

**MARCH 6, 2006**

DISPOSITION: Roll call vote...Aye 3, Nay 0, Absent 2.  
Motion declared duly passed.

B. CLEAN UP ORDINANCE

MOTION BY: Bill Reitmeier

SECONDED BY: Rhonda Dukart

To approve second reading and final passage of Ordinance No. 1312:

**ORDINANCE NO. 1312**

**AN ORDINANCE REPEALING CHAPTER 16 OF THE CITY CODE OF THE CITY OF DICKINSON, NORTH DAKOTA RELATING TO FROZEN DESSERTS, ARTICLE 21.08 RELATING TO GOING OUT OF BUSINESS SALES, ARTICLE 21.12 RELATING TO LICENSING OF MOBILE HOME COURTS, CHAPTER 22 RELATING TO MEAT LICENSES AND SECTION 25.16.06010 RELATING TO SUNDAY BUSINESS OR LABOR.**

DISPOSITION: Roll call vote...Aye 3, Nay 0, Absent 2.  
Motion declared duly passed.

C. REPORT

1. Special Assessment Software:

Director of Finance and Administrative Services Tim Kessel, stated over the past six months the City has been reviewing and analyzing software to replace the current special assessment software. He stated the City currently uses Black Mountain software, a Montana based company. City staff has concerns with incorrect calculations and lack of user friendliness. Kessel stated it is his recommendation to purchase software from NBS (D-Fast) out of San Francisco, California but noted there were a few issues he needed to further research prior to requesting City Commission approval. Kessel stated the purchase is not a 2006 budgeted item but is something the City needs to consider.

5. PUBLIC SAFETY

A. INTRODUCTION OF NEW FIRE CHIEF, BOB SIVAK

City Administrator Greg Sund introduced new Fire Chief, Bob Sivak. He stated Sivak is a long term Fire Department employee and has been Acting Fire Chief for the last several months. Mr. Sivak addressed the City Commission stating he looks forward to continuing to work for the betterment of the department. He added he believes the key to success is being surrounded by key people. He stated the department has many good people. Mr. Sivak's spouse, Pam, pinned him with Fire Chief lapel pins while Greg Sund read the meaning for the award. Sund congratulated Sivak and welcomed him as the new Fire Chief. Vice-President Frenzel congratulated Fire Chief Sivak on behalf of the City Commission and citizens of Dickinson and welcomed him as the new Fire Chief.

B. REPORT:

1. Alarm Monitoring Ordinance:

Greg Sund requested City Commission direction to proceed with the alarm monitoring ordinance. He stated at the last City Commission meeting Assistant Police Chief Stewart Stenberg presented information from other cities that indicates they are moving away from alarm monitoring. Sund questioned whether the City Commission desired to consider an ordinance that would eliminate alarm monitoring. In response to a question from Commissioner Reitmeier, Sund said an ordinance could be developed with a delayed implementation date which would allow users a transition period. Commissioners Reitmeier and Dukart recommended staff prepare a draft ordinance that would move away from monitoring alarm calls and turn monitoring over to private entities. Vice-President Frenzel concurred with the recommendation.

6. PUBLIC WORKS - ENGINEERING

A. ORDINANCE NO. 1311 – DEVELOPMENT IMPACT FEES

City Engineer Shawn Soehren requested final City Commission approval of an amendment to the Development Impact Fee Ordinance. He stated the ordinance has two major changes. In the future, a developer could own "at least 51%" of the affected properties in the district and the City would assess \$300,000 versus a developer needing to own 100% of the property to obtain the \$300,000. He stated the other change included the ability to assess the property immediately upon completion versus waiting five years

to assess if no building permit was issued on the property. He stated allowance to assess immediately will make it easier for potential purchasers to learn about any development fee assessments on the property. Soehren recommended approval of the ordinance. He stated he has not heard any objections from developers in regard to the amendment.

MOTION BY: Bill Reitmeier                      SECONDED BY: Rhonda Dukart  
To approve second reading and final passage of Ordinance No. 1311:

**ORDINANCE NO. 1311**

**AN ORDINANCE AMENDING AND RE-ENACTING SECTIONS 2.70.010, 2.70.020 AND 2.70.100 OF THE CITY CODE OF THE CITY OF DICKINSON, NORTH DAKOTA RELATING TO DEVELOPMENT IMPACT FEES.**

DISPOSITION: Roll call vote...Aye 3, Nay 0, Absent 2.  
Motion declared duly passed.

B. **DEVELOPMENT IMPACT FEES FOR WASHINGTON 4<sup>TH</sup> ADDITION (PHASE 1) (FRIDRICH/BLETH)**

Item withdrawn from the agenda.

C. **NINTH AVENUE EAST CONSTRUCTION PARTICIPATION**

City Engineer Shawn Soehren stated Mike Fisher and Tracy Tooze have begun construction of duplexes in Northridge Estates 1<sup>st</sup> Subdivision which is located on the north of the City Mausoleum along 9<sup>th</sup> Avenue East. They desire approval from the City Commission to participate in City's share of the costs for street and water improvements. Soehren stated the City owns approximately 22% of the property in the affected area, therefore it was recommended the City participate in the water and street improvements at an estimated cost of \$36,600 but not to exceed 22% of the costs of the water main and street improvements. Commissioner Dukart stated she concurred with the request. Vice-President Frenzel stated it is important the City not stand in the way of 78% of the property owners, therefore recommended approval.

MOTION BY: Rhonda Dukart                      SECONDED BY: Bill Reitmeier  
To approve cost participation in the 9<sup>th</sup> Avenue East Water and Sewer Improvement project with the City paying its share of the project which is 22% at an estimated cost of \$36,600.

DISPOSITION: Roll call vote...Aye 3, Nay 0, Absent 2.  
Motion declared duly passed.

C. **REPORT:**

1. 23<sup>rd</sup> Avenue Project:

City Engineer Shawn Soehren stated NDDOT opened bids for the 23<sup>rd</sup> Avenue West and the I-94 Business Loop Safety Project in November 2005. He stated Northern Improvement was the low bid at \$1,740,034.65 with the 23<sup>rd</sup> Avenue West portion being \$779,081. He stated the low bid was below the Engineer's estimate for the whole project of \$1,884,912.65 and the 23<sup>rd</sup> Avenue West portion was \$895,000.

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

A. **REPORTS:**

1. Emergency Preparedness Stand-by Generators:

Public Works Manager Skip Rapp, stated after the October 2005 snow storm, discussion was held to determine ways to improve the City's response time during natural disasters. He stated one of the areas identified was the need to provide power to city buildings during prolonged outages. He provided a list of needed electrical generators and a three year purchase program which would allow the city to spread the purchase cost of the generators over that period. Rapp also stated discussion was held with James Kramer with Parks and Recreation regarding using the West River Community Center (WRCC) as a shelter during natural disasters and if that would be adopted, a generator would need to be purchased for that building also. He added a generator for WRCC may be

recommended through the ESG project if it is possible to achieve an interruptable power rate for the building.

2. 2006 Annual Storm Water Report:

Public Works Manager Skip Rapp presented the 2005 Annual Storm Water report. He stated the City conducted a public hearing with one citizen attending. He thanked Ken Miller and Shawn Soehren for their assistance. Commissioner Reitmeier reminded the public that Mr. Rapp will be providing a presentation at the Diggers Convention that will be held in Dickinson on March 16, 2006 at the Days Inn. He stated the presentation will bring additional awareness of Storm Water regulations to the contractors. Rapp stated he will again present the report to the City Commission on March 20<sup>th</sup> for final approval.

3. Update on Wastewater Treatment System Improvement Project:

Skip Rapp presented an update on the Wastewater Treatment System Improvement Project. He stated they are continuing to install the equipment and are anticipating completion by month end. He stated they have met a number of goals set forth at the beginning of the project. The test results indicate they have achieved 90% reduction in organic wastes in the wastewater and reduced the ammonia concentration.

8. ADMINISTRATION

A. CITY ADMINISTRATOR'S REPORTS:

1. Real Estate Policy Amendment Proposal:

City Administrator Greg Sund provided a draft amendment to the real estate policy which incorporates language regarding selling undeveloped property. Sund stated the amendment also includes many clean up items. He asked the City Commission to review the proposed amendment. If supported, he plans to place it on a future agenda for approval.

2. State Addition Planning bill from KLJ:

Greg Sund stated the City received a bill from Kadrmas Lee & Jackson (KLJ) for the State Planning Study. He stated the contract was for \$6,000 but received a bill in the amount of \$16,003.61. Sund stated KLJ feels the additional cost is warranted because the scope of the project changed. Sund stated he understands additional meetings were held but cannot support the drastic increase in cost.

Commissioner Reitmeier stated he was involved in most of the process and stated KLJ was hired to do the initial study with Planning and Zoning but because the scope became much more extensive and encompassed a broader spectrum he can understand why KLJ is submitting a bill above contract amount and wished to go on record in support of paying the submitted invoice. Vice-President Frenzel requested additional time to review documentation. Terry Boehm of KLJ addressed the commission briefly. He stated the scope of the project changed and became political and stated he is willing to provide additional documentation to support the billed amount and encouraged City Commissioner to contact him with any questions or concerns.

3. Other:

Greg Sund stated on March 3<sup>rd</sup> a student approached him regarding dances at the Armory and the recent decision to discontinue them. He stated it is the student's desire to be allowed to speak to the City Commission to express her views. Sund stated he told the student that he would ask the City Commission to consider holding a public hearing to allow students a voice on the issue. Vice-President Frenzel and Commissioner Reitmeier stated they were in favor of a public hearing. Sund stated a public hearing could be scheduled for April 3<sup>rd</sup>.

Judicial Process:

Sund stated a meeting of the Legislative Judicial Affairs Committee regarding eminent domain will be held at Days Inn on March 27<sup>th</sup> at 12:00 noon in the Mandan Room. Commissioner Reitmeier stated he would be unable to attend the meeting but stated there is need to be involved but not sure on what level. Sund stated he is willing to work with Commissioner Reitmeier to prepare written testimony.

9. ACCOUNTS PAYABLE AND PAYROLL

MOTION BY: Rhonda Dukart                      SECONDED BY: Bill Reitmeier

To approve the accounts payable as presented with accounts payable numbers 72,522 to 72,657 and payroll as distributed by automatic deposit. Said list is available in the Accounting Office.

DISPOSITION: Roll call vote...Aye 3, Nay 0, Absent 2.  
Motion declared duly passed.

10. CITY COMMISSIONERS' REPORTS:

N/A

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

Retired Fire Chief Joe Boespflug addressed the City Commission. He congratulated the City of Dickinson on their choice of the new Fire Chief. He stated Bob Sivak is an honorable and reliable person who will do a fine job for the City of Dickinson.

ADJOURNMENT

MOTION BY: Bill Reitmeier                      SECONDED BY: Rhonda Dukart

For adjournment of the meeting at 6:08 PM.

DISPOSITION: Roll call vote...Aye 3, Nay 0, Absent 2.  
Motion declared duly passed.

OFFICIAL MINUTES PREPARED BY:

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Cindy Selinger, Assistant to City Administrator

APPROVED BY:

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Greg Sund, City Administrator

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Joe Frenzel, Vice-President  
Board of City Commissioners

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