dickinson Municipal Court Prosecution Presentation – Bekki Grant
- 5:15 p.m Dickinson Convention and Visitors Bureau Presentation (Enc.)
- 5:30 p.m Public Hearings – Rezoning Petitions
1. **Braun’s First Subdivision**
Consideration to approve first reading of Ordinance No. ____ (Next Ordinance No.) (Enc.)
2. **Lee Kathrein**
Consideration to approve first reading of Ordinance No. ____ (Next Ordinance No.) (Enc.)
3. **Tooz 2nd Subdivision**
Consideration to approve first reading of Ordinance No. ____ (Next Ordinance No.) (Enc.)
4. **Woodhaven 1st Addition**
Consideration to approve first reading of Ordinance No. ____ (Next Ordinance No.) (Enc.)
5. **West Ridge 2nd Addition**
Consideration to approve first reading of Ordinance No. ____ (Next Ordinance No.) (Enc.)
- 5:45 p.m **Special Use Permit – Lighthouse Church of God**
Consideration to approve daycare in church (Enc.)

4. **Non-Timetable Agenda**

ADMINISTRATION/FINANCE

- A. **Beyond Shelter Heritage Hills**
Consideration of approve Roosevelt Custer Administration Contract (Enc.)
- B. **RFQ for Downtown Improvement**
Consideration to approve board recommendation of V3 Studios (Enc.)
- C. **Reports:**
1. **Dickinson Parks and Recreation – Thank you (Enc.)**
2. **ND Insurance Reserve Conferment of Benefits (Enc.)**
3. **Legislative Updates (Enc.)**

5. **PUBLIC SAFETY**

- A. **Reports:**
None.

6. **ENGINEERING**

- A. **Reports:**
1. **Project Updates**

7. **COMMUNITY DEVELOPMENT**

- A. **None.**

8. **PUBLIC WORKS**

- A. **Reports:**
1. **Project Updates**
2. **NDDOT Villard Street Project update from Dowl/HKM**

9. **COMMISSION**

10. **PUBLIC ISSUES OF CITY CONCERN NOT ON THE AGENDA**

ADJOURNMENT

I. CALL TO ORDER

President Dennis Johnson called the meeting to order at 5:05 PM.

II. ROLL CALL

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

Absent: None

STANDARD MOTIONS1. ORDER OF BUSINESS

MOTION BY: Shirley Dukart SECONDED BY: Klayton Oltmanns

To approve the May 6, 2013 Order of Business as presented.

DISPOSITION: Motion carried unanimously.

2. CONSENT AGENDA

MOTION BY: Shirley Dukart SECONDED BY: Carson Steiner

A. Approval of minutes of regular meeting dated April 16, 2013 (Enc.);

B. Approval of Accounts Payable (via email);

C. Approval of Energy Infrastructure and Impact Office Grant Application water and waste water infrastructure

D. Approval of purchase of Asphalt Roller

E. Approval of NDDOT Safety Contract for Radar Equipment Grant

F. Approval of ND Department of Commerce Removal of Architectural Barriers in the SW ND Museum

G. Approval of American Bank Center Allowable Investments/Accounts of Political Subdivisions

H. Approval of Farm Leases for Randy and Jeffery Hondl

I. Approval of Standard Form of Agreement with Manitoux Construction, Inc.

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

Motion declared duly passed.

TIMETABLE AGENDA**4:55 PM INTRODUCTION AND OATH OF OFFICERS FOR POLICE****OFFICERS – JOSHUA MONSON, TERRY OESTREICH, EUGENE****MEWBORN AND TIMOTHY JOKERST**

Chief Dustin Dassinger introduces our newest members to the Dickinson Police Department: Joshua Monson, Terry Oestreich, Eugene Mewborn and Timothy Jokerst while Administrator Kessel swears them into office.

5:00 PM**DICKINSON MUNICIPAL COURT PROSECUTION PRESENTATION – BEKKI GRANT**

Attorney Bekki Grant presents the Commissioners with an updated Municipal Court prosecution summary. Ms. Grant states first quarter in 2013 shows 426 active files and 987 closed files. She

states municipal prosecution is held three days per week. She states 170 cases have been remanded at \$83,615. In 2013 35 cases were remanded and generated \$20,050. Grant states cases have dropped in numbers but revenue has increased due to the increased fines and penalties. Grant has noticed citations coming in bulks to the City.

President Johnson thanks Ms. Grant for a good summary.

5:15 PM

DICKINSON CONVENTION AND VISITORS BUREAU

Executive Director Terri Thiel presents highlights from the CVB for 2012. Thiel states 2012 was a very busy year and 2013 is starting out to be quite busy. She states there are many energy tours, reunions, Bakken maps, and other events being held in Dickinson. Thiel states Astoria's addition will be completed in July. Thiel states fishing packets were sent out last year and many people attended fishing events. Ms. Thiel visits about the occupancy for 2013 which is currently down as compared to last year; March 2012 87% and 2013 is 52%, and year to date average is 54.7% and more rooms are being created. Thiel states room rates are lower than last year at this time but still the top 1/3 for rates as compared to the eastern part of the State. She states Minot and Williston are also seeing a downturn like Dickinson.

5:30 PM

PUBLIC HEARINGS – REZONING PETITIONS

1. Brauns First Subdivision

Community Development Director Courton presents a rezoning petition from Rural Residential ("RR") to Low-Density Residential ("R1") for the Braun 1st Addition Subdivision generally located on the north side of 14th Street East between 4th Avenue East and Atascosita Circle. Courton states Planning and Zoning Commission and City staff recommend approval.

President Johnson opens the public hearing at 5:38 p.m.

MOTION BY: Gene Jackson SECONDED BY: Shirley Dukart
To approve first reading of Ordinance No. 1507

ORDINANCE NO. 1507

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

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

2. Lee Kathrein

Community Development Director Ed Courton presents a Rezoning Petition from Agriculture ("AG") to Limited Industrial ("LI") for a property located on the northwest side of the intersection of 40th Street East and 4th Avenue East. The Planning and Zoning Commission and City staff recommend approval subject to the following condition:

*The developer shall be required to pave the approach from 40th Street East and the general drive aisle to existing building, dedicate fifty (50) feet from the centerline along 40th Avenue and thirty-three (33) feet along 4th Avenue to Start County and provide landscaping onsite in accordance with

Article 39.08 of the City of Dickinson Municipal Code. The onsite paving and landscaping are subject to approval by the Community Development Director.

MOTION BY: Shirley Dukart SECONDED BY: Klayton Oltmanns
To approve first reading of Ordinance No. 1508

ORDINANCE NO. 1508

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

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

3. Tooz 2nd Subdivision

Community Development Director Courton presents a Rezoning Petition from Agriculture (“AG”) to General Commercial (GC) for Lot 1 of Block 1 of the Tooz Second Subdivision located in the NW4 of the NE4 of Section 31, Township140N, Range 96W. The Planning and Zoning Commission and City staff recommend approval subject to the following condition:

1. Property shall be developed in accordance with City of Dickinson development requirements, including the paving of access drive and parking areas.

MOTION BY: Shirley Dukart SECONDED BY: Klayton Oltmanns
To approve first reading of Ordinance No. 1509

ORDINANCE NO. 1509

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

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

4. Woodhaven 1st Addition

Courton presents a Rezoning Petition from Agriculture (“AG”) to Low-Density Residential (“R1”) for a property located to the northwest of the intersection of 21st Street East and 18th Avenue East. The Planning and Zoning Commission and City staff recommend approval.

Commissioner Jackson likes this rezoning and feels it is a good project for 80-90 lots. Jackson states reviewing of the plats will be completed soon. Jackson asks the City staff to encourage the developer to excel in these kinds of projects so that they can be completed in a timely manner.

MOTION BY: Gene Jackson SECONDED BY: Klayton Oltmanns
To approve first reading of Ordinance No. 1510

ORDINANCE NO. 1510

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

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

5. West Ridge 2nd Addition

Courton presents a Rezoning Petition from Ag to Medium Density & High Density Residential and General Commercial for the subject property situated immediately to the west of the existing West Ridge 1st Addition subdivision located in the general vicinity of the northwest quadrant of I-94 Interchange exit 59. Courton states the developer is also in the approval process for a new subdivision for the property called West Ridge 2nd Addition, which received preliminary plat approval on April 17, 2013.

MOTION BY: Shirley Dukart SECONDED BY: Carson Steiner
To approve first reading of Ordinance No. 1511

ORDINANCE NO. 1511

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

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

Hearing no comments on any of the above rezoning issues the public hearing closed at 5:48 p.m.

5:45 PM

SPECIAL USE PERMIT- LIGHTHOUSE CHURCH OF GOD

Community Development Director Ed Courton presents a request for a Special Use Permit (SUP) to open a Day Care center for a maximum of 12 children aged from 12 weeks through 10 years. The site is zoned Low Density Residential (R-1) and is located at 816 11th Street East. The site is currently developed with a house of worship (church). The Planning and Zoning Commission and City staff recommends approval contingent upon the seven (7) conditions of approval.

MOTION BY: Klayton Oltmanns SECONDED BY: Gene Jackson
To authorize introduction Resolution 19-2013 for adoption.

RESOLUTION NO. 19 - 2013

A RESOLUTION APPROVING A SPECIAL USE PERMIT FOR LIGHTHOUSE CHURCH OF GOD TO OPERATE A GROUP DAY CARE IN A RESIDENTIAL ZONING DISTRICT

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

4. GENERAL ISSUES/FINANCE

A. BEYOND SHELTER HERITAGE HILLS

Attorney Matt Kolling states earlier this year, the Heritage Hills affordable housing project being developed by Beyond Shelter was granted Community Development Grant Funds. The grant program requires that the City provide certain administrative services for the funds, as well as reporting to the Division of Community Services. This agreement provides for Roosevelt-Custer Regional Council to provide administrative services for the grant on behalf of the City. Roosevelt-Custer has served in this role in the past for the City. The administrative fee for Roosevelt-Custer is billed directly to DCS. There is no financial obligation for the City, and the administrative fee does not come out of the project funds available to Heritage Hills. City staff recommends approval.

Director Rod Landblom of Roosevelt Custer states this is the second project the City has sponsored. The funds would be available from the State for Administration Services. Landblom states this is \$14 million dollar project.

MOTION BY: Klayton Oltmanns

SECONDED BY: Shirley Dukart

To authorize approval of the Contract for Services with Roosevelt Custer for administrative fees for Heritage Hills.

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

Motion declared duly passed

B. REQ FOR DOWNTOWN IMPROVEMENT

City Administrator Kessel states a review team reviewed the downtown improvement applications and interviews were held on the top two candidates. The City recommends engagement of Dickinson Development Group. Kessel states this group took the City's existing plans and utilized them for their development. This project may be many fold, concept of revitalization plan, task of construction of buildings and others. Kessel would like to make the recommendation of Dickinson Development Group.

MOTION BY: Gene Jackson

SECONDED BY: Klayton Oltmanns

To authorize introduction of Dickinson Development Group for Downtown Improvements.

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

Motion declared duly passed.

C. REPORTS

1. Dickinson Parks and Recreation – Thank you

Provided for informational purposes only.

2. ND Insurance Reserve Conferment of Benefits

Provided for informational purposes only.

3. Legislative Updates

City Administrator Shawn Kessel states House Bill 1358 did pass allowing funds of \$91.4 million dollars to be distributed to the oil hub cities. Dickinson will be receiving 26.45% of the funding which is \$33.45 million dollars. Dickinson should start to receive \$625,000 per month starting in September, 2013.

5. PUBLIC SAFETY

A. None

6. ENGINEERING

A. Reports

1. City Projects Update

City Engineer William Watson updates the Commissioners on City projects in regards to the hospital access roads, relocating the road; west water tank and Meyer Group; 18" watermain west towards Pinecrest; railroad grade separation, etc.

Commissioner Jackson asks the question as to what progress has been made to reconstruction of 21st Street Frontage Road from 1st Avenue East to 4th Avenue East; from Frontage Road South to 20th and 4th Avenue East from 21st Street to 26th Street East.

Attorney Matt Kolling states the developer did not comply with the State law when advertising and for the City to use public money for this project is not possible until the City follows the State

guidelines for advertising, etc. Kolling states the developer is aware of the City's process and now the City will end up with an unpaved road.

Commission Jackson feels this project will come back to haunt us and feels the City should find some way to pave it.

President Johnson would like for the City Attorney and the City Administrator to meet and bring back some options in regards to this road and how it can be paved.

7. **COMMUNITY DEVELOPMENT**

A. None

8. **PUBLIC WORKS**

A. **City Projects Update**

Tom Grimm updates the Commission on the Villard project on behalf of NDDOT. Grimm states the milling had started in the middle of April and Northern Improvement is the prime contractor. Curb work has been started on the north side of Villard. Grimm states milling is proposed within the next two week and could occur within two different phases. The projected completion date is July 1, 2013.

9. **CITY COMMISSION**

None

10. **PUBLIC ISSUES OF CITY CONCERN NOT ON THE AGENDA**

None

ADJOURNMENT

MOTION BY: Shirley Dukart

SECONDED BY: Klayton Oltmanns

For adjournment of the meeting at approximately 6:30 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: May 6, 2013

