

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

Motion declared duly passed

B. NEW RESIDENTIAL EXEMPTIONS FOR PROPERTY OWNERS AND BUILDERS

President Johnson states this discussion of new residential exemption for property owners and builders recently approved by the state legislature is for information purposes. No action will be required on this subject this evening.

City Assessor, Jan Zent opened with a slide presentation. Senate Bill No. 2247, as passed, gives property tax exemptions for new construction up to \$150,000. Zent stated the current law reads up to \$75,000 of true and full value of single family property shall be exempt from taxation if certain conditions are met. This exemption is discretionary and the City can grant an exemption on an amount they agree upon. This exemption would begin when the homeowner took possession of the completed home and would allow the new homeowner to get a full two year tax exemption. Senate Bill No. 2247 reflects what we have today but it raised the limit of the tax exemption to \$150,000 and the start time of the exemption.

Zent states Senate Bill No. 2239, as passed, is a builder's exemption. This exemption would allow new single family residential property to be exempt for the year in which construction begins and the next two taxable years. The property must remain unoccupied and owned by the builder. The builder is eligible for an exemption of no more than 10 properties in a taxable year. Special assessments and taxes must be current. A builder would qualify as an individual who builds his own property. The property would be exempt up to the true and full value of the building on February 1st.

Commissioner Dukart suggests a sliding scale based on the cost to build the property. City Attorney Matt Kolling states there is no legislation that refers to a strict dollar or percentage so a sliding scale would be permissible. Commissioner Dukart feels it is the Commissioners responsibility to find a balance and incentive for builders and homeowners as well. She suggests this scale could also be based on the income of buyers, etc.

Commissioner Jackson feels the proposal of the legislation was to spur construction of homes in the community. He suggests that we remember we are affecting other taxing entities when we do this adjustment. In the 2-4 years, whatever time frame, there are no taxes on the exempt portion of the new structure and someone else will be picking up those taxes.

President Johnson would like to hear opinions from the Home Builders, Stark County, Dickinson Park District, Superintendent of Schools and the community at the next Commission meeting. Attorney Kolling states the old resolution will stay intact until a new resolution has been approved. These individuals will be invited to the next Commission meeting on September 21, 2009 for discussion of the new residential exemptions for property owners and builders.

5. PUBLIC SAFETY

N/A

6. PUBLIC WORKS – ENGINEERING

A. REPORTS:

1. Code Enforcement Report for July, 2009

City Engineer, Shawn Soehren reported at this time there are 16 new commercial structures which is comparable to last year at this time. The single family dwelling permits are down by 20 at the present time as compared to last year.

2. Board of Adjustment Meeting Minutes August 17, 2009.

City Engineer, Shawn Soehren reports the chip seal project will most likely be complete this week. The alley project is complete. The repair work from last year has also been completed.

In regards to the urban roads project, the concrete work has begun. A mill was moved in and will be started full depth work this week.

The slurry seal project has also begun and is coming along very well.

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

A. Cemetery Ordinance

Public Works Manager, Skip Rapp provided information on the Cemetery Ordinance. There are no changes from the first reading. Mr. Rapp recommends second reading and final passage of Ordinance No 1371.

MOTION BY: Shirley Dukart

SECONDED BY: Carson Steiner

To approve the second reading and final passage of Ordinance No. 1371.

ORDINANCE 1371

AN ORDINANCE AMENDING AND RE-ENACTING CHAPTER 9 OF THE CITY CODE OF THE CITY OF DICKINSON, NORTH DAKOTA, RELATING TO RIGHT OF BURIAL, AND ENACTING SECTION 9.235 OF THE CITY CODE OF THE CITY OF DICKINSON, NORTH DAKOTA, RELATING TO TITLE TO CEMETERY LOTS OR BURIAL SPACES REVERTS AFTER 80 YEARS - PROCEDURE

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

Motion carried unanimously.

B. RDO Equipment - Chipper

Public Works Manager, Skip Rapp reported bids for a new brush chipper were opened on August 6, 2009. Two bids were received, one from Swantson Equipment for \$25,300 and another one from RDO for \$29,766. The budget for this chipper was \$25,000. Both brush chippers were examined but the Swantson chipper did not meet the safety features that were requested. Even though Swantson was a less expensive bid they did not have a bottom bump bar for safety, larger drum and instrumental package as did the RDO chipper. The RDO chipper did come with the requested safety features.

MOTION BY: Joe Frenzel

SECONDED BY: Carson Steiner

To accept the bid from RDO at \$29,766.00 for the brush chipper.

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

Motion declared duly passed

8. **ADMINISTRATION:**

A. City Administrator Report

1. Liquor License Compliance Check

Administrator Kessel updated the Commission on the liquor compliance checks. A compliance check on 8/8/09 revealed five liquor establishments failed but two failed twice within 24 months, these failures were at the El Sombrero's and Ponderosa Liquors. Since this represents their second offense City Ordinance requires second time violators to have a one day suspension, \$1,000 fine and to appear before the City Commission. El Sombrero and Ponderosa Liquors will have a representative appear at a public hearing on September 21, 2009.

2. Post Tornado Survey

Mr. Kessel informed the Commission the results of the post tornado survey. This survey was offered either online or in written formats. There were 126 responses out of 800 victims. All surveys indicated the individuals would return to the community. If a survey revealed a situation that was not considered healthy or safe they were contacted by assistance groups. One survey reported a person living out of their vehicle since the tornado; this issue was addressed and safety measures were taken to help. Another survey revealed a family of three living in a tent at Patterson Lake. This issue was also addressed in order to help the family find housing. There are several issues victims are dealing with such as insurance issues; to receive coverage and dollars in regards to their damage. Also, finding contractors to complete the work on their homes. RAFT (Resource Agency Flood Team) is organizing a date in October to have outside volunteers come in to help with repairs before winter is upon us. A list is being compiled for those in need. An Unmet needs committee has also been formed to distribute monies to the tornado victims.

City Attorney, Matt Kolling informed the Commission in regards to the question asked in an earlier meeting by resident Jackie Miller states there is no vehicle under state law which would allow the City of Dickinson to extend tax abatement for more than the 2 years for new home owners. Once a property is repaired the Board of Equalization is obligated to tax the property to its fullest.

3. Museum Building Update

Mr. Kessel reported the museum is closed due to the presence of water in the HVAC system. The duct work is below grade and we have not been able to completely get rid of all the water. A bid was received to move the duct work above grade and return the facility to normal working conditions and open the museum up in a couple of weeks.

4. Baler Building Update

Mr. Kessel reported there is \$70,000 worth of damages to the garage doors. Another bid is being sought. The crane also has damage bringing the estimated total damages to \$200,000. The painting and cleaning has been completed. It is expected insurance will cover all the damages except for our deductible.

President Johnson suggested the use of a peer group made up of similar sized communities to make comparisons when policy issues are being discussed. This is something that larger businesses do. A group is established to provide information on how they handle situations such as salaries, mill levies, cost of sewer, etc. Johnson hopes that this could eventually be added to our budget book.

9. ACCOUNTS PAYABLE

MOTION BY: Gene Jackson

SECONDED BY: Shirley Dukart

To approve the accounts payable list as presented along with the additional accounts payable list, numbers 070038 to 0070194. 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:

Commissioner Dukart expresses some concern about the cleaning of yards, cutting grass and parking vehicles on the lawn. She states this is devaluing property. Public Works Manager, Skip Rapp indicates that concerns can be filed online at Web QA with the city or concerned persons can call City Hall and the proper person will be notified and proper action will be taken at that time.

Dukart is also concerned about new property owners finding trees that are required by the City to be planted in the yards. They are unable to find the trees with 1 ½" caliber to plant in their yards. Also these trees are very expensive to purchase. Public Works Manager, Skip Rapp indicates that new home owners can come in and fill out a form and they will be allowed to purchase and plant their new trees next spring. These forms would ward off a fine by the City. City Engineer, Shawn Soehren states the permit for the new house would continue to be open until the trees could be planted.

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

None.

ADJOURNMENT

MOTION BY: Shirley Dukart

SECONDED BY: Joe Frenzel

For adjournment of the meeting at approximately 7:04 PM.

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

Motion declared duly passed.

OFFICIAL MINUTES PREPARED BY:

Rita Binstock, Assistant to City Administrator

APPROVED BY:

Shawn Kessel, City Administrator

Dennis W. Johnson, President
Board of City Commissioners

Date: _____