

**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 Joe Frenzel, Carson Steiner

Absent were: None

**STANDARD MOTIONS**

**1. ORDER OF BUSINESS**

MOTION BY: Joe Frenzel

SECONDED BY: Shirley Dukart

To approve the July 20, 2009 Order of Business as presented.

DISPOSITION: Motion carried unanimously.

**2. CONSENT AGENDA**

MOTION BY: Gene Jackson

SECONDED BY: Carson Steiner

A. Approve of minutes of regular meeting dated July 6, 2009 (Enc);

B. Approval of Sewer Relining Project Financing (Enc);

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

**TIMETABLE AGENDA**

**5:30 PM**

**APPLICATION FOR DRILLING AN OIL WELL**

City Engineer Shawn Soehren received an application for drilling an oil well from Armstrong Operating, Inc. This oil well would be operating within the two mile jurisdiction, just SW of Dickinson and south of the golf course. The Energy Committee met in regards to this application, reviewed the documents and they recommend approval to the City Commission.

Gordon L. Pirkel, Operating Manager for Armstrong Operating, Inc. stated the location is directly south of the golf course. The whole procedure would take approximately 20 days and if there is a producible well a completion rig would move on and production facilities would be built. Pirkel states this will be a deviated vertical well. Pirkel also mentions there is a congestion problem on this drilling location.

MOTION BY: Joe Frenzel

SECONDED BY: Shirley Dukart

To approve the drilling of an oil well located NW ¼ Section, 17, Township 139 N, Range 96W.

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

Motion declared duly passed.

**5:40 PM**

**SPECIAL USE PERMIT – GROUP DAYCARE – TABATHA PETERSON**

City Engineer Shawn Soehren received an application for a special use permit for 736 1<sup>st</sup> Avenue East; Dickinson, ND. Soehren reports the Planning and Zoning Board has reviewed this application and there is some concern about the access of this property and also there have been some complaints from the neighbors and that is why Ms. Peterson is here today to appeal the Planning and Zoning Board's decision.

Tabatha Peterson, daycare provider informed the Commissioners of the area around the daycare and how the access to and from the daycare for emergency vehicles, surrounding homeowners, and people dropping off their children would work fine for having a group daycare. Peterson provided a slide presentation of another daycare in town with what she felt was inappropriate access to and from the daycare. Ms. Peterson explained how the fire truck or other emergency vehicles could enter and exit her property easily in case of an emergency. Ms. Peterson stated that Social Services has been over and is very excited about having a daycare in a new home instead of people opening daycares in old, outdated homes.

Commission Dukart explained that she had visited the area in question and stated that she was unable to turn around at the daycare and had to back up to get out of the area.

Commissioner Steiner was concerned about the number of children at a group daycare and the square footage of the home and playground area. Steiner also expressed some concern about the number of people arriving and leaving at any given time and the congestion of the vehicles in the street. Steiner was assured that the daycare was approved by Social Services and the Fire Department. Steiner feels that a serious look should be taken in regards to fire codes and building codes in relation to group daycare facilities.

Fire Chief Robert Sivak informed the Commission they had inspected the facility but he was concerned about the larger fire trucks having an extremely difficult time maneuvering in the small area.

Commissioner Johnson stated he drove to this area at 4:15 and he also had to back out of the area as there was no place to turn around.

City Engineer Shawn Soehren feels that there is a 20' right away to the east and west but could not be paved any wider. He states that there might be a chance the alley could be made into a one way.

Ryan Hoffer, a neighbor expressed some concern about the group daycare that the special permit would allow. Hoffer states that while trying to back out of his driveway it is very tight. Also when he is driving down the alley way many times he has to back up in order to allow someone else to drive the alley. He also states the traffic drives very quickly in this area and is concerned about a child getting hit. He feels that if he knew this daycare would have been his next door neighbor he would have not bought this property.

Commission Jackson also visited the area and had to back up and feels there is a concern about having a group daycare at this address.

MOTION BY: Gene Jackson

SECONDED BY: Joe Frenzel

To deny the appeal for a special use permit at 736 1<sup>st</sup> Avenue East.

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

Motion declared duly passed.

**5:55 PM**

**MAYOR'S COMMENDATION AWARD – JUANITA THOMAS**

Police Chief Chuck Rummel explained the Mayor's Commendation award was started two years ago to recognize individuals for actions that are above and beyond the normal. Chief Rummel read the letter from SPO Mike Hanel in regards to Thomas's actions in requesting a welfare check on her neighbor. This neighbor had been lying on the floor for 2 or 3 days. If Ms. Thomas would have not called for a welfare check Mr. Olheiser may have perished.

President Johnson presented Ms. Thomas with the Mayor's Commendation award, congratulated her and thanked her for going beyond her normal means of living and provide an act of kindness in our community.

**6:05 PM**

**JACK JACKSON – JULY 8, 2009 STORM**

Mr. Jackson did not show for his 6:05 time table agenda item.

**6:20 PM**

**CAROLYN TRUE BRIGHT WHITE – STORM SHELTER – TREE REMOVAL**

Carolyn True Bright White, Citizen has come before the Commission on two different issues. White feels a need for a storm shelter/s for residents without a basement. She feels it is the City's duty to keep citizens safe. White would like people to sign in when they come to shelter and this would serve as a record and head count.

President Johnson stated that Administrator Shawn Kessel, Emergency Manager Brent Pringle and himself met this morning on this issue. Storm shelters would need to be strategically located around town and most of the buildings are secured at the end of the business day. Johnson feels if a citizen does not have a basement they should secure a personal plan when there are weather warnings. Johnson does not know whose responsibility it should be to open a building should a storm occur and he does not want residents showing up at building and the doors be locked.

Commissioner Dukart feels the landlords should step up to the plate and make arrangements for their tenants in case of a storm.

Ms. White's second concern was that should homeowners be contacted prior to removing trees from their property.

Commission Carson informed Ms. White at this time of a disaster the tree experts came to the area and if they felt a tree was going to fall down or was going to injure someone they cut it down.

Justin Aufforth Acting City Forester explained that they did feel this tree in question was of eminent danger and on a normal basis they do contact the landowner for permission to cut down the tree. This particular tree was leaning up against another tree. The City employee was informed this particular resident had deceased, unfortunately this was not the case.

President Johnson states he admires citizens who come to the meetings to express their concerns but at this time he does not have any answers to Ms. White's questions. Johnson said the City has been through quite a bit of trauma in the past seven days and he would like to commend the community on their willingness to help each other.

### **NON-TIMETABLE AGENDA**

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

##### **A. FUTURE FUND AND CASE MANAGEMENT ACCOUNT**

Administrator Shawn Kessel explained the Supplemental Service Agreement with American Trust Center for the future fund and cash management accounts. These agreements comply with American Trust Center policy to manage the City's risk tolerance funds.

City Attorney Matt Kolling has reviewed these agreements. Mr. Kessel and Mr. Kolling would recommend approval to the Commission.

MOTION BY: Gene Jackson

SECONDED BY: Joe Frenzel

To approve the Supplement Service Agreement for future funds .

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

Motion declared duly passed

MOTION BY: Carson Steiner

SECONDED BY: Joe Frenzel

To approve the Cash Management Account Agreement .

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

Motion declared duly passed

## **B. ELDER CARE AGREEMENT**

City Attorney Matt Kolling has reviewed the agreement with Elder Care who provides public transportation to the residents of the City. Included in the agreement are the hours of operation, the City's subsidy which will be determined year to year and the free use of office space.

City Administrator Shawn Kessel had spoke with Elder Care Executive Director Colleen Rodakowski and she is somewhat hesitant about the contract as they have been experiencing a great deal of fluctuation and she is concerned about the subsidy amount which will be determined during the City's budget process.

Commissioner Dukart states that Elder Care can come back at any given time and request more funding from the City. The Commission does have the prerogative of amending their budget to allow more funds to Elder Care.

MOTION BY: Shirley Dukart

SECONDED BY: Joe Frenzel

To approve the Elder Care Agreement.

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

Motion declared duly passed

## **5. PUBLIC SAFETY**

### **A. REPORT:**

#### **1. Fire Department Monthly Report:**

Fire Chief Bob Sivak highlighted the department activities for June. Sivak gave a brief summary on the hydrant maintenance program and that 207 hydrants have been tested.

President Johnson thanked Chief Sivak and the Fire Department for a job well done in the tornado disaster. Johnson had received a very positive letter from a citizen thanking the

City for doing a wonderful job during this natural disaster. Johnson states that sometimes people forget about all the dangerous situations that are encountered at these times.

2. Police Department Monthly Report:

Police Chief Chuck Rummel highlighted the department activities for the month of June. Rummel thanked Lt. Rick Shirey for his work at the Police Department and reported that Shirey had retired on July 24, 2009 after 24 years of service. Rummel also asked the public to watch the documentary on tasers on Channel 19. He stated SPO Mike Hanel, completed this documentary.

President Johnson thanked Chief Rummel and his staff at the Police Department for doing a great job during the disaster. Johnson asked that Chief Rummel commend his staff on the fast first response in this disaster.

**6. PUBLIC WORKS – ENGINEERING**

**A. Construction Engineer Contract with Kadrmas, Lee and Jackson**

City Engineer Shawn Soehren presented a construction engineering service agreement for the 2009 stimulus project. This would be a slurry seal for ND 22 from 8<sup>th</sup> Street to Heart River Bridge, 22 Frontage Roads from 8<sup>th</sup> Street to Heart River Bridge and 4<sup>th</sup> Avenue East from Villard to Museum. Soehren would recommend awarding the contract to Kadrmas, Lee and Jackson for this work. These funds are also reimbursable through the stimulus funds as well.

MOTION BY: Shirley Dukart

SECONDED BY: Joe Frenzel

To award the contract for Stimulus Slurry Seal Project to Kadrmas, Lee and Jackson.

DISCUSSION: Commissioner Gene Jackson stated he would need to abstain from voting on the motion as he is an employee of Kadrmas, Lee and Jackson, Inc.

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

Motion declared duly passed

**B. Construction Contract for 21<sup>st</sup> Street Mill and Overlay to Northern Improvement.**

City Engineer Shawn Soehren stated the bids were opened on the contract for the 21<sup>st</sup> Street from 10<sup>th</sup> Avenue West to 10<sup>th</sup> Avenue East, Mill and Overlay. Northern Improvement came in at being the lowest bidder at \$649,000.00. Soehren recommends approval of the bid to Northern Improvement for the 21<sup>st</sup> Street Mill and Overlay.

MOTION BY: Carson Steiner

SECONDED BY: Joe Frenzel

To award the 21<sup>st</sup> Street Mill and Overlay to Northern Improvement for \$649,000.

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

Motion declared duly passed

**E. Reports:**

1. Planning and Zoning Commission Meeting Minutes – July 15, 2009
2. Board of Adjustment Meeting Minutes – July 13, 2009

City Engineer Shawn Soehren stated the minutes are presented for informational purposes. Soehren updated everyone on the seal coat project since the last Commission meeting. There has been some progress in that Astech has agreed to repair three streets that they did work on. They are a little reluctant to repair the remaining streets as they feel there is not much failure on those. Soehren will continue to update on the solution of the failed streets.

Soehren and Public Works Manager Skip Rapp informed the Commission on the water tower and that they are hoping to fill the tank towards the end of this week. This tank will enhance the fire protection in the northern service area as it continues to grow.

**7. PUBLIC WORKS – MAINTENANCE AND UTILITIES**

**A. Workplace Injury Reduction Challenge Grant:** Public Works Manager Skip Rapp provided information on the Workplace Injury Reduction Challenge Grant. Rapp thanks Fire Chief Sivak for the help in completing the grant. The grant is for safety equipment. This is a local matching grant of \$15,012.45 and grant funds of \$45,037.36.

MOTION BY: Carson Steiner

SECONDED BY: Shirley Dukart

To approve the Workplace Injury Reduction Grant for \$60,049.81.

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

**8. ADMINISTRATION:**

**A. City Administrator Report**

**1. Scandinavian Ethnic Group**

City Administrator Shawn Kessel had outlined the Scandinavian Ethnic Group Operating Agreement. This agreement would be a blue print for future operating agreements with other ethnic groups. In this Operating Agreement the City is responsible for the maintenance, care of the lawn and snow removal along with carrying the general liability insurance. The Ethnic group would be responsible for operational duties. This agreement will be brought to the next Commission meeting for approval.

**2. Disaster Clean Up and Recovery**

City Administrator Shawn Kessel informed the Commission of the Emergency Declaration and provided the language and brief summary of events of the

evening of 07/08/09. On the night of the disaster the sirens sounded, Mr. Pringle Emergency Manager made the decision to sound the sirens. Kessel and Pringle had a conversation and sirens sounded a second time. Chief Sivak, Chief Rummel, Pringle and Administrator Kessel were at the LEC Building to man the Emergency Operations Center. The Fire Department went house to house to search and locate every resident and to see if they were okay, approximately 450 structures were damaged. For a second time, in the early morning hours, the homes were searched again. Miraculously, there were only two reported injuries and both were treated and released from the hospital. More injuries occurred in the recovery stage than during the tornado. There is upward of \$20 million in property damage which does not include ATVs, boats or vehicles. Status meetings were held with the various agencies. The Red Cross, Salvation Army, SW District Health Unit and others have done an outstanding job and neighbors helping neighbors have been tremendous. To date 880 tons of material has been collected and disposed of. The Red Cross delivered over 5000 meals, almost 600 people volunteered and 1/3 of the volunteers received tetanus shots. The National Guard did an admirable job in providing security and debris removal. The US Forest Service was an invaluable resource and we were lucky to have them in our area. To fall a tree without harm to people and property is a great feat. Federal, State and local agencies had helped out tremendously. FEMA expressed their admiration many times related to the storm clean –up efforts and neighbors helping neighbors. An Unmet Needs Committee has been structured and will be meeting to determine where donated dollars should be spent for people’s needs. The Band-Aid Fundraiser which was held July 19<sup>th</sup> raised over \$50,000 which does not include a \$25,000 match.

**9. ACCOUNTS PAYABLE**

MOTION BY: Shirley Dukart

SECONDED BY: Carson Steiner

To approve the accounts payable list as presented along with the additional accounts payable list, numbers 069549 to 069777. 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:**

None.

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

Citizen Skip Rapp expressed his gratefulness in thanking Administrator Kessel, President Johnson and the Commission for showing concern and caring for the citizens who were involved in the tornado. Skip states that it was phenomenal to see the Commission come to the disaster area and make sure everyone was safe.



**ADJOURNMENT**

MOTION BY: Shirley Dukart

SECONDED BY: Joe Frenzel

For adjournment of the meeting at approximately 7:15 PM.

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

Motion declared duly passed.

OFFICIAL MINUTES PREPARED BY:

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Rita Binstock, Assistant to City Administrator

APPROVED BY:

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Shawn Kessel, City Administrator

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Dennis W. Johnson, President  
Board of City Commissioners

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