

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 Rhonda Dukart, Bill Reitmeier, Joe Frenzel and Carson Steiner

**STANDARD MOTIONS**1. ORDER OF BUSINESS

MOTION BY: Joe Frenzel                      SECONDED BY: Rhonda Dukart

To approve the April 2, 2007 Order of Business as presented.

DISPOSITION: Motion carried unanimously.

2. CONSENT AGENDA

MOTION BY: Bill Reitmeier                      SECONDED BY: Joe Frenzel

A. Approve minutes of regular meeting dated March 19, 2007;

B. Approval of Amendment to Police Department Copy Machine Lease;

C. Approval to purchase Front End Loader for Water Utilities/Street Department from Butler Machinery Company for the price after trade-in of \$83,790 and authorize soliciting a lease/purchase locally;

D. Authorization to appoint Erv Bren to Dianne Glovatsky's unexpired term on the Public Transportation Board (term to expire 12-31-08);

E. Approval of Pledged Securities report dated December 31, 2006;

F. Approval of 2007 NDDOT Traffic Safety Contract in the amount of \$2,400.

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

Motion declared duly passed.

**TIMETABLE AGENDA**

5:45 PM

MAYOR COMMENDATION AWARDS

Police Chief Rummel stated in 2006 the City began recognizing citizens who have done an exemplary job in making Dickinson a safer place for the citizens. Rummel introduced Robert Siefken and Shawn Hondl and stated the two gentlemen were being recognized and honored as playing a significant part in apprehension of a suspect involved in an armed robbery committed at Prairie Maid Laundromat on October 24, 2006. He stated the individuals were driving by the scene, noticed a lady seeking assistance and subsequently contacted the police department. He stated the individuals continued to track the individual until law enforcement personnel arrived on the scene and alerted police personnel that the suspect was armed. He stated Siefken and Hondl also testified at the trial. He stated the suspect was also wanted in North Carolina for a robbery and had a trail of planned crime. He commended them for their courage shown and thanked them for their assistance.

President Johnson thanked Mr. Siefken and Hondl for their actions and presented them with a Mayors Commendation Award. He stated their actions displayed excellent citizenship and thanked their family and friends who attended the awards presentation. Commissioner Frenzel also complimented Mr. Hondl and Siefken for their actions.

6:05 PM

PUBLIC HEARING REGARDING SPECIAL ASSESSMENTS

President Johnson opened the public hearing at 6:05 PM to gather public input regarding special assessments. No public comment was received. Johnson closed the public hearing at 6:06 PM.

Commissioner Frenzel reiterated past comments he made regarding a city using special assessments. He stated he feels special assessments are a way of passing on a tax without

calling it a tax. He stated he believes special assessments are appropriate for new subdivisions and believes they can be successfully used for the voluntary assessment projects such as sidewalk improvements. He stated if the city needs to increase taxes to pay for seal coat or similar projects he would rather inform the public and be upfront with the tax.

Commissioner Dukart stated she would not oppose discontinuing use of special assessments for the seal coat project but felt the projects were needed and was open to alternate funding sources to assure the projects move forward. She stated she would support using sales tax money if there was flexibility to use the moneys or would be open to establishing a monthly street repair fee which could be added to the utility bills. Dukart suggested the topic of special assessments remain on each agenda until a Commission decision can be made in order to give City Engineer Soehren direction for future projects.

President Johnson stated he believes the City has flexibility with the Sales Tax II moneys and stated Sales Tax III moneys could be used when the obligations to the West River Community Center is met as it can be used for infrastructure or property tax relief. He stated the City has had a fair amount of sales tax revenue growth along with property value growth therefore did not think the City needed to resort to special assessments or a fee added on the utility bills for street maintenance. He stated if the City would do a major mill and overlay project the City may consider financing it on a long term basis. He stated he believes the City is in a much better financial position than nine years ago therefore felt the City can now pay for seal coat projects internally without creating a special assessment district.

City Administrator Sund stated because the City currently has a volunteer special assessment project for curb/gutter and sidewalks. He said he does not consider it equitable for the City to pay for the curb/gutter on major projects yet allow people to pay special assessments when they voluntarily sign up for curb/gutter replacement under the sidewalk improvement project. Sund recommended if the city chooses to fund the seal coat project internally they continue with the Sidewalk Improvement District strictly for sidewalks replacement and not for curb and gutter. Commissioners concurred with Sund by stating curb and gutter replacement costs should be bore by the City with sidewalk improvements paid by the property owner. City Engineer Shawn Soehren echoed concerns for fairness.

President Johnson stated it appears the Commission consensus is to proceed with street chip seal projects but possibly on a more frequent basis of possibly seven years and to fund the project through use of sales tax and property tax revenues and not special assessments.

Greg Sund stated he would ask City Attorney Priebe to prepare a resolution stating the City Commission's policy regarding the use of special assessments.

#### **NON-TIMETABLE AGENDA**

#### 4. GENERAL ISSUES/FINANCE

#### A. COMMERCIAL ON-SALE/OFF-SALE ALCOHOLIC BEVERAGE LICENSE TRANSFER

President Johnson stated the City received an Alcoholic Beverage License transfer for the Commercial On-Sale/Off-Sale license of Liquor Warehouse, Inc. to TH Investments, LLC. City Attorney Timothy Priebe disclosed he has done legal work for one of the Board of Directors for TH Investments, LLC (Michael Fisher) in the past but did not feel it was a conflict in regard to the alcoholic beverage license transfer.

Greg Sund stated the officers of TH Investments, LLC are Brian Mortensen, Jon Stang, Tracy Tooz and Michael L. Fisher. Sund stated the City has reviewed the application and conducted a background check.



DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0.  
Motion declared duly passed.

5. PUBLIC SAFETY

A. SAFETY PRESENTATION AWARD TO STREET DEPARTMENT

Fire Chief and Safety Coordinator Bob Sivak presented an Award of Honor from the North Dakota Safety Council Inc. to Public Works Manager Ken Kussy. He stated the award was for the Dickinson Street Department for obtaining an occupational injury and illness incident rate which is equal to or less than the national average in the North American Industry Classification System (NAICS) code. Kussy thanked Sivak for the award and commended staff for a group effort in being safe. President Johnson congratulated Public Works Manager Ken Kussy and his staff for the award.

6. PUBLIC WORKS - ENGINEERING

A. ORDINANCE NO. 1334 – REZONE WINN SUBDIVISION

City Engineer Shawn Soehren requested final passage of an ordinance to rezone a portion of Winn Subdivision. He stated the subdivision is located in the southwest part of town, south of 8<sup>th</sup> Street and West of Highway 22. President Johnson asked if there was any public comment regarding the ordinance. No public comment was received.

MOTION BY: Bill Reitmeier                      SECONDED BY: Carson Steiner  
For second reading and final passage of Ordinance No. 1334:

**ORDINANCE NO. 1334**

**AN ORDINANCE AMENDING THE DISTRICT ZONING MAP FOR REZONING AND RECLASSIFYING DESIGNATED LOTS, BLOCK OR TRACTS OF LAND WITHIN THE CITY LIMITS, CITY OF DICKINSON, NORTH DAKOTA.**

DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0.  
Motion declared duly passed.

B. ORDINANCE NO. 1335 – REZONE PORTER SECOND SUBDIVISION

City Engineer Shawn Soehren requested final passage of an ordinance to rezone a portion of Porter 2<sup>nd</sup> Subdivision. He stated the subdivision is located north of 26<sup>th</sup> Street and south of 29<sup>th</sup> Street on the east side of Hwy 22. President Johnson asked if there was any public comment regarding the ordinance. No public comment was received.

MOTION BY: Rhonda Dukart                      SECONDED BY: Carson Steiner  
For second reading and final passage of Ordinance No. 1335.

**ORDINANCE NO. 1335**

**AN ORDINANCE AMENDING THE DISTRICT ZONING MAP FOR REZONING AND RECLASSIFYING DESIGNATED LOTS, BLOCK OR TRACTS OF LAND WITHIN THE CITY LIMITS, CITY OF DICKINSON, NORTH DAKOTA.**

DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0.  
Motion declared duly passed

C. 2007 MILL AND OVERLAY PROJECT

City Engineer Shawn Soehren requested approval to proceed with the 2007 Mill and Overlay project. He stated the improvement area consists of Empire Road from 23<sup>rd</sup> Avenue West to I-94 Business Loop and 11<sup>th</sup> Avenue West from Fairway Street to 5<sup>th</sup> Street West and 6<sup>th</sup> and 7<sup>th</sup> Street West from 11<sup>th</sup> Avenue West to 10<sup>th</sup> Avenue West and 8<sup>th</sup> Avenue West. He stated total project cost should be less than \$500,000.

MOTION BY: Bill Reitmeier                      SECONDED BY: Joe Frenzel  
To approve proceeding with the 2007 Mill and Overlay project and authorize advertisement for bids.



B. REPORT:

1. Solid Waste Ordinance Draft:

Public Works Manager Ken Kussy referenced revisions to the Solid Waste ordinance. He stated if the Commission does not object to the changes he will proceed to have the revisions put into ordinance format and bring back for first reading at the next City Commission meeting. No commission objections were heard.

2. Solid Waste Projects:

Public Works Manager Ken Kussy stated he received plans for two solid waste projects and will continue to work on adjustments and revisions prior to seeking Commission approval. The projects include construction of a new cell at the landfill and an irrigation line that will carry leachate from the landfill to the City's wastewater ponds.

8. ADMINISTRATION:

A. CITY ADMINISTRATOR REPORT:

1. City Attorney discussion:

City Administrator Sund stated after City Attorney Timothy Priebe gave notice that he would be leaving Mackoff Kellogg to take another job, he prepared a list of options he felt the City had available to proceed with finding a replacement for Mr. Priebe as City Attorney. He stated the city could send out a request for proposals to seek a new attorney/firm; hire an in-house attorney or retain Mackoff Kellogg. He stated after reviewing the options and considering budget issues, it is his recommendation to retain the services of Mackoff Kellogg and interview the attorneys interested in working with the City. Commissioners unanimously concurred with Sund's recommendation to retain Mackoff Kellogg law firm. Sund questioned whether commissioners desired to be part of the attorney selection process. Commissioners expressed confidence in Sund's ability to select a city attorney and directed he proceed. City Attorney Priebe thanked the Commission for their confidence in the Mackoff Kellogg law firm and assured the Commission he will assist to provide a smooth transition.

2. Parking Lot North of KDIX building:

Sund stated Kirkwood Bank has expressed interest in acquiring the current city parking lot north of KDIX for future location of a new bank. He stated last year when the City Commission heard from others regarding interest in purchasing the parking lot, it was the Commission's desire to first assess the affect renovation of the Historic Elks Building might have on parking needs in the downtown area. Sund stated since the renovation of the building has not yet begun it is difficult to assess the impact. Sund stated should the commission consider selling the lot, he recommends the parking space be replaced at another downtown location. Commissioner Frenzel stated he too has concern that eliminating a parking lot would raise further downtown parking issues therefore also encouraged should the parking space lot be sold it be replaced in another area. President Johnson also concurred with Commissioner Frenzel. Sund stated he will contact Kirkwood Bank, Lee Leiss, and Consolidated Telcom expressing the concerns and requirements the City would have should they consider selling the parking lot.

3. Liability Insurance Increase:

Greg Sund stated American Insurance recently asked the City whether they desired to increase its liability insurance coverage from \$1 million to \$2 million. Sund stated state law states that a government is only liable to the extent of its insurance coverage. Sund stated to increase the city's liability insurance would cost approximately \$4,665 additionally each year. President Johnson questioned City Attorney Priebe on his recommendation. Priebe referenced Sund's comment regarding the state law and stated from a legal standpoint he did not see a need to go to \$2 million. Commissioner Steiner, questioned whether it would be an increase to the liability or an umbrella coverage. Sund stated he would confirm. President Johnson stated since state law limits us to the extent of our liability and we meet state law requirements, he did not see a reason to change.

4. Dakota Cab, Inc. Agreement and Eldercare Lease Agreement:

Sund stated a draft lease agreement has been prepared for Dakota Cab and Eldercare. He stated Dakota Cab includes equipment and office space and Eldercare is for office space. Sund stated a lease will also be prepared for Arts on the Prairie. Commissioner Dukart stated she hopes that at some point the City can meet with Eldercare and Dakota Cab to

work out an option that Dakota Cab can provide transportation services to Eldercare clients when Eldercare is not able. Sund stated he will try to set up a meeting with the two parties. Dukart volunteered to assist.

5. Other:

Sund stated due to the computer conversion in the accounting and utility billing departments, Accounting Manager Tina Fisher intends to have a quarterly financial report for the city.

Sund sought commission authority to continue to research purchasing land from the County for future construction of a city shop near the new county shop. He stated he believes if both shops were located near each other it would be a taxpayer savings. No objections were raised by the City Commission.

Sund stated he is researching the possibility of the city obtaining disability insurance.

9. ACCOUNTS PAYABLE AND PAYROLL

MOTION BY: Joe Frenzel                      SECONDED BY: Carson Steiner

To approve the accounts payable as presented with accounts payable numbers 60,813 to 60,985 . Said list is available in the Accounting Office.

DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0.  
Motion declared duly passed.

10. CITY COMMISSIONERS' REPORTS:

N/A

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

William Jackson addressed the Commission regarding emergency sirens. President Johnson stated the City/County has revised their policy regarding severe weather. He stated the emergency sirens will be sounded when they receive confirmation of dangerous winds or a tornado. He stated they have also purchased a reverse 911 system called the City Watch that is able to alert citizens by making 6,000 phone calls per minute with a recorded message when there is a confirmation of high winds or a tornado. Johnson stated the system is also able to call cell phone numbers if a citizen contacts the Law Enforcement Center and authorizes the number be programmed into the system.

Ken Kubischta addressed the City Commission.

ADJOURNMENT

MOTION BY: Carson Steiner                      SECONDED BY: Bill Reitmeier

For adjournment of the meeting at approximately 7:20 PM.

DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0.  
Motion declared duly passed.

OFFICIAL MINUTES PREPARED BY:

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Cindy Selinger, Assistant to City Administrator

APPROVED BY:

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

\_\_\_\_\_  
Dennis W. Johnson, President  
Board of City Commissioners

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