

I. CALL TO ORDER

President Dennis W. Johnson called the meeting to order at 4:30 PM.

II. ROLL CALL

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

Absent: None.

STANDARD MOTIONS

1. ORDER OF BUSINESS

MOTION BY: Klayton Oltmanns SECONDED BY: Joe Frenzel
To approve the November 7, 2011 Order of Business with the addition of 4D
regarding the armory roof and move reports to 4E.
DISPOSITION: Motion carried unanimously.

2. CONSENT AGENDA

MOTION BY: Klayton Oltmanns SECONDED BY: Carson Steiner

A. Approval of minutes of regular meeting dated October 17, 2011

B. Approval of Accounts Payable - (077852-078042)

C. Approval of Lease Purchase of 2012 Cat 140M Motor Grader

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

TIMETABLE AGENDA

5:00PM

PUBLIC HEARING – REZONING PETITION

BLOCKS 1, 2, 3, LOTS 1, 5, 7, 8, 9, 10, 11 BK SUBDIVISION

City Planner Ed Courton presents the rezoning petition for BK Subdivision which is easterly of Highway 22. Planning and Zoning does recommend approval of this rezoning petition.

President Johnson opened the public hearing at 5:00 p.m. to gather input regarding BK Subdivision rezoning petition.

Hearing no comment President Johnson closed the public hearing at 5:01 p.m.

MOTION BY: Gene Jackson SECONDED BY: Klayton Oltmanns

To approve the first reading of Ordinance No. 1429

ORDINANCE NO. 1429

AN ORDINANCE AMENDING THE DISTRICT ZONING MAP FOR REZONING AND RECLASSIFYING DESIGNATED LOTS, BLOCK OR TRACTS OF LAND WITHIN THE CITY LIMITS, CITY OF DICKINSON, NORTH DAKOTA.

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

5:05PM

PUBLIC HEARING – REZONING PETITION

**BLOCKS 1 AND 2, LOTS 1 THROUGH 7 INDUSTRIAL PARK
SUBDIVISION**

City Planner Ed Courton presents the rezoning petition for Industrial Park. This is Blocks 1 and 2, Lots 1 through 7 of the Industrial Park Subdivision. Planning and Zoning does recommend approval of this rezoning petition.

President Johnson opened the public hearing at 5:05 p.m. to gather input regarding Industrial Park Subdivision rezoning petition.

Hearing no comment President Johnson closed the public hearing at 5:06 p.m.

MOTION BY: Carson Steiner SECONDED BY: Klayton Oltmanns
To approve the first reading of Ordinance No. 1430

ORDINANCE NO. 1430

AN ORDINANCE AMENDING THE DISTRICT ZONING MAP FOR REZONING AND RECLASSIFYING DESIGNATED LOTS, BLOCK OR TRACTS OF LAND WITHIN THE CITY LIMITS, CITY OF DICKINSON, NORTH DAKOTA.

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

5:10PM

PUBLIC HEARING – REZONING PETITION

**BLOCKS 1, 2, 3, LOTS 1 AND 2 KOCHS MEADOW HILLS THIRD
ADDITION**

City Planner Ed Courton presents the rezoning petition for Koch's Meadow Hills Third Addition which is based on a forthcoming plat. Planning and Zoning does recommend approval of this rezoning petition.

President Johnson opened the public hearing at 5:10 p.m. to gather input regarding Koch's Meadow Hills Third Addition rezoning petition.

Hearing no comment President Johnson closed the public hearing at 5:11 p.m.

MOTION BY: Carson Steiner SECONDED BY: Klayton Oltmanns
To approve the first reading of Ordinance No. 1431

ORDINANCE NO. 1431

AN ORDINANCE AMENDING THE DISTRICT ZONING MAP FOR REZONING AND RECLASSIFYING DESIGNATED LOTS, BLOCK OR TRACTS OF LAND WITHIN THE CITY LIMITS, CITY OF DICKINSON, NORTH DAKOTA.

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

5:15PM

PUBLIC HEARING – REZONING PETITION
BLOCKS 1, 2, 3, AND 4, LOTS 1 THROUGH 8, STATES SEVENTH
ADDITION

City Planner Ed Courton presents the rezoning petition which is a continuation of States 6th Addition Master Plan. This petition request is for Blocks 1, 2, 3 and 4, Lots 1 through 8 States 7th Addition. Planning and Zoning does recommend approval of this rezoning petition.

President Johnson opened the public hearing at 5:13 p.m. to gather input regarding States 7th Addition rezoning petition.

Hearing no comment President Johnson closed the public hearing at 5:14 p.m.

MOTION BY: Gene Jackson SECONDED BY: Carson Steiner
To approve the first reading of Ordinance No. 1432

ORDINANCE NO. 1432

AN ORDINANCE AMENDING THE DISTRICT ZONING MAP FOR REZONING AND RECLASSIFYING DESIGNATED LOTS, BLOCK OR

TRACTS OF LAND WITHIN THE CITY LIMITS, CITY OF
DICKINSON, NORTH DAKOTA.

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

5:20PM

PUBLIC HEARING – REZONING PETITION

BLOCKS 1 and 2, LOTS 1 THROUGH 14, STATES EIGHTH

City Planner Ed Courton presents the rezoning petition for State 8th Addition which is easterly of business loop. This petition request is for Blocks 1 and 2, Lots 1 through 14 States 8th Addition. Planning and Zoning does recommend approval of this rezoning petition.

President Johnson opened the public hearing at 5:27 p.m. to gather input regarding States 8th Addition rezoning petition.

Hearing no comment President Johnson closed the public hearing at 5:28 p.m.

MOTION BY: Carson Steiner SECONDED BY: Klayton Oltmanns
To approve the first reading of Ordinance No. 1433

ORDINANCE NO. 1433

AN ORDINANCE AMENDING THE DISTRICT ZONING MAP FOR
REZONING AND RECLASSIFYING DESIGNATED LOTS, BLOCK OR
TRACTS OF LAND WITHIN THE CITY LIMITS, CITY OF
DICKINSON, NORTH DAKOTA.

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

5:25PM

PUBLIC HEARING – REZONING PETITION

**FIRST HALF OF NW1/4 OF SECTION 16, T140, R96 – STALLION
ROCKIES, LTC**

City Planner Ed Courton presents the rezoning petition for the first half of NW1/4 of Section 16, T140, R96 - Stallion Rockies, LTC. Planning and Zoning does recommend approval of this rezoning petition.

President Johnson opened the public hearing at 5:29 p.m. to gather input regarding Stallion Rockies, LTC rezoning petition.

Hearing no comment President Johnson closed the public hearing at 5:30 p.m.

MOTION BY: Gene Jackson SECONDED BY: Joe Frenzel
To approve the first reading of Ordinance No. 1434

ORDINANCE NO. 1434

AN ORDINANCE AMENDING THE DISTRICT ZONING MAP FOR
REZONING AND RECLASSIFYING DESIGNATED LOTS, BLOCK OR
TRACTS OF LAND WITHIN THE CITY LIMITS, CITY OF
DICKINSON, NORTH DAKOTA.

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

5:30PM

JACK JACKSON PRESENTATION

Resident Jack Jackson states he loves Christmas and has become a Christian. He feels the City has taken Christ out of Christmas. He feels that wind was taken out of his sails last Christmas when the star at Rocky Butte Park was not lit, the ornaments on the street poles, the DSU gazebo and others. He states he was told there was too much snow to light up the street ornaments. Jackson also stated the Parade of Lights was not held and these items all make him think he was having a black Christmas. Jackson states the whole scenario started when the Human Rights Commission stated there would be no religious nature items on City property which was recommended by the City Attorney. He feels this is all a conspiracy and violates human rights. He questions if all these items showed a black Christmas, if it was a conspiracy or coincidental. Jackson calls Christmas a miracle.

City Engineer Shawn Soehren states the Rocky Butte Park star will be lit during this Christmas season. The reason the lights on the street light poles were not installed last year is because the street workers were busy removing snow. The street workers will try and place the street ornaments on the poles during the Thanksgiving season so they are ready for Christmas.

President Johnson states he hopes the lights will be on this year.

5:45PM

DICKINSON 2035 –ROADMAP TO THE FUTURE – CRAIG KUBAS

Craig Kubas of Kadrmas, Lee and Jackson presents a brief update of the Dickinson 2035 – Roadmap to the Future Project. Kubas reveals the preliminary results of the survey which was completed by 189 individuals. These 189

individuals are 1% of the population in Dickinson so he feels this is pretty valid survey. The original survey was cut off on October 31, 2011 but citizens still do have a chance to complete a survey as it is running through the end of December. Kubas did review the results of many questions that were asked. Kubas informs the Commission of upcoming events such as a public meeting which will be held on November 17, 2011 at the BAC and all public is invited. In the future there will be roaming display booths for the public to view. Another event that will be held before the end of the year will be interviews with stake holders and other events.

President Johnson states the survey agrees with the Federal and State Officials thoughts in regards to the housing and transportation issues, labor shortages and other related topics.

Mr. Kubas states there is still time to fill out the survey either online or a hard copy can be completed. Kadrmas, Lee and Jackson will be receiving surveys until the end of December, 2011.

NON-TIMETABLE AGENDA

4. GENERAL ISSUES/FINANCE

A. SETTLEMENT AGREEMENT AND RELEASE

City Attorney Matt Kolling presents the proposed agreement statement which is a complete dismissal by all property owners in the previous annexation. The property will remain annexed as of January 31, 2011. This lawsuit was filed by several land owners regarding the annexation of the land in north Dickinson. All land owners have agreed to and signed the settlement agreement. Upon approval by the City Commission the matter will be resolved. The City does need to provide to the land owners infrastructure improvements or municipal services in an amount equivalent to the municipal portion of their 2011 municipal property taxes.

MOTION BY: Carson Steiner

SECONDED BY: Gene Jackson

To approve the proposed settlement agreement as presented.

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

B. SLH SUBDIVISION ANNEXATION

City Attorney Matt Kolling presents the SLH Subdivision Annexation. There is also an additional property owner to the west which is Northern Improvement. The property to the north is owned by Henry Brown. The developers of the SLH Subdivision have previously signed a development agreement with the City requesting annexation and agreeing not to file a protest to the annexation.

MOTION BY: Gene Jackson

SECONDED BY: Klayton Oltmanns

To authorize introduction Resolution 63-2011 for adoption.

RESOLUTION NO. 63 -2011

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 5, Nay 0, Absent 0.
Motion declared duly passed

C. HR COORDINATOR POSITION

City Administrator Shawn Kessel states with the astonishing pace of growth in the City, the hiring of an HR Coordinator would be advantageous to the City. Kessel presented an HR Coordinator job description. Civil Service has approved the job description. Kessel states this position is budgeted in 2012. He does feel this process will take until January 1, 2012 to hire this individual.

MOTION BY: Klayton Oltmanns

SECONDED BY: Joe Frenzel

To approve the proposed HR Coordinator Job Description

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

D. ARMORY

City Administrator Kessel states that all the work has not been completed on the armory. The City has hired an architect and engineer and the plans will be presented. The engineers' estimate is \$130,000 with a \$100 a day in liquidated damages. A survey letter will be prepared which will allow the City to gather information on contractors. Kessel recommends the use of the survey letter to avoid situations like the one that occurred earlier.

Jan Prchal, AIA from Hulsing and Associates presents a set of drawings that are prepared for a legal ad. Prchal states a questionnaire will be sent to the bidders so a background check can be completed prior to hiring them to complete the project. The roof repairs will be completed in two phases. The first phase is to be completed by December 31, 2011 which would be repairs to the north side of the roof to get it enclosed. Phase two will be completed by the end of March, 2012 which would include some down spots, room venting, and soffits which would then meet all the codes.

MOTION BY: Joe Frenzel

SECONDED BY: Gene Jackson

To authorize the armory roof project and expenses to be paid out of the general fund.

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

E. REPORTS

1. Letter to ND DOT – Larry Gangl

Administrator Kessel presents a letter that was sent to NDDOT/Larry Gangl requesting NDDOT to incorporate roadside beautification features such as trees, etc. when the new Highway 22 North of Dickinson is created.

2. REAP Investment Board

Kessel presents the information from the Rural Economic Area Partnership Investment Fund of Minot who has applied for \$1.5 million dollars in grant funds to HUD under the Sustainable Communities Grant Program. Kessel will keep the Commission informed of the progress of the grant.

3. Bakken Infrastructure Summit

Administrator Kessel attended the Bakken Infrastructure Summit in Denver. This summit focused mostly on bringing product such as oil and gas to the market through truck, rail and pipeline.

4. Commission Stipends

Kessel reports it has been over a decade since there has been an increase in the stipends for the City Commissioners. Kessel recommends an increase for the City Commissioners of \$100, from \$700 to \$800 a month and the President to increase \$250, from \$900 to \$1150.

Commissioner Oltmanns feels this would be the most genuine time for the increase in stipends. He feels the Commissioners do not need to do it for themselves but for the public as the Commissioners are contributing quite a bit of time to serve the public.

5. Recycling update on 10th Avenue East

City Administrator Kessel states the recycling drop off site on 10th Avenue East has been having many tree branches and limbs dropped off there. Kessel states this is not a dumping ground for these trees and branches. These items need to be taken to the baler building. Kessel states there is no charge for taking the branches to the baler building. Mr. Kessel states this program has been good and hopefully the abuse will stop.

Commissioner Jackson would like the City to rethink the option of fencing off the site and keeping it locked at night to prohibit dumping.

Kessel feels this project could be two fold as a light has already been placed near the drop off site and possibly the next step would be to fence the site off. The other possibility would be to assess a fine to those who are abusing the site.

Commissioner Steiner suggests eliminating cardboard drop offs and install trees and limb drops.

Commissioner Oltmanns feels it is quite labor intense for tree limbs and branches. Oltmanns feels this is a revenue point and becomes more of an expense to take care of destroying branches and limbs.

5. PUBLIC SAFETY

A. Reports:

A. Fire Department

1. IOS Analysis of Fire Suppression Services

Fire Chief Robert Sivak updates the Commission on the results of the Public Protection Classification survey. ISO has completed its analysis of the structural fire suppression delivery system provided to Dickinson. Sivak reports the Public Protection Classification for Dickinson remains at 4. Sivak states the classification rate is very important when the insurance ratings are calculated. These results determined the classification in receiving and handling fire alarms, telephone service, dispatch circuits, data collection, water supply, hydrant size, type, inspection and condition. With the current staff it is impossible to test the hydrants two times a year and this resulted in a low evaluation. Also with the current staff it is impossible for the Fire Department to meet the time frame requested to get to the fire. The Department should have 15 firefighters within nine minutes or less to the site of the fire. In summary Dickinson still meets the Class 4 requirements but barely. Sivak states the Fire Department is not gaining any ground by the way the City is growing. Sivak states he has visited with surrounding cities and they have several full time staff on duty in order to meet their needs. A reclassification is done once every 10 years or upon request. Sivak states the classification does affect the insurance rates.

6. PUBLIC WORKS/PLANNING

A. FINAL PLAT – SOUTHVIEW HOMES ADDITION

City Planner Ed Courton states he received a request for a final plat from Southview Homes which is located westerly of 9th Avenue SE and northerly of 6th Street SE. This area is approximately 23 acres. Planning and Zoning has approved this final plat. The zoning is R1 for conventional stick house, modular or potentially manufactured if they meet the HUD standards.

MOTION BY: Carson Steiner

SECONDED BY: Joe Frenzel

To authorize introduction Resolution 64-2011 for adoption.

RESOLUTION NO. 64 -2011

A RESOLUTION APPROVING FINAL PLAT ENTITLED SOUTHVIEW HOMES ADDITION, STARK COUNTY, NORTH DAKOTA.

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

B. FINAL PLAT – BK SUBDIVISION

City Planner Ed Courton states he received a request for a final plat from BK Subdivision. This site is located easterly of Highway 22 and southerly of 32nd Street SW and is 130 acres. Planning and Zoning recommend approval.

Commissioner Jackson states at the Planning and Zoning meeting the developer was asked to pave the streets in this subdivision as well as the next one on the agenda. It was made clear to the developer that the City would require the development of the streets along with financial guarantee.

MOTION BY: Gene Jackson

SECONDED BY: Carson Steiner

To approve resolution 65-2011 on the proposed BK Subdivision plat contingent on the City and the owner completing a Development Agreement that requires paving of the streets in the subdivision to industry standard and the street paving be assured by an appropriate financial guarantee

RESOLUTION NO. 65 -2011

A RESOLUTION APPROVING FINAL PLAT ENTITLED BK SUBDIVISION ADDITION, STARK COUNTY, NORTH DAKOTA.

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

Motion declared duly passed

Planner Courton stated the Development agreement and financial surety will be taken care of prior to recording at the county.

C. FINAL PLAT – INDUSTRIAL PARK SUBDIVISION

City Planner Ed Courton states he received a request for a final plat from Industrial Park Subdivision. This property is located southerly of 32nd Street SW and westerly of Highway 22 and is 83 acres. Planning and Zoning recommend approval.

MOTION BY: Gene Jackson

SECONDED BY: Joe Frenzel

To approve resolution 66-2011 on the proposed Industrial Park Subdivision plat contingent on the City and the owner completing a Development Agreement that requires paving of the streets in the subdivision to industry standard and the street paving be assured by an appropriate financial guarantee.

RESOLUTION NO. 66 -2011

A RESOLUTION APPROVING FINAL PLAT ENTITLED INDUSTRIAL PARK SUBDIVISION, STARK COUNTY, NORTH DAKOTA.

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

D. REPORTS:

1. Code Enforcement Report, October, 2011

City Planner Ed Courton presents the Code Enforcement Report from October, 2011 which shows the multi-family housing has doubled since 2010. Also permit values doubled from 2010. Courton states the City is well ahead of 2010 for values.

2. Planning and Zoning Commission Meeting Minutes October 19, 2011

Provided for informational purposes only.

President Johnson is awaiting the total number of family housing units as compared to 2010. He does not feel it has doubled but anxious to see what the total is. These figures will be available at the end of December.

Commissioner Jackson has seen a tremendous increase since last year as well. He continues to recognize what this is doing to the staff and trying to keep up with inspections and code enforcement. Jackson believes that the City is trying to hire staff at this time and would like to continue this process to keep up with the growth of the City.

President Johnson was in Tioga this past week and states the open fields that were available last year are now filled up with trailers and camper trailers. The impact in Tioga looks very significant and probably coming our way.

Administrator Kessel compares the permits by value and discusses the growth and feels the 2012 budget may need to be revisited soon.

City Engineer Soehren states he has had a conversation with a developer who would like to develop 100 homes by himself next year and is not doing any work in town right now. Soehren is seeing the added push for the developments to get done and get infrastructure done. Development Impact Fees need to be discussed in the near future.

City Planner Courton feels the local developers are maxed out and he is also seeing more pressure for single family housing. He feels the more industrial and more commercial projects will diversify the economy more here in Dickinson.

Commissioner Jackson is concerned of the growth and how it will affect the water and sewer trunk lines.

Engineer Soehren states the wastewater treatment plant project is 30% complete at this time. Specific equipment has been selected. The biggest challenge at this time is the population project which is set at 31,000 at this time. The project is on schedule and moving forward. Soehren has a meeting on November 22, 2011 with Apex to discuss the preliminary engineer report. An additional aerator has been added to the plan to maintain oxygen levels to keep the plant functioning well. Soehren is hoping to complete the project sooner than the anticipated completion date of 2014.

Soehren states he is currently working with the new permit software.

Soehren introduces the new Engineering Specialist Loretta Marshik who has been with the City for one week. She is originally from Minnesota and states there will be plenty of work to do here.

7. **CITY COMMISSION**

City Administrator Performance Review

President Johnson stated he had emailed the Commissioners the performance review for the Administrator today and would like them returned by December 14, 2011. Johnson also stated the Commissioners should think about the Administrator's compensation for 2012. The item will be discussed on the December 19, 2011 meeting.

8. **PUBLIC ISSUES OF CITY CONCERN NOT ON THE AGENDA**

Resident Rod Landblom raises concerns to the Commissioners about the number of subdivisions that are being proposed and approved by the Commission. He feels now is the time to develop the land use and transportation plan. He feels it is a wise time to limit the number of subdivisions approved until the plan is complete. Landblom feels a policy be created and in place to follow in order to justify approval of the subdivisions. Landblom feels the infrastructure should be stretched and filled in. He feels the Commissioners should retract a little and limit the number of subdivisions. He does not want Dickinson to be another Williston or Watford City. Landblom states preventive planning prevents poor performance.

ADJOURNMENT

MOTION BY: Joe Frenzel

SECONDED BY: Klayton Oltmanns

For adjournment of the meeting at approximately 6:30 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: _____