

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: Carson Steiner SECONDED BY: Bill Reitmeier
To approve the December 4, 2006 Order of Business as presented.
DISPOSITION: Motion carried unanimously.

2. CONSENT AGENDA

MOTION BY: Rhonda Dukart SECONDED BY: Joe Frenzel
A. Approve minutes of regular meeting dated November 20, 2006;
B. Approval of Engagement Letter from ND State Auditor's office for 2006, 2007 and 2008 audits;
C. Approval to appoint Marcy Decker to the Dickinson Transportation Board to replace Pat Rinn (term to expire 12-31-09);
D. Approval of the Maintenance Agreement for the Savin copier located at City Hall;
E. Approval of the following 2007 Alcoholic Beverage License renewals:
 On-Off Sale Commercial Liquor License:
 Army's West, Inc.; B. P. Marsh Enterprises, Inc. (Esquire Club); Buresh, Ronald F. (Uncle Ron's Spur Bar & Lounge); D&J Liquor, Inc. (Liquid Assets); Johnson, Jerry A. (Queen City Club); Koffler, Joe (Frontier Liquors); Liquor Warehouse, Inc.; Maverick Saloons, Inc.; Paragon Bowl, Inc. (Champs Sports Club); Paul, Don & Linda (Ponderosa Liquor); Pender, Patricia (Town & Country Liquor); R & S Koffler, Inc. (Grumpy's Broadway Bar); Southview Liquors, LLC; T-Rex Liquor, Inc.; The Rock, Inc.; Vintage Liquors, Inc.;
 Lodge or Club Liquor License
 Brotherhood of St. Anthony; Dickinson Eagles Club, Inc; Elks Lodge 1137;
 Motel or Hotel Liquor License
 Grand Dakota Hospitality, LLC (Days Inn Grand Dakota Lodge); Shivam LLC. (Quality Inn and Suites);
 On-Sale Restaurant Liquor License
 Applewest, Inc. (Applebee's Neighborhood Grill & Bar); El Sombrero, Inc.; Sanford's Grub & Pub of ND; Wong's and Tse's, Inc. (China Doll Restaurant);
 Beer and Wine
 Classic Lanes, Inc.;
 Restaurant Beer Only
 Happy Joe's Pizza & Ice Cream Parlor, Inc.; Ross, Jeremy (JD's BBQ)
F. Approval of Joint Powers Agreement with Dickinson Public School District for School Resource Officer.
DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0.
 Motion declared duly passed.

TIMETABLE AGENDA

5:30 PM

SPECIAL USE PERMIT – BROADCASTING TOWER FOR LEE LEISS (STARRDAK, INC.)

City Engineer Shawn Soehren stated the City received a special use permit request from Starrdak, Inc., to place a broadcasting tower at 381 25th Avenue SE which is located on the north side of the city lagoon. Soehren stated the current tower is located on 14th Street West. The petitioner has leased other property and plans to move the tower there.

He stated the Planning and Zoning Commission held a hearing and recommended approval of the request.

President Johnson opened the public hearing at 5:35 PM. No public comment was received. Johnson closed the public hearing at 5:36 PM. Commissioner Dukart questioned whether the tower would be 199' tall as listed in the Planning and Zoning Commission minutes. Soehren stated the tower would be 99' tall.

MOTION BY: Bill Reitmeier SECONDED BY: Rhonda Dukart
To approve the Special Use Permit request from Starrdak, Inc. (dba KDIX Radio – Lee and Darlene Leiss) to place a broadcasting tower on a tract of land located in the Northwest Quarter (NW1/4) of Section 12, Township 139 North, Range 96 West of the 5th PM, Stark County, subject to the tower having minimal lighting and no advertising.
DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0.
Motion declared duly passed

5:45 PM

APPEAL OF BOARD OF ADJUSTMENT – VARIANCE REQUEST FOR BRAD BRENNAN (UNITED STATES SEAMLESS)

President Johnson asked City Attorney Priebe to provide background on the process for the appeal. City Attorney Priebe stated the Board of Adjustment heard a request from Brad Brennan of United States Seamless to grant a variance to build on the north property line where a 20' setback is required at west 15' Lot 3, all of Lot 4, Block 6, West End 2nd Addition which is located on West Villard between Pro-Tint and Superior Cleaners. He stated the Board of Adjustment Commission recommended approval of the request. He added Attorney Al Hardy filed an appeal of the Board of Adjustment decision listing the creation of a traffic hazard and that the building would obstruct customer view of adjoining business. City Attorney Priebe stated the City Commission must render a decision whether denial of the request would result in peculiar and exceptional practical difficulties or exceptional and undue hardships upon the owner of such property. City Attorney Priebe recommended the City Commission grant the appealants and the petitioner the opportunity to offer input regarding the appeal prior to the City Commission taking action.

President Johnson opened the appeal hearing at 5:48 PM. Attorney Al Hardy, representing David G. Halstead, Greg Hoffer and Melvin E. Pirkl stated his clients are appealing the decision of the Board of Adjustment as City Code states a denial of a variance must cause exceptional hardship to the petitioner. He stated his clients do not believe denying the variance would cause exceptional hardship to the property owner but would create a traffic hazard as it would obstruct customer view of adjoining businesses. He stated City Code states a variance request must come from the property owner and noted Brad Brennan is the petitioner and not the property owner. He stated therefore the denial of the variance could not cause an exceptional hardship as Mr. Brennan intends to construct the building as a spec building. Attorney Hardy also stated City Code requires properties be consistent with other properties in the area and every business from 13th Avenue to the east have a setback requirement until down to the DSU Art Department building. He stated if the building was constructed with no front setback requirements, vehicles entering Villard from the alley between the proposed building and Pro-Tint would be entering through a tunnel style exit. Melvin Perkl, operator of Superior Cleaners, stated approval of the variance request would block vehicular visibility coming from the west. He guesstimated 20 to 25% of his summer business is from tourism. He also stated the variance would create safety issues for traffic exiting his parking lot. Dave Halstead, property owner of Superior Cleaners, spoke in opposition of the request. He stated constructing the proposed building with the variance would affect the value of his property. He also stated the proposed building height and visibility from the west will block traffic and cause dangerous situations. He requested City Commission consideration to deny the variance request and require the lot have the 20' setback requirement. Greg Hoffer, owner of Pro-Tint, spoke in opposition to the request due to safety reasons. He stated there is a lot of vehicle traffic that goes in and out of the businesses in the area and blocking visibility will cause problems. He also noted construction of the proposed building will create snow removal problems. Petitioner Brad Brennan spoke of his variance request. He stated the lot is small and in order to

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: _____