

I. CALL TO ORDER

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

II. ROLL CALL

Present were: President Dennis W. Johnson, Commissioners Joe Frenzel, and Bill Reitmeier

Absent were: Commissioners Carson Steiner and Rhonda Dukart

**STANDARD MOTIONS**1. ORDER OF BUSINESS

MOTION BY: Joe Frenzel

SECONDED BY: Bill Reitmeier

To approve the May 1, 2006 Order of Business as presented with the addition of #4D (Amendment of February 21, 2006 City Commission meeting minutes) and deletion of #4A1 (Purchase Agreement from Keary and Sharmaine Kadrmas).

DISPOSITION: Motion carried unanimously.

2. CONSENT AGENDA

MOTION BY: Bill Reitmeier

SECONDED BY: Joe Frenzel

A. Approval of minutes of regular meeting dated April 17, 2006;

B. Authorization to advertise for 2006 Southwest Regional Grant Applications;

C. Approval for Community Action partnership and Domestic Violence and Rape Crisis Center to apply for a pass-through Emergency Shelter Grant;

D. Approval of NDDOT Traffic Safety Contract Grant in the amount of \$2,100 for overtime wages;

E. Approval to sign grant documents for City of Dickinson and the ND State Historical Preservation Office for Certified Local Government program (CLG);

F. Approval to declare a 1984 S-15 Pickup surplus property (Fire Department) (VIN #1GTBS14Y2E0503612);

G. Approval to renew annual Gaming Site Authorizations for Brotherhood of St. Anthony; Taylor Community Activities, Inc. (T-Rex Liquor); and American Foundation for Wildlife (Queen City Club, Esquire Club);

H. Approval of Accounting Manager Job Classification;

I. Authorization for City Commission President to sign audit letter;

J. Approval to sign Justice Assistance Grant (JAG f/k/a Edward Bryne Grant) for Domestic Violence and Rape Crisis Center.

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

Motion declared duly passed.

**TIMETABLE AGENDA**

N/A

**NON-TIMETABLE AGENDA**4. GENERAL ISSUES/FINANCEA. REAL ESTATE OFFERS:

1. Keary and Sharmaine Kadrmas:

Withdrawn from agenda and placed on May 15, 2006 agenda.

2. Jacob Siewert:

Greg Sund stated the real estate offer from Jacob Siewert for Lot 4, Block 1, Kuchenski Addition is below the City's list price. Sund stated the offer is for \$7,500 and the list price is \$10,210. Commissioner Joe Frenzel stated he would need to abstain from taking action on the offer as the agent of the offer is from his real estate firm. City Attorney Timothy Priebe stated because the offer is presented from a member of City Commissioner Frenzel's real estate firm, Everett Real Estate, the City Commission could

not accept the offer as presented without having all five City Commissioners present to vote. However, he stated the City Commission could reject the offer as recommended by the Real Estate Committee with only three members present, but Commissioner Frenzel could not make the motion or second it.

MOTION BY: Bill Reitmeier (President Johnson turned the gavel over to Vice-President Joe Frenzel)      SECONDED BY: Dennis Johnson  
To accept the recommendation of the Real Estate Committee to reject the offer from Jacob Siewert for Lot 4, Block 1, Kuchenski Addition in the amount of \$7,500 and counter offer at full price of \$10,210.  
DISPOSITION: Aye 2 (Reitmeier, Johnson), Nay 0, Abstain 1 (Frenzel),  
Absent 2 (Steiner, Dukart)  
Motion declared duly passed.

B. CIVIL SERVICE ORDINANCE.

President Johnson asked if there was anybody in the audience who wished to comment regarding the Civil Service ordinance. No public comment was received.

MOTION BY: Bill Reitmeier      SECONDED BY: Joe Frenzel  
To approve second reading and final passage of Ordinance No. 1315:

**ORDINANCE NO. 1315**

**AN ORDINANCE AMENDING AND RE-ENACTING SECTIONS 29.080.02020, 29.08.02050, 29.08.02070, 29.08.02110 AND 29.08.04020, AND ENACTING SECTION 29.08.02105, AND REPEALING SECTION 29.08.02130 OF THE CITY CODE OF THE CITY OF DICKINSON, NORTH DAKOTA RELATING TO THE CIVIL SERVICE COMMISSION.**

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

C. CITY OWNED PARKING LOT ORDINANCE AMENDMENT:

City Administrator Greg Sund stated the proposed ordinance will place two new parking lots into the Downtown Parking assessment district. He stated in order for special assessment revenues to be used out from the fund, lots should be designated in the district. Sund stated the lots to be included would be the newly acquired parking lot immediately east of West Wind Consulting located on West Villard and the lots where the formerly City Hall was located. President Johnson asked if there was anybody in the audience who wished to comment regarding the proposed ordinance. No public comment was received.

MOTION BY: Joe Frenzel      SECONDED BY: Bill Reitmeier  
For first reading (and waiver thereof) of Ordinance No. 1318

**ORDINANCE NO. 1318**

**AN ORDINANCE AMENDING AND RE-ENACTING, SECTION 23.56.280 AND 23.56.320 OF THE CITY CODE OF DICKINSON, NORTH DAKOTA RELATING TO PARKING LOTS.**

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

D. AMEND THE CITY COMMISSION MINUTES FROM FEBRUARY 21, 2006:

City Administrator Sund stated Wells Fargo Brokerage Services, LLC has requested the City amend the City Commission meeting minutes from February 21, 2006 where it references the lease approval for the Solid Waste Rear Load Truck and Body being with "Wells Fargo Brokerage Services, LLC" rather than Wells Fargo Bank.

MOTION BY: Joe Frenzel      SECONDED BY: Bill Reitmeier  
To amend the City Commission meeting minutes from February 21, 2006 item #4 and reference the lease to be with Wells Fargo Brokerage Services, LLC and not Wells Fargo Bank.

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

## 5. PUBLIC SAFETY

### A. ATV ORDINANCE NO. 1316

President Johnson asked if there was any public comment regarding the ATV ordinance. No public comment was received.

MOTION BY: Joe Frenzel                                                       SECONDED BY: Bill Reitmeier  
To approve second reading and final passage of Ordinance No. 1316:

**ORDINANCE NO. 1316**

**AN ORDINANCE AMENDING AND RE-ENACTING SECTION 23.76.070 OF THE CITY CODE OF THE CITY OF DICKINSON, NORTH DAKOTA RELATING TO OFF-HIGHWAY VEHICLES.**

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

**B. COMPLIANCE CHECK VIOLATION BY LIQUOR WAREHOUSE**

Greg Sund stated Police Chief Rummel, City Attorney Priebe and he met and reviewed the compliance check violation of Liquor Warehouse. He stated Liquor Warehouse has failed two compliance checks since the passage of the server training ordinance December 5, 2005. Because the City passed the server training ordinance which allows one violation to be forgiven if the server attended the server training program, the recent violation counted as the first official violation of Liquor Warehouse and warrants a written violation. Sund stated after discussion it was determined that the ordinance may need to be amended to clarify the intent. He questioned the Commission consider one free violation if the server attended the server training program but then the next violation would be treated with a fine and business closure for one day. President Johnson asked for commissioner comment. Commissioners concurred with drafting an amendment to reflect the recommendation.

MOTION BY: Joe Frenzel                                          SECONDED BY: Bill Reitmeier  
To authorize a letter of reprimand be sent to Liquor Warehouse for their compliance check violation of April 11, 2006.

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

### C. REPORT:

### 1. City Employee Street Clean-Up:

Fire Chief, Bob Sivak stated City Employees plan to participate in the Citywide Cleanup and will clean litter from Highway 22 between 15<sup>th</sup> Street and 29<sup>th</sup> Street in the morning of Tuesday, May 2, 2006. He stated should weather not permit, the clean up would be held the following week. Chief Sivak thanked department heads for their participation and staff involvement.

## 6. PUBLIC WORKS - ENGINEERING

## A. WEST DAKOTA OIL REZONING REQUEST

City Engineer Shawn Soehren requested Commission approval of second reading of an ordinance which would rezone property off East Broadway for West Dakota Oil. He stated the property is currently zoned Limited Industrial and the request would change it to General Industrial. President Johnson asked if there was anybody from the public who wished to comment regarding the ordinance. No public comment was received.

MOTION BY: Bill Reitmeier                      SECONDED BY: Joe Frenzel  
To approve second reading and final passage of Ordinance No. 1317:

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

B. DOWNTOWN IMPROVEMENT DISTRICT NO. 4:  
City Engineer Shawn Soehren referenced a resolution creating Downtown Improvement District No. 4. He stated it is the annual assessment district that provides funding for maintenance of the downtown city owned parking lots. Sund stated the district would be a \$20,000 assessment for five years.

**A RESOLUTION CREATING DOWNTOWN IMPROVEMENT DISTRICT NO. 4  
OF THE CITY OF DICKINSON, NORTH DAKOTA.**

C. RESOLUTION DIRECTING ENGINEER TO PREPARE ANNUAL REPORT FOR DOWNTOWN IMPROVEMENT DISTRICT NO. 4:

**A RESOLUTION DIRECTING ENGINEER FOR THE CITY OF DICKINSON TO PREPARE A REPORT AS TO THE GENERAL NATURE, PURPOSE, AND FEASIBILITY OF THE OPERATION, MAINTENANCE AND IMPROVEMENT OF THE DOWNTOWN PUBLIC PARKING LOTS AND AN ESTIMATE AS TO THE PROBABLE COST OF WORK FOR DOWNTOWN IMPROVEMENT DISTRICT NO. 4.**

#### D. REPORT:

- City Engineer Shawn Soehren referenced minutes from the Planning and Zoning meeting held on April 17<sup>th</sup>. He stated the meeting dealt with the rezoning request for Stark County in State Addition and discussion on the Renaissance Zone project for Dickinson, Elks LLC. He stated there was discussion regarding subdivisions within the county and the county's concern with maintenance in some areas.

8. City Administrator Report:

- Greg Sund stated the City has hired Danielle Stuckle as the new Historic Preservationist/Museum Center Director. He stated she will begin work on Wednesday, May 3, 2006. Johnson questioned where Stuckle would have her office. Sund stated it would be located in the Joachim Museum.

2. City Commission/Staff Planning Session:

Sund stated after receiving city commissioner schedules in an attempt to hold a planning session, it was learned there is no day in May where all commissioners would be available therefore he stated he would be contacting each commissioner to discuss budget priority issues individually.

3. Thank you letters from Senior Citizen Centers:

Sund stated there were several thank you letters from Senior Citizen Centers who received grant moneys, included in the packet and will continue to forward them as they are received.

4. Report on NDLC Regional Meeting in Belfield on April 27, 2006:

Sund stated he attended the NDLC Regional meeting held in Belfield. He stated the meeting was informative and learned about the progress many cities in this region are making.

5. Defined Contribution Plan:

Greg Sund stated he and Attorney Priebe have sent an edited draft of the Defined Contribution Pension Plan back to Dorsey and Whitney and when they receive more information will forward to the City Commission with hopes to have final approval sought by mid May. Sund also stated President Johnson recommended both the employee and employer contributions be 5% and questioned whether any commissioners objected to the percentage. Commissioners Frenzel and Reitmeier concurred with Johnson's recommendation.

6. NDLC Legislative Session Preparatory meeting:

Sund stated he would be attending the NDLC Legislative Session Preparatory meeting in Bismarck on Tuesday, May 2<sup>nd</sup>.

7. Annual Audit:

Sund stated the State Auditors completed their 2005 audit field work last week and made several suggestions the City has already begun to implement.

9. ACCOUNTS PAYABLE AND PAYROLL

MOTION BY: Joe Frenzel                      SECONDED BY: Bill Reitmeier

To approve the accounts payable as presented with accounts payable numbers 73,202 to 73,317. Said list is available in the Accounting Office.

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

Motion declared duly passed.

10. CITY COMMISSIONERS' REPORTS:

President Johnson reminded Commissioners to send City Administrator Sund's evaluations to him by mid May so the evaluation may be addressed at the beginning of June.

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

Evelyn Bjorness address the Commission with concerns that a property owned by Cliff Davis in KDIX Tower Addition is an eyesore and hazardous as it contains dead trees, branches and a wind fence in disrepair. Fire Chief Sivak stated the owner of the property has been contacted and the deadline for correction is near and will be following up in regard to the situation.

ADJOURNMENT

MOTION BY:Bill Reitmeier

SECONDED BY:Joe Frenzel

For adjournment of the meeting at 5:48 PM.

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

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: