

5:45 PM

DICKINSON THEODORE ROOSEVELT REGIONAL AIRPORT – MATTHEW REMYNSE

Airport Manager Matthew Remyse presented an update to the City Commission on air service, projects and financials. He stated bids were recently opened for the Essential Air Service contract. He stated two bids were received: Sovereign Air and Great Lakes Aviation. He stated DOT is in the process of reviewing the bids and will be awarding the bid by the end of the month. Remyse stated Dickinson supports continuing with Great Lakes Aviation as they have a 15-year history with them and have a very good repore with their management and have always been receptive to ideas. Remyse stated commercial traffic statistics shows ridership continues to increase each month. He stated general aviation and commercial has been good also. President Johnson asked how many riders are needed in order to obtain additional federal funding. Remyse stated the airports current ridership is around 8,500 and it would need to increase to 10,000 in order to get additional federal entitlement. Remyse stated should the riderships increase to 10,000, the federal reimbursement money is significantly higher along with the ability to receive significantly more federal money when constructing projects. Remyse highlighted projects completed in 2008. He stated the General Aviation Terminal addition was completed in June which provided a larger space and has made the area less congested and more visible. He stated they also enlarged the commercial/general terminal parking lots. In 2009, they will be planning smaller projects which includes an airport layout plan update; preparing a master planning study of commercial terminal to check flow and capacities; and work on new standards for markings at the airport. He stated financially the airport is doing well financially.

6:00 PM

COLLEGE STUDENT VOTING – JACK JACKSON

Jack Jackson addressed the City Commission with concerns with college students voting on November 4, 2008. He stated the City has an important job to guarantee the sanctity of the polling places in Dickinson. He stated no matter the outcome of the election, he hopes all differences can be set aside and Dickinson become a unified community as long as the election is fair. He stated there are four major requirements that have to be met before anyone can vote in the state of North Dakota. He stated an individual must be at least 18 years old; be a US citizen; resident of the state of ND; and live in their voting precinct at least 30 days prior to voting. He stated he does not want the November 2008 election to be a repeat of the November 2001 election where several DSU students voted illegally. He reminded college students to vote only if they are qualified. He stated he will be reviewing the poll books after the election and making sure college students who voted are North Dakota residents. He stated he will be researching whether DSU students have out-of-state licenses on vehicles they are driving. He stated if he determines they have voted illegally, he will file a complaint against them. He stated college students cannot have two residences and going to college in Dickinson does not make them a ND resident. He stated a resident can only be by union of act and intent and simply saying you are a ND resident does not make you a resident. Jackson stated he will hold people responsible. City Attorney Matthew Kolling stated Stark County will conduct the November election, not the City of Dickinson, therefore Stark County hires and trains the poll workers and poll judges. He stated should someone have concerns regarding whether they are eligible to vote, they should contact Stark County with concerns or questions. He stated Stark County will have election judges in place and they will determine who is qualified to vote and if there is a questions, they may be asked to complete an affidavit prior to voting. City Attorney Kolling stated Jack Jackson has the right to inspect the poll books after the election but wanted to make certain that the information is not used to harass or intimidate individuals as it could be a criminal offense of city, state and federal law. Kolling stated should a DSU student be a resident of ND they are entitled to vote.

6:15 PM

VOLUNTEERS FOR PROGRESS

Diana Knutson, representing the Volunteers for Progress Committee which is a group established to educate the community on the importance of the Badlands Activities Center, addressed the City Commission stating a “yes” vote will use existing sales tax revenue to help build the Badlands Activities Center. She stated it is not a new tax nor a property tax. She stated a “yes” vote allows the City to provide up to \$6M in existing sales tax and hospitality tax dollars. She stated the project is estimated to cost \$16M with \$10M coming from fund drive gifts and \$6M coming from the City of Dickinson. She stated if the project is approved in November, construction start time is to be December 2008 with substantial completion August 2009 and final completion being January 2010. She stated Sales Tax II was established in 1995 with 30% of the tax being dedicated to capital improvements to benefit Dickinson and the southwest area. She stated by law, the 30% portion can not be used for other purposes such as property tax relief. The remaining 50% goes for streets, infrastructure and property tax relief and 20% for job development and senior citizens. Of the \$6M the City is asked to fund for the project, \$1,500,000 would come from Hospitality Tax and \$4,500,000 would come from the Sales Tax II 30% share over a five year period. She stated if approved in November, the City could fund the \$6M and still have moneys in the funds even after considering a zero growth scenario. She stated the balance in the Sales Tax II 30% share fund would be approximately \$687,593 and \$373,666 in the Hospitality Tax fund. Knutson stated the Badlands Activity Center will bring more people to Dickinson to spend more dollars and generate more sales tax and hospitality tax dollars. She estimated the economic impact of the project to be approximately \$6M annually. She stated a “yes” vote is a critical component in Dickinson’s progress as Whitney Stadium has served the community well over the past 30 years but is now in desperate need of replacement. Knutson stated the Badlands Activity Center exemplifies the power of partnerships. Eli Turnabough, member of DSU Student Government Affairs, addressed the Commission supporting the Badlands Activities Center and stating DSU students voted last spring to attach a fee to raise \$200,000 each year for the next five years for the center. He stated DSU is also holding informational meetings to educate DSU students on voting requirements and answer any questions regarding eligibility to vote. Knutson invited citizens to attend a forum sponsored by the Chamber of Commerce to be held at City Hall on Thursday, October 23rd at 6:30 PM.

6:30 PM

OLD ELKS BUILDING PROJECT – BEAVER BRINKMAN

Beaver Brinkman updated the City Commission on the renovation of the Old Elks Building. He stated in 2000 the City pursued applying for a Brownsfield Grant for the building and was awarded \$200,000. Brinkman stated as part of the Brownsfield Grant there was money designated for replacement of the roof, but at the time he asked City Administrator Greg Sund not to spend the money at that time as additional renovations were needed prior to placing a permanent roof on the building. Brinkman stated one year ago a fire in the building caused a setback with the project and all clean up work has now been completed and appropriate renovations have been made therefore is now requesting the City Commission place a roof on the building in the amount of \$48,500. He stated after the fire the windows were boarded up and clean up started from the top down. He stated a steel structure has been placed in the building, new trusses have been installed and a parapet wall is currently being completed. He stated once the parapet wall is finished the final roof membrane can be put on. The restoration company will then sandblast all joists and interior brick walls with exterior restoration being completed in spring. He stated the basement has been dried out and all lap and plaster removed. Brinkman stated he understands there may be frustration with the City Commission and general public as it may appear that the project is not moving forward, but work has been moving forward but since all work has been done in the interior, it is not be recognized

by the public. He stated completion of the inside of the building will take approximately six months. He stated currently they have a potential tenant who will take one floor of the building and will wait to complete the other floor until another tenant is found. Commissioner Reitmeier stated it has been one year since the fire and it appears that cleanup and renovation of the building has been slow. Brinkman stated they have spent over \$800,000 in the building within the last year. Reitmeier stated he is hesitant to spend another \$50,000 to place a roof on the building when there is no guarantee the project will be completed. He stated he would support giving Brinkman \$50,000 for the roof once the project is complete. Brinkman stated there is approximately \$119,000 in the Brownsfield Grant fund designated for roof use. Reitmeier stated he did not feel there was any document that obligated the City pay for a \$50,000 roof. Brinkman stated the moneys in the fund is Brownsfield Grant money and not City money. President Johnson stated the moneys in the fund is not Brownsfield Grant money but rather included \$150,000 which was originally budgeted for demolition of the building but later transferred into the fund in hopes of saving the building. Johnson did note that the Development Agreement did state that if any of the funds remained after completion of the environmental cleanup, the developer could request all or a portion of said funds for improvements to the property such as roof, sidewalk, lighting, etc. Johnson concurred with Commissioner Reitmeier in that the project seems to have progressed slower than the City would like to see. Johnson stated neighbors to the building are feeling frustrations and the City would like to see the project move along quickly. Johnson stated based upon Brinkman's update on the project, it appears there are plans to move quickly but stated he had hesitancy to pay for the roof up front. Johnson stated he preferred to pay for the roof once the project was substantially completed. Commissioner Steiner questioned whether Mr. Brinkman received insurance money for the roof after the fire. Brinkman stated the contractor's insurance company continues to investigate the damage therefore he has not received any insurance money from the contractor but has received \$300,000 from his insurance company for fire damage. Commissioner Frenzel stated he would have no problem spending \$48,500 for a new roof in hopes that it would move the project closer to completion. He stated it is important Brinkman take appropriate actions to open the street so neighbors are no longer inconvenienced. Brinkman stated there may be times when the exterior fence could be removed but his insurance company has specific guidelines and requirements in regard to liability. Frenzel stated it is important that the general public see progress at the building that assures everyone the project is truly moving forward. Reitmeier stated he is not opposed to giving Brinkman \$50,000 but would only support it as long as the money was given after the project's completion. Brinkman stated he understands the City's concerns but doesn't necessarily see them in the same views as the City. He stated he is the one taking the risk for the betterment of the community. Brinkman stated it is important the roof be placed on the building and should the project fail, the City will get the building back with a roof on the building and many dollars he has spent on the project.

MOTION BY: Joe Frenzel

SECONED BY: Carson Steiner.

To fund \$48,500 for installation of a roof on the Old Elks Building.

DISCUSSION: Commissioner Steiner stated it is important a roof be placed on the building as soon as possible to preserve the work that has been done on the building even though he is not completely comfortable with the circumstances. Commissioner Jackson questioned Brinkman whether project completion is still estimated to be June 1, 2009. Brinkman stated there will be some building usage by June 2009. President Johnson asked Commissioner Jackson whether he had any concerns about the engineering of the roof. Jackson stated it appeared the insulation looks light. Brinkman stated the insulation now is only temporary, it will have R38 value when complete. Jackson stated would support paying for the roof but felt it would be best to pay for the roof subject to satisfactory progress of the project in June 2009.

AMENDED MOTION BY: Gene Jackson SECONDED BY: Bill Reimeiter
To fund in June 2009 \$48,500 for a new roof on the Old Elks Building in June 2009,
subject to the City Commission's acceptance of satisfactory progress of the building
renovation as stated by Mr. Brinkman.

DISCUSSION: Frenzel questioned how Mr. Brinkman will fund the roof if the city does
not pay until June 2009. Brinkman stated he is capable. President Johnson asked if Mr.
Brinkman is willing to fund the roof and wait for payment. Brinkman asked the City
Commission to tour the building to see the progress that has been made. He stated he
feels it is unfortunate that all the work that has been done is behind the walls therefore the
public is not noticing the progress. He stated he took several city managers on a tour of
the building and they were able to see the amount of progress that has been done on the
project. Acting City Administrator Chuck Rummel and Fire Chief Sivak stated they
toured the building and observed the amount of work done. Commissioner Jackson
questioned whether the City or Brinkman has a copy of the signed Development
Agreement. Brinkman stated a development plan was presented to the City Commission
via a powerpoint presentation prior to renovating the building. Steiner questioned how
long it would take until the roof could be completed. Brinkman estimated it to be 3-4
weeks and stated the city could witness the installation of the roof prior to paying for it.
He stated the contractor will be paid on a completion percent basis, therefore they could
inspect the roof prior to payment. Steiner questioned whether a bond could be obtained
for the roof project. Brinkman stated he felt a bond could be obtained if required.
President Johnson stated the issue is not whether the roof will be completed but rather
whether the project will be near completion by the June 2009 deadline.

DISPOSITION ON AMENDED MOTION.....Aye 2 (Jackson, Reitmeier), Nay 3
(Johnson, Steiner, Frenzel), Absent 0.
Motion dies.

City Attorney Matthew Kolling stated if the terms of the Development Agreement change
based upon the following motion, he suggests preparing an addendum to the contract.
Johnson asked Attorney Kolling to work with Mr. Brinkman.

DISCUSSION: President Johnson stated if the City votes in the affirmative, the City
does not turn around immediately and write a check for the roof, but rather pays as the
work is completed. Commissioner Reitmeier asked whether the amount for the new roof
will be open ended or a maximum of \$48,500.

AMENDMENT TO ORIGINAL MOTION:

MOTION BY: Joe Frenzel SECONDED BY: Carson Steiner
To fund the actual cost for a new roof on the Old Elks Building at a cost not to exceed
\$49,400.

DISPOSITION: Roll call vote...Aye 4 (Johnson, Steiner, Frenzel, Jackson), Nay 1
(Reitmeier), Absent 0.
Motion declared duly passed.

NON-TIMETABLE AGENDA

4. **GENERAL ISSUES/FINANCE**

A. **ULTRATEC PRODUCTS, INC. – TOM KNUTSON**

Withdrawn

B. **SEPTEMBER FINANCIAL REPORT**

President Johnson stated Accounting Manager Tina Johnson is not available to present
the September financial report but questioned whether there were any Commissioner
comments. No comments were noted.

will start renovations soon for a convention center and does not feel the City should compete with a private group. Jack Jackson stated the Whitney Stadium project can be built for \$10 million versus the \$16 million they want even though it may not be the facility DSU wants. He stated if DSU wants a larger project they should raise the additional moneys without asking the City for funding assistance. Tim Beaudoin stated he felt the City is currently spending too much of the tax payer dollars on recreation activities. He stated if the City spends \$6 million on the Whitney Stadium project they would deplete the sales tax dollars which should be spent on other non recreational projects. Jack Jackson stated the City should use the \$6 million dollars for road repair, sewer maintenance, lagoon problems and eliminating the loud train whistles. He said if the City would correct some of those problems there would be no division among citizens. Tim Beaudoin stated the Badlands Activities Center is a “want” versus “need” project and suggested DSU continue to fundraise the entire \$16 million for the project. Commissioner Steiner stated he did not understand Mr. Beaudoin’s continued concerns directed to the City Commission in regard to Badlands Activity Center issues as the City Commission has placed the issue on the November ballot and the public is being given an opportunity to vote their choice. Rhonda Dukart stated the Volunteers for Progress group is presenting an informational forum regarding the Badlands Activities Center on Thursday at City Hall. She stated the forum is to be informational and not intended to be a debate. Rhonda Dukart also clarified that based upon all conversations she was involved in with the Days Inn, they are intending to add rooms to the hotel but they are not planning to construct a convention center therefore the Badlands Activities Center would not be in competition with a private company. Dukart also stated she wished to reference comments made by Jack Jackson and that DSU will build the Badlands Activity Center whether or not the issue passes in November. She stated according to discussions held with the college, if the issue is not passed in November, the project would be delayed as additional moneys would need to be raised and alternations would be considered. Diana Knutson clarified a statement made by Tim Beaudoin in that if the city funds the Badlands Activity Center over a five year period, there would still be approximately \$400,000 in the Hospitality Tax fund and \$700,000 in Sales Tax II fund, and those figures are considering a no growth increase over the next five years, which these funds have had at least an average of five percent growth each year.

Daniel Krank, resident of Dickinson, addressed the commission. He stated he was born and raised in Dickinson and as a young lad he was always taught to be polite. He stated he believes Jack Jackson owes the City Commission an apology as rudeness in front of city officials is incorrect. He stated the City Commission has faired very well over the years and appreciates their time commitment. He stated the Watchdog group had asked him whether they could place a “vote no for Badlands Activities Center” sign in his front yard and he had allowed them, but after listening to them tonight he will ask them to remove their sign from his yard.

President Johnson thanked all individuals for their participation in tonight’s comments. He stated whether you agree or disagree, everyone has the opportunity to speak. Johnson stressed the importance that only individuals who are legally entitled to vote should vote in November.

ADJOURNMENT

MOTION BY: Gene Jackson SECONDED BY: Bill Reitmeier
For adjournment of the meeting at approximately 8:15 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

APPROVED BY:

Chuck Rummel, Acting City Administrator

Dennis W. Johnson, President
Board of City Commissioners

Date: _____