

## 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, Rhonda Dukart and Joe Frenzel

## STANDARD MOTIONS

## 1. ORDER OF BUSINESS

**MOTION BY:** Bill Reitmeier                      **SECONDED BY:** Joe Frenzel

To approve the August 6, 2007 Order of Business as presented.

**DISPOSITION:** Motion carried unanimously.

## 2. CONSENT AGENDA

MOTION BY: Carson Steiner                      SECONDED BY: Rhonda Dukart

A. Approve minutes of regular meeting dated July 16, 2007;

B. Approval to award City Hall remodel project to TooZ Construction in the amount of \$31,131;

C. Approval of adopting IRS mileage reimbursement rate;

D. Approval of basing our vehicle allowance rate on IRS mileage reimbursement rate;

E. Approval to change name of Dave and Laurie Ott On/Off Sale Alcoholic Beverage License from d/b/a as Uncle Bob's Liquor to d/b/a "The House of Booze";

F. Approval to appoint Scott Bullinger to Board of Adjustment to fulfill the un-expired term of Tracy Tooz (term to expire 12-31-2008);

G. Approval of Engineering Services Agreement with Kadrmas, Lee and Jackson regarding Project SU-5-983 (035)035 Fairway Street from I-94 Business Loop to 23<sup>rd</sup> Avenue West in the amount of \$66,048.

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

## TIMETABLE AGENDA

5:30 PM

## DOMESTIC VIOLENCE AND RAPE CRISIS CENTER – DARIANNE JOHNSON

Darriane Johnson, Director of Domestic Violence and Rape Crisis Center (DVRCC) requested a 2008 City subsidy in the amount of \$12,000. She expressed appreciation for the past years of financial support to DVRCC. She stated DVRCC serves an eight county area which covers 9,000 square miles. She stated they are able to shelter up to 18 people at one time and in 2006 DVRCC sheltered 116 individuals, handled over 2,000 calls and served 382 people.

5:35 PM

## ARTS ON THE PRAIRIE – KRISTI PECHTL

Kristi Pechtl, Director of Arts on the Prairie, requested a 2008 City subsidy in the amount of \$8,000. She thanked the Commission for their past support. She stated they are a non-profit agency committed to providing arts programming to Southwest North Dakota with a goal to foster an appreciation and understanding of cultural arts among the communities. She stated programs they sponsor include Bandshell concerts, Missoula Children's Theater, Community Theater, and Visual Arts Programming.

5:45 PM

## PUBLIC HEARING – CONFIRM 2007 DEVELOPMENT IMPACT FEE PROJECTS

President Johnson opened the public hearing at 5:45 PM regarding confirmation of the 2007 Development Impact Fee projects. No public comment was received. President Johnson closed the public hearing at 5:46 PM. City Administrator Sund stated there were five development impact fee projects finalized in 2007. He stated the projects include construction of new streets, curb, gutter, water, sewer, etc. Commissioner Steiner questioned how many years the improvements would be assessed. Sund stated four of

## GENERATOR PROPOSALS

Public Works Manager Skip Rapp recapped reasons why generators were recommended for purchase. He stated after the October 2005 snow storm which interrupted power for three days in certain area of Dickinson, the Senior Management Team met to discuss ways to improve the City's response to natural disasters and identify critical infrastructure.

He stated City Hall was identified as critical as communication for phones and computer networks originate at the location. Central Fire Hall has a 15 kw generator in the building which operates a few lights and two doors but was unable to open all the doors. The Armory is designated as a storm shelter. The two Public Works buildings need phone and network communication along with ability to open doors to access heavy equipment without disconnecting electric door openers. He stated they also need access to dispensing fuel from storage tanks. He stated the City has 19 wastewater pumping stations of which seven were identified as critical and need access to a generator. He stated need for generators in other facilities such as the LEC, Baler Building and Community Center were also identified and bid as alternates

President Johnson stated the three companies that submitted proposals for the generator project have been asked to highlight their proposals for the City Commission.

Allan Berger of Berger Electric stated they have been a contractor in Dickinson for 30 years. He stated they propose Caterpillar and Cummins generators. He stated this type of a generator is spec'd for the long haul and expected to last for many years. The pads were spec'd based upon manufacturer specifications. Berger stated Caterpillar is able to provide service as they are within the 100 mile requirement. He stated Caterpillar will be constructing a center in Dickinson which will increase technician availability. Their proposal includes all electrical connections, controls, generator and base with all equipment meeting specs. Bid bond was provided with a performance bond to be provided after acceptance of the bid. He stated they looked at the project as a bid project with the need to provide a complete turn key project and have provided their bid accordingly.

Corey Haller of Denny's Electric stated their proposal is for Generac Power Systems and Winpower. He handed out specification packets to each Commissioner along with testimonials. He stated they chose the Generac and Winpower generators due to their reliability. He stated both generators meet the service requirements as his company is qualified to service Winpower and Generac brands. He stated each generator meets or exceeds the specs provided by the city and are quiet generators. He stated they are pleased to propose both types of generators and feel confident in their products.

Glenn Singer from MDU stated they proposed all Caterpillar generators. He stated Caterpillar has two service technicians in Dickinson and will be hiring 22 more with construction of the new facility. He stated they were able to negotiate with Caterpillar to obtain a financing package for five years at an interest rate of 4%. He stated they also were able to get a five year warranty versus the normal two year warranty. He stated they complied with all specs. He stated \$12,000 was added to their proposal for installation of service lines which will need to be deducted in order to fairly compare proposals.

Commissioner Steiner questioned whether a bid bond was received with all proposals. Skip Rapp stated each proposal had the option to provide a bid bond or certified check in the amount of 5%. Steiner then asked if the successful proposer will be required to provide a performance bond. He stated a performance bond protects the City should the contractor not complete the project. President Johnson stated a performance bond also provides protection for the City should a contractor not complete the project the bond company is obligated to find another contractor to perform the work at the original bidder amount.

President Johnson questioned when the generator project was anticipated to be complete. Rapp stated the proposal stated December 15<sup>th</sup> but that was with a bid date of July 16<sup>th</sup>. Johnson stated the City may need to consider extending the completion date as a proposal was not awarded at that time. Johnson questioned whether any of the companies would have a problem meeting a January 15, 2008 deadline. Glen Singer from MDU stated they would need to check on the bigger units to guarantee the January completion date.

Commissioner Reitmeier disclosed he is an employee of MDU but did not have a conflict with the generator issue as he would receive no profit from any of the proposals. Reitmeier expressed concern with purchasing all generators proposed. He stated he felt additional consideration should be made in regard to the need for generators at City Hall, the Armory and the Baler Building. He stated Rapp has indicated there are three portable generators available and felt those generators could be used at those three locations. Johnson stated he questioned whether it was essential to have a generator at the Baler Building. He referenced a portion of Mr. Rapp's memo which stated some of the life of the landfill that could be lost if a power outage made the loader unavailable. He said this was not significant enough nor would the temporary solid waste pick-up delay be critical but simply an inconvenience. Reitmeier stated looking at the proposal, should three generators not be purchased there would be a savings of \$170,000. He stated while generators at those three sites may be nice he did not feel they were a necessity. Reitmeier also had concern with the major dollar difference between low bid and second low bid. He felt consideration was needed to further assure nothing was overlooked in the low bid. Corey Halter assured the Commission their proposal included everything according to specifications. He stated it is a turn key proposal and bid everything needed except the gas lines. Halter stated once the gas lines are provided, they will make the final connection.

President Johnson stated he is familiar with brand names of Caterpillar and Cummins but questioned Rapp whether he is familiar with Generac. Rapp stated the City purchased a Generac generator in 1995 as a backup for the main sewer lift. The generator has run two times per week since purchase and there have been no problems with the Generac generator. Johnson questioned Rapp whether he considers each of the three proposals as qualified proposals. Rapp said yes.

MOTION BY: Joe Frenzel                      SECONDED BY: Rhonda Dukart  
To award the generator proposal to Denny's Electric and Motor Repair in the amount of \$500,200 which would include Alternate III (Baler Building) and Alternate IV (a diesel generator for City Hall and natural gas generator for the Fire Hall) subject to Denny's Electric providing a performance bond for the project.  
DISCUSSION: President Johnson stated he is a MDU Director and as Commissioner Reitmeier noted, Reitmeier is a MDU employee, but neither have a conflict therefore would be able to vote on the motion.  
DISPOSITION: Roll call vote...Aye 4, Nay 1 (Reitmeier), Absent 0.  
Motion declared duly passed.

Greg Sund stated the Law Enforcement Center (LEC) is in the process of considering purchasing a generator. He stated in the bid just provided to the City, Denny's Electric included an alternate for a LEC generator in the amount of \$80,000 and the one the LEC is considering from ESG is substantially more expensive. Sund asked the Commission to consider a motion encouraging the LEC board to purchase the less expensive generator from Denny's Electric.

MOTION BY: Joe Frenzel                      SECONDED BY: Rhonda Dukart  
To encourage the LEC Board to consider purchasing Alternate II (LEC) proposal from Denny's Electric in the amount of \$80,000.  
DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0.  
Motion declared duly passed.

### **NON-TIMETABLE AGENDA**

#### **4. GENERAL ISSUES/FINANCE**

##### **A. 2007 SOUTHWEST REGIONAL GRANT PROGRAM AWARDS**

Commissioners Steiner and Dukart and Greg Sund reported they reviewed the 2007 Southwest Regional Grant Applications and propose the enclosed recommendations. Commissioner Steiner stated the City received 24 applications for a total amount of \$91,400.25. He stated the committee is recommending awarding \$21,350 in grants to 15 different groups. Sund stated 1% of the Sales Tax II fund is dedicated to this program and the recommended awards are geared toward community development projects not program funding.

MOTION BY: Rhonda Dukart

SECONDED BY: Bill Reitmeier

To award the following 2007 Southwest Regional Grant Applications with the understanding the group would receive the moneys upon completion of the project and completing appropriate documentation.

City of Beach \$1,000 (Baseball field renovation); Ukrainian Orthodox Church \$1,000 (Phase III Restoration of Church); City of Didge \$500 (Auditorium School Project); City of Gladstone \$1,000 (Picnic tables); City of Golva \$1,000 (Air conditioner for community building); Hettinger Park District \$1,000 (Skate Park); Killdeer Park District \$2,000 (Basketball hoops for Tennis Court); Killdeer Saddle Club \$1,000 (Office update); Manning Community & Park Club \$1,000 (Community Center Construction project); Mott Park Board \$1,000 (Sand Volleyball Court); Enchanted Highway Inc. \$2,000 (Sculpture); Richardton Save Our Pool \$3,000 (Save Our Pool); South Heart Parks & Recreation \$3,000 (South Heart Pavillion); Taylor Community Activity Inc. \$1,000 (Restore Grandvale 3 School); Taylor Park District \$600 (Rider Lawn Mower). Total amount awarded \$21,350.

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

B. SPECIAL ASSESSMENT RESOLUTION

President Johnson stated Resolution No. 15-2007 is a resolution establishing the City's policy for use of special assessments as a method to finance infrastructure improvements.

MOTION BY: Joe Frenzel

SECONDED BY: Carson Steiner

To authorize introducing Resolution No. 15-2007 for adoption:

**RESOLUTION NO. 15-2007**

**A RESOLUTION ESTABLISHING POLICY REGARDING THE USE OF SPECIAL ASSESSMENTS AS A METHOD TO FINANCE INFRASTRUCTURE IMPROVEMENTS AND INFRASTRUCTURE MAINTENANCE IN THE CITY OF DICKINSON.**

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

5. PUBLIC SAFETY

A. REPORT:

1. Burn Ban:

Fire Chief Bob Sivak stated the Fire Department has been receiving calls regarding the city's position on the burn ban. He stated Stark County issued a Burn Ban but at this time the City Fire Department is not seeking a burn ban. President Johnson questioned whether the need would arise within the next two weeks and before the City Commission meets on August 20<sup>th</sup>, whether the Fire Department personnel have authority to issue a burn ban or if the ban would require City Commission action. Chief Sivak stated according to fire code, City personnel would have authority to issue a burn ban.

2. Other:

Commissioner Steiner asked Fire Chief Sivak to address the fire at East End Auto. Fire Chief Sivak stated the Fire Department received a call on July 25, 2007 at 3:08 PM. He stated the first person was on the scene at 3:10 PM, the first fire truck was on the scene at 3:13 PM and had water pumping at 3:14 PM. He stated a total of 20 firefighters responded to the fire. He thanked the Rural Fire Department for their manpower and equipment provided.

6. PUBLIC WORKS - ENGINEERING

A. REPORTS:

1. Board of Adjustment meeting minutes from July 9, 2007:

Minutes for the July 9, 2007 Board of Adjustment meeting was provided with no oral discussion.

2. Planning and Zoning meeting minutes from July 18, 2007:

Minutes for the July 18, 2007 Planning and Zoning Commission meeting was provided with no oral discussion.

7. PUBLIC WORKS – MAINTENANCE AND UTILITIES

A. REPORT:

1. Dickinson Waste Water Treatment Plant Inspection Report:

Public Works Manager Skip Rapp stated the City received results of the annual review of the Wastewater Treatment Facility. He stated the City was found to have no abnormalities. He stated there were a few minor issues noted with the pilot project at the lagoons and that the City would be correcting those issues. President Johnson questioned whether the facility has sufficient capacity for future growth. Rapp stated the facility has the ability to treat another 800,000 gallons per day usage. He stated the City also bought additional property near the fourth cell should there be need to make adjustments.

2. ESG Study Recommendations:

Sund stated the City received several recommendations from ESG for energy improvements to City-owned buildings. He stated staff have several questions in regard to some of the recommendations and once additional information is received will present it to the Commission. Skip Rapp stated the Commission will receive additional information and ESG plans to make a presentation to the Commission along with holding one public hearing.

8. ADMINISTRATION:

A. CITY ADMINISTRATOR REPORT:

1. Civil Service Recommendations:

City Administrator Greg Sund presented Civil Service minutes from a meeting where they approved two reclassification requests. Sund stated he supports the reclassification for the Senior Equipment Mechanic from Grade 5 to Grade 6 but does not support the reclassification Senior Public Works Specialist from Grade 5 to Grade 6. He stated he does not support the reclassification as one of the duties of the classification does not perform crew lead duties. Sund stated he will present the reclassification request to the City Commission on September 4<sup>th</sup>.

2. Information regarding Financial Institution Tax:

Sund stated documentation provided was regarding the financial institution tax as discussed at last meeting.

3. Southwest Water Authority letter regarding the annual one mill levy:

Sund stated he received a letter from Southwest Water Authority stating they would continue their one mill levy for 2008.

4. Railroad Horn Quiet Zones:

Sund stated he further researched information regarding train whistles and quiet zones. He stated as of 2006 the Federal Railroad Authority took over regulating railroad whistles. They require horns be blown at least 15 seconds and not more than 20 seconds at each crossing. Johnson questioned what the guesstimated cost is to construct Railroad Quiet Zone crossing. Sund guessed each crossing to cost \$250,000 to \$500,000 per crossing.

5. Computer Network Server and MS Office Upgrades:

Sund stated the city received a proposal from Chris Brown of NDACO for the purchase and installation of a new exchange server, a file/print/application server, related hardware and Microsoft Office upgrades. Sund stated the server upgrades are anticipated to cost \$33,400 and the MS Office upgrades are anticipated to cost about \$15,000. Sund stated because the City Hall remodel project was under budget, he would like to purchase the computer items with the excess budget moneys. No Commissioners voiced objection to Sund's recommendation for purchase.

6. Computer network Fiber Optic Enhancements:

Sund stated after discussing fiber optic enhancements with MDU, Chris Brown has asked that the City consider a study by Darren Lee which would outline all possible fiberoptic options available to the City. Sund stated Mr. Lee proposes the study to cost about

\$12,000. Sund stated management recommended contracting with Consolidated before the study proposal was presented. Johnson stated if Sund feels the decision is to be made by the Commission, he should place the item on the next agenda, otherwise proceed as he sees fit. Sund stated he would discuss it further with the Management team.

7. 2008 Budget Planning Session:

Sund stated he would like to schedule a budget planning session for the 2008 budget. Sund asked that each Commissioner provide City Hall with their calendars so a meeting can be scheduled.

9. ACCOUNTS PAYABLE AND PAYROLL

MOTION BY: Carson Steiner      SECONDED BY: Joe Frenzel

To approve the accounts payable as presented with accounts payable numbers 62,176 to 62,377 and payroll as distributed by automatic deposit. 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:

Commissioner Dukart stated Community Action will host a Regional Homeless meeting at City Hall on August 21<sup>st</sup> at 8:30 AM for anybody interested in the 10 year plan to end homelessness in the region.

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

N/A

ADJOURNMENT

MOTION BY: Joe Frenzel      SECONDED BY: Carson Steiner

For adjournment of the meeting at approximately 7:48 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:

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

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

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