

**FEBRUARY 17, 2009**

President Dennis W. Johnson called the meeting to order at 5:15 PM.

Present were: President Dennis W. Johnson, Commissioners Joe Frenzel, Gene Jackson, Shirley Dukart and Carson Steiner

MOTION BY: Shirley Dukart                      SECONDED BY: Joe Frenzel  
To approve the February 17, 2009 Order of Business as presented.  
DISPOSITION: Motion carried unanimously.

MOTION BY: Gene Jackson   SECONDED BY: Joe Frenzel

A. Approve minutes of regular meeting dated February 2, 2009;

B. Approval of NDDOT Cost Participation Agreement for Urban Roads Projects;

C. Approval of Pledged Securities Report dated December 31, 2008;

D. Approval to appoint Bob Allan to the Historic Preservation Commission;

E. Approval to be a pass-through sponsor of a CDBG grant for Able, Inc.

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

President Johnson opened the public hearing at 5:30 PM to gather input regarding a tax abatement request from Sandra Koffler at 537 3<sup>rd</sup> Avenue East. City Assessor Jan Zent stated Ms. Koffler has requested the 2008 valuation be reduced from \$91,100 to \$69,500. Ms. Zent stated based upon a field visit to the property, it is her recommendation to approve Ms. Koffler's request as the property is in need of major repair. She stated the structure is in poor condition and will require major renovation due to lack of maintenance. She stated once renovations of the property has been completed, the Assessor's Department will again make the necessary valuation adjustment to the property. President Johnson asked if there was any public comment. No public comment was received. President Johnson closed the public hearing at 5:32 PM.

MOTION BY: Joe Frenzel                                 SECONDED BY: Gene Jackson  
To approve the tax abatement request from Sandra Koffler for 537 3<sup>rd</sup> Avenue East to reduce the 2008 valuation from \$91,100 to \$69,500 based on the condition of the property.  
DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0.  
Motion declared duly passed.

Mary Grove, President of the Dickinson Dolphin Swim Team requested City funding in the amount of \$6,500 to purchase a crow's nest for the pool area at the West River Community Center. She stated the crow's nest will allow the team more space for athletes when participating in events and will house all electronics needed to host swimming meets and events. She stated the Dickinson Dolphin Swim team rents the lap

MOTION BY:           Gene Jackson                               SECONDED BY:       Joe Frenzel  
To approve granting \$6,500 to the Dickinson Dolphin Swim to construct a crow's nest at  
the West River Community Center with funds being obtained from the ½% Sales Tax.  
DISPOSITION:       Roll call vote...Aye 5, Nay 0, Absent 0.  
                          Motion declared duly passed.

#### 4. GENERAL ISSUES/FINANCE

Accounting Manager Tina Johnson highlighted the December 2008 financial report.

MOTION BY: Carson Steiner                                  SECONDED BY: Joe Frenzel  
To accept the December 2008 financial report as presented.  
DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0.  
Motion declared duly passed.

City Attorney Matthew Kolling stated the Mackoff Kellogg Law Firm has reorganized into two group. He stated Mackoff Kellogg Law has been the appointed City Attorney since 1991 and the new contract being presented is the same as approved in the past other than naming the new law firm.

MOTION BY: Joe Frenzel                                      SECONDED BY: Carson Steiner  
To approve the Agreement dated February 17, 2009 with Ebeltoft Sickler Kolling Grosz  
Bouray, PLLC for City Attorney services.  
DISPOSITION: Roll call vote...Aye 5, Nay 0, Absent 0.  
Motion declared duly passed.

A. ALCOHOLIC BEVERAGE ORDINANCE AMENDMENT REGARDING SERVER TRAINING

Police Chief Chuck Rummel stated Officer VanDoorne has requested City Commission approval of an amendment to the alcoholic beverage code which will add language to the server training requirements. He stated the State has approved a standardized test for the server training classes therefore Officer VanDoorne desires to add the language “with a test score of at least 72%” into the requirements. President Johnson asked if there was

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

## B. REPORT:

### 1. Code Enforcement Report for January 2009:

City Engineer Shawn Soehren stated January has been slow in regard to permits issued but are starting to see more discussion in regard to 2009 planned projects.

## 2. Stimulus Project:

President Johnson questioned whether the City had heard any news on the stimulus project. City Administrator Kessel stated he spoke with DOT officials last Friday and they are excited about what the package could mean for North Dakota. City Engineer Soehren stated the City has not received any word from DOT in regard to project approval.

## 7. PUBLIC WORKS – MAINTENANCE AND UTILITIES

## A. 2009 HAZARDOUS TREE REMOVAL DISTRICT

Public Works Manager Skip Rapp requested City Commission approval of the Hazardous Tree Removal Improvement District 2009-1. He stated the district allows citizens to remove hazardous trees and have the cost assessed over a five year period. Rapp stated in 2008 there were 15 trees removed with one individual choosing to assess the costs.

MOTION BY: Carson Steiner                      SECONDED BY: Joe Frenzel

To authorize introducing Resolution No. 02-2009 for approval.

**RESOLUTION NO. 02-2009**

**A RESOLUTION CREATING HAZARDOUS TREE REMOVAL  
IMPROVEMENT DISTRICT 2009-1 OF THE CITY OF DICKINSON AND  
AUTHORIZING THE IMPROVEMENTS AND ASSESSMENTS.**

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

Motion declared duly passed.

B. ENVIRONMENTAL ENGINEERING SERVICES – WASTEWATER TREATMENT PLANT

Public Works Manager Skip Rapp stated the committee met and reviewed the proposals for environmental engineering services to provide an assessment of the City's wastewater treatment facilities. He stated it is the committee's recommendation to work with Ulteig Engineering to negotiate a contract. He stated once a contract is negotiated he will bring back the Committee recommendations for City Commission approval.

### C. REPORT:

1. Southwest Water Authority Rate Increase:

Public Works Manager Skip Rapp stated he received notice from Southwest Water Authority that they intend to increase the water rates from \$3.07 to \$3.12 per 1000 gallons. He stated he recommends the City increase the water rates by the same amount beginning March 1, 2009. He stated the City rates will then increase from \$3.97 to \$4.02 per 1000 gallons. President Johnson questioned what average household increase would be. Rapp stated the increase will be approximately 35 cents per month. Rapp stated he will present a resolution to the City Commission on March 2<sup>nd</sup> to increase the rate if there were no objections from the City Commission. No objections were voiced.

## 2. Snow Removal Efforts:

Public Works Manager Ken Kussy presented an update on the February 9, 2009 snowstorm. He stated the City has 8 pieces of equipment and the equipment was all used during the snow removal/plowing process. He stated the City also contracted labor and equipment during the two day snow cleaning process. Kussy stated the City does not

wait until the snow has stopped before snow removal efforts begin, therefore crews began working between 4:30 AM and 6:30 AM on Tuesday. He stated the snowstorm was complicated due to the rain that fell prior to the snow. He stated there were areas in town where the crews were not able to complete the snow removal process by day end on Thursday as street crews had a limited amount of sleep during this time and safety was a concern. He stated on Friday the City continued snow removal efforts with two plows. Kussy assured the public the City has sufficient snow removal budget money and efforts were not halted due to money. Commissioner Frenzel stated in spite of limitations the city has in regard to staff and equipment, he felt the City street crews had done a good job cleaning snow during the snowstorms. Commissioner Dukart concurred. Commissioner Jackson referenced the City's Snow Removal policy and stated the City policy states City crews will make every effort to get the entire town plowed within 72 hours of a snow storm. He commended Kussy and staff on their efforts.

8. ADMINISTRATION:

A. City Administrator Report:

1. Budget Amendment – 2009 BAC Investment:

City Administrator Shawn Kessel stated he met with representatives of DSU in regard to funding of the Badlands Activity Center. He stated it is his recommendation the City amend the 2009 budget to accommodate a \$1.8 million payment be made to DSU Foundation in June 2009 to fulfill the first installment of the City's commitment to the BAC of \$6 million over a five year period. He stated the remaining commitment of \$4.2 million will be allocated in future years budgets. Kessel stated the payment would be made from fund reserves in the amount of \$800,000 from the hospitality tax and \$1,000,000 from the 1/2¢ sales tax (Sales Tax II). He stated there is sufficient money in the both accounts to make the payment without pulling from investments. City Administrator Kessel stated if there were no objections to his request, he would have on the next agenda for City Commission consideration. President Johnson encouraged Commissioners to contact Kessel should they have questions or concerns.

2. Assistant to City Administrator:

City Administrator Shawn Kessel stated Assistant to City Administrator Cindy Selinger has submitted her two week notice and the City is in the process of finding a replacement for her position.

3. Legislation:

City Administrator Shawn Kessel stated there are two house bills being addressed by the legislature that will significantly impact the City of Dickinson. He stated House Bill No. 1268 would eliminate charging sales tax on clothing and House Bill No. 1422 would place a limitation on property tax levy increases. He stated should no sales tax be charged on clothing, the City of Dickinson could lose approximately \$815,000 annually. Kessel requested City Commission authority to testify against the bill. President Johnson expressed strong opposition to the bill as he felt reducing sales tax would simply put more pressure on property tax. He stated if sales tax is reduced, in order to have sufficient funds for needed projects, property taxes would then be increased. Kessel also asked the City Commission to endorse a "no" vote on House Bill No. 1422 which would put a cap on property tax levy increases. Commissioner Frenzel encouraged a "no" vote on both bills.

MOTION BY: Joe Frenzel

SECONDED BY: Shirley Dukart

To go on record as opposing House Bill No. 1269 and 1422 and direct City staff to testimony in opposition on both bills.

DISCUSSION: Commissioner Jackson encouraged all citizens to contact the legislators to oppose House Bill #1268 and #1422

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

9.     ACCOUNTS PAYABLE

MOTION BY:        Gene Jackson                                SECONDED BY:        Joe Frenzel  
To approve the accounts payable list as presented along with the additional accounts payable list, numbers 68,087 to 68,246. Said list is available in the Accounting Office.  
DISPOSITION:        Roll call vote...Aye 5, Nay 0, Absent 0.  
Motion declared duly passed.

10.    CITY COMMISSION:  
N/A

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

ADJOURNMENT

MOTION BY:        Joe Frenzel                                SECONDED BY:        Shirley Dukart  
For adjournment of the meeting at approximately 6:48 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:

\_\_\_\_\_  
Shawn Kessel, City Administrator

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

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