

Order of Business

City Commission Meeting

Monday, August 4, 2014

4:30 PM

Dickinson City Hall – 99 2nd Street East

Type of meeting:

Regular Meeting of the Dickinson City Commission

Presiding Officer:

President of Commission (Vice President in absence of President)

Opening of Meeting

Call to Order

Roll Call

President: Dennis W. Johnson

Vice President: Gene Jackson

Commissioners: Carson Steiner

Klayton Oltmanns

Scott Decker

1. **ORDER OF BUSINESS:** Consideration for approval

2. **CONSENT AGENDA**

A. Approval of meeting minutes dated July 21, 2014 and Subsidy meeting minutes dated July 21, 2014 (Enc.);

B. Approval of Accounts Payable (via email);

C. Approval of US Bank Lessee Certificate for Dozer Landfill Track Type Tractor (Enc.);

D. Approval of US Bank Lessee Certificate for Side Load Refuse Truck (Enc.);

E. Approval of Change Order G-10 for Public Works Building – Shingobee Builders, Inc. (Enc.);

F. Approval of Change Order M-3 for Public Works Building – Central Mechanical (Enc.);

G. Approval of Change Order E-5 for Public Works Building – Berger Electric (Enc.);

H. Approval of Corrective Quit Claim Deed for Highlands Property (Enc.);

I. Approval of Consolidated PRI-TI lines – City Hall and LEC (5 year agreement) (Enc.);

Persons desiring to attend the meeting who require special accommodations are asked to contact the City Administrator by the Friday preceding the meeting.

Next Resolution No: 43-2014

Next Ordinance No: 1557

3.	Timetable Agenda	<u>INTRODUCTION</u>
4:45 p.m.	Introduction and Oath of Officers for Police Officers (Enc.)	Admin. Kessel
5:00 p.m.	Eide Bailey 2013 Audit Report (Enc.)	Eide Bailey Rep.
5:20 p.m.	Public Hearing - Rezoning Petitions 1. West Ridge Second Addition Consideration to approve first reading of Ordinance No. ____ (Ordinance No. ____) (Enc.)	Comm. Dev. Dir. Courton
5:25 p.m.	Special Use Permits 1. Shelley Lenz – Veterinary Clinic Consideration to approve Resolution (Next Resolution No. ____) (Enc.) 2. Badlands Properties, LLC – Laundry Service Consideration to approve Resolution (Next Resolution No. ____) (Enc.)	Comm. Dev. Dir. Courton
4.	Non-Timetable Agenda	
	<u>ADMINISTRATION/FINANCE</u>	
A.	Annexations 1. Badlands Consideration to approve Resolution (Next Resolution No. ____) (Enc.) 2. Koch Meadow Hills Fifth Consideration to approve Resolution (Next Resolution No. ____) (Enc.)	Attorney Kolling
B.	FMLA Secondary Employment Ordinance Consideration to approve first reading of Ordinance No. ____ (Ordinance No. ____) (Enc.)	Attorney Kolling
C.	Right of First Refusal Consideration to approve contract (Enc.)	Admininstrator Kessel
D.	Job Descriptions 1. Senior Property Appraiser Consideration to approve job description (Enc.) 2. Communications Specialist II Consideration to approve job description (Enc.)	HR Coord. Nameniuk
E.	Fee Resolution – Water Vendor Consideration to approve Resolution (Next Resolution No. ____) (Enc.)	Attorney Kolling
F.	Celebrate Extra Mile Day Proclamation (Enc.)	President Johnson
G.	Reports: 1. ND Sales and Use Tax Statistical Report (Enc.) 2. Budget Work Session Reminder – August 26, 2014 at 8:00 a.m. PWB	Administrator Kessel
5.	<u>PUBLIC SAFETY</u>	
A.	Fire Department 1. None	Fire Chief Sivak
B.	Police Department 1. 2014 Second Quarterly Report (Enc.)	Police Chief Dassinger
6.	<u>ENGINEERING</u>	
A.	Task Orders 1. Task Order #11 - Westgate Industrial Addition Water Sewer Street SID – with Apex(Enc.) Consideration to approve Task Order (Enc.)	City Engineer Kubas Eng. Spec. Marshik
B.	Transportation Agreements 1. Civil Science Consideration to approve agreement (Enc.) 2. Westwood PS Consideration to approve agreement (Enc.) 3. Ulteig – Professional Services Agreement for South State Avenue Safety Improvements	City Engineer Kubas

	Consideration to approve agreement (Enc.)	
C.	Change Order #1 - West Side 24" Transmission Line – Water Improvements (Enc.)	Eng. Spec. Marshik
7.	<u>PUBLIC WORKS</u>	
A.	Reports 1. Project Updates	PW Director Zuroff
8.	<u>COMMUNITY DEVELOPMENT</u>	
A.	Final Plat – West Ridge Second Addition Consideration to approve Resolution (Next Resolution No. ____) (Enc.)	Comm. Dev. Dir. Courton
B.	Report: 1. Building Permit Report (Enc.)	Comm. Dev. Dir. Courton
9.	<u>COMMISSION</u>	
10.	<u>PUBLIC ISSUES OF CITY CONCERN NOT ON THE AGENDA</u>	
.	<u>ADJOURNMENT</u>	

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, Klayton Oltmanns, and Scott Decker

Absent: Carson Steiner

STANDARD MOTIONS

1. ORDER OF BUSINESS

MOTION BY: Klayton Oltmanns SECONDED BY: Scott Decker

To approve the August 4, 2014 Order of Business as presented.

DISPOSITION: Motion carried unanimously.

2. CONSENT AGENDA

MOTION BY: Gene Jackson SECONDED BY: Scott Decker

A. Approval of meeting minutes dated July 21, 2014 and Subsidy meeting minutes dated July 21, 2014;

B. Approval of Accounts Payable (via email);

C. Approval of US Bank Lessee Certificate for Dozer Landfill Track Type Tractor;

D. Approval of US Bank Lessee Certificate for Side Load Refuse Truck;

E. Approval of Change Order G-10 for Public Works Building – Shingobee Builders, Inc.;

F. Approval of Change Order M-3 for Public Works Building – Central Mechanical;

G. Approval of Change Order E-5 for Public Works Building – Berger Electric;

H. Approval of Corrective Quit Claim Deed for Highlands Property;

I. Approval of Consolidated PRI-TI lines – City Hall and LEC (5 year agreement);

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

Motion declared duly passed.

TIMETABLE AGENDA

4:45 PM

INTRODUCTION AND OATH OF OFFICERS FOR POLICE OFFICERS

Police Chief Dustin Dassinger presents to the Commission and the public new police officers: Tyrel Hanson from MN; Casey Brosten from MT; Shane Holtz from MT; Jason Wallace and Tevin Rettig-Papineau from Dickinson; Sean Clancy from Illinois; and Justin White from Minot, ND. Administrator Shawn

Kessel read the Oath of Officers. Chief Dassinger states this is the first time in three years that the Police Department has been fully staffed.

5:00 PM

EIDE BAILLEY 2013 AUDIT REPORT

Nora Frueh from Eide Bailley presents the 2013 Audit. Frueh states the City is subject to government auditing and internal control standards. Frueh states there were some audit adjustments that needed to be made in order to relieve the negative balances in funds. She reviews the findings with the Commissioners. Ms. Frueh states there were no issues of mismanagement, fraud or abuse in any of the tests. She states with the influx of people and the economy changes happening in Dickinson these issues all bring challenges with the revenues but there were no issues that were concerning or would cause any red flags. Ms. Frueh states its Eide Bailley's opinion that the financial statements fairly reflect the financial position of the City and are without material error.

President Johnson is hoping to get hire qualified staff in the financial area. President Johnson thanks Ms. Frueh for presenting.

MOTION BY: Gene Jackson SECONDED BY: Klayton Oltmanns
To approve the 2013 Audit as presented from Eide Bailley.

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

5:20 PM

PUBLIC HEARING – REZONING PETITION

1. Rezoning Petition - West Ridge Second Addition

Community Development Director Ed Courton presents a rezoning petition from Agriculture to General Commercial, Medium and High Density Residential for the West Ridge 2nd Addition subdivision located immediately to the west of West Ridge 1st addition via West Ridge Drive and the extension of 15th Street West. The Planning and Zoning Commission and City staff recommend approval.

President Dennis Johnson opens the public hearing at 5:24 p.m. Hearing no public comment the public hearing was closed at 5:25 p.m. and the following motion is made.

MOTION BY: Gene Jackson SECONDED BY: Scott Decker
To approve first reading of Ordinance No. 1558.

ORDINANCE NO. 1558

AN ORDINANCE AMENDING THE DISTRICT ZONING MAP

**FOR REZONING AND RECLASSIFYING DESIGNATED LOTS,
BLOCKS OR TRACTS OF LAND WITHIN THE ZONING
JURISDICTION OF THE CITY OF DICKINSON, NORTH
DAKOTA.**

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

5:25 PM

SPECIAL USE PERMITS

1. Shelley Lenz – Veterinary Clinic

Community Development Director Ed Courton presents a Special Use Permit for the construction of a Veterinary Clinic. The site is located at the NW corner of the intersection of 21st Street West and State Avenue. The Planning and Zoning Commission and City staff recommend approval contingent upon three (3) recommended conditions of approval.

MOTION BY: Klayton Oltmanns
To adopt Resolution 46-2014.

SECONDED BY: Scott Decker

RESOLUTION NO: 46-2014

**A RESOLUTION APPROVING A SPECIAL USE PERMIT TO
SHELLY LENZ FOR VETERINARY SERVICES WITHIN AN
AGRICULTURAL ZONING DISTRICT**

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

2. Badlands Properties, LLC – Laundry Service

Community Development Director Ed Courton presents a Special Use Permit for the construction of a Laundry Service Facility. It is located at 1867 6th Avenue West in the old “Sears” location. The Planning and Zoning Commission and City staff recommend approval contingent upon one (1) recommended conditions of approval.

MOTION BY: Klayton Oltmanns
To adopt Resolution 47-2014.

SECONDED BY: Gene Jackson

RESOLUTION NO: 47-2014

**A RESOLUTION APPROVING A SPECIAL USE PERMIT TO
BADLANDS PROPERTIES, LLC, FOR A LAUNDRY SERVICES
USE WITHIN A COMMUNITY COMMERCIAL ZONING
DISTRICT**

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

3. GENERAL ISSUES/FINANCE

A. Annexations

1. Badlands

City Attorney Matt Kolling presents a resolution providing for the annexation of certain property located northerly of the current city limits. The property is approximately 3.86 acres and is part of the recently approved rezoning for Badlands Storage. The applicant for annexation is the only landowner. Kolling briefly explains the annexation procedure.

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

MOTION BY: Klayton Oltmanns
To adopt Resolution 43-2014.

SECONDED BY: Gene Jackson

RESOLUTION NO: 43-2014

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 4, Nay 0, Absent 1

2. Koch Meadow Hills Fifth

City Attorney Matt Kolling presents a resolution would provide for the annexation certain property located along State Avenue North, from 21st Street to 40th Street. The developer of Koch Meadow Hills 5th Addition has requested annexation of approximately 214 acres of property. In order to provide for contiguity of the City's boundaries, this annexation would also take in properties to the east of State Avenue, owned by Jan Prchal and Dean Kubas; and properties to the west of State Avenue, owned by the Herauf family. The annexation would also include an approximately 10 acre tract at the corner of State Avenue and 40th Street, where an electric substation is located. If the resolution is approved, the City will publish the resolution and provide certified mail notice to each of the affected property owners. Property owners then have thirty days in which to file written protests to the annexation. In the absence of written protests filed by the owners of more than one-fourth of the property proposed to be annexed, the property

becomes a part of the City. The City Commission will need to hold a public hearing to hear and determine protests to the annexation. We expect that the public hearing will be held at the first City Commission meeting in September. City staff recommend approval of this annexation resolution.

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

MOTION BY: Gene Jackson
To adopt Resolution 44-2014.

SECONDED BY: Klayton Oltmanns

RESOLUTION NO: 44-2014

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 4, Nay 0, Absent 1

B. FMLA SECONDARY EMPLOYMENT ORDINANCE

City Attorney Matt Kolling presents a change to the City's policy for FMLA leave. This change would state that employees who are approved for FMLA would not be permitted to work at a secondary employment unless approved by the City Administrator. Kolling states the Civil Service Commission did approve this ordinance change.

MOTION BY: Gene Jackson

SECONDED BY: Scott Decker

To approve first reading of Ordinance No. 1558.

ORDINANCE NO. 1558

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

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

C. RIGHT OF FIRST REFUSAL

City Administrator Shawn Kessel presents an agreement between the City of Dickinson and Southwest Water. Kessel explains that this agreement is for a

President Dennis Johnson feels this is a good move for both parties

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

Human Resource Director Shelly Nameniuk presents a job description for a Senior Property Appraiser. This is a new position and it would assist the assessor. Nameniujk states this was a budgeted position for 2014.

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

Human Resource Director Shelly Nameniuk presents a job description for a Communications Specialist II. This would be more of a shift leader position. This would be a promotional position. This position would hold a 3-5% salary increase.

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

E. Fee Resolution – Water Vendor

City Attorney Matt Kolling presents a fee resolution charge for bulk water use. The increase is from \$20 to \$27 per 1000 gallons. Letters have been sent to bulk water users.

MOTION BY: Gene Jackson
To adopt Resolution 45-2014.

SECONDED BY: Klayton Oltmanns

RESOLUTION NO: 45-2014

**A RESOLUTION AMENDING THE 2014 CITY OF DICKINSON FEE
SCHEDULE**

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

F. Celebrate Extra Mile Day Proclamation

President Dennis Johnson reads and signs the Celebrate Extra Mile Day Proclamation which acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place. Extra Mile day is November 1, 2014.

G. Reports:

1. ND Sales and Use Tax Statistical Report

City Administrator Shawn Kessel presents the first quarter 2014 ND Sales and Use Tax Statistical Report. The first quarter 2014 shows a 4.4% increase over the 2012. The county with the highest taxable sales and purchases was Williams County (Williston), followed by Cass (Fargo), Burleigh (Bismarck), Stark (Dickinson) and Ward (Minot). Kessel states this tax report shows evidence that North Dakota's economy is strong and oil patch economy is focusing on Dickinson.

2. Budget Work Session Reminder – August 26, 2014 at 8:00 a.m. PWB

City Administrator Shawn Kessel reminds the Commission about the budget Work session on August 26, 2014 at 8:00 a.m.

3. Capital Improvement Plan

Motion declared duly passed

C. Transportation Agreements

1. Civil Science

City Engineer Craig Kubas presents a transportation agreement with Civil Science to complete traffic counts at 9 intersections. Civil Science will complete the 2014 corridor improvements and 2015 intersection improvements of the west zone. This will entail the design engineering for these 9 intersections. Compensation to the engineer shall be in an amount not to exceed \$270,210.

MOTION BY: Klayton Oltmanns SECONDED BY: Scott Decker
Approve agreement for engineering services for 2014 corridor improvements and 2015 intersection improvements – west zone.

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

2. Westwood PS

City Engineer Craig Kubas presents a transportation agreement with Westwood Professional Services to complete traffic counts for 10th Avenue East and 14th Street and others. Westwood will complete the 2014 corridor improvements and 2015 intersection improvements of the east zone. Compensation to the engineer shall be in an amount not to exceed \$143,000.

MOTION BY: Klayton Oltmanns SECONDED BY: Gene Jackson
Approve agreement with Westwood Professional Services for 2014 corridor improvements and 2015 intersection improvements – east zone.

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

3. Ulteig

City Engineer Craig Kubas presents\ an agreement with Ulteig to design of safety improvement land scaping of south State Avenue. There have been concerns in the past with 2 traffic accidents where vehicles have left the roadway. The safety enhancements will be some form of guard rail and finish off with landscaping enhancements. The total project cost is estimated to be \$40,000. Ulteig will be doing the design engineering only with compensation to the engineer shall not exceed \$13,500.

MOTION BY: Klayton Oltmanns SECONDED BY: Gene Jackson
Approve agreement with Ulteig for south State Avenue.

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

Motion declared duly passed

D. Change Order #1 – West Side 24” Transmission Line – Water Improvements

Engineering Specialist Marshik presents a West Side 24" Transmission Line – Water Improvement Change Order #1. This would be to design a grade separation on State Avenue to align with the water line. The change order is in the amount of \$141,214.50. This change order will also delay the completion project date 10 days to July 10, 2015.

MOTION BY: Klayton Oltmanns SECONDED BY: Scott Decker
Approve Change Order #1 – West Side 24” Transmission Line for water
improvements.

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

7. PUBLIC WORKS

A. Reports

1. Project Updates

Public Works Director Gary Zuroff states the chip seal project for the City will start next week and will take about 3 weeks. Zuroff states water restrictions are still in force.

Director Zuroff also states the Public Works Building ribbon cutting happened this afternoon and went very well. Zuroff thanks Governor Dalrymple for attending and for the kind remarks about the project. Administrator Kessel also took the Governor to the wastewater treatment facility.

8. COMMUNITY DEVELOPMENT

A. Final Plat – West Ridge Second Addition

Community Development Director Ed Courton presents a final plat for West Ridge 2nd Addition situated westerly of the NW quadrant of the I-94 Interchange via West Ridge Drive and the extension of 15th Street West. The plat is +/- 153 acres. The Planning and Zoning Commission and City staff recommend approval.

MOTION BY: Gene Jackson
To adopt Resolution 48-2014.

RESOLUTION NO: 48-2014

APPROVED BY:

Shawn Kessel, City Administrator

Dennis W. Johnson, President

Board of City Commissioners

Date: August 21, 2014