REGULAR MEETING DICKINSON CITY COMMISSION SEPTEMBER 5, 2006

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 Bill Reitmeier,

Rhonda Dukart, Carson Steiner and Joe Frenzel

STANDARD MOTIONS

1. ORDER OF BUSINESS

MOTION BY: Rhonda Dukart SECONDED BY: Carson Steiner

To approve the September 5, 2006 Order of Business as presented.

DISPOSITION: Motion carried unanimously.

2. CONSENT AGENDA

MOTION BY: Bill Reitmeier SECONDED BY: Joe Frenzel

- A. Approval of minutes of regular meeting dated August 21, 2006;
- B. Authorize signatures for Wells Fargo Merchant Banking Services same as other banking resolution;
- C. Authorize signatures on new American Bank Center Accounts Resolution.

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

Motion declared duly passed.

TIMETABLE AGENDA

5:30 PM

PUBLIC HEARING – ALARM MONITORING ORDINANCE

President Johnson opened the public hearing at 5:30 PM to gather input regarding the proposed amendment to the alarm monitoring ordinance which will discontinue the police department monitoring of alarms. Ron Olson, representing St. Joseph's Hospital, stated he did not object to the amendment which would eliminate the Police Department monitoring of fire alarms but asked the City to provide needed documentation based upon the requirements listed in the National Fire Protection Agency and Remote Servicing codes. He stated the appropriate documentation and list is needed to keep the hospital accredited.

Ed Stockert, representing St. Lukes Home and Park Avenue Villa, stated he supported the proposed ordinance. He stated eliminating the requirement for monitoring by the Police Department will save money on secure phone lines and will allow him to be notified in a more timely manner.

President Johnson questioned Mr. Olson if the City passes the proposed ordinance whether it would place the hospital in a difficult position. Mr. Olson stated as long as the city provides the appropriate documentation, it would be a smooth transition.

President Johnson closed the public hearing at 5:43 PM. Johnson asked Police Chief Rummel and staff meet with Mr. Olson from St. Joseph's Hospital to learn the needs and requirements of the hospital so to assure nothing is done to jeopardize the hospital's accreditation.

NON-TIMETABLE AGENDA

4. <u>GENERAL ISSUES/FINANCE</u>

A. <u>2007 APPROPRIATIONS ORDINANCE</u>

President Johnson asked if there was anybody in the public who wished to comment regarding the annual appropriations ordinance. No public comment was received.

President Johnson stated City Commissioners and Senior Management staff met last week and reviewed the budget. Greg Sund stated he made changes to the budget based upon the management meeting. Sund stated the changes included increasing the increments on the pay scale, property tax proposal and general fund dollars as it now includes all outside grants/subsidies. President Johnson stated highlights of the 2007 budget includes increasing the general fund levy by \$100,000 from last year but it is believed that due to the added taxable property, the city's portion of the property taxes will likely decrease and the City intends to use approximately \$211,000 of cash on hand to balance the budget. Johnson stated at the next City Commission meeting a public hearing will be held with final reading anticipated October 2nd.

MOTION BY: Rhonda Dukart SECONDED BY: Bill Reitmeier To approve first reading (and waiver thereof) of Ordinance No. 1328:

ORDINANCE NO. 1328

ANNUAL APPROPRIATION AND TAX LEVY

AN ORDINANCE ENTITLED "THE ANNUAL APPROPRIATION AND TAX LEVY" APPROPRIATING THE SUM OF MONEY NECESSARY TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF DICKINSON, NORTH DAKOTA, AND MAKING THE ANNUAL TAX LEVY FOR THE FISCAL YEAR BEGINNING JANUARY 01, 2007 AND ENDING DECEMBER 31, 2007, INCLUSIVE".

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

Motion declared duly passed.

B. <u>HUMAN RESOURCE CODE AMENDMENT</u>

President Johnson asked if there was any public comment. No public comment was received.

MOTION BY: Bill Reitmeier SECONDED BY: Carson Steiner To approve second reading and final passage of Ordinance No. 1326:

ORDINANCE NO. 1326

AN ORDINANCE AMENDING AND RE-ENACTING SECTION 29.08.04060 OF THE CITY CODE OF THE CITY OF DICKINSON, NORTH DAKOTA RELATING TO HUMANR ESOURCES.

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

Motion declared duly passed.

C. <u>ALCOHOLIC BEVERAGE CODE AMENDMENT</u>

President Johnson asked if there was any public comment. No public comment was received. Greg Sund stated the amendment is simply a change to the definition of sale of alcoholic beverages.

MOTION BY: Rhonda Dukart SECONDED BY: Joe Frenzel To approve second reading and final passage of Ordinance No. 1327:

ORDINANCE NO. 1327

AN ORDINANCE AMENDING AND RE-ENACTING THE DEFINITION OF "SALE AND SELL" IN SECTION 4.04.010 OF THE DICKINSON CITY CODE.

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

Motion declared duly passed.

D. <u>SALE OF PARKING AREA TO DICKINSON ELKS LLC</u>

Greg Sund stated he met with Beaver Brinkman regarding the sales price for a portion of the parking lot where the old City Hall was located. Sund stated recently the City purchased a parking lot at \$2.88 per square foot, therefore used the same price to negotiate the sale with Mr. Brinkman. Mr. Brinkman asked for a 25 year amortization with a 5 year balloon. President Johnson asked Commissioner Frenzel whether he felt a 25 year amortization was acceptable. Frenzel stated he would prefer a 20 year amortization but could accept 25 years. Sund stated a 6.25% interest rate would be charged as it is the amount the City is allowed to charge under special assessment guidelines. Commissioner Steiner questioned how many lots Mr. Brinkman would be purchasing. Sund stated he was unsure but thought it would be approximately two lots. City Engineer Shawn Soehren stated he worked with Mr. Brinkman to best utilize the parking lot space and Mr. Brinkman would be purchasing the area directly north of the Kovash/Dasovick office building.

MOTION BY: Carson Steiner SECONDED BY: Joe Frenzel To approve a Contract for Deed sale of parking lot space in Block 13, Original Plat to Dickinson Elks, LLC at \$2.88 per square foot with a 25 year amortization with a 5 year balloon payment at a 6.25% interest rate.

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

Motion declared duly passed.

5. PUBLIC SAFETY

A. ARCHONIX POLICE DATABASE SOFTWARE

Police Chief Chuck Rummel requested City Commission approval to purchase the Archonix Police database software. He stated it is important to proceed to upgrade their software and present system. He stated the present system dates back to the early 1990's and is a DOS based software. He stated they received an upgrade in 2000 but received very little change. He stated the Police Department is presently three months behind in regard to data input. With the new system, it will be less manual labor intense and will more easily be able to keep up to date entering data. He stated the new system would be shared with the Southwest Multi-County Correction Center, Stark County Sheriff's Department and Stark County Emergency Management and stated all entities are recommending the purchase. Rummel stated the City would be responsible for 1/3 of the costs which is \$36,000 which includes all servers needed.

MOTION BY: Rhonda Dukart SECONDED BY: Bill Reitmeier To approve the purchase of Archonix Police Database Software in the amount of \$36,000 and authorize amending the 2006 General Fund budget to include the costs.

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

Motion declared duly passed.

6. PUBLIC WORKS - ENGINEERING

A. REZONE OF BRUCE KARY PROPERTY

President Johnson asked if there was any public comment regarding the ordinance. No public comment was received. City Administrator Greg Sund stated based on letters received and his concern with changing the zone from "R2" to "LI", it was his recommendation for a "no" vote on the proposed zoning change request. City Engineer Shawn Soehren stated he has spoke with City Administrator Sund and he too recommends denying the request with the understanding the City work with the petitioner to allow them to move their building without the need to rezone the area. Commissioner Frenzel concurred with the denial recommendation and encouraged staff work with the petitioner to move the desired building.

MOTION BY: Joe Frenzel SECONDED BY: Bill Reitmeier To deny second reading of Ordinance No. 1324:

ORDINANCE NO. 1324

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.

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

Motion declared duly passed.

B. <u>REPORTS:</u>

1. Planning and Zoning Commission meeting minutes of August 16, 2006: Provided for informational purposes.

2. Board of Adjustment meeting minutes of August 14, 2006: Provided for informational purposes.

3. Construction Projects Update:

City Engineer Soehren stated construction continues on Hwy 22. He stated it is creating traffic issues therefore encouraged people to use alternate routes such as 10th Avenue East or State Avenue. Soehren stated the project is a state project and is anticipated to be complete mid October.

Soehren stated the 23rd Avenue project should be complete by the end of September.

He stated the contractor for the chip seal project arrived in town and began working on Tuesday the 5th. He stated the project is proceeding rapidly and anticipated the project would be complete by the end of the week. President Johnson referenced discussions held at the Management Meeting on August 31st and stated it was the recommendation to roll Chip Seal Projects years 9 and 10 together, therefore complete the 10 year Chip Seal Project in year 2007. Johnson stated discussion was held regarding eliminating special assessment projects for chip sealing once the 10-year project is complete. Johnson stated it was recommended that the City move towards a six to seven year rotation basis to better protect the streets so to prevent major construction repair. Johnson stated discussion also centered around funding future chip seal projects out of the general fund and with property taxes. Johnson stated should the public have comments regarding the chip seal projects to contact City officials.

7. PUBLIC WORKS – MAINTENANCE AND UTILITIES

N/A

8. ADMINISTRATION:

A. CITY ADMINISTRATOR REPORT:

1. Worldwide Bird Flu Statistics:

Greg Sund provided statistics on confirmed human cases of bird flu.

2. ICMA Conference:

Sund stated he will attend the annual ICMA Conference in San Antonio, Texas, September 9th through 13th.

3. Other:

President Johnson stated he visited with Sund today regarding the taxi service subsidy and the need for a written agreement detailing the City's obligations and expectations.

9. ACCOUNTS PAYABLE AND PAYROLL

MOTION BY: Carson Steiner SECONDED BY: Rhonda Dukart

To approve the accounts payable as presented with accounts payable numbers 57,784 to 57,925 and payroll as distributed by automatic deposit. Said list is available in the Accounting Office.

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

Motion declared duly passed.

10. <u>CITY COMMISSIONERS' REPORTS:</u>

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

N/A

ADJOURNMENT

MOTION BY: SECONDED BY: Bill Reitmeier Carson Steiner

For adjournment of the meeting at 6:08 PM.

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

Motion declared duly passed.

OFFICIAL MINUTES PREPARED BY:
Cindy Selinger, Assistant to City Administrator
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APPROVED BY:
Greg Sund, City Administrator
Dennis W. Johnson, President Board of City Commissioners
Date: