REGULAR MEETING DICKINSON CITY COMMISSION

April 16, 2012

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 Joe Frenzel,

Gene Jackson, Carson Steiner and Klayton Oltmanns

Absent: None.

STANDARD MOTIONS

1. ORDER OF BUSINESS

MOTION BY: Gene Jackson SECONDED BY: Klayton Oltmanns

To approve the May 7, 2012 Order of Business as presented.

DISPOSITION: Motion carried unanimously.

2. CONSENT AGENDA

MOTION BY: Carson Steiner SECONDED BY: Klayton Oltmanns

- A. Approval of minutes of regular meeting dated April 16, 2012
- B. Approval of Accounts Payable (via email);
- C. Approval of American Red Cross Shelter Agreement;
- D. Approval of Gaming Site Authorization Renewals;
- E. Approval of Southwest Water Authority 2011 Audit Report;
- E. Approval of Lease Documents for Wheel Loader from American Bank Center;

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

Motion declared duly passed.

TIMETABLE AGENDA

5:00 PM

<u>DICKINSON CONVENTION AND VISITORS BUREAU – TERRI THIEL</u>

Executive Director Terri Thiel presents the 2011 Annual Report for the Dickinson Convention and Visitors Bureau. This brochure highlights activities, projects and markets. Thiel highlighted areas of interest in each section. Thiel also presents the Balance Sheet and 2012 budget. The provided information lists the marketing plan, general operations and administrative operations. She does state there are 1167 motel rooms at this time and 1252 rooms are expected when the Hampton opens. An average room rate is \$122.21 per day. Thiel states when she first began in 1997 there were 698 motel rooms available at that time.

<u>Dickinson Convention and Visitors Bureau Multi-Year Funding Agreement</u>

Administrator Shawn Kessel presents the five year funding agreement with the City of Dickinson and the Convention and Visitors Bureau. This agreement states CVB will be receiving an annual amount of \$380,000. An annual operating funding amount of \$320,000 shall be paid by the City to the CVB in 12 equal monthly installments. Also \$60,000 will fund the CVB annually during the term of this contract to support the special events grant. Kessel does state the CVB does reside in a City owned building and does not pay any rent.

MOTION BY: Joe Frenzel SECONDED BY: Carson Steiner

To approve the Dickinson Convention and Visitors Bureau Multi-Year Funding

Agreement as presented.

DISPOSITION: Motion carried unanimously.

5:15PM

STARK DEVELOPMENT PRESENTATION – GAYLON BAKER

Executive Vice President Gaylon Baker presents the 2011 Progress Report for Stark Development Corporation. Baker states there are 18 board members and their mission is to enhance quality business opportunities to achieve community goals. Economic development is matching investors with opportunities. Baker states there is a steady flow of businesses coming in and they are searching for manufacturing type businesses to stay for many years to come. They currently have 26 pace loans to work with the Bank of North Dakota. They now do affordable housing unit projects. A study for childcare is being done as it is believed if there is good childcare the community will attract a better workforce. Baker states he would like to see everyone who comes here be successful.

5:30 PM

PUBLIC HEARING - REZONING PETITIONS

1. Tracy Tooz - Energy Center North Subdivision

City Planner Ed Courton presents the rezoning petition from Tracy Tooz in Energy Center North Subdivision. The location for this property is northerly of 33rd Street SW and easterly of Highway 22.

President Johnson opens the public hearing at 5:35 p.m. Hearing no public comment the following motion was made.

MOTION BY: Gene Jackson SECONDED BY: Joe Frenzel To approve the first reading of Ordinance No. 1463.

ORDINANCE NO. 1463

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

2. John Holt – South Park Addition

City Planner Ed Courton presents the rezoning petition from John Holt of South Park Addition. The location for this property is south of 8th Street SW and to the west of Highway 22.

President Johnson asks for public comment. Hearing no public comment the following motion was made.

MOTION BY: Carson Steiner SECONDED BY: Klayton Oltmanns To approve the first reading of Ordinance No. 1464.

ORDINANCE NO. 1464

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

3. Steve Bryan - Clear Creek Addition

City Planner Ed Courton presents the rezoning petition from Steve Bryan of Clear Creek Addition. The location for this property is north side of 21st Street West approximately ½ mile westerly from the intersection of 21st Street West/State Avenue.

President Johnson asks for public comment. Hearing no public comment the following motion was made.

MOTION BY: Gene Jackson SECONDED BY: Carson Steiner

Commissioner Frenzel will abstain from voting To approve the first reading of Ordinance No. 1465

ORDINANCE NO. 1465

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 4, Nay 0, Abstain 1.

Motion declared duly passed

4. Stark County Fair Association - Fairgrounds

City Planner Ed Courton presents the rezoning petition from Stark County Fair Association for the fairgrounds. This property is situated southerly of Interstate 94 and westerly of the Business Loop.

President Johnson asks for public comment. Hearing no public comment the following motion was made..

MOTION BY: Carson Steiner SECONDED BY: Joe Frenzel

To approve the first reading of Ordinance No. 1466.

ORDINANCE NO. 1466

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

5:45 PM

APEX PRESENTATION - MIKE BERG AND KARLA OLSON

City Engineering Shawn Soehren presents Mike Berg and Karla Olson from Apex. Soehren states the design phase for the wastewater treatment facility is coming close to completion. Soehren states Berg and Olson will present information on the plant.

Mike Berg presents a status update for the mechanical treatment plant which could accommodate 31,000 to 34,000 people. He states this plant was designed with flexibility in mind. Berg states the design is completed and the finished plan will be reviewed and advertising for bids will begin soon.

Karla Olson reviews the facility summary and reminds everyone of the facility site which is 2 ½ miles outside of Dickinson. She states the facility is placed on City owned property and gives Dickinson the ability to use the 4th cell and get water into systems for irrigators. Olson presents the proposed facility and the flexibility for expansion. The maximum build out could be up to 68,000 people. She also presented the budget for construction. Olson states the completion date will not change. Berg and Olson state they have been in contact with the State Water Commission and with the State revolving fund.

6:15 PM

NDSU PRESENTATION

Nancy Hodur, PhD and Dean Bangsrud from NDSU present the petroleum industry impact on employment, housing and population for the City of Dickinson. Hodur and Bangsrud discuss the petroleum sector employment and the housing needs. Hodur states if the housing is available workers will come to work here. They could possibly use outling cities for housing availability. Hodur states there is not data available to make an assumption for a relationship ratio.

President Johnson states the demand for housing is high and also water, sewer and ability to build homes needs to be taken into consideration and at this time the demand for housing is greater than supply.

City Planner Courton states the City will be taking a dramatic look at the tempoerary housing issue.

Johnson states some individuals would probably desire permanent housing but are living in temporary housing.

Commission Jackson states the City cannot put enough houses and apartments up right now. He states the long term decision is very difficult. Jackson feels NDSU will give us the tools to pick a number to make a call as what the population will be and base decisions on that number.

6:45 PM

KADRMAS, LEE AND JACKSON PRESENTATION – SCOTT PICKETT

Scott Pickett from Kadrmas, Lee and Jackson presents the project schedule for the comp plan. Pickett picks out key points such as formation of population, housing projects, create growth scenarios, showing the land use, and relative points in regards to the Roadmap to 2035. He also presents survey results for Comprehensive Plan Strategy Survey.

Commissioner Oltmanns questions Mr. Pickett on what direction the community should be viewing for growth and how to fulfill the growth number.

Pickett states based on permit number he predicts the City is at 23,000 people today. He states the City will need to know where they want to be in 20 years and make decisions based on what you feel the future will be. Pickett feels a growth in population is about 3-5% and this is a very robust growth rate but a good solid growth.

City Planner Courton feels the response level has been very good and a high level across the board in regards to the survey. Courton is very encouraged by the response tools that the City has received from the survey.

NON-TIMETABLE AGENDA

4. **GENERAL ISSUES/FINANCE**

A. CIVIL SERVICE ORDINANCE REVISIONS

City Attorney Matt Kolling presents a Civil Service Ordinance role change on selection and recruitment. This ordinance would simplify and speed up the hiring process. The HR Coordinator will create the list and have it approved at a later date. The change is intended to speed up the hiring process

President Johnson asks for public comment. Hearing none the following motion was made.

MOTION BY: Gene Jackson SECONDED BY: Carson Steiner To approve the second reading and final passage of Ordinance No. 1459.

ORDINANCE NO. 1459

AN ORDINANCE AMENDING AND RE-ENACTING SUBSECTION 8.5 OF SECTION 29.08.04060 OF THE CITY CODE OF THE CITY OF DICKINSON, NORTH DAKOTA, RELATING TO RECRUITMENT AND SELECTION – NORMAL HIRING PROCESS – LIST OF ELIGIBLE PERSONS

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

Motion declared duly passed

B. LITTERING ORDINANCE REVISION

City Attorney Matt Kolling states the current littering ordinance is a Class B Misdemeanor with up to \$1,000 fine and 30 days in jail. Kolling states police officers are reluctant to issue a fine as it may be too excessive. The new ordinance would lower the fine grading. He suggests reducing the grading to an infraction and a \$200 fine. This would give the officers more flexibility or incentive to issue a ticket for littering.

President Johnson asks for public comment. Hearing none the following motion was made. Johnson did state one citizen called and asked if the fine for littering could be that the person who littered would pick up trash.

Kolling states there used to be an organization for Community Service in Dickinson but this has disbanded as there is no one to oversee the program.

MOTION BY: Klayton Oltmanns SECONDED BY: Joe Frenzel

To approve the first reading of Ordinance No. 1460.

ORDINANCE NO. 1460

AN ORDINANCE AMENDING AND RE-ENACTING SECTION 33.04.300 OF THE CITY CODE OF THE CITY OF DICKINSON, NORTH DAKOTA, RELATING TO DEPOSITING OR SCATTERING RUBBISH, REFUSE, ETC.

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

Motion declared duly passed

C. HAAN DEVELOPMENT AGREEMENT

City Administrator Shawn Kessel presents the Haan Development Agreement which would allow a low incoming housing project on the east side of Dickinson.

Townhomes would be constructed in this area. These funds are required to pass through a public agency which the City would be the sponsor.

Attorney Kolling states this agreement is specified for the administrative portion of this grant as these fees have to be paid to Roosevelt Custer Regional Council. This agreement would allow for Haan to pay the City the administrative fees and in turn the City would pay Roosevelt Custer. The future agreement for administrative fees will be forthcoming.

MOTION BY: Carson Steiner SECONDED BY: Klayton Oltmanns

To approve the Haan Development Agreement.

DISPOSITION: Motion carried unanimously.

D. FRANCHISE FEE ORDINANCE UPDATE

Attorney Kolling presents the renewal ordinance from Consolidated Communications Networks which allows Consolidated to access city streets and public right-of-way to operate their communication system. This is a 10 year contract. Kolling states this agreement has been unchanged since 1999.

MOTION BY: Joe Frenzel SECONDED BY: Gene Jackson

To approve the first reading of Ordinance No. 1461.

ORDINANCE NO. 1461

GRANTING TO CONSOLIDATED AN **ORDINANCE** COMMUNICATIONS NETWORKS, INC., A CORPORATION, ITS SUCCESSORS AND ASSIGNS, A LIMITED FRANCHISE AND RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE, WITHIN AND UPON, IN AND UNDER THE STREETS, ALLEYS AND PUBLIC GROUNDS OF THE CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA, A TWO WAY COMMUNICATIONS **TRANSMITTING** TELEPHONE, **SYSTEM** FOR DATA, INFORMATION, VIDEO AND OTHER COMMUNICATIONS FOR ALL PUBLIC AND PRIVATE USES.

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

Motion declared duly passed

E. FRONTIER LIQUOR LICENSE TRANSFER TO SCOTT WAX

City Administrator Shawn Kessel presents a liquor license transfer from Frontier Liquor to Scott Wax. Wax has submitted the proper paperwork and has passed a background check. Kessel recommends transfer of the Commercial On-Sale/Off-Sale Liquor license.

Scott Wax states that he is the sole proprietor of this property. His intentions at this time are to operate it where it is. Wax is renting the Frontier Liquor property from AK Investments with a month to month lease. Wax states AK Investments are looking into turning the building into an apartment building.

MOTION BY: Klayton Oltmanns SECONDED BY: Joe Frenzel To approve the Frontier Liquor Commercial On-Sale/Off-Sale Liquor License to sole proprietor Scott Wax

plethora of items on their agenda each month. Kessel reports several of their

DISDOSITION AND 1

DISPOSITION: Motion carried unanimously.

F. <u>PLANNING AND ZONING COMMISSION STIPEND</u>
Administrator Kessel states the Planning and Zoning Commissioners have had a

meetings are six plus hours in length. The length of these meetings is causing hardship on the members. The Commissioners now receive a \$30 stipend each time. Kessel is proposing a \$30 additional stipend if meetings last more than 3 hours in length.

MOTION BY: Klayton Oltmanns SECONDED BY: Joe Frenzel

To authorize introduction Resolution 13-2012 for adoption.

RESOLUTION NO. 13-2012

A RESOLUTION PROVIDING FOR MONTHLY STIPEND FOR THE MEMBERS OF THE PLANNING AND ZONING COMMISSION

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

Motion declared duly passed

G. <u>REIMBURSEMENT RESOLUTION FOR MOTOR GRADER</u> <u>FINANCING THROUGH U.S. BANK</u>

Attorney Kolling presents a resolution which is required for compliance with regulations issued by IRS regulations. Kolling states whenever a government entity issues tax exempt financing the IRS requires the City make a prior declaration of its intention to potentially reimburse itself from tax exempt financing. This resolution would allow the City to be in compliance with the IRS.

MOTION BY: Carson Steiner SECONDED BY: Joe Frenzel

To authorize introduction Resolution 14-2012 for adoption.

RESOLUTION NO. 14-2012

A RESOLUTION RELATING TO THE TAX EXEMPT FINANCING AND THE REIMBURSEMENT OF CERTAIN EXPENDITURES DISPOSITION:

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

Motion declared duly passed

H. CITY STAFF HOUSING

Administrator Kessel presents a solution to the City staff housing as this has been a struggle with hiring employees as there is no housing in Dickinson. Kessel has reviewed many options prior to presenting the use of units that can be purchased through FEMA. These trailers were used for Minot's flood victims. Kessel states 6 units are being reserved for the City of Dickinson. Kessel states North Park and RVS would create spots for these trailers and these spots would be available on July 1, 2012. The units are 2 bedrooms and cost \$5,500 each. With the transportation the total cost would be \$7,500 per unit. These units would provide transitional housing for staff for approximately 9 months. Lot cost would be \$500 and the rent would be between \$600 and \$800. This is the lowest cost alternative that Kessel could find in his search.

Commissioner Steiner states this is a good idea for staff housing issues.

MOTION BY: Klayton Oltmanns SECONDED BY: Joe Frenzel

To authorize purchasing six FEMA trailers at a cost of \$5,500 each.

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

Motion declared duly passed

I. PARK DEDICATION IN NEW PLAT FEE SCHEDULE CHANGE

Attorney Kolling presents the fee schedule change that would have cash in lieu for new properties in the Dickinson Park District for park impact fees. The change incorporated a per square foot charge for R2 and R3 properties. There would also be a minimum charge of \$500.

MOTION BY: Carson Steiner SECONDED BY: Klayton Oltmanns To authorize introduction Resolution 15-2012 for adoption.

RESOLUTION NO. 15-2012 A RESOLUTION AMENDING THE CITY OF DICKINSON FEE SCHEDULE REGARDING PARKS DISTRICT FEES

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

Motion declared duly passed

J. PATTERSON HEIGHTS APARTMENT CDBG SPONSORSHIP

Administrator Kessel states this request is similar to the previous Haan request. Patterson Heights received a housing incentive grant from the State of ND for a 24 unit, low income facility. Dickinson would be the pass through for funding.

MOTION BY: Klayton Oltmanns SECONDED BY: Gene Jackson To authorize introduction Resolution 16-2012 for adoption.

RESOLUTION NO. 16-2012

A RESOLUTION OF SPONSORSHIP AND SUPPORT REGARDING PATTERSON HEIGHTS APARTMENTS

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

Motion declared duly passed

K. REPORTS

1. Staffing report update

Administrator Kessel reports there are a number of positions open at the City with a total of 13 full time and 23 seasonal positions open. Kessel states it is very difficult to fill these positions. He states department heads were asked to create a staffing plan for the next 5 years. Kessel states right now our inability to attain and attract staff proves that it is difficult for the City to achieve the service levels we have.

2. Oil Impact Application

Administrator Kessel presents four different grant applications that were applied for from the City of Dickinson for the Hub City grant portion from the State of ND. These funds will be used for the public works building, wastewater treatment facility, potable water pump houses and city hall renovations. Additional information in regards to these grants will be provided when it is received.

3. Renaissance Zone

Kessel presents a request to change the Renaissance Zone in Dickinson to allow additional blocks to the zone. This issue will be discussed further at the next meeting.

4. Thanks you note - Sunset Senior Center; Brick City Senior Center; Cannonball Senior Citizens (Enc.)

Provided for informational purposes only.

5. PUBLIC SAFETY

A. Reports

A. Recycling Site Abuse – 10th Street East

Fire Chief Robert Sivak presents a power point with pictures from 10th Street East recycling site. He states this area is being abused by leaving lawnmowers, water heaters, construction debris, open contains or oil and other items that are not recyclable at the site. Sivak states this area has become hazardous and could cause injury. There has been an excess of oil spills and now the oil container has run over and this is very dangerous.

Administrator Kessel states because of these items and this is not the first time hazardous material have been placed at the recycling site it has become an operational decision to close this site and there will no longer be recycling at this site. Kessel states there will be an open recycling site by the DSU campus rodeo grounds. This area is fenced in and possibly a monitoring system will be placed there. Having the 10th Street East site open has become too high of a risk for injury.

President Johnson along with his fellow Commissioners expresses their disappointment in the community.

6. PUBLIC WORKS/PLANNING

A. Final Plat

A. Prairie Ridge Subdivision

City Planner Courton presents the final plat request for Prairie Ridge Subdivision. The property is located to the North of 10th Street East, access would be 10th Street East and 11th Street. There are approximately 4.2 acres and 7 lots. Planning and Zoning recommend approval.

MOTION BY: Joe Frenzel SECONDED BY: Gene Jackson To authorize introduction Resolution 17-2012 for adoption.

RESOLUTION NO. 17-2012

A RESOLUTION APPROVING FINAL PLAT ENTITLED PRAIRIE RIDGE SUBDIVISION, STARK COUNTY, NORTH DAKOTA.

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

Motion declared duly passed

C. REPORT:

1. Code Enforcement Report for April, 2012

City Planner Courton presents the April, 2012 Code Enforcement Report. The reports shows a significant increase over the 2011 report in all areas which proves there is a significant amount of activity happening in Dickinson. Courton states inspections is very challenging as there are many areas to be inspected. He states Mel Zent retired and the City is trying to stay on track but with the pace of construction it is very difficult. Courton is anxious to work with Kadrmas, Lee and Jackson in regards to the population study and its constraints to identify the rate of infrastructure progress.

2. Annexation Report

City Planner Courton states there will be 4 or 5 annexations presented at the May 21, 2012 meeting. These would include Koch Meadow Hills, Korte, Meyer, and others.

3. Project Report

City Engineer/PWD Shawn Soehren updates the Commissioners of the projects taking place around Dickinson. Highway 22 mill and overlay project has been bid and it was \$6 million dollars over the engineer estimate. DOT will be reviewing this project soon. Soehren lists the projects such as urban roads on 10th Avenue East from Villard to the Interstate, mill and overlays will begin when school has been dismissed, water main project has been moving along fairly well with little issues, Koch's water and sewer, Porter 2nd working on 29th street and others.

7. <u>CITY COMMISSION</u>

Commissioner Frenzel states he sits on the Advisory Board for the Dickinson Theodore Roosevelt Regional Airport and discusses the need for renovation and upgrades to this airport. Commissioner Joe Frenzel reported that the Dickinson airport, along with airports in Minot and Williston will need \$400 million in the next five to ten years to operate. Frenzel states Dickinson would need \$100 million dollars and it was suggested the City pay \$50 million of the cost. Frenzel doesn't know where the City will come up with \$50 million. Dickinson is expected to extend its runway and have the other runways redone. Frenzel states the terminal will be way too small and a new one will need to be built. Frenzel states there are not enough airplanes at this time and additional plans are needed along with additional staff. Great Lakes cannot provide additional aircrafts so possibly another company may be looked at.

8. PUBLIC ISSUES OF CITY CONCERN NOT ON THE AGENDA

None

ADJOURNMENT

MOTION BY: Joe Frenzel SECONDED BY: Klayton Oltmanns

For adjournment of the meeting at approximately 7:45 PM.

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

Motion declared duly passed.

OFFICIAL MINUTES PREPARED BY	:
Rita Binstock, Assistant to City Adminis	trato
APPROVED BY:	
Shawn Kessel, City Administrator	
Dennis W. Johnson, President	
Board of City Commissioners	
Datas	