

# Order of Business

## City Commission Meeting

Monday, March 17, 2014

4:30 PM

Dickinson City Hall – 99 2<sup>nd</sup> 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 meeting minutes dated March 3, 2014 (Enc.);
- B. Approval of Accounts Payable (via email);
- C. Approval of 2014 Irrigation Agreements with Chad and Carol Brusseau and Arnie Binek (Enc.);
- D. Approval of Lab Sampling Contract with UL (Enc.);
- E. Approval of Public Works Facility Storage Shelving, Scissor Lift, Fork Lift (Enc.);
- F. Approval of Financing for Fire Truck with recommendation of Kinetic Leasing (Enc.);

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

Next Resolution No: 16-2014

Next Ordinance No: 1546

### 3. **Timetable Agenda**

5:00 p.m. **Street Update Power Point**

### 4. **Non-Timetable Agenda**

#### **ADMINISTRATION/FINANCE**

- A. **Water Service Contract between City, SW Water and State of ND**  
Consideration to approve Amendment #4 (Enc.)
- B. **Dickinson Public Safety Center – JEDunn**  
Consideration to approve contract (Enc.)
- C. **Human Trafficking Proclamation**  
Consideration to approve Proclamation (Enc.)
- D. **Wells Fargo Improvements Bond Ordinance**  
Consideration to approve second reading and final passage of Ordinance No. 1542 (Enc.)
- E. **Wells Fargo Bond Resolution**  
Consideration to approve Resolution (Next Resolution No. \_\_\_\_ ) (Enc.)
- F. **Driving without Liability Insurance Ordinance**  
Consideration to approve second reading and final passage of Ordinance No. 1543 (Enc.)
- G. **On-Sale/Off-Sale Liquor License**  
Consideration to approve Resolution (Next Resolution No. \_\_\_\_ ) (Enc.)
- H. **Board of Equalization Meeting Date Change – from April 8, 2014 to May 5, 2014**  
Consideration to approve date changes
- I. **Financial Report, February, 2014**  
Consideration to approve report as presented. (Enc.)
- J. **Reports:**
  - 1. **Hiring Journal, February, 2014 (Enc.)**
  - 2. **Oil and Gas Tax Revenue Distribution (Enc.)**
  - 3. **State Water Commission Funding (Enc.)**
  - 4. **Capital Improvement Plan (Enc.)**
  - 5. **Staffing Issues**
  - 6. **Liquor License**
  - 7. **Election Information (Enc.)**

### 5. **PUBLIC SAFETY**

- A. **Fire Department**
  - 1. **2012 International Fire Code with amendments**  
Consideration to approve second reading and final passage of Ordinance No. 1544 (Enc.)
- B. **Police Department**
  - 1. **None**

### 6. **ENGINEERING**

- A. **Chapter 34 Amendments**  
Consideration to approve second reading and final passage of Ordinance No. 1545 (Enc.)
- B. **Development Plan Reviews – Civil Science**  
Consideration to approve contract (Enc.)
- C. **Reports**
  - 1. **Project Updates**
  - 2. **Hagen/Berg Pedestrian Gates**

### 7. **PUBLIC WORKS**

- A. **Proposed Fee Resolution – Sewer Rate**  
Consideration to approve Resolution (Next Resolution No. \_\_\_\_ ) (Enc.)
- B. **Reports:**
  - 1. **Project Updates**

### 8. **COMMUNITY DEVELOPMENT**

- A. **Development Agreement Prairie Creek**

Consideration to approve agreement (Enc.)

B. **Final Plat – Prairie Creek**

Consideration to approve Resolution (Next Resolution No. \_\_\_\_ ) (Enc.)

C. **Development Agreement for LaMont Subdivision**

Consideration to approve agreement (Enc.)

D. **Reports**

1. **Building Activity Report - February, 2014**

9. **COMMISSION**

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

**ADJOURNMENT**



Street and Fleet Manager Brent Coulter presents a power point in regards to the Street Department. Coulter states with the increase of population there have been increased challenges and problems. Coulter presents information on the equipment of 4 sanders, 2 of the units are greater than 30 years old, 1 at 20+ years and 1 is a covered refuse truck which is 15 years old. Coulter reviews the annual leaf collection and is concerned of the cost for this pickup. Also discussed were the 2014 seal coat projects, mill and overlay and pavement issues. Mr. Coulter discusses the winter maintenance along with sand clogged gutters. He recommends geo-melt which is 80% salt brine and 20% beet juice (Beet 55). Also included in the winter discussion is the maintenance of vehicles and a material storage shed to house salt, etc. Coulter explains the fleet project is on its way and starting out very well. Roadway concerns such as Fairway, Empire and States were discussed in regards to the condition and wear and tear from heavy vehicles. Coulter explains some remedies that he would like to try in order to remove snow from the streets.

Commissioner Steiner states there are problems with public notification snow removal. Carson would like to see notification on the billboards. Steiner speaks in regards to the leaf removal how it is cost and labor intensive and feels that adding additional storage bins would be an benefit to the residents as the existing ones get full quickly.

President Johnson would like for the Street Department to come forward with their needs prior to the budget season so the Commissioners can review the street needs. Johnson is very pleased with the cleanliness of the City.

Commissioner Jackson is hoping the street sweepers will be able to run more than normal in the City as there is quite a bit of mud and dirt on the streets.

Public Works Director Gary Zuroff is hoping to start sweeping earlier in the morning and have double shifts.

#### **4. GENERAL ISSUES/FINANCE**

##### **A. Water Service Contract between City, SW Water and State of ND**

Removed from agenda.

##### **B. Dickinson Public Safety Center – JEDunn**

Removed from agenda

**C. Human Trafficking Proclamation**

City Administrator Shawn Kessel introduces the Human Trafficking Proclamation and proclaims April 5, 2014 as “Freedom from Human Trafficking Day”. President Dennis Johnson read the Proclamation and signed.

**D. Wells Fargo Improvements Bond Ordinance**

City Attorney Matt Kolling introduces the Wells Fargo Improvements Bond Ordinance which is a dedication of certain sales tax revenues and water utility revenues to projects listed in the ordinance. Projects were added to this list to take advantage of the bonds funds. Kolling states funding from other sources could also be received for these projects.

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

MOTION BY: Carson Steiner                      SECONDED BY: Shirley Dukart  
To approve second reading and final passage of Ordinance No. 1542.

**ORDINANCE NO.                      1542**

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$20,000,000  
CITY OF DICKINSON, NORTH DAKOTA, SALES TAX REVENUE  
BONDS TO FINANCE COMMUNITY INFRASTRUCTURE  
IMPROVEMENTS**

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

**E. Wells Fargo Bond Resolution**

City Attorney Matt Kolling presents the Wells Fargo Bond Resolution which allows for the Administrator and the President of the Board to close on the bond and sign documents. The closing date is expected to be early in April.

MOTION BY: Gene Jackson                      SECONDED BY: Klayton Oltmanns  
To approve Resolution 16-2014 for adoption.

**RESOLUTION NO:                      16 - 2014**

**A RESOLUTION APPROVING THE ISSUANCE OF NOT TO EXCEED  
\$20,000,000 CITY OF DICKINSON, NORTH DAKOTA,**

**WATER AND SALES TAX REVENUE BOND, SERIES 2014,  
AND AUTHORIZING THE EXECUTION OF AN INDENTURE  
OF TRUST, CONTINUING COVENANT AGREEMENT,  
AND RELATED DOCUMENTS**

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

**F. Driving without Liability Insurance Ordinance**

City Attorney Matt Kolling presents an ordinance change which is currently a Class B Misdemeanor. Attorney General's opinion found that driving without liability insurance is considered to be a non-criminal violation. The first violation would be \$150 and the second would be \$300.

MOTION BY: Shirley Dukart                      SECONDED BY: Carson Steiner  
To approve second reading and final passage of Ordinance No. 1543.

**ORDINANCE NO.        1543**

**AN ORDINANCE AMENDING AND RE-ENACTING SECTION  
23.76.140 OF THE CITY CODE OF THE CITY OF DICKINSON,  
NORTH DAKOTA, RELATING TO DRIVING WITHOUT  
LIABILITY INSURANCE – PENALTY.**

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

**G. On-Sale/Off-Sale Liquor License**

City Administrator Shawn Kessel has received a request for another On-sale/Off-sale Liquor License. Kessel recognizes the population of 21,000 people or exceeding up to 24,000 residents in Dickinson. Kessel thanks the staff for arriving at the figures.

President Johnson is in favor of the On-sale/Off-sale Liquor License but does not favor a beer and wine license to convenience stores.

Commissioner Jackson is not sure why adding an On-sale/Off-sale liquor license would deter the beer and wine in convenience stores.

MOTION BY: Carson Steiner                      SECONDED BY: Shirley Dukart  
To approve Resolution 17-2014 for adoption.

**RESOLUTION NO: 17 - 2014**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF AN  
ADDITIONAL ON/OFF SALE ALCOHOL LICENSE WITHIN THE  
CITY OF DICKINSON**

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

## H. Board of Equalization Meeting Date Change – from April 8, 2014 to May 5, 2014

City Assessor Joe Hirschfeld is requesting a meeting date change from April 8, 2014 to May 5, 2014 for the Board of Equalization. Hirschfeld states the Assessing Department is ahead of last year in valuations but is unable to meet the April 8, 2014 deadline so is requesting May 5, 2014.

MOTION BY: Shirley Dukart                      SECONDED BY: Carson Steiner  
To approve the date change to May 5, 2014 for the Board of Equalization Meeting.

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

## I. Financial Report, February, 2014

Administrator Shawn Kessel thanks Ms. Brezden for creating the financial documents for February, 2014. Kessel requests if anyone has questions to please inform him.

## J. Reports:

## 1. Hiring Journal, February, 2014

HR Coordinator Shelly Nameniuk announces the City has 2 pending police officer offers on the table at this time. Nameniuk state there is a patrol sergeant position opened internally. An offer has been extended for the library director. Nameniuk states she has been advertising for street operators, water utility operators and is having no luck with applicants. She states a line worker position has been opened 3 times with no qualified applicants. She does state there is a property appraiser position open and is looking for an experienced appraiser.



There was one applicant qualified but couldn't convince his wife to move to North Dakota. Ms. Nameniuk is still having a difficult time filling positions.

## **2. Oil and Gas Tax Revenue Distribution**

City Administrator distributed the Oil and Gas Tax Revenue informational spreadsheet which informs the Commission on how the State distributes their sales tax.

## **3. State Water Commission Funding**

City Administrator Shawn Kessel presents the 2014 CIP for the City of Dickinson. He has added the Water Commission column since the announcement that the State Water Commission will be giving Dickinson up to \$18.4 million for potable water projects. He has distributed the amount of funds to be received for each project in to the appropriate column. Kessel states the City is very excited about receiving these funds. Kessel also informs the Commission some 2014 projects are starting to slide into 2015.

Commissioner Jackson states Project #31 which is Exit 56 states the City is committed to \$1 million dollars to finance the project. Jackson is not in favor of this commitment.

## **4. Capital Improvement Plan**

Information shared with the report in #3.

## **5. Staffing Issues**

City Administrator Shawn Kessel explains the need for a position whom should focus more attention on the financial analysis which were not previously included in the Finance Director's position and elevate this position to a Deputy City Administrator for finance of administrative services. The wage for this position we would fall in line for attracting someone. Deputy City Administrator for finance and administrative services would be an additional \$10,000 per year. There has been no additional staff in the Accounting Department so an accountant may be required for ongoing and increasing activities as well.

President Johnson studied the Finance Director job description and what the City needs are along with administrative services. Johnson explains there are various function in accounting such as reporting, financial analysis, budgeting and day to day happenings. Johnson feels this should be a senior position. This position would oversee the Museum, Library, and possibly a Cultural Affairs Officer.

City Administrator Kessel states the City is in need of a Public Informational person and the City has received proposals from outside sources and will be presenting the proposals to the Commissioners at the next meeting. This person would be used a multitude bases to inform the public of what is happening in terms of driving. This position would simply add a certain amount to each project line item.

## **6. Liquor License**

City Administrator Shawn Kessel presents ongoing concerns about liquor licenses in Stark County. Kessel has discussed this issue with the County Commissioners and they have to follow state law. There is concern that the county liquor license holder could be annexed into the City limits. Kessel feels this is unfair as the person being annexed into the City has not paid for the liquor license which was issued by the City. Kessel is suggesting the City change the ordinance and eliminate the working that the City has to recognize a county liquor license. The change to the ordinance would not force the City to recognize a county issued liquor license. The first reading will be brought to the next Commission meeting. Administrator Kessel would like to be proactive and share this ordinance with the county.

City Attorney Matt Kolling will review and work on this ordinance.

Commissioner Jackson feels the City is stating if you are annexed you are asked to close the doors.

## **7. Election Information**

Provided for information purposes.

**5. PUBLIC SAFETY**

**A. Fire Department**

**1. 2012 International Fire Code with Amendments**

Fire Chief Bob Sivak presents necessary amendments to the City's Fire Code Ordinance to mesh with the 2009 International Fire Code and the building code. This ordinance would keep the retail sale of fireworks in city limits.

Kyle Thiel thanks the Commissioners for their support of continuing to sell fireworks in the City limits.

MOTION BY: Klayton Oltmanns                      SECONDED BY: Carson Steiner  
To approve second reading and final passage of Ordinance No. 1544.

**ORDINANCE NO.                      1544**

**AN ORDINANCE AMENDING AND RE-ENACTING ARTICLE  
13.08 OF THE CITY CODE OF THE CITY OF DICKINSON,  
NORTH DAKOTA, RELATING TO INTERNATIONAL FIRE  
CODE.**

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

**B. Police Department**

**1. None**

**6. ENGINEERING**

**A. Chapter 34 Amendments**

City Engineer Craig Kubas presents an engineering fee ordinance amendment. Kubas explains the current ordinance states an application or development makes a deposit for the City to review and draw on the deposit. The developer will be asked to pay fees up front when plans are submitted for review.

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

MOTION BY: Shirley Dukart                      SECONDED BY: Carson Steiner  
To approve second reading and final passage of Ordinance No. 1545.

**ORDINANCE NO.                      1545**

**AN ORDINANCE AMENDING AND RE-ENACTING SECTION 34.030 OF THE CITY CODE OF THE CITY OF DICKINSON, RELATING TO SUBDIVISION OF LAND – DEFINITIONS, AND SECTION 34.060 OF THE CITY CODE OF THE CITY OF DICKINSON, RELATING TO SUBDIVISION OF LAND – IMPROVEMENTS.**

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

**B. Development Plan Reviews – Civil Science**

Loretta Marshik, GIS Specialist provides a contract to continue the City's arrangement to have municipal engineering services provided by Civil Science for revising plans. Marshik states Civil Science reviews mostly civil construction plans.

MOTION BY: Klayton Oltmanns                      SECONDED BY: Shirley Dukart  
To approve the Civil Science contract for plan reviews.

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

**C. Reports**

**1. Project Updates**

City Engineer Craig Kubas, GIS Specialist Loretta Marshik and Public Works Director Gary Zuroff updated the Commissioners on the upcoming projects and infrastructure in Dickinson.

President Johnson states the presentation is a great key for using when meeting with the legislatures and others. This presentation will show where Dickinson has been, where we are today, and where we want to be tomorrow. Johnson feels this presentation is very affective and commends the three individuals on the presentation.

**2. Hagen/Berg Pedestrian Gates**

City Engineer Craig Kubas states at the request of Hagen Junior High they would like to have the pedestrian gates reinstalled. Dickinson Public Schools will assume the cost to install the gates. These gates will be closed between 8:40 a.m. to 2:40 p.m. approximately.

**7. PUBLIC WORKS**

### **A. Proposed Fee Resolution – Sewer Rate**

City Attorney Matt Kolling states with the bringing on of a great deal of infrastructure the City is looking to provide a debt reduction. The City had Apex Engineering review the existing water and sewer rates. Currently the residents are paying \$7.50 for base charge and usage rate of \$2 per 1000 gallons. In order to cover the debt rate the base rate needs to increase to around \$11 for residential and commercial will be going to a base rate of \$22. The City is attempting to provide for equitable rate structure for other entities as well. The proposed sewer rate is 10% more for outside of the city's limits.

Commissioner Jackson is concerned and feels that 10% differential for outside city limits might not be quite enough. He states there is a lot of enterprise funds but that won't pay for everything. Jackson states possibly go with 10% not and revisit this in one year.

Administrator Shawn Kessel would like to be sensitive to South Heart and have them pay a lower rate than 10%.

President Johnson possibly feels that the starting rate should be 20% and line out South Heart and give them a 10% differential. Johnson states it will be good to eliminate lagoons in our area. If Dickinson can help encourage South Heart to eliminate or reduce lagoon this would be a good thing.

Commissioner Jackson feels possibly start South Heart at 10% and raise in one year.

City Attorney Matt Kolling states this is Phase I from Apex and keep in mind the existing contract with Dakota Refinery and charging the customary rate.

President Johnson states Commissioners should give Attorney Kolling feedback and he will create a resolution from there.

### **B. Reports**

#### **1. Project Updates**

No report at this time.

## **8. COMMUNITY DEVELOPMENT**

### **A. Development Agreement Prairie Creek**

City Attorney presents a Development Agreement with Prairie Creek which is located East of State Avenue and North between 21<sup>st</sup> Street and 5<sup>th</sup> Street. The

construction of a trunk line for gravity sewer to connect with lift station #12. Kolling states the developer will need to pay a reasonable and fair share of the trunk line. The developer's share of the trunk line is \$83,000.

MOTION BY: Gene Jackson                      SECONDED BY: Klayton Oltmanns  
To approve the Development Agreement Prairie Creek.

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

**B. Final Plat – Prairie Creek**

Community Development Director Courton presents a final plat request for Prairie Creek. This plat consists of 82 lots and 1 storm water management tract.

MOTION BY: Carson Steiner                      SECONDED BY: Shirley Dukart  
To authorize introduction Resolution 18-2014 for adoption.

**RESOLUTION NO:                      18 - 2014**

**A RESOLUTION APPROVING FINAL PLAT ENTITLED  
PRAIRIE CREEK  
STARK COUNTY, NORTH DAKOTA.**

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

**C. Development Agreement for LaMont Subdivision**

City Attorney Matt Kolling presents a Development Agreement for LaMont Subdivision located north of 14<sup>th</sup> Street East which is basically in the back of Hampton Inn. The developer has asked for a special assessment district but the City has not committed to the district. Kolling will continue to communicate with the developer to discuss this issue.

MOTION BY: Carson Steiner                      SECONDED BY: Gene Jackson  
To approve the Development Agreement for LaMont Subdivision.

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

**D. Reports:**

**1. Building Activity Report – February, 2014**

## 9. COMMISSION

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

Ms. Kostelecky recites information as provided by the SW Coalition in regards to census, liquor establishments and the ratio of people to liquor stores. Kostelecky is proud of the direction the City is going.

## 11. ADJOURNMENT

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

OFFICIAL MINUTES PREPARED BY:

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Rita Binstock, Assistant to City Administrator

APPROVED BY:

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Shawn Kessel, City Administrator

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Dennis W. Johnson, President

Board of City Commissioners

Date: April 7, 2014