

REGULAR MEETING DICKINSON CITY COMMISSION
March 21, 2016

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I. CALL TO ORDER

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

II. ROLL CALL

Present were: President Gene Jackson, Commissioners Joe Frenzel, Carson Steiner and Scott Decker.

Absent: Klayton Oltmanns

1. ORDER OF BUSINESS

MOTION BY: Joe Frenzel SECONDED BY: Scott Decker
To approve the March 21, 2016 Order of Business as presented. Move the National Guard memo to report and also remove Poppy Proclamation.

DISPOSITION: Motion carried unanimously.

2. CONSENT AGENDA

MOTION BY: Carson Steiner SECONDED BY: Joe Frenzel

A. Approval of meeting minutes from March 7, 2016 (Enc.);

B. Approval of Accounts Payable (via email);

C. Approval of National Guard Memorandum of Agreement (Enc.)

D. Approval of Archonix Contract for Dickinson Police Dept. for Records Management System (Enc.)

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

4. TIMETABLE AGENDA

5:00 P.M.

DICKINSON STATE UNIVERSITY PRESENTATION

President Dr. Thomas Mitzel from Dickinson State University updates the commissioner on the go forward outlook for DSU. Dr. Mitzel informs the commission on the way he feels the college should proceed and move into having more attendees. He presets guiding principles to set goals in place to provide better education. He also believes in teamwork and the community as they rebuild. Dr. Mitzel states students are paramount and the faculty and staff is the core of the institution. He does promote the TR Presidential Library and Heritage Foundation. Dr. Mitzel also discusses grants scholarship and GPAs. He states he is making

sure that the college is part of the Dickinson family and is working with the community to see their future as bright.

5:15 P.M.

DOWNTOWN DICKINSON ASSOCIATION

Kristi Schwartz whom is on the Downtown Dickinson Association Board presents an update to the Commissioners in regards to the parking proposal and ear marking assessment for parking improvements. The Downtown Dickinson Association has been working with the City in regards to the assessments and has been having meetings with the downtown property owners in regards to the parking improvement district. Ms. Schwartz states once the parameters are set in the district then the assessments will be considered. She discusses the public plaza along with the city park and having the farmer's market downtown this summer. She is looking forward to having space to be more usable. Ms. Schwartz states information meetings are being held periodically for all concerned citizens.

5:30 P.M.

ASSESSING PRESENTATION PART II

City Assessor Joe Hirschfeld presents part II of the assessing process for the City of Dickinson. Mr. Hirschfeld states in 2015 there were only 15 commercial properties and in order to review the 30 sales for ration the city will need to return to 2014 sales. The city can go back up to three years in order to make the 30 sales. Assessor Hirschfeld discusses the mills and how it pertains to homes and taxes. There are 219 active listings in Dickinson right now which is about an 18 month supply of houses. Previously Dickinson has been around 100-120 houses with the inventory of 5-7 months. Mr. Hirschfeld fully anticipates seeing lower prices this year.

4. GENERAL ISSUES/FINANCE

A. ALCOHOL LICENSED PREMISES AND GAMING

City Attorney Jennifer Gooss presents a proposed ordinance which revises the definition of licensed premises to include only one contiguous building, rather than two. It further changes the restaurant license to allow gaming in those areas where minors are not allowed, which is consistent with the state law. Staff recommends approval.

President Gene Jackson said this would not allow someone to purchase a building next door and expand what might the liquor store. President Jackson would like for Attorney Gooss to future review this ordinance change.

President Gene Jackson asks for public comment. Hearing none the following motion is made.

MOTION BY: Scott Decker

SECONDED BY: Joe Frenzel

To approve first reading of Ordinance No. 1608.

ORDINANCE NO. 1608

AN ORDINANCE AMENDING AND RE-ENACTING SECTION 4.04.010, OF THE CITY CODE OF THE CITY OF DICKINSON, NORTH DAKOTA, RELATING TO ALCOHOLIC BEVERAGES DEFINITIONS.

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

B. TEMPORARY OCCUPATION AND USE PERMITS

City Attorney Jennifer Gooss presents a second reading of ordinance number 1606, which cleans up the code to clarify the different permits for use permits in the City. The temporary occupation permit which was for the use of public right of ways is being repealed, and language is added to clarify that temporary use permits are for use of private property only. No changes have been made since first reading. Staff recommends approval.

President Gene Jackson asks for public comment. Hearing none the following motion is made.

MOTION BY: Carson Steiner

SECONDED BY: Scott Decker

To approve second reading and final passage of Ordinance No. 1606.

ORDINANCE NO. 1606

AN ORDINANCE REPEALING SECTION 23.56.346 RELATING TO TEMPORARY OCCUPATION PERMIT AND AMENDING AND RE-ENACTING SECTION 39.12.017 RELATING TO TEMPORARY USE PERMITS, AND OF THE CITY CODE OF THE CITY OF DICKINSON, NORTH DAKOTA.

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

C. PLANNING COMMISSION

City Attorney Jennifer Gooss presents a second reading of ordinance number 1607, which cleans up the planning commission portion of the code to reflect the current makeup and practices. This includes removing that there are 5 members, that employees may be appointed by the planning commission, and changing the

F. BOARD OF EQUALIZATION DATE CHANGE

MOTION BY: Joe Frenzel SECONDED BY: Scott Decker
To approve Board of Equalization Date change to April 19, 2016 at 3:30 p.m.

G. SALE OF FEMA TRAILERS

MOTION BY: Carson Steiner SECONDED BY: Joe Frenzel
To approve the ratification of the FEMA units and place the revenue in the general fund.

H. LEASE OF SANITATION LOADER

MOTION BY: Carson Steiner SECONDED BY: Joe Frenzel
To approve the lease of the wheel loader truck to Kinetic at 1.84% for a total cost
of \$258,650.

I. REPORTS:

HR Coordinator Shelly Nameniuk presents the March, 2016 Hiring Journal. She states the list is getting shorter and it is great to see. There is one police officer position open and the first interview phase has been completed. There is one street maintenance operator open and this was recently filled. An

accounting tech/dept clerk of court interviews will be held tomorrow. A hiring agency is being pursued in hiring a deputy city administrator. Ms. Nameniuk informs the commission of all the other job position openings.

President Gene Jackson states there is an urgency for the deputy city administrator as it has been open for quite some time. He states staff should determine the cost and do an active search. President Jackson states this needs to be a priority.

2. Eyewear Concept Abatement

City Attorney Jennifer Gooss states at the last meeting she misspoke and stated that the vote was not in order. Only the voting members are counted to determine whether there was a majority. Since there were 3 voting commissioners on the abatement at the last meeting, and 2 voted to reject the abatement, there was a majority, and the motion passed. The issue is not moot, and there should not be a new vote. I have informed Ms. Oltmanns.

3. Introduction of Museum Coordinator

City Administrator Shawn Kessel introduces Angela Rayne whom is the Museum Coordinator. Ms. Rayne comes from Colorado with a great deal of experience.

Ms. Angela Rayne states Dickinson's museum is a wonderful complex and she is looking forward to working here. She states a new paleontologist has been hired and will be starting April 4, 2016. She is working on getting the dinosaur museum open and operating. Ms. Rayne is especially impressed with the support of the history, arts and sciences in Dickinson.

4. Revenue Reforecast Ordinance

City Administrator Shawn Kessel will present the revised ordinance at the next City Commission meeting.

5. HR Manual Update

City Administroar Shawn Kessel states the consultant and city staff have been working on the HR manual update. He states there will be a great deal of changes in the manual. He is wondering if a city commissioner would like to sit on the review team to provide information to the commissioners.

President Gene Jackson can certainly see the advantages of having some commissioner on the committee. He is hoping to see Mr. Decker sit in on these meetings periodically.

Commissioner Scott Decker will be willing to do that.

4. Government Finance Committee

City Administrator Shawn Kessel states he had attended the Government Finance Committee meeting and highlights some of the outstanding information. Mr. Kessel discusses the surge funds or gross production tax. Mr. Kessel states upon a report from Lynn Helms there are 13,000 active wells in the Bakken.

5. National Guard Armory

City Administrator Shawn Kessel states the National Guard Armory would like to utilize a portion of shop in public works building as they do not have a shop area at this time. Mr. Kessel states the National Guard Armory's yard is close to the public works building. They are asking to utilize the public works building on weekends. The City would provide access to get into the building, use oil bay and restrooms. Mr. Kessel pulled off consent agenda for discussion in regard to moving forward with this agreement. 12 month agreement, pay for any items such as oil but no rental fee as currently sits. Gesture of kindness and good will extend to National Guard. Commission okay with this or not. National Guard has intention of changing the unit here so the engineering unit that is here today may not be here tomorrow. When final decisions it appears that we will be getting a diff unit in Dickinson therefore their needs will change.

Commissioner Carson Steiner has no problem with agreement.

5. PUBLIC SAFETY

A. Fire Department Reports

1. 2015 Annual Fire Department Report

Fire Chief Robert Sivak presents the 2015 Annual Fire Department Report which includes 44 members in 2105, 31 volunteers and 13 full time employees. Chief Sivak states training is top priority. He states Assistant Fire Chief Deb Barros focuses on training in our certification program, health and safety programs as well as in the office in charge of incident response and fires.

Assistant Fire Chief Deb Barros states there have been 525 calls for service in 2015 which is a decrease of 6.5% from 2014. Ms. Barros discusses the response time and the response time has been good even though they are responding with less than the recommended man power. She states the greatest number of calls are 173 which are false alarms, 52 of these are due to system malfunctions. There were 90 actual fire calls with 26 building fires, 26 cooking fires. Ms. Barros states the

highest dollar loss was R&R Auto. He states there have been #, 865 hours of training which happens mostly in the evening and weekends. Assistant Fire Chief Barros does state the new facility has proven to be an asset to the department and community.

Fire Marshal Mark Selle concentrates on fire prevention. He states they have completed 1,983 inspections in 2015. Fire prevention includes tours, demos and safety programs for students. He states this past year the website and Facebook have been updated. Fire Marshall Mark Selle updates the Commissioners on the number of donations that have helped the Fire Department tremendously.

Commissioner Carson Steiner hops the community knows of the fine job the Fire Department has been come and thanks all the works and volunteers for the wonderful job.

Fire Chief Robert Sivak states one of the trucks have been replaced as it was 14 years overdue for replacement. Due to the dry conditions already in 2016 Chief Sivak is intending on keeping the old truck for a while as it may need to be used for emergencies. Chief Sivak thanks his employees and the volunteer fire fighters. He does announce the Hero Ball is on Saturday, April 30th.

B. Police Department

Reports:

1. 2015 Annual Police Department Report

Removed from Agenda

6. ENGINEERING

A. NDDDOT Cost Participation for Museum Drive from ND 22 to Sims Street
City Engineer Craig Kubas presents the NDDOT Cost Participation Agreement for Museum Drive from ND 22 to Sims Street. Mr. Kubas states this agreement would be the City's Urban Roads Project on Museum Drive. This would be approximately ¼ mile long and would be duplicating the other side of Highway 22. This would continue concrete reconstruction, lighting and landscaping. City Engineer Craig Kubas states DOT will pay up to 80% or \$800,000. The City would be responsible for about \$600,000 which would be paid out of the 1% sales tax.

MOTION BY: Carson Steiner

SECONDED BY: Joe Frenzel

To approve the NDDOT Cost Participation for Museum Drive from ND 22 to Sims Street agreement.

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

B. 2016 Sidewalk Improvement District

City Engineer Craig Kubas presents the resolution for the 2016 Sidewalk Improvement District. Engineer Kubas has updated the resolution to include the city wide properties on a voluntary basis by the property owners is required. A major change in the resolution is that it should be limited to developed proprieties. This would include if someone has a developed property but does not have sidewalk then they would be able to use this program. This program is a Special Improvement District program which would allow the property owner to have the cost assessed to their property. 4 Mr. Kubas states there are many miles of sidewalks missing in Dickinson. He states this is a small step in filling those gaps. The City's limit on this project is \$75,000 for 2016.

President Gene Jackson feels the city should community this project to those folks who did not know about this program.

City Engineer Craig Kubas will get the word out to key proprieties especially areas around school zones.

MOTION BY: Carson Steiner
Adopt Resolution 07-2016.

SECONDED BY: Joe Frenzel

RESOLUTION NO: 07 – 2016

A RESOLUTION CREATING SIDEWALK IMPROVEMENT DISTRICT 2016-1 OF THE CITY OF DICKINSON AND AUTHORIZING THE IMPROVEMENTS AND ASSESSMENTS

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

7. PUBLIC WORKS

A. Landfill Improvement Bid Cell 3B-4

Public Works Director Gary Zuroff presents landfill improvement bid for cell 3B-4. This would be a new cell connection to existing leachate system. Mr. Zuroff states the chips from the Broadway road construction will be used for aggregates and this will save a considerable amount of money for the project. Public Works Director Gary Zuroff states ten bid were received for this project. The lowest bidder was Martin Construction at \$1,067,180. Mr. Zuroff along with staff would like to recommend Martin Construction for this project.

MOTION BY: Carson Steiner SECONDED BY: Joe Frenzel
To approve Martin Construction Bid for the Landfill-Cell 3B-4 for \$1,067,180.

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

OFFICIAL MINUTES PREPARED BY:

Rita Binstock, Assistant to City Administrator

APPROVED BY:

Shawn Kessel, City Administrator

E. C. Jackson, President
Board of City Commissioners

Date: April 4, 2016