

Order of Business

City Commission Meeting

Monday, March 4, 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 February 19, 2013 (Enc.);
 - B. Approval of Accounts Payable (via email);
 - C. Approval of NDDOT Cost Participation, Construction and Maintenance Agreement for 12th Street West from 10th Avenue to ND22 (Enc.);
 - D. Approval of Consolidated Fiber to Home easement agreement (Enc.);
 - E. Approval of Vanguard Additional User License Agreement and Service Contract (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**

- 5:00 p.m **Heritage Hills Affordable Senior Housing Rental Project**
Consideration to approve Resolution (Next Resolution No. _____) (Enc.)
- 5:20 p.m **Homeless Coalition Presentation – Ron Dazell (Enc.)**

4. **Non-Timetable Agenda**

ADMINISTRATION/FINANCE

- A. **MDU and Roughrider Service Area Agreement**
1. MDU Service Agreement
Consideration to approve second reading and final passage of Ordinance No. 1497 (Enc.)
2. Roughrider Service Agreement
Consideration to approve second reading and final passage of Ordinance No. 1498 (Enc.)
- B. **Ordinance for Vacation Accruals**
Consideration to approve second reading and final passage of Ordinance No. 1499 (Enc.)
- C. **Dickinson 2035 Comp Plan Approval by City Commission**
Consideration to approve first reading of Ordinance No. (Next Resolution No. _____) (Enc.)
- D. **Report:**
1. None.

5. **PUBLIC SAFETY**

- A. **Reports:**
A. None.

6. **ENGINEERING**

- A. None.

7. **COMMUNITY DEVELOPMENT**

- A. **Final Plats**
1. Oliver Commons
Consideration to approve Resolution (Next Resolution No. _____) (Enc.)
2. Whispering Pines Subdivision
Consideration to approve Resolution (Next Resolution No. _____) (Enc.)

8. **PUBLIC WORKS**

- A. **Reports:**
1. Year-End Sanitation Department Report (Enc.)

9. **COMMISSION**

1. Green Meadow Court, 12 unit multi-family housing property at 712 5th Avenue SW; Dickinson.

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

ADJOURNMENT

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 MOTIONS1. ORDER OF BUSINESS

MOTION BY: Shirley Dukart SECONDED BY: Klayton Oltmanns

To approve the March 4, 2013 Order of Business as presented with the addition of City Attorney Contract under Commissioners and under 4D – Reports: Master Task Order – Apex and KLJ.

DISPOSITION: Motion carried unanimously.

2. CONSENT AGENDA

MOTION BY: Gene Jackson SECONDED BY: Klayton Oltmanns

A. Approval of minutes of regular meeting dated February 19, 2013 (Enc.) and special meeting dated February 19, 2013;

B. Approval of Accounts Payable (via email);

C. Approval of NDDOT Cost Participation, Construction and Maintenance Agreement for 12th Street West from 10th Avenue to ND22.

D. Approval of Consolidated Fiber to Home easement Agreement

E. Approval of Vanguard Additional User License Agreement and Service Contract.

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

Motion declared duly passed.

TIMETABLE AGENDA**5:00 PM****HERITAGE HILLS AFFORDABLE SENIOR HOUSING AND RENTAL PROJECT**

President Johnson explains Heritage Hills needs a public hearing to be held in regards to the Mita Bond project. The owner of this project has a couple of units in Dickinson and because they are using Mita bonds on the structure this requires a public hearing and resolution. The refinancing will be used for projects in Dickinson

President Johnson opens the public hearing at 5:05 p.m.

Dennis Hillsfer who is the Assistant Regional Manager for Heritage Hills is seeking approval of the multi-family housing bond. This originally was started in Devils Lake and requires approval of Dickinson. The bond proceeds will be used to refurbish a project in Dickinson. Hillsfer states the City of Dickinson will bear no financial burden

President Johnson closes the public hearing at 5:08 p.m.

MOTION BY: Carson Steiner

SECONDED BY: Gene Jackson

To authorize introduction Resolution 11-2013 for adoption.

RESOLUTION NO. 11-2013

**RESOLUTION APPROVING THE ISSUANCE OF
MULTIFAMILY HOUSING REVENUE BONDS
UNDER CHAPTER 40-57 N.D.C.C. AND APPROVING
AN INTERGOVERNMENTAL AGREEMENT
(MDI LIMITED PARTNERSHIP #112 PROJECT)**

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

5:20 PM

HOMELESS COALITION PRESENTATION – RON DAZELL

Pastor Ron Dazell, who is the Chairman of the Dickinson Churches United for Homeless visits about how the past month has gone for homeless visitors. Dazell states they averaged 2 guests per night with a total of 5 one night. There have been 860 volunteer hours with four volunteers awake each night. He states this is not sustainable and more volunteers will be needed in the future. Dazell states there has been over \$6,000 in financial contributions and the hospital, K of C have partnered to provide blankets. Dazell has been working with the Police Department in that they can place a homeless in the shelter in the evening. Dazell states at this time there have been no incidents, behaviors, etc. Dazell surprisingly states that all guests have a cell phone and have given them their numbers. Dazell does request to reduce the number of supervisors on each evening from 4 to 3.

Community Development Director Ed Courton states that based upon the number of attendees and visiting with Pastor Ron, Courton has no objection to allowing only three supervisors at night and if over 10 guests then the fourth person should be called in.

President Johnson thanks Mr. Dazell, his staff and the churches for doing an outstanding job on this project.

4. GENERAL ISSUES/FINANCE

A. MDU AND ROUGHRIDER AREA AGREEMENT

1. MDU Service Agreement

City Attorney Matt Kolling presents two franchise agreements; one for MDU and the other for Roughrider Electric. These agreements would be a renewal of current franchise for services that are provided in Dickinson. These agreements are necessary. There are no changes from the first reading. Kolling clarifies the rates and that the agreement is not yet signed by the Public Service Commission.

President Johnson will be abstaining.

Vice Chairman Gene Jackson asks for public comment. Hearing none the following motions were made.

MOTION BY: Shirley Dukart

SECONDED BY: Carson Steiner

To approve second reading and final passage of Ordinance No. 1497

ORDINANCE NO. 1497

AN ORDINANCE GRANTING TO MONTANA-DAKOTA UTILITIES CO, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE AND RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE, WITHIN AND UPON, IN AND UNDER THE STREETS, ALLEYS AND PUBLIC GROUNDS OF THE CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA, AN ELECTRIC DISTRIBUTION SYSTEM FOR TRANSMITTING AND DISTRIBUTING ELECTRICITY FOR PUBLIC AND PRIVATE USE.

DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 0, Abstain 1

2. Roughrider Agreement

MOTION BY: Klayton Oltmanns SECONDED BY: Shirley Dukart
To approve second reading and final passage of Ordinance No. 1498

ORDINANCE NO. 1498

AN ORDINANCE GRANTING TO ROUGHRIDER ELECTRIC COOPERATIVE, INC., A COOPERATIVE CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE AND RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE, WITHIN AND UPON, IN AND UNDER THE STREETS, ALLEYS AND PUBLIC GROUNDS OF THE CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA, AN ELECTRIC DISTRIBUTION SYSTEM FOR TRANSMITTING AND DISTRIBUTING ELECTRICITY FOR PUBLIC AND PRIVATE USE.

DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 0, Abstain 1

B. ORDINANCE FOR VACATION ACCRUALS

City Attorney Matt Kolling presents a modification to the HR code to allow the City an option to grant vacation hours to executive employees. The granting of additional hours is at the discretion of the City Administrator and Commissioners.

President Johnson asks for public comment. Hearing no comment the following motion was made.

MOTION BY: Carson Steiner SECONDED BY: Shirley Dukart
To approve second reading and final passage of Ordinance No. 1499

ORDINANCE NO. 1499

AN ORDINANCE AMENDING AND RE-ENACTING SECTIONS 29.08.04090(2.1), RELATING TO BENEFITS FOR REGULAR FULL TIME EMPLOYEES, AND 29.08.04090(2.4), RELATING TO ACCRUAL AND AVAILABILITY OF VACATION LEAVE, OF THE CITY CODE OF THE CITY OF DICKINSON, NORTH DAKOTA.

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

C. DICKINSON 2035 COMP PLAN APPROVAL BY CITY COMMISSION

Community Development Director Ed Courton explains a public hearing was held prior to this meeting and there were suggested changes to be made to the draft comp plan. Courton states KLJ will make these revisions and the new plan will be forwarded to the Commission.

Commissioner Jackson states this has been in the works for 1 ½ years and will be used in the City's decisions as the community grows. Jackson states this is a good tool. However, this plan

does predict for 42,000 people and the point needs to be made that now as the City continues to move forward that it makes a decision on what the population is at the time of the decisions.

Commission Oltmanns states this is historic move by the Commissioners and it sets Dickinson apart from the other communities in the oil hub. This plan maps out where the City is today and where it wants to be in 2035. This plan will give the City some plans and can be referred to during this time of growth.

President Johnson commends Dickinson's city staff and consulting engineers in a very well executed document and he is confident that if it is executed well it will become a self fulfilling prophecy.

MOTION BY: Klayton Oltmanns SECONDED BY: Shirley Dukart
To approve first reading of Ordinance No. 1500.

ORDINANCE NO. 1500

AN ORDINANCE AMENDING AND RE-ENACTING ARTICLE 2.24 OF THE CITY CODE OF THE CITY OF DICKINSON, NORTH DAKOTA, RELATING TO COMPREHENSIVE PLAN

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

D. REPORTS

1. Bill Watson

Administrator Kessel informs the Commission that Mr. Bill Watson, City Engineer will begin his employment on March 11, 2013.

2. Waste Water Reclamation Presentation

City Administrator Shawn Kessel updates the Commission that the funds for the Waste Water Reclamation grant of \$5 million was received.

3. Heritage Hills Senior Housing Project

Administrator Kessel states that federal funding was received for the Heritage Hills Senior Housing Project.

4. Urban Roads Funding

Administrator Kessel provides information in regards to the DOT funding for anticipated urban roads funding. NDDOT has received lower funding and in turn Dickinson will be funded at a lesser dollar for projects.

5. Master Task Order Agreement

Administrator Kessel states a master task order agreement from KLJ and Apex will be provided at the next City Commission meeting. These individuals have been assigned by Dickinson with a great many engineering duties. Master contracts which will outline basic principals will be provided.

6. Legislative Bills

Administrator Kessel updated the Commission on the upcoming Legislative bills and how they could affect Dickinson.

7. League of Cities

Discussion was had on House Bill 1290. The majority of commissioners thought it would be a good idea for Dickinson to oppose HB 1290.

MOTION BY: Gene Jackson SECONDED BY: Klayton Oltmanns
To approve opposing HB 1290 and to testify at the State level in support of it.

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

5. **PUBLIC SAFETY**

A. None.

6. **ENGINEERING**

A. None

7. **COMMUNITY DEVELOPMENT**

1. FINAL PLATS

1. Oliver Commons

Community Development Director Ed Courton presents a Final Plat request for Oliver Commons which is located southerly of 15th Street West and westerly of Elks Drive. The property is +/- 6 acres. The Planning and Zoning Commission and City staff recommend approval.

MOTION BY: Carson Steiner SECONDED BY: Gene Jackson
To authorize introduction Resolution 12-2013 for adoption.

RESOLUTION NO: 12 - 2013

**A RESOLUTION APPROVING FINAL PLAT ENTITLED OLIVER COMMONS
SUBDIVISION, STARK COUNTY, NORTH DAKOTA.**

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

2. Whispering Pines Subdivision

Community Development Director Ed Courton presents a Final Plat request for Whispering Pines situated to the east of Highway 22 and to the north of 20th Street SE (See attached map). The plat consists of two (2) lots and the purpose of the plat is to build a residence on the north lot (Lot 2). The Planning and Zoning Commission and City staff recommend approval.

MOTION BY: Carson Steiner SECONDED BY: Gene Jackson
To authorize introduction Resolution 13-2013 for adoption.

RESOLUTION NO: 13 - 2013

**A RESOLUTION APPROVING FINAL PLAT ENTITLED WHISPERING PINES
SUBDIVISION, STARK COUNTY, NORTH DAKOTA.**

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

8. **PUBLIC WORKS**

A. Reports:

1. Year – End Sanitation Department Report

Provided for informational purposes only. Public Works Director Gary Zuroff encourages everyone to read the report and it has many factors and different graphs that show how big the solid waste collection and disposal is. Zuroff states the skill based pay is helpful in retaining and obtaining staff. He does state more staff training is needed but very difficult as it is so busy.

President Johnson states he would like to see an account report along with statistics, pictures, etc.

9. **CITY COMMISSION**

1. Green Meadow Court, 12 unit multi-family housing property at 712 5th Avenue SW; Dickinson ND

Provided for informational purposes only.

2. City Attorney Contract:

President Dennis Johnson states Matt Kolling will become a full time City Attorney at \$94,015.00. Kolling will be starting on March 11, 2013 and his contract is essentially the same as the City Administrator. Kolling will be responsible for the attorney procedures, HR department, etc.

City Administrator Kessel states the City has a contract with Ebeltoft, Sickler until 2014. Kessel states the City may still need outside legal advice in the future.

President Johnson reminds staff and Commission that at the March 18, 2013 meeting a financial report will be given for the first two months of 2013. Johnson states it will be interesting to see how close the City is to the budget and what are the revenues and expenses. This report will have a bearing on the request for a full time staff to assist Mr. Kolling.

10. **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 6:00 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: March 18, 2013