

**OCTOBER 16, 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, Carson Steiner and Joe Frenzel

Absent was: Commissioner Rhonda Dukart

## STANDARD MOTIONS

## 1. ORDER OF BUSINESS

MOTION BY: Carson Steiner                      SECONDED BY: Bill Reitmeier

To approve the October 16, 2006 Order of Business as presented.

**DISPOSITION:** Motion carried unanimously.

## 2. CONSENT AGENDA

**MOTION BY:** Carson Steiner **SECONDED BY:** Joe Frenzel

A. Approval of minutes of regular meeting dated October 2, 2006;

B. Approval of deed of transfer of Heart River Golf Course property to the Dickinson Park District;

C. Approval of Diamond Software Inc. Professional Services Agreement dated October 10, 2006;

D. Approval of Engineering Agreement for 13<sup>th</sup> Avenue West, Villard Street to Empire Road, with Kadrmas, Lee and Jackson (SU-5-983(032)032).

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

Motion declared duly passed.

## TIMETABLE AGENDA

5:30 PM

## PUBLIC HEARING – 2006 SEAL COAT ASSESSMENTS

President Johnson opened the public hearing at 5:40 PM to consider protests from 2006 Seal Coat district property owners. No public comment was received. Johnson closed the public hearing at 5:41 PM. City Engineer Shawn Soehren stated a public hearing was held before the Special Assessment Commission and no citizen comment was received. Soehren recommended approval of the resolution.

MOTION BY: Carson Steiner                      SECONDED BY: Bill Reitmeier

To authorize introducing Resolution No. 24-2006 for adoption:

**RESOLUTION NO. 24-2006**

**A RESOLUTION FOR FINAL CONFIRMATION OF 2006 PORTION OF 10-YEAR SEAL COAT IMPROVEMENT DISTRICT, CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA.**

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

Motion declared duly passed.

5:45 PM

## PUBLIC HEARING – SPECIAL USE PERMIT – DAVID HANSEN

President Johnson opened the public hearing at 5:45 PM to gather input regarding a Special Use Permit request from David Hansen to build a self storage facility at 1079 West Broadway. Neal Messer spoke on behalf of David Hansen and requested approval of the request. He stated the building will be 8,000 square feet and used for cold storage for the primary storage of RV's and larger units. He stated the building will be located approximately one-half block east of the MDU building. President Johnson asked if there was any further public comment. City Engineer Shawn Soehren stated the request was considered by the Planning and Zoning Commission and they recommended

MOTION BY: Carson Steiner                                 SECONDED BY: Joe Frenzel  
To approve the Special Use Permit request from David Hansen to build a self storage facility in a GC (General Commercial) zoned district at Lot 2, Block 1, Polensky's Subdivision (1079 West Broadway).  
DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 1.  
Motion declared duly passed.

#### 4. GENERAL ISSUES/FINANCE

Accounting Manager Tina Fisher, highlighted the September 2006 financial reports.

MOTION BY: Bill Reitmeier                               SECONDED BY: Joe Frenzel  
To accept the September 2006 financial report as presented.  
DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 1.  
Motion declared duly passed.

City Administrator Greg Sund stated at the last City Commission meeting the City Commission made a motion to reject an offer from Big K Homes, LLC for Lot 2, Block 1, Country Oaks 2<sup>nd</sup> Addition in the amount of \$5,000 with them assuming \$8,544.27 in special assessments. He stated at that time the City Commission approved a list price of \$24,550. Commissioner Reitmeier stated he viewed the property and due to the slope of the lot, the need for a retaining wall and the intent to build yet this year, it was his desire to accept the original offer of Big K Homes, Inc. in the amount of \$5,000. Commissioner Frenzel stated he would again need to abstain from discussion and voting as the real estate offer was presented by an agent of his office, Everett Real Estate. Commissioner Steiner acknowledged a possible need to reduce the price due to the slope of the lot as noted by Reitmeier, but was not willing to accept the original offer of \$5,000 but stated he would consider a price of \$18,000 to \$20,000 with the pending special assessments included in that price. He also expressed concern with these types of negotiations setting a precedence wherein other developers are encouraged to appear before the City Commission each time they desire to purchase a city owned lot for less than list price. President Johnson stated there was approximately \$11,000 difference between the original offer and the newly established price of \$24,550. He said he was willing to consider a lesser amount but not the original \$5,000 offer

Dave Kitzen of Big K Homes, LLC addressed the Commission requesting a consideration of a lower the list price on the parcel in Country Oaks 2<sup>nd</sup> Addition. He stated he desires to purchase the property and construct a group home facility. He stated the project also requires a special use permit from the Planning and Zoning Commission and is in the process of submitting the proposal. Mr. Kitzen stated the lot has an approximate five foot slope from back to front therefore would require constructing a retaining wall to make the property look nice and would cost approximately \$10,000. He stated if he was successful in purchasing the lot he intended to begin construction this fall.

MOTION BY: Carson Steiner                                        SECONDED BY: Bill Reitmeier  
To change the list price on Lot 2, Block 1, Country Oaks 2<sup>nd</sup> Addition from \$24,550 to \$19,000 which will include special assessments pending in the amount of \$8,544.27.  
DISPOSITION: Roll call vote...Aye 3 (Johnson, Steiner, Reitmeier), Nay 0,  
Absent 1 (Dukart), Abstain 1 (Frenzel).  
Motion declared duly passed.

President Johnson directed staff review the prices established for Lot 1, Block 1 and Lot 7, Block 3, Country Oaks 2<sup>nd</sup> Addition and see if there were recommendations for

Soehren said the top lift was laid on the Highway 22 project over the weekend. Soehren added the top lift on 23rd Avenue West is not yet completed therefore the contractor is paying liquidated damages. He stated the air temperature must be 45 degrees in order to

pave therefore the weather will have a bearing on completion dates for both projects. He stated the Mill and Overlay project of 27, 28 and 29<sup>th</sup> Street West is to begin within the week but is dependent upon air temperatures.

7. PUBLIC WORKS – MAINTENANCE AND UTILITIES

A. REPORT:

1. Street Tree Transportation Program Grant award:

Public Works Manager Skip Rapp stated the City was awarded a \$50,000 Street Tree Transportation Enhancement grant to be used for replacement trees due to storm events. He stated the grant is a 80/20% split and residents will pay 25% of the costs for replacement. Rapp stated the grant program is new and Dickinson and Minot will be the two cities in the pilot program.

8. ADMINISTRATION:

A. CITY ADMINISTRATOR REPORT:

1. School Resource Officer:

Greg Sund stated there has been renewed interest in establishing a full time School Resource Officer position. He questioned whether the Commission desired to budget the position in 2007 or 2008. He also recommended prior to hiring the position, details for the position be worked out. Johnson stated he would be willing to amend the 2007 budget if there was a proposal acceptable to both parties and brought before the City Commission. Commissioner Frenzel stated it is important potential school issues be kept under control and ahead of, therefore supported establishment of a full time position as soon as possible. Reitmeier stated he also felt it was important to establish a full time school resource officer as he spoke with several students after the last lock down incident at the High School and felt had there not been a part time officer already assigned to the school, the issue could have escalated. Lt. Wallace, current part time School Resource Officer, spoke in support of establishing a full time position. He stated he believes the recent school incident would have been much more critical and investigation not as successful had there not been a school resource officer involved. Wallace encouraged a budget amendment to allow establishment of the position. Greg Sund stated he has a meeting scheduled with School Superintendent Paul Stremick next week to discuss funding and details.

2. Historic Preservation/Renaissance Zone Meetings:

Greg Sund stated two training sessions will be offered to individuals interested in historic preservation and the renaissance zone on October 17<sup>th</sup> and 24<sup>th</sup> at City Hall at 1:00 PM and 7:00 PM.

3. Retiree Health Benefits Article:

Sund provided a copy of an article regarding Retiree Health Benefits. He stated the new accounting rule will require public agencies to disclose the future cost of health care and other benefits such as dental, vision and life insurance promised to retirees. He stated he has forwarded the City's information to the Actuary requesting he prepare a report for the City. Sund stated the City will likely need to establish some sort of a trust fund to account for retiree health benefits. President Johnson directed Sund to prepare information regarding the City's retiree health insurance benefits and hold discussion at a future City Commission meeting.

4. NDLC Meeting Management Workshop:

Sund stated the NDLC will hold a Management workshop in Dickinson on October 25, 2006 at 7:00 PM at City Hall. He encouraged anybody interested in improving their skills and knowledge of parliamentary procedures and meeting management to register for the workshop.

5. ND Association of Counties IT Services:

Sund stated he met with Mike Abel with the ND Association of Counties to discuss the City's IT needs. He stated he was not able to schedule a meeting with Mr. Abel prior to completion of 2007 budget. Sund stated the City currently contracts 10 hours of IT work per week and the management team recommends increasing the hours due to the City's needs. Sund stated currently the City contracts at \$42/hour and if the hours would

increase to 20 per week it would be approximately \$40,000 to \$45,000 per year. Sund asked for Commission feedback. President Johnson questioned whether Sund had contacted the School District or Park District to co-op for the position or whether an RFP was considered. Sund stated because the City contracts with the ND Association of Counties they are allowed to purchase equipment under the state bid and has received substantial discounts, therefore felt it beneficial to stay with the Association. Sund stated the City recently purchased a server and saved between \$6,000 and \$7,000.

Johnson voiced concern stating this is the second item now being discussed and recommended for a 2007 budget amendment and 2007 had not yet begun.

Commissioner Reitmeier stated additional IT hours is something the City has needed for some time and suggested the City pursue researching the option for year 2008.

9. ACCOUNTS PAYABLE

MOTION BY: Joe Frenzel                      SECONDED BY: Carson Steiner

To approve the accounts payable as presented with accounts payable numbers 58,227 to 58,375. Said list is available in the Accounting Office.

DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 1.  
Motion declared duly passed.

10. CITY COMMISSIONERS' REPORTS:

1. Community Action Partnership minutes from September 26, 2006:  
Provided for informational purposes.

President Johnson requested consideration of City Administrator salary adjustment be placed on the November 6<sup>th</sup> agenda. He stated in the past the salary adjustment had been effective as of December 1<sup>st</sup>, therefore recommended Commissioner consideration at the next meeting. Johnson stated in the past he has made a recommendation for the adjustment and questioned whether the Commissioners had other suggestions for the process. Commissioner Steiner requested President Johnson provide his recommendation prior to the November 6<sup>th</sup> meeting. Johnson concurred.

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

N/A

ADJOURNMENT

MOTION BY: Bill Reitmeier                      SECONDED BY: Joe Frenzel

For adjournment of the meeting at 6:15 PM.

DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 1.  
Motion declared duly passed.

OFFICIAL MINUTES PREPARED BY:

\_\_\_\_\_  
Cindy Selinger, Assistant to City Administrator

APPROVED BY:

\_\_\_\_\_  
Greg Sund, City Administrator

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Dennis W. Johnson, President  
Board of City Commissioners

Date: \_\_\_\_\_