## REGULAR MEETING DICKINSON CITY COMMISSION JUNE 01, 2009

#### 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, Gene Jackson, Shirley Dukart and

Carson Steiner

Absent was: Commissioner Joe Frenzel

## **STANDARD MOTIONS**

#### 1. ORDER OF BUSINESS

MOTION BY: Shirley Dukart SECONDED BY: Gene Jackson

To approve the June 01, 2009 Order of Business as presented.

DISPOSITION: Motion carried unanimously.

## 2. CONSENT AGENDA

MOTION BY: Gene Jackson SECONDED BY: Carson Steiner

- A. Approve minutes of regular meeting dated May 18, 2009 (Enc);
- B. Approval of Gaming Site Authorization Renewal for Brotherhood of St. Anthony (Enc);
- C. Approval of Office of State Tax Commissioner contract to administer the City's local sales, use and gross receipts taxes for 2009-2011 (Enc);
- D. Approval of NRG Agreement for Server Support (Enc.);
- E. Approval of minutes for Board of Equalization meetings dated May 05 and May 18, 2009 (Enc.);

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

Motion declared duly passed.

## TIMETABLE AGENDA

#### 5:27 PM

## RENAISSANCE ZONE APPLICATION – STACY BUCKMAN

Danielle Stuckle, Historic Preservationist/Museum Director, presented a Renaissance Zone application from Stacy Buckman for 38 Sims Street. She stated the property is formerly known as the Howdy Partner Café. Stuckle stated the Renaissance Zone project involves the purchase of the building and improvements to upgrade to city code. Ms. Buckman does intend to make some cosmetic changes to the building including the purchase a vintage looking sign. The property purchase took place at the end of May, 2009. She states this building will be used as a photography studio. Ms. Stuckle recommends approval of this project.

Ms. Stuckle is continuing to work on educational programs for the Renaissance Zone projects. She has been sending out brochures to the realtors and Stark County developers on how to qualify for the Renaissance Zone project benefits. She feels that a lot more education and awareness is necessary. The benefit of this project is the tax exemption for property tax for up to 5 years and the associated state tax exemptions. These exemptions make the Renassaince Zone Program a worthwhile incentive program. President Johnson states this business will be a great addition to the down town area.

MOTION BY: Shirley Dukart SECONDED BY: Carson Steiner

To approve the Renaissance Zone application D-10 for Stacey Buckman for 38 Sims Street and grant complete property tax exemption for five years on the existing building and improvements, excluding the land.

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

Motion declared duly passed

#### 5:45 PM

## ELKS BUILDING RENOVATIONS – GRANVILLE (BEAVER) BRINKMAN

City Attorney, Matthew Kolling gave a brief introduction on the proposed Fifth Addendum to Development Agreement. Kolling stated the current contract's completion date was set at June 1, 2009. The new agreement would set the completion date at September 30, 2010. Granville (Beaver) Brinkman updated the City Commission on the renovation of the old Elks Building. Mr. Brinkman explained to the Commission with a letter why the agreement has been amended four times to date. Brinkman also asked the Commission for the remaining money from the Brownfield's Grant, approximately \$60,000 to install the sand set pavers, alley rap, street trees and gates, new street lighting, new curbing, city signage and stripping. He states the windows will be completed by the end of June. Mr. Brinkman states as of todays date four condominium units on the third floor are committed to. He is in the process of negotiating office space on the second floor and there is verbal interest in the first floor. Brinkman also has received verbal approval for the construction financing for the balance of the project. Mr. Brinkman states that due to the financing difficulties and weather conditions the project has been delayed. Commissioner Steiner states that he is satisfied with the progress that has been made on the building and this is quite an aggressive time line that Mr. Brinkman placed himself on. Mr. Steiner is very comfortable with the Fifth Amendment and the schedule that was reviewed with the Commissioners. Commissioner Jackson states the letter alludes to the schedule but there is no schedule attached to Mr. Brinkman's letter. Mr. Brinkman will forward a schedule of construction to the Commissioners. Jackson states he does have a lot of questions about this project and why the extension requested is for another 15 months. Mr. Kolling states the release of the Brownfield's Grant is at the discretion of the City. Kolling stated if the Addendum was approved then the allocation of the money would come before the commission.

President Johnson would like to see the completion of the projects and then the distribution of funds. Mr. Brinkman would like to request that City Commission delegate City Administrator Shawn Kessel the authority to distribute the remaining grant money to Mr. Brinkman. President Johnson states the issue of delegation will need to be discussed at a future Commission meeting.

MOTION BY: Carson Steiner SECONDED BY: Shirley Dukart

To approve the Fifth Addendum to Development Agreement DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 0.

Motion declared duly passed

#### 5:27 PM

# <u>CERTFICIATE FOR COMMUNITY SUPORT FOR ST. LUKE'S HOME, INC. – ADMINISTRATOR KAREN BOULDEN</u>

Administrator Karen Boulden of St. Luke's Home introduced the Certification of Significant Community Support to the City Commissioners. Ms. Bolden states that St. Luke's Home is a 84 bed, non-profit organization. St. Luke's was built in May, 1958.

Yvonne Kroll, St. Luke's Home Foundation Director presented a powerpoint of the new facility they are planning to build. Ms. Kroll states St. Luke's theme for their campaign is Faith Enriching Lives. Kroll states St. Luke's prides itself on the quality of care. Kroll said there are 124 residents at St. Luke's and Park Villa. There are 163 employees which circulate about \$17 million in the community. Kroll states the new facility will focus on areas for the resident's families. This will be a two story facility with a town

square, lounge area, coffee shop, three-season porch and rooms available for family. Residents will be able to make more and more choices and keep their own calendars. All of these choices will allow St. Luke's to better focus on their residents as individuals providing them with an even better quality of life. Commissioner Shirley Dukart stated that public transit will love the new entry as the entry now is very poor and accident prone. President Johnson commends Ms. Kroll and Ms. Boulden on their presentation.

MOTION BY: Gene Jackson SECONDED BY: Carson Steiner To approve the Certificate for Community Support for St. Luke's Home, Inc.

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

Motion declared duly passed

## NON-TIMETABLE AGENDA

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

# A. MONTHLY FINANCIAL REPORT FOR APRIL 2009

Accounting Manager Tina Johnson highlighted the April, 2009 financial report.

MOTION BY: Carson Steiner SECONDED BY: Shirley Dukart

To accept the April, 2009 financial report as presented.

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

Motion declared duly passed

#### B. EMPLOYEE STATUS AND CLASSIFICATION PLAN AMENDMENT

City Attorney Matthew Kolling relayed the City Code now states job classifications be reviewed annually. This new ordinance would allow the review of job classifications every three years. Kolling stated that the review of job classifications would take place should a replacement of this positive be sought.

MOTION BY: Gene Jackson SECONDED BY: Shirley Dukart

To approve the second reading and final passage of Ordinance 1370.

## **ORDINANCE NO. 1370**

AN ORDINANCE AMENDING AND RE-ENACTING SECTION 29.08.04050, SUBSECTION 2.6, OF THE CITY CODE OF THE CITY OF DICKINSON, NORTH DAKOTA, RELATING TO REVIEW OF CLASSIFICATIONS

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

Motion declared duly passed

# C. REQUEST FOR ANNEXATION – WBW INVESTMENTS, INC.

City Attorney Matthew Kolling proposed a resolution providing an annexation of property to the City of Dickinson. Kolling stated the landowners filed a petition to have this property annexed to the City. The lots one through seven; block one of the Winn Subdivision is the tract of land in question. Mr. Kolling states if the resolution is passed, advertisement will take place for two weeks and then the public is allowed to protest for 30 days thereafter. If there is no protest, the property automatically becomes annexed to the City. City Engineer Shawn Soehren stated the process all started with the plat of Winn Subdivision. When the plat was finalized sewer and water in this area were requested. In order to receive water and sewer from the City this property needed to be annexed. At this point a petition for annexation was submitted.

MOTION BY: Carson Steiner SECONDED BY: Shirley Dukart

## RESOLUTION NO. 09-2009

A RESOLUTION EXTENDING THE BOUNDARIES OF THE CITY OF DICKINSON, NORTH DAKOTA, AND ANNEXING A CERTAIN TRACT OF LAND ADJACENT TO THE BOUNDARIES OF THE PRESENT CITY LIMITS.

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

Motion declared duly passed

## 5. PUBLIC SAFETY

## **REPORTS:**

None.

## 6. <u>PUBLIC WORKS - ENGINEERING</u>

#### A. FINAL PLAT FOR ENERGY CENTER FIFTY SUBDIVISION

City Engineer Shawn Soehren requests approval of the final plat for Energy Center Fifth Subdivision. He stated the property is located near the Baler Building. There is currently a building on the first lot and a second building will be constructed on lot two. He stated the Planning and Zoning Commission has reviewed the plat and recommend approval.

MOTION BY: Shirley Dukart SECONDED BY: Gene Jackson

To authorize introducing resolution No. 09-2009 for adoption.

## **RESOLUTION NO. 09-2009**

# A RESOLUTION APPROVING FINAL PLAT ENTITLED ENERGY CENTER FIFTH SUBDIVISION, STARK COUNTY, NORTH DAKOTA.

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

Motion declared duly passed

#### **B. REPORT:**

- 1. Planning and Zoning Commission Meeting Minutes May 20, 2009 (Enc): City Engineer Shawn Soehren reported there are a couple of sketch plats being worked on at this time. Soehren reports a significant area behind the DOT which is going to be made up of several lots (70-80) is being worked on. Another potential project location just north of the mausoleum is being discussed.
- 2. Board of Adjustment Meeting Minutes May 11, 2009 (Enc): Renaissance zone application which will be discussed as a 5:30 time table agenda item.

## 7. PUBLIC WORKS - MAINTENANCE AND UTILITIES

# A. CELL 3 HYDRAULIC IMPROVEMENTS

Public Works Manager, Skip Rapp provided information on the stimulus package through the North Dakota Department of Health. The City of Dickinson was successful in obtaining an \$800,000.00 low interest loan. This 1% interest loan with a 20 year payback would have an annual cost to the City of approximately \$44,000.00. This money would be used for construction of a transfer facility between the 3<sup>rd</sup> and 4<sup>th</sup> cell of the wastewater treatment plant. This project was scheduled to take place in the years 2014-2016. President Johnson raised the issue of a possible mechanical plant. Johnson feels if the City could plan for a

mechanical plant at a 1% interest this would be wise of us to take advantage of this. Mr. Rapp would like to see a mechanical plant but it is not in the best interest of the public at this time. Mr. Rapp recommends to approve the Task Order #2 Ulteig Engineering.

MOTION BY: Shirley Dukart SECONDED BY: Gene Jackson

To approve Task Order #2 Ulteig Engineering.

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

Motion declared duly passed

## C. REPORT:

## 1. 2008 Consumer Confident Report

Public Works Manager Skip Rapp stated this report is for information only. The City's water system is in compliance with all drinking water regulations with no violations. This report will be sent to all the citizens and large companies who use City water. Rapp thanks Southwest Water as the City purchases water from them. Mr. Rapp updates the progress of the storage tank building which is being constructed. All the piping is in and the floor is ready to be poured. Completion date for this project is October but it looks like it may be completed by the middle of July.

## 8. <u>ADMINISTRATION:</u>

# A. City Administrator Report - Given by City Attorney, Matthew Kolling

#### 1. <u>COPS Grant Update</u>

Matt Kolling stated we have received notification from the United States Department of Justice that they have received our application for the COPS Grant. Kolling states the application is under consideration but we will have to wait for notification if we received the grant.

# 2. Thank You Notes

A thank you letter from the Cannonball Senior Citizens was presented to the Commission thanking them for the moneys from the Senior Citizen Grant.

# 9. ACCOUNTS PAYABLE

MOTION BY: Carson Steiner SECONDED BY: Shirley Dukart

To approve the accounts payable list as presented along with the additional accounts payable list, numbers 069173 to 069303. Said list is available in the Accounting Office.

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

Motion declared duly passed.

## 10. <u>CITY COMMISSION:</u>

None.

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

Citizen Tom Dietz approached the City Commission in regards to working in the cemeteries. Dietz explained he was wondering how we could go about determining where there are unmarked graves. Dietz expressed some interest in the sales tax money that the City raises in order to buy equipment in order to locate unmarked graves. He has been looking for a grave for a councilman's wife from 1908. Public Works Manager Skip Rapp stated there are some unmarked graves but for the vast majority these are marked unknown. The City did not take over the cemeteries until about 25 years ago and before that time the information was sketchy. President Johnson advised Mr. Rapp to work with Mr. Dietz to see if this issue can be resolved.

# **ADJOURNMENT**

MOTION BY: Shirley Dukart SECONDED BY: Carson Steiner

For adjournment of the meeting at approximately 6:38 PM. DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 0.

Motion declared duly passed.

OFFICIAL MINUTES PREPARED BY:	
Rita Binstock, Assistant to City Administrator	_
APPROVED BY:	
Matthew Kolling, City Attorney	_
Dennis W. Johnson, President Board of City Commissioners	_
Date:	