

I. CALL TO ORDER

President Dennis W. Johnson called the meeting to order at 5:15 PM.

II. ROLL CALL

Present were: President Dennis W. Johnson, Commissioners Rhonda Dukart, Bill Reitmeier and Carson Steiner

Absent was: Commissioner Joe Frenzel

**STANDARD MOTIONS**1. ORDER OF BUSINESS

MOTION BY: Bill Reitmeier                      SECONDED BY: Rhonda Dukart

To approve the April 21, 2008 Order of Business as presented.

DISPOSITION: Motion carried unanimously.

2. CONSENT AGENDA

MOTION BY: Carson Steiner                      SECONDED BY: Rhonda Dukart

A. Approve minutes of regular meeting dated April 7, 2008;

B. Approval of DCI Credit Service Assignment;

C. Approval of 2008 ND Historic Preservation Office CLG grant program in the amount of \$9,435;

D. Approval to accept Lease Purchase financing through Wells Fargo Brokerage Services LLC (4.14%, total cost of lease \$3,472.16) for a Spray Patcher for the Street Department and approve financing agreement;

E. Approval of 2008-2009 Gaming Site Authorization renewal for Elks Lodge 1137.

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

Motion declared duly passed.

**TIMETABLE AGENDA**

5:30 PM

TAX ABATEMENS – EUGENE HAUCK

City Assessor Jan Zent stated she met with Eugene Hauck and Attorney Mike Maus in regard to two abatements filed on Mr. Hauck's two 12-plexes. She stated they chose to utilize the income approach as an alternate method for valuation. She stated the City's 2007 value on 2496 6<sup>th</sup> Avenue West is \$338,300; with the income approach it would be \$338,546 and Mr. Hauck is requesting \$298,300. On 2530 6<sup>th</sup> Avenue West the City's value is \$349,200; with the income approach it would be \$352,365 and Mr. Hauck is requesting \$305,200. Ms. Zent recommended no adjustments be made to either property as the income approach supports the 2007 valuation.

Attorney Maus stated he and his client did not feel the properties are being fairly compared with other properties, therefore are over taxed based upon similar units. Maus stated Hauck purchased the units at \$22,400 per unit and Century Apartments located on 21<sup>st</sup> Street West were purchased at \$26,000 per unit. He stated Century Apartments have garages, dishwashers, a swimming pool and rent for an additional \$200 per month. He stated Century Apartments currently have a unit price of \$26,000. He stated Mr. Hauck's units are valued at \$29,000 and \$30,000. Maus asked for valuations to be equitable.

Ms. Zent stated no value was placed on Century Apartment dishwashers or the swimming pool. She stated the swimming pool is considered an obsolescence as it has very limited use with North Dakota weather. Ms. Zent stated it is important to remember that the larger an apartment complex, the more obsolescence the complex may have such as heating units, depreciation, management fees, etc. Attorney Maus stated they used Century Apartments as an example but feel all apartment complexes are over valued. Commissioner Steiner questioned what the recent sales price was on the Century Apartments. Ms. Zent stated she would need to research state reports. Commissioner Dukart questioned whether some adjustment could be made for Mr. Hauck's units. President Johnson stated the City Commission has the option to accept the abatement

requests, deny the requests or make adjustments. Commissioners Reitmeier stated he did not support adjustments as it would be done without evidence, but questioned whether the Assessor's Office could review apartment complex values for the upcoming year.

MOTION BY: Bill Reitmeier                      SECONDED BY: Carson Steiner  
To deny the two tax abatement requests of Hauck Family Trust regarding 2496 and 2530 6<sup>th</sup> Avenue West.  
DISPOSITION: Roll call...Aye 3 (Reitmeier, Steiner, Johnson), Nay 1 (Dukart), Absent 1 (Frenzel).  
Motion declared duly passed..

MOTION BY: Bill Reitmeier                      SECONDED BY: Carson Steiner  
To direct the City Assessor's Office to review values on all apartment complexes during year 2008.  
DISCUSSION: Commissioner Steiner asked Ms. Zent to research the sales price on the recent sale of Century Apartments.  
DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 1.  
Motion declared duly passed.

5:45 PM

RENAISSANCE ZONE APPLICATION – MAIN STREET DICKINSON, LLC

Danielle Stuckle stated the City received a Renaissance Zone Project application from Main Street Dickinson, LLC for 17 2<sup>nd</sup> Avenue West. She stated the property is formerly known as the Osborn Studios and is located south of the Fire Department. She stated the Renaissance Zone project involves the purchase of the building with improvements estimated to be \$15,000. She stated the project meets City and State criteria. She stated with improvements to be made, they are anticipating a tax savings over a five-year period to be \$37,000 based on an estimated \$1,400 annual property tax savings and \$6,000 annual income tax savings. Stuckle stated the Planning and Zoning Commission has reviewed the project and recommended approval.

MOTION BY: Rhonda Dukart                      SECONDED BY: Bill Reitmeier  
To approve the Renaissance Zone Application for Main Street Dickinson, LLC for 17 2<sup>nd</sup> Avenue West (a/k/a N32' Lots 7-9, Block 1, Original Plat).  
DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 1.  
Motion declared duly passed.

5:55 PM

SEVERE SUMMER WEATHER AWARENESS WEEK PROCLAMATION

President Johnson read and signed a proclamation declaring April 21 – 25, 2008 as Severe Weather Awareness Week in the City of Dickinson.

6:00 PM

TORNADO AND SEVERE STORM POLICY – GARY KOSTELECKY

Stark County Emergency Manager Gary Kostelecky presented the Stark County Warning Dissemination Plan and Tornado Watch/Warning Detail Checklist. Kostelecky stated his department has done a lot of work in Stark County and Dickinson since 1999 to improve the preparedness. He stated Emergency Alerting Systems were installed which allows the Dispatch Center to break into radio station broadcastings to alert people of severe weather. He stated the announcements are usually handled by the National Weather Service but can be done locally. Kostelecky stated the system is periodically checked to assure the system continues to work as designed. He stated in addition to the Alerting System, they provide training for weather spotters. He stated in addition to the trained weather spotters, they have the Sheriff's Department deputies and Police Department personnel that are able to call in severe weather conditions. The individuals are able to report the information to the Dickinson Dispatch Center or call directly to the National Weather Service Center. He stated when information is received it is verified prior to disseminating. He stated the reason the plan states "The Stark/Dickinson Dispatch may activate the outdoor warning sirens..." is there may be a storm in the area but not heading toward Dickinson. President Johnson questioned whether automatically changing from a watch to a warning triggers the sirens. Kostelecky stated the change does not trigger the sirens. Kostelecky stated at this time the City is not able to use the City Watch System to notify the public as it causes an overload to the phone system. He stated the City



available we need to error on the side of safety and each moment is critical. Kostelecky stated he believes changes can be incorporated in the current plan. Johnson stated to error on the safety side means he would rather apologize to the community for inadvertently sounding the sirens than to stand before the public apologizing for a time when the sirens were not sounded. Kostelecky stated he will make changes to the plan and bring it before the City Commission for review.

No action was taken on the matter but directed Gary Kostelecky to make changes to the existing plan and to present it to the City Commission on May 5<sup>th</sup>.

C. REPORTS:

1. Pension Plans FICA Tax Issue:

Accounting Manager Tina Johnson, stated she has been corresponding with the law firm Dorsey & Co. regarding the tax exempt status of the employee contributions to the retirement plans. She stated the City was under the assumption since the plan changed to pre-tax in 1991, that the employee's contributions were tax exempt from all taxes including federal and state income tax and all FICA taxes. Johnson stated Dorsey & Co. states the City has been incorrectly handling the deductions and should only be exempt from federal and state income tax. Johnson stated the City will continue to research whether there was an IRS opinion done regarding tax withholdings. She stated if the decision from Dorsey & Co. stands, the City may be required to file amendments to the 941 returns, with City paying approximately \$94,080.

2. Local Landmark Designation Program for Historic Properties:

Historic Preservationist Danielle Stuckle, stated the Historic Preservation Committee is promoting a program that would encourage property owners to participate in a Historic Building Recognition program without the need to go through all steps necessary to achieve National Historic Register status. She stated the program would allow local buildings to be recognized as having local significance without meeting the requirements of the National Historic Register. Commissioners encouraged Ms. Stuckle to pursue the program.

5. PUBLIC SAFETY

A. TRAFFIC FINE ORDINANCE – ORDINANCE NO. 1352

President Johnson stated Ordinance No. 1352 would bring the City's traffic fines in line with State fines based upon the recent State Supreme Court decision regarding traffic fines levied in Fargo. President Johnson asked for public comment, no public comment was received.

MOTION BY: Bill Reitmeier                      SECONDED BY: Rhonda Dukart  
To approve second reading and final passage of Ordinance No. 1352.

**ORDINANCE NO. 1352**

**AN ORDINANCE AMENDING AND RE-ENACTING SECTION 23.80.080 OF THE CITY CODE OF THE CITY OF DICKINSON, NORTH DAKOTA, RELATING TO AMOUNTS OF STATUTORY FEES.**

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

B. REPORTS:

1. Police Department Monthly Report:

Police Chief Rummel highlighted March activities. He stated some activities included: 44 accidents reported in March, 58 school zone contacts made and 33 hours spent targeting impaired driving and other relative violations. He stated Officer Lee and K-9 Buster conducted 13 vehicle sniffs of which two had contraband. Rummel noted Buster participated in the monthly visit to the High School with no contraband found. South Sakakawea Narcotics Task Force initiated 15 cases during the month with 13 arrests. Chief stated an informational meeting regarding sex offenders will be held at City Hall on Wednesday, April 30<sup>th</sup> at 7:00 PM.



Eagles Park. A subcommittee will continue to meet until a new site is identified. Kramer stated they have discussed two options, relocating or constructing a new park. Sund stated as discussions progress he will keep the Commission informed.

2. Stark County Historic Society Meetings:

Greg Sund stated Commissioner Steiner, Danielle Stuckle and he met with the Stark County Historical Society board members to discuss their concerns regarding the operation of the Pioneer Machinery Building and Prairie Outpost Park. Sund stated another meeting will be held April 30, 2008.

3. Real Estate Offer – State Investments LLP:

Greg Sund stated City Engineer Shawn Soehren and he met with owners of State Investments LLP, to discuss a purchase agreement they submitted on 35 acres of undeveloped land located east of Washington 4<sup>th</sup> Addition. He stated they have asked for a delayed closing for approximately two years. Sund stated they have agreed to provide \$5,000 non-returnable down payment on the offer which will be turned over to the City if the closing is not held. President Johnson expressed concerns with holding the property off the market for two years with only having \$5,000 as non-refundable earnest money. Sund stated they did visit with State Investments, LLP regarding a possible first-right-of-refusal. Commissioner Dukart echoed the concerns of President Johnson. Sund said the discussion included a right to first refusal if another offer comes in on the property.

4. A Partnership to House Every North Dakotan:

Sund stated the Third Annual National Summit for Jurisdictional Leaders is being held in Bismarck on April 23, 2008 at 2:00 PM. He stated the City is being invited to attend “A Partnership to House Every North Dakotan” at that time. Johnson encouraged City participation in the event. Police Chief Rummel stated Captain Stenberg is on the committee and would be attending the event.

5. Human Relations Commission Session on April 16, 2008:

Sund stated the City’s Human Relations Commission held a very successful event at City Hall which featured a presentation by Dr. Kolielat of Bismarck regarding Islam and living as a Muslim in North Dakota. Sund thanked those who attended the event.

6. GOSCMA Conference:

Sund stated he will be attending the GOSCMA Conference April 23 – 25, 2008 in Gillette, Wyoming.

7. Southwestern Museum Foundation Annual Meeting:

Sund stated the annual meeting of the Joachim Regional Museum will be held on Wednesday, April 23, 2008 at 6:00 PM at the Elks Lodge. A meal will be served during a presentation by the Old Red Trail Scenic Byway Committee.

9. ACCOUNTS PAYABLE

MOTION BY: Rhonda Dukart                      SECONDED BY: Bill Reitmeier

To approve the accounts payable as presented with accounts payable numbers 64,986 to 65,274. Said list is available in the Accounting Office.

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

10. CITY COMMISSIONERS’ REPORTS:

Commissioner Steiner stated he has been contacted regarding the parking issues on Villard and Sims Street. Commissioner Dukart stated the Urban Forestry Committee held discussion in regard to the park and the request to add additional parking spaces. She suggested the City come up with a plan that involves additional parking spots yet maintains some of the integrity of the park, including adding benches and tables so people could eat lunch, have an ice cream social, etc. She stated the park as it is now needs pruning as it collects garbage, etc. President Johnson suggested the item be placed on a future agenda and possibly consider a powerpoint presentation from City Engineer Soehren regarding options for the park

President Johnson read a Thank You note received from 3<sup>rd</sup> Grade Student Marlie Heiser who attended the last City Commission meeting.

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

ADJOURNMENT

MOTION BY: Carson Steiner      SECONDED BY: Bill Reitmeier  
For adjournment of the meeting at approximately 7:53 PM.  
DISPOSITION: Roll call vote...Aye 4, Nay 0, Absent 1.  
Motion declared duly passed.

OFFICIAL MINUTES PREPARED BY:

---

Cindy Selinger, Assistant to City Administrator

APPROVED BY:

---

Greg Sund, City Administrator

---

Dennis W. Johnson, President  
Board of City Commissioners

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