

**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, Carson Steiner, Klayton Oltmanns and Scott Decker.

Absent: None

**1. ORDER OF BUSINESS**

MOTION BY: Klayton Oltmanns                      SECONDED BY: Scott Decker

To approve the September 21, 2015, Order of Business as presented with an addendum to Accounts Payable.

DISPOSITION: Motion carried unanimously.

**2. CONSENT AGENDA**

MOTION BY: Gene Jackson                      SECONDED BY: Klayton Oltmanns

- A. Approval of meeting minutes from September 8, 2015.
- B. Approval of Accounts Payable.

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

**3. TIMETABLE AGENDA**

**5:00 P.M.**

**DICKINSON AIRPORT PRESENTATION**

Airport Manager Kelly Braun presents the Commissioners the Airport's 2016 budget. ND Legislature has changed the law and the airports budget now needs to be approved by the City's Commission. Mr. Braun states 2015 budget was just a little over \$1 million dollars and in 2016 the budget is \$1.8 million. Mr. Braun states a hanger door needs to be repaired/replaced. Also painting needs to be done in the lobby. This budget does include property tax levy of \$474,000.00

Commissioner Scott Decker states the Airport Board has done a great job. They have been working on the parking lot, getting new equipment and working on the runway.

MOTION BY: Carson Steiner                      SECONDED BY: Gene Jackson  
To approve the Dickinson Airport Budget for 2016.

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

**5:15 P.M.**

**MIDCONTINENT COMMUNICATIONS PRESENTATION**

Andi Jensen and Brett Steele from Midcontinent Communications presents their contribution to the community with grants to various organizations in the City including the City of Dickinson and the Dickinson Fire Department. They have given more than \$3 million dollars to the community.

President Dennis Johnson Midcontinent along with Brett Steele and Andi Jensen for the presentation.

**5:20 P.M.**

**PUBLIC HEARING - LIQUOR LICENSE ORDINANCE**

City Attorney Jennifer Gooss presents a change to the original liquor license.

President Dennis Johnson opens the public hearing at 5:24 p.m.

Dean Volesky along with his wife Dora Volesky own the House of Booze in the T-Rex Mall and expresses their concern of having individuals own more than two liquor licenses. Mr. Volesky states ordinances are in place for obvious reasons and changing this ordinance will not solve a large problem nor will it make a positive impact nor will it benefit for the greater good. Mr. Volesky states there would only be 11 single owner liquor licenses if big box stores and Legacy 7 are subtracted from the equation. Mr. Volesky feels a change to the ordinance would cause some extreme damage to the majority of liquor license owners. Mr. Volesky states these individuals are for improving the community and having additional licenses would improvement community, how? Mr. Volesky wonders. Mr. Volesky also discusses the monopoly of owning more than two licenses. Mr. Volesky again encourages the Commission to vote no on owning more than two liquor licenses.

Commissioner Carson Steiner states this ordinance has been weighing on his mind. Mr. Steiner discusses the ownership of the licenses.

Legacy 7 Mike Staudinger states they are asking for an ordinance change so they can own 5 licenses each.

Legacy 7 Terry Keithley states they are trying to grow their convenience stores and would like to own more licenses. He states this is not a monopoly.

Administrator Shawn Kessel discusses the background checks and the issue if someone had gotten a DUI.

TH investment Tracy Tooz would like to own more liquor licenses as then he would be able to sell at wholesale price. He states the current big box stores can get a larger discount for larger sales.

Rock owner Kathy Fisher is concerned about the license holders later down the line as what happens if all of sudden a DUI occurs for license holder. It will be easy for corporations to change their name while the single owners will not be able to do that.

President Dennis Johnson closes the public hearing at 5:53 p.m.

MOTION BY: Scott Decker

SECONDED BY: Gene Jackson

To approve first reading of Ordinance No. 1595.

**ORDINANCE NO. 1595**

**AN ORDINANCE AMENDING AND RE-ENACTING ARTICLE 4.08 OF THE CITY CODE OF THE CITY OF DICKINSON, NORTH DAKOTA, RELATING TO ALCOHOLIC BEVERAGE LICENSES.**

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

Commissioner Gene Jackson feels the City should move cautiously and he hopes to hear from more license holders before the second reading.

Commissioner Klayton Oltmanns feels holding five liquor licenses is rather large but two is probably not enough.

**5:35 P.M.**

**PUBLIC HEARING - 2016 BUDGET**

Deputy City Administrator Doug Volesky updates the Commission on the 2016 Budget. Mr. Volesky highlights revenues, expenses, and capital items. He states a water usage rate will be implemented in October, 2015 and continue at the same rate in 2016 to adjust for the SW Water rate increase in 2015.

President Dennis Johnson asks for public comment. There was no public comment.

President Dennis Johnson states the fee schedule and compensation schedule should also be at the next meeting. He states Grades 8-12 should be raised 15%.

Commissioner Gene Jackson states the increase needs to be addressed.

Commissioner Scott Decker states he feels the need to increase the higher end employees in order to retain them.

President Dennis Johnson closed the public hearing at 6:21 p.m.

**4. GENERAL ISSUES/FINANCE**

**A. Fee Resolution – Water Usage Rates**

City Attorney Jennifer Gooss presents a fee resolution to increase the water usage rates which would offset SW Water increase in 2015. This increase would be .33 cents per 1,000 gallons. This would increase the rate to \$5.20 per gallon. There would be no further increases in 2016.

Deputy City Administrator Doug Volesky states based on the surveys the typical increase would be \$1.98 per month per household.

MOTION BY: Carson Steiner                      SECONDED BY: Gene Jackson  
Adopt Resolution 34-2015.

**RESOLUTION NO.        34 - 2015**

**A RESOLUTION AMENDING THE 2015 CITY OF DICKINSON FEE  
SCHEDULE**

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

**B. Approval of Right-of-Way Agreements – 6<sup>th</sup> Street East Extension**

City Attorney Jennifer Gooss presents the right-of-way agreements for 6<sup>th</sup> Street East which have five property owners. Dan Porter has decided to pay for ½ of the property.

**1. Kathleen and Jayme Fisher**

MOTION BY: Gene Jackson                      SECONDED BY: Klayton Oltmanns  
To approve the Right-of-Way Agreement for 6<sup>th</sup> Street East with Kathleen and Jayme Fisher.

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

**2. Dion and Laurie Friedt**

MOTION BY: Carson Steiner

SECONDED BY: Scott Decker

To approve the Right-of-Way Agreement for 6<sup>th</sup> Street East with Dion and Laurie Friedt.

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

**3. Esther Sandvick**

MOTION BY: Gene Jackson

SECONDED BY: Klayton Oltmanns

To approve the Right-of-Way Agreement for 6<sup>th</sup> Street East with Esther Sandvick.

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

**4. Leroy Frank**

MOTION BY: Klayton Oltmanns

SECONDED BY: Scott Decker

To approve the Right-of-Way Agreement for 6<sup>th</sup> Street East with LeRoy Frank

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

**5. Kole and Darcy Kahm**

MOTION BY: Gene Jackson

SECONDED BY: Klayton Oltmanns

To approve the Right-of-Way Agreement for 6<sup>th</sup> Street East with Kole and Darcy Kahm.

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

**C. Planning and Zoning Ordinance**

City Attorney Jennifer Gooss presents an ordinance change that would eliminate one ordinance clarify the membership of not more than 10 members on the Planning and zoning Board and one being a City Commissioner; 1 Park Board and 2 appointed county members. This is based on 25,000 population.

President Dennis Johnson asks for public comment. There was no public comment.

Commissioner Gene Jacksons states this has been the practice for several years already and the ordinance needed clarification.

President Dennis Johnson highly recommends that one position includes a member of the Parks and Rec and if they decline than that position would be appointed by the City Administrator and approved by City Commissioner.

Commissioner Gene Jacksons questions if the Parks and Rec would like to appoint someone that does not sit on their Board. Mr. Jackson feels this flexibility should be written into the ordinance.

#### **D. Liquor License Ordinance – Prohibited Hours and Days**

City Attorney Jennifer Gooss presents an ordinance change to the liquor license ordinance which would allow on sale establishments to start selling liquor at 11:00 a.m. on Sundays. Ms. Gooss states this change in the ordinance would mirror the State code.

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

MOTION BY: Klayton Oltmanns                      SECONDED BY: Scott Decker  
To approve first reading of Ordinance No. 1594.

**ORDINANCE NO. 1594**

**AN ORDINANCE AMENDING AND RE-ENACTING SECTION 4.04.090 OF THE CITY CODE OF THE CITY OF DICKINSON, NORTH DAKOTA, RELATING TO PROHIBITED HOURS AND DAYS OF SALE OF LIQUOR.**

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

### E. Liquor License – Beer Only

City Attorney Jennifer Gooss presents a Beer Only liquor license for El Paricutin Mexican Restaurant. She states a background check was completed and fees were paid.

Commissioner Carson Steiner questions the background as the owner is not a U.S. Citizen.

City Attorney Jennifer Gooss states you do not need to be a citizen to own a liquor license. She does state a Green Card is good for 10 years.

### F. Proclamations:

## 1. Extra Mile Day

President Dennis Johnson reads the Extra Mile Day Proclamation. The Commissioners are in agreement to approve the Proclamation

## 2. Manufacturing Day in Dickinson

President Dennis Johnson reads the Manufacturing Day in Dickinson Resolution.

MOTION BY: Klayton Oltmanns                      SECONDED BY: Gene Jackson  
Adopt Resolution 35-2015.

**RESOLUTION NO. 35 - 2015**

# A RESOLUTION PROCLAIMING OCTOBER 7, 2015, AS MANUFACTURING DAY IN DICKINSON

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

**G. Crooked Crane Trail Bid**

Project Manager Brett Gurholt from KLJ presents the bids for the Crooked Crane Trail. Mr. Gurholt found Winn construction to be the lowest bidder for general construction at \$1,012,641.40 and Berger Electric at \$46,214.00 for electrical. Mr. Gurholt states this trail would include site furnishings along the trail edge such as signs, landscaping, and exercise pods. Mr. Gurholt states \$235,000 was received through a grant process from U.S. Bureau of Reclamation.

MOTION BY: Scott Decker      SECONDED BY: Carson Steiner  
To approve the construction of pathways of the Crooked Crane with Winn Construction.

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

MOTION BY: Scott Decker      SECONDED BY: Carson Steiner  
To approve the construction of electrical with Berger Electric for the Crooked Crane Trail.

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

**H. Reports:**

**1. HR Hiring Journal, August, 2015**

Human Coordinator Shelly Nameniuk presents the August, 2015 Hiring Journal which has 2 police officer openings, interviews are being held soon; 1 Senior Police Officer position due to retirement was filled internally. Communication Specialist, will be trained when the move is completed to the new Public Safety Center; 2 Sanitation Operators open; and a Museum Assistant. Ms. Nameniuk positions remaining open are City Engineer, Deputy City Administrator and a Forester. Ms. Nameniuk states she recently attended an HR Conference and stated she attended sessions regarding hiring and more and more companies are hiring agency to hire top end positions. She states she may bring this idea to the Commissioners after presenting it to Civil Service.

**2. Special Assessment Commission**

City Administrator Shawn Kessel states the Special Assessment Commission is continually short of Commissioners and is considering having another Board take on the Special Assessment Commission. This might be an option as members on the Special Assessment Commissions are hard to come by. Mr. Shawn Kessel is asking for feedback from the City Commission. Mr. Shawn Kessel states this Board is not required by Century Code.

**3. Correction of Local Option Tax Collections – Devils Lake**

City Administrator Shawn Kessel presents a correction for the sales tax from Devils Lake. Devils Lake was paid taxes in error and they have chosen to pay Dickinson back in a slightly lower amount than normal at \$3,000. This would extend the payments until April, 2017.

**4. Public Safety Center Ribbon Cutting**

City Administrator Shawn Kessel reminds the Commissions and public about the PSC Ribbon Cutting on September 22, 2015 at 9:00 a.m.

**5. PUBLIC SAFETY**

**A. Fire Department**

**1. Reports**

**A. None**

**B. Police Department**

**1. Reports:**

**A. None**

**6. ENGINEERING**

**A. Construction Management Amendment with KLJ**

Assistant City Engineer Loretta Marshik presents a task order with KLJ for the design and construction management services for State Avenue from 21<sup>st</sup> to 40<sup>th</sup> Street West. This amendment would modify the original contract by \$196,000. The new cost would be \$1,187,114.98. Ms. Marshik states the amendment would cover additional items and services requested by the City to include design, changes and working with adjacent property owners. This street would allow the Public Safety Center to operate.

City Engineer Craig Kubas states the cost of this road was for the City.

Commissioner Gene Jackson abstains from the vote.

MOTION BY: Carson Steiner

SECONDED BY: Klayton Oltmanns

To approve Task Order #3 with KLJ for \$196,500.

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

**7. PUBLIC WORKS**

**A. Reports:**

**1. None**

**8. PLANNING**

**A. Reports:**

**1. None**

**9. BUILDING**

**A. Reports:**

**1. None**

**10. COMMISSION**

None

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

None

**12. ADJOURNMENT**

MOTION BY: Klayton Oltmanns

SECONDED BY: Carson Steiner

Adjournment of the meeting at approximately 6:30 PM.

DISPOSITION: Roll call vote... Aye 5, Nay 0, Absent 0  
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: October 5, 2015