

I. CALL TO ORDER

Vice-President Joe Frenzel called the meeting to order at 5:15 PM.

II. ROLL CALL

Present were: Vice-President Joe Frenzel, Commissioners Carson Steiner,
Bill Reitmeier and Gene Jackson

Absent was: President Dennis W. Johnson

STANDARD MOTIONS1. ORDER OF BUSINESS

MOTION BY: Carson Steiner SECONDED BY: Bill Reitmeier

To approve the August 18, 2008 Order of Business as presented.

DISPOSITION: Motion carried unanimously.

2. CONSENT AGENDA

MOTION BY: Gene Jackson SECONDED BY: Bill Reitmeier

A. Approve minutes of regular meeting dated August 4, 2008;

B. Approval of Public Safety Interoperable Communication (PSIC) Grant;

C. Approval of new Merchant ID Contract with Wells Fargo;

D. Approval of Pledged Securities report dated June 30, 2008;

E. Approval of EAP Service Agreement with Medcenter One.

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

Motion declared duly passed.

TIMETABLE AGENDA

5:30 PM

PUBLIC HEARINGS – UTILITY EASEMENT VACATIONS1. **Lot 2, Block 13, Prairie Hills 4th Addition (3K LLP – Larry Kostelecky):**

Vice-President Joe Frenzel opened the public hearing at 5:30 PM to gather input on the utility easement vacation in Prairie Hills 4th Addition. No public comment was received.

MOTION BY: Carson Steiner SECONDED BY: Bill Reitmeier

To authorize introducing Resolution 19-2008 for adoption:

RESOLUTION NO. 19-2008

**A RESOLUTION APPROVING THAT VACATION OF A UTILITY EASEMENT
IN PRAIRIE HILLS FOURTH ADDITION TO THE CITY OF DICKINSON,
STARK COUNTY, NORTH DAKOTA.**

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

Motion declared duly passed.

2. **Lot 1, Block 3, Dkn-Mdn/Lot 28, Block 1, North Hill Acres 2nd (John Kempenich):**

Vice-President Frenzel asked if there was any public comment, no public comment was received.

MOTION BY: Carson Steiner SECONDED BY: Gene Jackson

To authorize introducing Resolution 20-2008 for adoption:

RESOLUTION NO. 20-2008

A RESOLUTION APPROVING THAT VACATION OF A UTILITY EASEMENT IN DKN-MDN SUBDIVISION AND 2ND REPLAT OF PORTIONS OF BLOCKS 7, 8, 9 OF REPLATTED NORTH HILL ACRES 2ND ADDITION TO THE CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA.

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

3. Lot 15, Block 7, North Ridge Estates 1st Addition (Arnold Kopp):

Vice-President Frenzel asked if there was any public comment, no public comment was received. Frenzel closed the public hearing at 5:32 PM

MOTION BY: Bill Reitmeier SECONDED BY: Gene Jackson
To authorize introducing Resolution No. 21-2008 for adoption:

RESOLUTION NO. 21-2008

A RESOLUTION APPROVING THAT VACATION OF A UTILITY EASEMENT IN NORTH RIDGE ESTATES 1ST ADDITION TO THE CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA.

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

5:40 PM

POLICE OFFICERS SWEARING-IN CEREMONY

Police Chief Chuck Rummel introduced two new Police Officers, Brandon Stockie and Joseph Zyden. City Administrator Greg Sund presented Officers Stockie and Zyden the Oath of Office. Commissioners welcomed Stockie and Zyden to the City of Dickinson Police Department.

5:45 PM

BADLANDS ACTIVITIES CENTER PUBLIC FORUM

Vice-President Frenzel welcomed public comment regarding the Badlands Activities Center (BAC).

Diana Knutson thanked the Commission for allowing the public an opportunity for public input regarding the proposed project. She stated she felt the BAC project was a very important project for Dickinson as it is a thriving community. She said she desired Dickinson to continue growing and felt BAC was vital for growth. She stated BAC will bring new people to Dickinson which brings more dollars and more economic development. She stated the project will assist to attract students to DSU as DSU is a tremendous driver for community growth. Knutson stated the community needs a variety of different venues that will attract young new people to fill jobs. She stated the BAC project is a regional facility and can be the community's next bold vision. Knutson stated BAC is designed with a partnership approach consisting of the schools, governments, Chamber of Commerce, Park District, City and DSU. She stated DSU has done a fabulous job of raising money and the way BAC can become a reality is to join hands with DSU and bring some public money to this project.

Brad Fong, President of Bluehawk Booster Club encouraged citizens to support the BAC project. He stated it is time to upgrade the current facility and economic conditions are good, jobs are plentiful and retail sales are growing. He stated DSU provides high education yet must compete with other colleges and the BAC would be an attraction for students. He stated the \$6 million in funds being requested of the City is only 37% of the total project as 63% will come from other sources.

Paul Stremick, Superintendent of Dickinson Public Schools, stated the improvements are needed at Whitney Stadium. He stated the Public School system works well with DSU in providing a venue for activities. He stated if the Dickinson Public School system was required to have their own facility for track and field and football, a bond would be required to construct a facility, therefore he felt the BAC will save Dickinson money and urged citizens to support the project.

Ryan Olin, a senior at Dickinson High School, spoke in favor of the Badlands Activities Center. He stated each time bus loads of students come to Dickinson to attend events at Whitney Stadium, money is generated. He stated people may think sales tax is unfair, but stated he feels the BAC project would be a good way of spending sales tax dollars. Olin encouraged citizens to vote for the BAC in November.

Hank Biesiot, teacher at DSU, stated the Whitney Stadium is a multi-purpose facility and over 750 students used the facility in 2007-2008, with 200 of those students being DSU students. He stated should the BAC be constructed additional events would be held and would likely double the useage. Biesiot encouraged citizens to vote for the BAC in November.

William Jackson, member of Dickinson Watchdogs, addressed the Commission stating Ordinance No. 1351 was voted down by the citizens in June 2008 because citizens desire to vote on how to spend sales tax dollars. He stated he has heard it said that Dickinson officials and Destiny Dickinson members are visionaries. He stated not only are those individuals visionaries, there are others who are visionaries. He stated Dickinson is perched on an economic collapse and encouraged Dickinson officials to decrease debt rather than increase. He stated Dickinson must keep property taxes low to allow families to weather potential hardship. He stated it is important that the City Commission, School District and County stabilize property taxes. He stated the proposed BAC will not be a City building and he encouraged the City to explore options and be practical visionaries. Jackson stated if the City gives DSU \$6 million for the BAC, DSU should be required to pay it back. He stated DSU could pay it back over a 15-20 year period, interest free, but under the condition that the money received back from DSU would be ear marked to offset property taxes. He stated the payments could be used for street improvements or infrastructure which amounts to property tax relief. He stated the option would be a good deal for taxpayers and a good deal for DSU. He stated he spoke to Kevin Thompson of DSU Foundation and he indicated they anticipate receiving \$50,000 per year from hosted banquets, concerts, games, etc., therefore they could afford payments to the City. Jackson stated he also spoke with Alan Johannson of DSU Foundation and he indicated that although the State Board of Higher Education can not finance the BAC, they may be able to pay operation and maintenance cost for the facility. He stated should they be able to receive O&M back from the state, there would be additional money to pay back the City. Jackson stated Mr. Johannson also indicated DSU would proceed with the BAC project, with alterations, whether or not they receive City money. He stated if the City lent the money to DSU using his proposal, it would be a win-win situation.

No further public comment was received therefore Vice-President Frenzel closed the public forum at 6:28 PM.

Kevin Thompson, Executive Director of DSU Foundation, thanked the City for allowing public input sessions and stated they continue to work with the firms to refine the project and would anticipate additional renderings within a couple weeks.

Vice-President Frenzel thanked all those participating in the BAC public forums.

6:05 PM

FIRSTLINK VOLUNTEER CENTER – MISTY STAIGER

Misty Staiger, Volunteer Center Site Coordinator, addressed the Commission seeking a \$5,000 subsidy for 2009. She stated FirstLink Volunteer Center's mission is to be the first point of contact, linking individuals, families, youth, adults, and groups with various volunteer opportunities in Dickinson and the surrounding area. She stated FirstLink acts as the central hub for volunteerism in the community and encourages citizens to give back to the community.

NON-TIMETABLE AGENDA

4. GENERAL ISSUES/FINANCE

A. JULY MONTHLY FINANCIAL REPORT

Accounting Manager, Tina Johnson, presented July 2008 monthly financial report.

MOTION BY: Bill Reitmeier SECONDED BY: Carson Steiner
To accept the July 2008 Monthly Financial Report as presented.
DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 1.
Motion declared duly passed.

B. NDDOT TRANSIT GRANT AGREEMENT

City Administrator Greg Sund stated the City received notice of award from NDDOT in regard to the annual taxi grant. He stated the City was approved for a \$20,000 operating grant with a 50/50 match, \$6,250 administration grant and discretionary capital of \$2,313 with a 20% match. He stated the grant does not cover possible purchase of another taxi vehicle. Sund stated the City has not been notified whether they will receive a grant to purchase an additional taxi vehicle.

MOTION BY: Bill Reitmeier SECONDED BY: Gene Jackson
To accept the 2008/2009 NDDOT Section 18/5311 Transit Grant Agreement in the amount not to exceed \$26,850.
DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 1.
Motion declared duly passed.

C. CITY ADMINISTRATOR JOB CLASSIFICATION

Sund stated the “training/experience” section of the City Administrator classification has been changed to reduce the city administrator/manager experience from nine years to four years. Sund stated the description stills requires that the candidate have an equivalent combination of education and experience sufficient to successfully perform the essential duties of the job.

MOTION BY: Gene Jackson SECONED BY: Carson Steiner

To accept changing the Training and Experience section of the City Administrator job classification to require “four years of city administrator/manager experience or an equivalent combination of education and experience sufficient to successfully perform the essential duties of the job such as those listed in the job classification”.

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

D. ROTARY GROUP STUDY EXCHANGE

Greg Sund stated Police Officer Nick Gates has expressed interest in applying to be a member of the upcoming Rotary District 5580 Group Study Exchange Group. He stated the exchange program allows four young professionals to visit a foreign country to learn about their customs and people. Sund stated in the past there have been limited interest

in the program as it requires an individual to be away from their job four to six weeks, therefore questioned whether the City Commission would consider granting some leave to Officer Gates so he would be able to attend the exchange group. Commissioner Reitmeier stated he spoke to business people and blue collar individuals who feel the program is a fantastic opportunity but felt because this is a government, the individual should be required to use their accumulated vacation leave time or take a leave of absence. He stated he struggles to think the taxpayers should pay \$3,000 to \$5,000 for someone to attend the program. Commissioner Jackson stated he too had some concerns as Commissioner Reitmeier noted. Vice-President Frenzel questioned whether immediate action was needed on the item. Sund stated he believes Mr. Gates was looking for some sort of direction from the Commission. Vice-President Frenzel suggested further discussions be held at the next meeting.

5. PUBLIC SAFETY

A. REPORT:

1. Fire Department Monthly Report:

Fire Chief Bob Sivak highlighted the July 2008 monthly report. He stated July inspections were high and complimented staff for their strong efforts. He stated the department was successful in receiving grant money from ND Department of Emergency Services to continue their transition to digital communications. He stated they received \$35,710.40 which will require an \$8,927.60 match.

2. Police Department Monthly Report:

Police Chief Chuck Rummel highlighted the July 2008 monthly report. He stated the 2007-2008 statistics for the South Sakakawea Narcotics Task Force is also included with the monthly report. He stated they initiated 185 new drug cases, seized 397.78 ounces of marijuana, 10.74 ounces of methamphetamine, 63.19 grams of cocaine, 2 grams of heroin and 500 dosage units of synthetic drugs and 450 units of drug paraphernalia. Rummel stated the department also participated in fire arm competition in Williston and received some first, second and third place awards. Rummel congratulated those participating in the competition.

3. Animal Shelter Proposal:

Greg Sund stated he and Chief Rummel met with Todd Schweitzer and representatives of Club Fido in Bismarck regarding a possible new animal shelter. He stated Club Fido are proposing to operate the facility if built. Sund stated discussions will continue and he will keep the Commission updated. Chief Rummel stated should the facility be built and Club Fido operate the facility, it would allow the Animal Warden to free up much needed time to address enforcement issues. Commissioner Reitmeier stated he encouraged further discussion as a new facility is needed.

6. PUBLIC - ENGINEERING

A. REPORT:

1. Code Enforcement Report for July 2008:

City Engineer Shawn Soehren highlighted the July 2008 Code Enforcement Report. He stated commercial permits are down slightly but single family permits are up 18 compared to last year at this time. He stated based upon commercial activity discussion, he believes additional commercial permits will be requested.

2. Wells Fargo property swap:

City Engineer Shawn Soehren stated the City continues to hold discussions with Wells Fargo in regard to swapping property. He stated the city is proposing to swap the parking lot north of the KDIX building for the lot the Wells Fargo Bank is located on. Soehren

3. Other:

7. PUBLIC WORKS – MAINTENANCE AND UTILITIES

Public Works Manager, Skip Rapp, stated he is proposing construction of a new lift station in the area northwest of Lincoln School. He stated the station would intercept flow from the commercial restaurants and motels south of the interstate and north of 9th Street. The new lift station is estimated to cost \$787,000 and requested City Commission approval of an Engineering Agreement with Kadrmas, Lee and Jackson for the project. Commissioner Steiner questioned whether the project was budgeted. Rapp stated the project was not budgeted in 2008 but would be budgeted in 2009. Rapp stated the project would not be bid until 2009.

DISPOSITION: Roll call vote...Aye 3, Nay 0, Absent 1, Abstain 1 (Jackson)
Motion declared duly passed.

Public Works Manager Skip Rapp requested City Commission approval to accept the proposal from Graybar for the energy services agreement for the Water and Wastewater Pumping facilities. Rapp stated originally Graybar Financial Services presented financing for the project at 8.1% but the City has chose to seek financing proposals, therefore no action regarding financing was being sought at this time.

A RESOLUTION AUTHORIZING APPROVAL OF ENERGY SERVICES AGREEMENT WITH GRAYBAR.

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

C. REPORT:

1. Wastewater Backup ordinance amendment:

Public Works Manager Skip Rapp stated City Attorney Matthew Kolling drafted an amendment to the wastewater backup to allow City Commission authority to exceed the \$7,500 claim limit. Rapp stated additional changes will be incorporated and will be presented at the next meeting.

8. ADMINISTRATION:

A. City Administrator Report:

1. Senator Dorgan Town Hall Meeting held August 4, 2008:

Greg Sund stated because the City Commission was invited to a town hall meeting with Senator Dorgan on August 4, 2008 at the DSU Strom Center, the City publicly notified for a possible special City Commission meeting. Sund stated no quorum was present, therefore no meeting was held and no minutes were taken.

2. Dickinson Public Library designation in National Register of Historic Places:

Greg Sund stated the City received notice that the Dickinson (Carnegie area) Public Library was listed in the National Register of Historic Places as of July 31, 2008.

3. City Commission/Management Budget meeting:

Greg Sund stated a special City Commission/Management Budget meeting is scheduled for Tuesday, August 26 at 1:15 PM at City Hall.

4. September 2, 2008 City Commission meeting:

Greg Sund stated because Labor Day is September 1st, the next City Commission meeting will be held on Tuesday, September 2nd.

5. Fox Lawson Salary Survey:

Greg Sund stated the City received a letter from Fox Lawson & Associates referencing a recent salary survey they completed for Burleigh County. He stated Fox Lawson and Associates is allowing other cities to contract with them as they would customize the study at a cost of \$2,500. Sund stated he shared the letter with Management and they felt the cost was minimal and recommended they complete a salary survey for Dickinson. Based upon no commissioner objection, City Administrator Sund was directed to proceed to authorize contracting with Fox Lawson and Associates to conduct a salary survey for Dickinson at the cost of \$2,500.

9. ACCOUNTS PAYABLE:

MOTION BY: Carson Steiner

SECONDED BY: Gene Jackson

To approve the accounts payable as presented with accounts payable numbers 66,340 to 66,501. 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:

Commissioner Steiner stated on August 4, 2008 he made a motion to hold a special election for the vacant seat of Commissioner Bill Reitmeier effective as of January 1, 2009. He stated at that meeting he supported moving forward with the election on November 4, 2008, but has since decided the timeframe is too tight to hold the election. He stated it takes time for a potential candidate to make the decision and work details out with their family, employer and make the financial commitment necessary. He stated he desires the election to be meaningful, therefore desired to reconsider his motion.

SECONDED BY: Bill Reitmeier

DISCUSSION: City Administrator Sund stated one problem with changing the election at this time is that people have already taken out petitions. Commissioner Steiner stated those individuals are still encouraged to run, the additional time will allow other potential candidates time to work out details. Vice-President Frenzel stated he voted against the motion on August 4th as he did not feel the timeframe of September 3, 2008 to obtain signatures was sufficient for a potential candidate. He stated if an election was held later it would give candidates ample time to get things and funds organized. Commissioner Jackson questioned what a special election would cost. Sund stated the last special election the City held cost between \$5,000 to \$6,000. Commissioner Jackson stated he was absent for the August 4th meeting where the motion was made to hold the election on November 4th but agreed that the timetable was tight.

Motion declared duly passed.

Shirley Dukart addressed the City Commission stating she ran for City Commissioner in the last two elections and when she heard the City Commission had made a decision to hold an election in November, she picked up her petition the day after the meeting. She stated she needs approximately 50 more signatures to obtain the 300 signatures needed. She stated she understands campaigning can be expensive but if you make a decision to run, you move forward.

Leon Mallberg addressed the City Commission stating he also made the family decision, secured the funds and picked up petitions. Mallberg questioned what prompted Commissioner Steiner's decision to reconsider the motion for a special election. Commissioner Steiner stated he spoke with numerous people who questioned why the City Commission was in such a hurry to fill the position as there may be individuals interested in running for the position but the timeframe was inadequate. Mallberg stated he did not understand as the decision to reconsider the election was simply changing the rules in the middle of a race. Vice-President Frenzel stated the Commission desires adequate time to properly notify the community of the vacancy and changing the election date is not meant to discourage people from running but rather encourage people.

MOTION BY: Bill Reitmeier SECONDED BY: Carson Steiner

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

Joe Frenzel, Vice-President

Board of City Commissioners

Date: