

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, Rhonda Dukart, and Carson Steiner

Absent was: Commissioner Joe Frenzel

**STANDARD MOTIONS**1. ORDER OF BUSINESS

MOTION BY: Bill Reitmeier                      SECONDED BY: Rhonda Dukart

To approve the October 1, 2007 Order of Business as presented.

DISPOSITION: Motion carried unanimously.

2. CONSENT AGENDA

MOTION BY: Rhonda Dukart                      SECONDED BY: Carson Steiner

A. Approve minutes of regular meeting dated September 18, 2007;

B. Approval of NDDOT Maintenance Agreement for Urban Federal Aid Projects;

C. Approval of NDDOT Traffic Safety Contract for Overtime Money in the amount of \$4,500;

D. Approval to transfer balance of West River Community Center Reserve Account and Sales Tax III to the General Fund and establish a reserve account for the West River Community Center Major Maintenance;

E. Approval of Waiver of Notification for Historic Elks Building National Register Application.

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

Motion declared duly passed.

**TIMETABLE AGENDA**

5:30 PM

**DICKINSON THEODORE ROOSEVELT REGIONAL AIRPORT – MATTHEW REMYNSE**

Matthew Remyse, Manager of Dickinson Theodore Roosevelt Regional Airport, presented an overview of the flight numbers, projects and financials. He stated the flight numbers to-date have exceeded last year's year-end numbers. He stated the increase in enplanements is attributed to the third flight which began in February. He stated the third flight has proven to be a tremendous asset and the increased enplanements has shown Great Lakes Aviation and the FAA that the additional flight was needed. He stated if the airport was able to obtain 10,000 annual enplanements our airport would be eligible to become a primary non-hub commercial service airport which would enable them to receive \$1 million in entitlement funding versus the \$150,000 they currently receive. Remyse stated the airport is not able to count private aircraft enplanements but could count charter services if the charter service is willing to report their numbers to FAA. Remyse stated he has held conversation with Great Lake Airlines in regard to a possible fourth flight for Dickinson and Williston. Remyse stated the airport is planning three major projects for which they will receive a 95% reimbursement from FAA. He stated they are constructing an addition to the General Aviation terminal, purchasing new snow removal equipment, and have begun negotiating for the purchase of land at the end of the runways. He stated the airport is doing well financially. President Johnson thanked Mr. Remyse for the update.

5:45 PM

**PUBLIC HEARING – CONFIRM 2007 SEAL COAT IMPROVEMENT DISTRICT**

City Engineer Shawn Soehren stated the Special Assessment Commission held a public hearing in regard to the 2007 Seal Coat assessments and received no objections to the proposed assessments. President Johnson opened the public hearing at 5:50 PM to gather

public input regarding the 2007 Seal Coat Assessment District. No public input was received. President Johnson closed the public hearing at 5:51 PM.

MOTION BY: Bill Reitmeier                      SECONDED BY: Carson Steiner  
To authorize introducing Resolution No. 22-2007 for adoption:

**RESOLUTION NO. 22-2007**

**A RESOLUTION FOR FINAL CONFIRMATION OF 2007 PORTION OF 10-YEAR SEAL COAT IMPROVEMENT DISTRICT, CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA.**

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

5:50 PM

**PUBLIC HEARING – UTILITY EASEMENT VACATION – SPORTCO AND SHINAGLE 1<sup>ST</sup> ADDITION**

City Engineer Shawn Soehren stated the two utility easement vacations being presented have been approved by the utility companies and he recommends approval of the utility easement vacations. President Johnson opened the public hearing regarding the utility easement vacations at 5:55 PM. No public comment was received. President Johnson closed the public hearing at 5:56 PM.

MOTION BY: Bill Reitmeier                      SECONDED BY: Rhonda Dukart  
To authorize introducing Resolution No. 23-2007 for adoption:

**RESOLUTION NO. 23-2007**

**A RESOLUTION APPROVING THAT VACATION OF A UTILITY EASEMENT IN SPORTCO 1<sup>ST</sup> ADDITION TO THE CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA.**

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

MOTION BY: Bill Reitmeier                      SECONDED BY: Carson Steiner  
To authorize introducing Resolution No. 24-2007 for adoption:

**RESOLUTION NO. 24-2007**

**A RESOLUTION APPROVING THAT VACATION OF A UTILITY EASEMENT IN SHINAGLE'S FIRST ADDITION TO THE CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA.**

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

5:55 PM

**PUBLIC HEARING – SPECIAL USE PERMIT – LEC RADIO TOWER (GARY KOSTELECKY)**

President Johnson opened the public hearing at 5:55 PM in regard to a request for a Special Use Permit for a radio tower to be located on the Law Enforcement Center property. No public comment was received. President Johnson closed the public hearing at 5:56 PM. City Engineer Shawn Soehren stated the request was presented and approved by the Planning and Zoning Commission subject to the tower having minimal lighting, no signage, and an eight foot fence around the tower. City Administrator Sund stated the reason for the special use request was that many radio antennas are on the roof of the Law Enforcement Center building and it is their intent to redo the roof and prefer no holes be placed in the new surface necessitated by the antennas. If the tower is erected, the antennas would be moved to it.

MOTION BY: Rhonda Dukart                      SECONDED BY: Bill Reitmeier  
To approve the Special Use request for Stark County to place a 160' radio tower in a CC (Community Commercial) zoning district on the property described as 1.2 acres in Block

1, Interstate Addition (66 Museum Drive West) subject to the tower having minimal lighting, no signage, and an eight foot fence surrounding the tower.

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

Motion declared duly passed.

6:00 PM

STREET VACATION APPEAL – STANG, BARANKO, ANDERSON, ETC.

City Attorney Matthew Kolling stated the City Commission received an appeal for a street vacation and the City Commission may choose to accept or deny the appeal during this meeting. He stated if they deny the appeal the issue dies but if they accept the appeal, City staff will advertise the vacation request for four weeks as required by state law and hold a public hearing.

President Johnson asked if there was anybody in the audience who wished to speak regarding the appeal. David Anderson, 538 5<sup>th</sup> Street SW, stated he owns the last house at the end of 5<sup>th</sup> Street SW and likes the neighborhood due to its quietness. He stated the area receives a lot of pedestrian traffic and feels construction of the platted street will take away from the area. Delbert and Lori Heiser, owner of Lot 9 and half of Lot 8, Block 2, Stang Addition, stated they purchased the property knowing 5<sup>th</sup> Street SW was platted to continue to the west of their property but would like to see the street vacated. He stated they would like to see curb and gutter up to the drainage ditch, but on the other side of the road should a road go in, felt there would be problems with the walking path. He stated he also felt there would be a safety issue with balls being hit out of the softball fields and potentially hitting vehicles. Johnson stated he felt it would take quite a hit for a ball to reach the street. Heiser also felt there was a safety concern should the road be constructed and should people neglect to reduce their traveling speed they may end up in the drainage ditch. Heiser suggested a cul-de-sac be placed on 5<sup>th</sup> Street SW in front of his property if the right-of-way remains but the City does not construct it at this time. President Johnson questioned City Engineer Soehren whether the street vacation request was addressed by the Planning and Zoning Commission. Soehren stated the request was before the board with a 6-2 vote to deny the street vacation request. Soehren stated some of the reasons discussed by the Planning and Zoning Board were: the through street was part of the Stang Addition plat; the through street could potentially reduce traffic in the Heart River School area; and unknowns with future development of the unplatted areas to the west and the possible need for the through street. He stated at this time there may not be a traffic issue but future development may warrant a through street. He stated should the street be vacated an easement would need to be obtained as city water and sewer is located in the right-of-way. He stated discussion was also held in regard to easier accessibility for emergency vehicles should the street be constructed. He stated the issue of construction of a cul-de-sac was also mentioned and from an engineering standpoint, dead end streets are not recommended. President Johnson questioned Soehren whether the unconstructed portion of 5<sup>th</sup> Street SW was a right-of-way before any of the homes were built in Stang Addition and before Mr. Heiser purchased Lots 8 and 9. Soehren said yes it was. Johnson questioned Heiser whether he was aware there was a platted through street. Heiser stated he was aware of the platted through street. Johnson stated he had concerns with vacating the street and forever eliminating the possibility for a through street in regard to accessibility for emergency vehicles. Reitmeier stated he also was not in favor of vacating the street due to eliminating access for emergency vehicle, garbage truck, and snow removal equipment accessibility. He suggested the road be budgeted for construction. Dukart stated she concurred with some of the public comment that constructing a road there would result in putting it through the park which would change the nature of the area. Dukart stated she was not ready to vote on the appeal as she would like to go view the area one more time. Emil Baranko who resides on the corner of 5<sup>th</sup> and 8<sup>th</sup> supported the vacation and was concerned that if the street was constructed it would encourage high speed traffic and felt the through street would not provide an alternate route for emergency vehicles. Commissioner Steiner asked City staff to put together costs as to what it would be for construction of a cul-de-sac. President Johnson suggested additional time be taken to study options.

MOTION BY: Bill Reitmeier

SECONDED BY: Carson Steiner

To follow the Planning and Zoning recommendations to deny the street vacation request from David Anderson for 5<sup>th</sup> Street SW to 8<sup>th</sup> Avenue SW.







Greg Sund stated the City received a letter from Royal Oak in regard to their request to the ND Public Service Commission to release a total reclamation bond on their property located in NE1/4 of S3, T140N, R96W. Sund stated the letter is a public notice and no City Commission action was needed. He said he placed it under his report to raise public awareness of the request.

2. ND Tax Incentives for Business:

Sund provided the Commission with a letter and brochure from the Office of State Tax Commissioner on the State's Tax Incentives for Businesses.

3. Social Security Office Closure:

Sund clarified rumor and stated the Dickinson Social Security office will remain open in Dickinson but have relocated to another office space in the same building.

4. Homelessness Report:

Sund provided a copy of minutes from the Homelessness in Dickinson meeting held August 21, 2007.

9. ACCOUNTS PAYABLE AND PAYROLL

MOTION BY: Carson Steiner                      SECONDED BY: Rhonda Dukart

To approve the accounts payable as presented with accounts payable numbers 62,852 to 62,937. 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 Dukart stated she received citizen calls in regard to whether renovation of the Old Elks building has begun. According to the Contract, building renovation was to begin September 1, 2007. Soehren stated he and Sund met with Mr. Brinkman and Brinkman indicated their contractor from Mandan will have their crew on site this week. Dukart asked that staff make periodic checks on the project as she and the public would like to know that the project is moving forward as promised. President Johnson stated staff can also relay the message to the owner that the Commission is concerned that the project proceed. Sund said he did this.

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

N/A

ADJOURNMENT

MOTION BY: Rhonda Dukart                      SECONDED BY: Bill Reitmeier

For adjournment of the meeting at approximately 7:45 PM.

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

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: \_\_\_\_\_