

**I. CALL TO ORDER**

Vice President Gene Jackson called the meeting to order at 4:30 PM.

**II. ROLL CALL**

Present were: Vice President Gene Jackson, Commissioners Klayton Oltmanns,  
Shirley Dukart and Carson Steiner

Absent: President Dennis W. Johnson

**STANDARD MOTIONS**

**1. ORDER OF BUSINESS**

City Administrator Kessel requested that item 4D1 be moved to 6C2 and item 6B be postponed.

MOTION BY: Shirley Dukart                      SECONDED BY: Klayton Oltmanns

To approve the October 15, 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 October 1, 2012;

B. Approval of Accounts Payable (via email);

C. Approval of Electrical Contract with Muth Electric for Wastewater Treatment Facility

D. Approval of Dickinson Fire Department Self Contained Breathing Apparatus Bid Tab

E. Approval of purchase of an Elgin Sweeper from Minnesota State Bid

F. Approval of purchase of an Asphalt Grinder.

DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 1

Motion declared duly passed.

**TIMETABLE AGENDA**

**5:00 PM**

**PUBLIC HEARING – UTILITY EASEMENT VACATION – NORTH  
RIDGE ESTATES 1<sup>ST</sup> ADDITION**

City Engineer Shawn Soehren presents a utility easement vacation for the West 10 Feet Minus the North 10 Feet of said Lot 2 of Block 7 of Fisher East Side Second Subdivision; the East 10 Feet Minus the North 10 Feet of said Lot 3 of Block 7 of Fisher East Side Second Subdivision. This subdivision is located just west of 18<sup>th</sup> Avenue East. The developer will take four lots and create townhouses.

Vice President Jackson opens the public hearing at 5:02 p.m. Hearing no public comment the public hearing was closed at 5:03 p.m. and the following motion was made.

MOTION BY: Klayton Oltmanns                      SECONDED BY: Shirley Dukart  
To authorize introduction Resolution 57-2012 for adoption.

**RESOLUTION NO. 57 - 2012**

**A RESOLUTION APPROVING THAT VACATION OF A UTILITY  
EASEMENT IN THE CITY OF DICKINSON, NORTH DAKOTA.**

DISPOSITION:            Roll call vote...Aye 4, Nay 0, Absent 1.  
Motion declared duly passed

**5:05 PM**

**PUBLIC HEARING – CONFIRMATION OF 2012 DEVELOPMENT  
IMPACT FEE PROJECTS**

City Engineer Shawn Soehren presents the Development Impact Fee projects that have been completed. Soehren reports there are 8 projects and lists the various projects. Soehren states public hearings were held prior to this presentation. And there were no protests at the public hearings.

Vice President Jackson opens the public hearing at 5:03 p.m. Hearing no public comment the public hearing was closed at 5:04 p.m. and the following motions were made.

**Country Oaks Estates Phase I and II**

MOTION BY: Shirley Dukart                      SECONDED BY: Carson Steiner  
To authorize introduction Resolution 58-2012 for adoption.

**RESOLUTION NO. 58 - 2012**

**A RESOLUTION FOR FINAL CONFIRMATION OF  
DEVELOPMENT IMPACT FEES FOR A 2012 DEVELOPMENT  
IMPACT FEE PROJECT FOR COUNTRY OAKS ESTATES**

**PHASE I AND II, CITY OF DICKINSON, STARK COUNTY,  
NORTH DAKOTA.**

DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 1.  
Motion declared duly passed

**Painted Canyon Phase I and II**

MOTION BY: Klayton Oltmanns                      SECONDED BY: Shirley Dukart  
To authorize introduction Resolution 59-2012 for adoption.

**RESOLUTION NO. 59 - 2012**

**A RESOLUTION FOR FINAL CONFIRMATION OF  
DEVELOPMENT IMPACT FEES FOR A 2012 DEVELOPMENT  
IMPACT FEE PROJECT FOR PAINTED CANYON PHASE I AND  
II, CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA.**

DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 1.  
Motion declared duly passed

**Washington 4<sup>th</sup> Addition Phase 6**

MOTION BY: Carson Steiner                      SECONDED BY: Klayton Oltmanns  
To authorize introduction Resolution 60-2012 for adoption.

**RESOLUTION NO. 60 -2012**

**A RESOLUTION FOR FINAL CONFIRMATION OF  
DEVELOPMENT IMPACT FEES FOR A 2012 DEVELOPMENT  
IMPACT FEE PROJECT FOR WASHINGTON 4<sup>TH</sup> ADDITION  
PHASE 6, CITY OF DICKINSON, STARK COUNTY, NORTH  
DAKOTA.**

DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 1.  
Motion declared duly passed

**States 5<sup>th</sup> Addition**

MOTION BY: Carson Steiner                      SECONDED BY: Shirley Dukart  
To authorize introduction Resolution 61-2012 for adoption.

**RESOLUTION NO. 61 -2012**

**A RESOLUTION FOR FINAL CONFIRMATION OF DEVELOPMENT  
IMPACT FEES FOR A 2012 DEVELOPMENT IMPACT FEE PROJECT  
FOR STATES 5<sup>TH</sup> ADDITION, CITY OF DICKINSON, STARK  
COUNTY, NORTH DAKOTA.**

DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 1.  
Motion declared duly passed

**States 6<sup>th</sup> Addition**

MOTION BY: Shirley Dukart                      SECONDED BY: Klayton Oltmanns  
To authorize introduction Resolution 62-2012 for adoption.

**RESOLUTION NO.      62 -2012**

**A RESOLUTION FOR FINAL CONFIRMATION OF DEVELOPMENT  
IMPACT FEES FOR A 2012 DEVELOPMENT IMPACT FEE PROJECT  
FOR STATES 6<sup>TH</sup> ADDITION, CITY OF DICKINSON, STARK  
COUNTY, NORTH DAKOTA.**

DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 1.  
Motion declared duly passed

**23<sup>rd</sup> Avenue East**

MOTION BY: Carson Steiner                      SECONDED BY: Shirley Dukart  
To authorize introduction Resolution 63-2012 for adoption.

**RESOLUTION NO.      63 -2012**

**A RESOLUTION FOR FINAL CONFIRMATION OF DEVELOPMENT  
IMPACT FEES FOR A 2012 DEVELOPMENT IMPACT FEE PROJECT  
FOR 23<sup>RD</sup> AVENUE EAST, CITY OF DICKINSON, STARK COUNTY,  
NORTH DAKOTA.**

DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 1.  
Motion declared duly passed

**5:15 PM**

**HOTEL DISCUSSION**

City Administrator Shawn Kessel states in 2011 Dickinson was the 4<sup>th</sup> fastest growing City and that has not changed as of date. With this growth many hotel rooms are being planned for Dickinson.

City Planner Ed Courton states as of 2012 there are 17 hotels and 1,332 rooms available. With an additional 10 more requests for hotels there would be 2,397 rooms available.

Terri Thiel, Executive Director of Convention and Visitors' Bureau, states there have been several meetings held in regards to this issue but no official position has been taken by the Convention and Visitors Bureau. Thiel states the City has lost some conferences due to lack of availability earlier this year but not lately. The walk in reservations has been very pleasing.

Melissa Johnson, General Manager of Comfort Inn, thanks the Commission for being given the opportunity to speak. She states she is concerned about free enterprise and is wondering if the hotels are limited will other businesses be limited also.

Commissioner Steiner states the City is not eliminating or controlling the hotel business but is concerned about this issue.

Chris Urban, General Manager for LaQuinta, states rooms have now become available and the industry is shifting more a bit and lowering prices. Urban feels the City needs more conventions and restaurants to bring in activities therefore filling the vacant rooms.

Chuck Hayes from the LaQuinta states there is a great need here for hotels. Hayes states it is very difficult to finance hotels at this time and states that Minot is being overbuilt and there are several people from out of state building there.

Dominic Goodman, Assistant Manager for Grand Dakota Lodge, reports there has been a decrease in occupancy since better housing has become available. He states because of the shortage of houses the hotels were full but now this has changed. He does state if travelers come to the hotel there would be rooms available. Goodman states having a lounge in the hotel has given the guests an opportunity to visit the lounge. He states the lounge is usually not used by the community.

Commissioner Jackson thanks everyone for all the comments. Jackson states the reason for the topic on the agenda is the potential of too many hotels. He feels the market place will take care of itself. Jackson would like to see everyone successful and feels the City government does not need to get involved with the business. There will be no action taken this evening on the hotels.

Commissioner Oltmanns believes in free enterprise and the City should be more proactive in not having future hotels. Oltmanns states past results don't indicate what future results will be. Oltmanns feels any hotel coming on line should have the most up-to-date information to make good informed decisions of what the future will be.

### **NON-TIMETABLE AGENDA**

#### **4. GENERAL ISSUES/FINANCE**

##### **A. FINANCE REPORT THROUGH SEPTEMBER, 2012**

Finance Director Tina Johnson presents the September, 2012 Financial Report.

MOTION BY: Klayton Oltmanns                      SECONDED BY: Shirley Dukart  
To accept the September, 2012 Financial Report as presented.

DISPOSITION:              Roll call vote...Aye 4, Nay 0, Absent 1.  
Motion declared duly passed

##### **B. S&B SUBDIVISION DEVELOPMENT AGREEMENT**

City Attorney Matt Kolling presents the Development Agreement with S&B Subdivision. The property is located on the SW corner of the intersection of 21<sup>st</sup> Street and State Avenue. The Development Agreement is consistent with other agreements and it also provides offsite improvements along 19<sup>th</sup> Street, 21<sup>st</sup> Street and State Avenue North. The City will also require a bond with this agreement.

MOTION BY: Carson Steiner                      SECONDED BY: Shirley Dukart  
To approve the S&B Subdivision Development Agreement

DISPOSITION:              Roll call vote...Aye 4, Nay 0, Absent 1.  
Motion declared duly passed

##### **C. CELEBRATE DIVERSITY AND DISABILITY AWARENESS**

City Administrator Shawn Kessel read the Celebrate Diversity and Disability Awareness Proclamation.

##### **D. REPORTS**

###### **1. Herauf Annexation – moved to 6B**

###### **2. Safety Management Program Report – 3<sup>rd</sup> Qtr**

City Administrator Shawn Kessel presents the 3<sup>rd</sup> Quarter Safety Management Program Report which has seen 47 incidents with 12 employee injuries occurring

in the 3<sup>rd</sup> quarter. This is a 35% increase over the year-end total for 2011. Six of the 3<sup>rd</sup> quarter injuries required medical attention. However, Kessel reports there were no loss time incidents. He reports some employees were able to return to work with restrictions.

Administrator Kessel states this will be City Engineer Shawn Soehren's last night as a full time employee. Kessel does wish him well. Kessel states with the growth of the City this position could change from one Public Works/City Engineer position to a separate Public Work Director and City Engineer.

**5. PUBLIC SAFETY**

**A. Fire Department**

Fire Prevention Specialist Deb Barros presents the September, 2012 monthly report. Barros reports year-to-date there have been 98 calls with 13 in September. This is a 41% increase over 2011. Barros states essential training has started for firefighters. She does state the City received \$67,800 from the insurance premium tax distribution which was deposited into the General Fund.

**B. Police Department**

Police Chief Dustin Dassinger presents the September, 2012 monthly Police Report. This does include 84 traffic accidents with 3 injuries, 587 traffic stops with 459 citations, which are up from 2011. Dassinger states 34 employees attended 8 different trainings to include firearms, K9, supervisor training, bullet proof mind, etc. Chief Dassinger invites citizens to join the 2012 Citizen's Police Academy which teaches the community operations of the police department through class lectures and hands-on experiences. This is a 9 week course and Chief Dassinger invites anyone who is interested to contact the Police Department.

**6. PUBLIC WORKS/PLANNING**

**A. Rezone – Sundance Village and Coves from AG to PUD**

City Planner Ed Courton presents a rezoning petition from Ag to Planned Unit Development (PUD) for the Sundance Subdivisions. The Village subdivision is +/- 308 acres and it is located +/- one mile easterly of the intersection of 10<sup>th</sup> Avenue East/21<sup>st</sup> Street East and the project consists of residential (R1, R2 and R3) commercial zoning districts. The Coves subdivision is situated southwesterly of the Village and consists of +/- 40 acres and will consist of 88 single-family and 3 multi-family lots. Courton states there are no changes from the first reading.

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

MOTION BY: Klayton Oltmanns                      SECONDED BY: Shirley Dukart  
To approve the second reading and final passage of Ordinance No. 1486

**ORDINANCE NO. 1486**

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, Absent 1.

**B. Sundance Village and Coves Development Agreement**

Removed from the agenda.

**B. Herauf Annexation**

City Planner Ed Courton presents an annexation petition to be annexed in the City and City staff is seeking direction from the Commission in order to proceed with the request. This property is +/- 320 acres and is located outside the NW quadrant of the City, south of 34<sup>th</sup> Street SW and west of State Avenue. City staff will provide the Commission with several options to consider: 1) Decide to hear the annexation petition at the next meeting; 2) Continue the petition until a future date; or 3) Hold off on the petition request until the Comprehensive Plan is finished in early 2013.

Developer Mike Koch states that this annexation is similar to his previous development. Koch states there is road access from three sides. Koch feels the majority of this property can be serviced through provisions made with Koch Meadow Hills Subdivision. Koch feels there is still a big need for this development and it is a great fit into the city. He states there would be no cost to the City. Koch states he is trying to present this development with little expenses as possible.

Commissioner Oltmanns states this development probably would not receive development impact fees as it is not all three scenarios.



City Engineer Shawn Soehren states there is a lift station in Koch Meadow Hills. This area currently would use the existing system and would be able to tie into a future system at State Avenue.

Commissioner Steiner feels this is a good fit for the City and would like to see the project through.

Engineer Soehren states there are still Development Impact Fees available for funding.

Commissioner Jackson states the City needs to decide when there is enough property annexed into the City. Jackson states the possibility of annexing the property and then not platting the properties.

Koch does not want to slow things down but does understand Commissioner Jackson's concerns. Koch again states there would be no cost to the City and he would continue this in different phases. Koch does already have investors for this property.

Commissioner Jackson states Koch has done a good job and made a real subdivision; however, since Mr. Koch has been here last the City has annexed 1,000 acres of ground.

Police Chief Dassinger states the Police Department does have staffing needs with the growth of the City. These staffing issues are challenging and also they will need more patrol vehicles, snow removal vehicles, etc.

City Administrator Kessel states there is a demand on all city staff including assessing, accounting, etc.

City Planner Courton states if this is a valid project it will be here 3-6 months from now, he feels the delay will not change this project. He feels by taking this annexation on the City will be stretching its resources.

## **C. Reports**

### **1. Code Enforcement Report – September, 2012**

City Planner Ed Courton presents the September, 2012 Code Enforcement Report which provides information on new building permits, values, miscellaneous permits and their values, etc. Courton states there are records being broken over the past two years and a significant amount of volume of numbers has been seen.

Courton states Grand Forks has been a tremendous help and the City is continuing to do their very best. Courton's motto is to work smarter and they are working as hard as they can. He is hoping to have the Commissioners and the City's support.

7. **CITY COMMISSION**

None

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

None.

**ADJOURNMENT**

MOTION BY: Shirley Dukart

SECONDED BY: Klayton Oltmanns

For adjournment of the meeting at approximately 6:40 PM.

DISPOSITION: Roll call vote... Aye 4, Nay 0, Absent 1.  
Motion declared duly passed.

OFFICIAL MINUTES PREPARED BY:

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Rita Binstock, Assistant to City Administrator

APPROVED BY:

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Shawn Kessel, City Administrator

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Dennis W. Johnson, President

Board of City Commissioners

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