

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 MOTIONS1. 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

DICKINSON CONVENTION AND VISITORS BUREAU – TERRI THIEL

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.

Dickinson Convention and Visitors Bureau Multi-Year Funding Agreement

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 outlying 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 temporary 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.

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.

D. FRANCHISE FEE ORDINANCE UPDATE

MOTION BY: Joe Frenzel SECONDED BY: Gene Jackson
To approve the first reading of Ordinance No. 1461.

AN ORDINANCE GRANTING TO CONSOLIDATED 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 SYSTEM FOR TRANSMITTING TELEPHONE, DATA, INFORMATION, VIDEO AND OTHER COMMUNICATIONS FOR ALL PUBLIC AND PRIVATE USES.

E. FRONTIER LIQUOR LICENSE TRANSFER TO SCOTT WAX

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.

F. PLANNING AND ZONING COMMISSION STIPEND

Administrator Kessel states the Planning and Zoning Commissioners have had a plethora of items on their agenda each month. Kessel reports several of their

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.

RESOLUTION NO. 15-2012

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

RESOLUTION NO. 16-2012

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

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 containers 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.

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.

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.

None

MOTION BY: Joe Frenzel

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

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: _____