

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, and Carson Steiner

Absent were: Commissioners Rhonda Dukart and Joe Frenzel

STANDARD MOTIONS

1. ORDER OF BUSINESS

MOTION BY: Bill Reitmeier SECONDED BY: Carson Steiner

To approve the September 18, 2007 Order of Business as presented with the exception that item 4C will be addressed first.

DISPOSITION: Motion carried unanimously.

2. CONSENT AGENDA

MOTION BY: Carson Steiner SECONDED BY: Bill Reitmeier

A. Approve minutes of regular meeting dated September 4, 2007;

B. Approval to change On/Off Sale Commercial Alcoholic Beverage License from Dave and Laurie Ott d/b/a House of Booze to “Ottonomics, Inc.”;

C. Approval to amend Building & Sites budget in the General Fund for \$159,871 and amend Solid Waste budget \$80,000 to cover the cash cost of stand-by emergency generators.

DISPOSITION: Roll call vote...Aye 3, Nay 0, Absent 2.
Motion declared duly passed.

TIMETABLE AGENDA

5:30 PM

PUBLIC HEARING – UTILITY EASEMENT VACATION – STATE 2ND ADDITION

President Johnson opened the public hearing at 5:40 PM regarding a utility easement vacation in State Second Addition. No public comment was received. President Johnson closed the public hearing at 5:41 PM. City Engineer Soehren stated a meeting was held with the utility companies and all of them have signed off on the vacation request. He stated the utility vacation is a partial easement vacation. Soehren recommended approval of the utility easement vacation.

MOTION BY: Carson Steiner SECONDED BY: Bill Reitmeier
To authorize introducing Resolution No. 19-2007 for adoption:

RESOLUTION NO. 19-2007

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

DISPOSITION: Roll call vote...Aye 3, Nay 0, Absent 2.
Motion declared duly passed.

5:35 PM

PUBLIC HEARING – 2008 BUDGET

President Johnson opened the public hearing at 5:42 PM regarding the 2008 budget and fee schedule. No public comment was received. President Johnson closed the public hearing at 5:43 PM. President Johnson questioned whether the Accounting Manager had an opportunity to research what the impact and need of increasing the water and wastewater usage rates. City Administrator Sund stated Ms. Fisher is in the process of analyzing the affect and would report findings to the City Commission on October 1st. Sund stated he also will make adjustments to the Sales Tax III budget to create a General Fund reserve for Community Center major capital expenditures. He also noted that

although Sales Tax revenues remained high through August, the September revenue dropped considerably to an annual average of 10.4% increase. With this information, it was agreed to leave the 9% projection in the budget as currently proposed.

NON-TIMETABLE AGENDA

4. GENERAL ISSUES/FINANCE

A. AUGUST 2007 MONTHLY FINANCIAL REPORT

Accounting Manager Tina Fisher highlighted the August 2007 financial report.

MOTION BY: Carson Steiner SECONDED BY: Bill Reitmeier
To accept the August 2007 financial report as presented.
DISPOSITION: Roll call vote...Aye 3, Nay 0, Absent 2.
Motion declared duly passed.

B. GENERATOR FOR LAW ENFORCEMENT CENTER

Greg Sund requested City Commission approval to purchase a generator from Denny's Electric and Motor Repair, Inc. for the Law Enforcement Center. He stated as reported at a previous meeting, he believes use of the 30% share of the Sales Tax II moneys fits the definition for the use of money. Sund stated currently the Law Enforcement Center has two generators and it is the belief one large generator would meet their needs.

MOTION BY: Bill Reitmeier SECONDED BY: Carson Steiner
To authorize the City purchase a 350kw Winpower generator in the amount of \$88,000 and \$3,800 for the installation of the unit from Denny's Electric and Motor Repair, Inc. for use at the Law Enforcement Center with funds coming from the 30% share of Sales Tax II.

DISPOSITION: Roll call vote...Aye 3, Nay 0, Absent 2.
Motion declared duly passed.

C. NDDOT SECTION 5311 TRANSIT GRANT

Bruce Fuchs from North Dakota Department of Transportation (NDDOT) Transit Section addressed the Commission. He stated NDDOT for some time has talked about transit regionalization in an effort to get economy of scale and efficiencies but has never known when it would become a reality. He stated it has now been announced it will be three to five years from now. He encouraged the Dickinson Public Transportation Board and transit groups work together to meet the three to five year timeframe. He stated the City has already started the process of regionalization as they have provided a building that houses both Eldercare and Dakota Cab. He stated NDDOT has provided the facility with computerized dispatching software to benefit both entities. Commissioner Reitmeier questioned what the next step is for the City in regard to the regionalization plan. Fuchs stated the City should be part of a group that will look at how they would like to see the regional plan implemented in regard to Eldercare and Dakota Cab working as one. Fuchs stated they are currently conducting a study through Community Action which assesses the need to implement a new transit program which supports Jobs Access. If implemented the programs will provide funding to assist people with the cost of getting to work. He stated a representative from Community Action will be holding meetings in surrounding towns to assist in submitting an applications for the State which will then rank them. Reitmeier questioned how the plan will be implemented. Fuchs stated details would be worked out during meetings and with community assistance.

Discussion was held in regard to City concerns with the NDDOT Section 5311 Transit Grant for year 2007/2008. Sund stated this is the second year the City is eligible for operating funds through the 5311 grant. He expressed concern that accepting the grant would place substantial paperwork and time commitment requirements on the City. He stated last year the City received a \$30,000 operating grant which included a \$15,000 local match for the grant. He said state requirements for the grant include tracking rides. Fuchs stated in addition to tracking rides the organization must also manage a drug and alcohol program, safety program and complete the record keeping requirements. He stated the Transit Institute's requirements include quarterly tracking of 30+ items. Sund stated due to the work load the City may potentially be required to hire a part-time person to manage the program. He stated if the requirements were placed on the cab

D. REAL ESTATE OFFER ON CITY OWNED PROPERTY – BIG K INDUSTRIES, INC.
Sund stated the City received a real estate offer from Big K Industries, Inc. on five lots located north of water tower hill on 4th Avenue East. He stated when the City re-priced the lots a couple years ago, these five lots were not adjusted due to the slope and location. He stated list price on the lots is \$9,700 and the offer received was \$8,500. He stated standard practice for the City when receiving offers less than list price is to reject the offer and counter at full price. He stated the offer was reviewed by the Real Estate members and there was not a strong consensus on whether it should be accepted or rejected. President Johnson asked Sund his opinion. Sund recommended countering at full price.

5. PUBLIC SAFETY

1. Fire Department Monthly Report:

Sivak stated Fire Prevention Specialist Deb Barros was recently elected to serve as a board member of the North Dakota Chapter of International Association of Arsons Investigators. Sivak stated the appointment speaks highly of how she is viewed by her peers.

Police Chief Rummel referenced August activities. He stated 50 accidents were reported in August. Of the accidents, 13 were hit and run which is somewhat higher than normal. He stated the department also had 11 school zone contacts, 13 DUI arrests, and 403 traffic stops during August.

Police Chief Rummel introduced Ms. Leah Finck of United Blood Services who presented the Battle of the Badges Blood Drive trophy. Ms. Fink stated last week the

Dickinson Fire and Police Departments were challenged by United Blood Services with a blood drive. She stated those participating in the blood drive were given a ballot when entering and were asked to vote for one of the departments. She stated the Fire Department recruited 78 people and the Police Department recruited 73 people. She stated a total of 136 units of blood were received during the drive with 41 first time donors. She stated the turnout was excellent. She stated it is their desire to make the activity an annual event. Ms. Finck thanked everyone for their participation and presented a traveling trophy to Fire Chief Sivak.

6. PUBLIC WORKS - ENGINEERING

A. REPORTS:

1. Code Enforcement Report for August 2007:

City Engineer Shawn Soehren highlighted the August Code Enforcement Report for August. He stated commercial structure permits were up from last year, residential remain similar and multi-family are lower than last year at this time. He stated overall the year has been strong.

7. PUBLIC WORKS – MAINTENANCE AND UTILITIES

N/A

8. ADMINISTRATION:

A. CITY ADMINISTRATOR REPORT:

1. ICSC/MSCA Conference in Minneapolis:

Greg Sund stated Gaylon Baker and he attended the International Council of Shopping Center's Minnesota Shopping Centers Association Conference in Minneapolis on September 11. He stated the conference allowed them the opportunity to meet people knowledgeable with retail development. He stated the conference was worth attending and it will likely take a few years of attending the conference to see measurable benefits as contacts must first be made to get to know people who might be interested in developing in Dickinson.

2. NDLC Conference in Bismarck:

Greg Sund stated City Engineer Shawn Soehren, Commissioner Reitmeier and he attended the ND League of Cities Conference in Bismarck. Commissioner Reitmeier stated he enjoyed the conference as it gave him an opportunity to get together with other elected officials to learn about things happening in other communities. City Engineer Shawn Soehren stated the conference had interesting speakers. He stated his goal for future years would be to attend the Engineers meeting before the conference which would allow him to meet other City Engineers.

3. Destiny Dickinson Community Session:

Sund stated Thursday, September 20 at 7:00 PM, Destiny Dickinson Committee will sponsor a session at City Hall for the benefit of area retailers and those interested in retail to describe the findings of the Buxton Study.

4. Other:

Sund presented the Commission with a copy of the Crooked Crane Shared Use Path which is designed to begin at the intersection of State Avenue and Palm Beach Road and end at the entrance of Patterson Lake beach area. He stated he recently met with Engineer Gene Jackson and County Commissioner George Nodland regarding their request for City funding for the project. Sund stated when the project was initially presented to the City Commission in November 2005, it was presented as a request for the City to sponsor the grant but never mentioned the need for city funding. He stated since that time the County Commission has struggled with the fact that they and the Park District should pay without the City sharing in the costs. Sund stated he has concerns that the City may be obligated to pay the balance of the project regardless whether the City Commission supports the cost sharing as if the project does not go through and the grant is turned back to the State, the likelihood of the City obtaining another Transportation Enhancement Grant would be rather slim. City Engineer Shawn Soehren stated the trail is certainly a good project but he is disappointed with the way the project was presented to the City in regard to asking for sponsorship and stating there was no financial commitment and now they are coming back at the City for financial assistance.

President Johnson referenced the paperwork presented and stated it appears the project will require \$154,000 local match with the City paying 1/3. President Johnson asked that a representative of the Stark County Commission appear during the City Commission's October 1st meeting to present their funding request. Commissioner Steiner asked that the Commission also be provided with a breakdown of the project costs. Johnson also asked that a copy of the City Commission minutes from November 2005 during which the City Commission agreed to sponsor the grant application be included with the next agenda packet.

9. ACCOUNTS PAYABLE

MOTION BY: Carson Steiner SECONDED BY: Bill Reitmeier
To approve the accounts payable as presented with accounts payable numbers 62,699 to 62,851. Said list is available in the Accounting Office.
DISPOSITION: Roll call vote...Aye 3, Nay 0, Absent 2.
Motion declared duly passed.

10. CITY COMMISSIONERS' REPORTS:

N/A

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

N/A

President Johnson wished City Administrator Sund a Happy 50th Birthday.

ADJOURNMENT

MOTION BY: Carson Steiner SECONDED BY: Bill Reitmeier
For adjournment of the meeting at approximately 6:28 PM.
DISPOSITION: Roll call vote...Aye 3, Nay 0, Absent 2.
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: _____