

**I. CALL TO ORDER**

President Scott Decker called the meeting to order at 4:30 PM.

**II. ROLL CALL**

Present were: President Scott Decker, Vice President Jason Fridrich, Commissioners Nikki Wolla, Carson Steiner and Sarah Trustem.

Telephone: None

Absent: None

**1. ORDER OF BUSINESS**

MOTION BY: Jason Fridrich

SECONDED BY: Sarah Trustem

To approve the June 2, 2020 Order of Business as presented with the addition of the Disclosure of Interest Ordinance for approval of first reading. Also to move the discussion of Odyssey Theater to under Item #10. Also to add a Civil Service Commission opening report.

DISPOSITION: Motion carried unanimously.

**2. CONSENT AGENDA**

MOTION BY: Sarah Trustem

SECONDED BY: Nikki Wolla

**A. Approval of meeting minutes dated May 19, 2020 Work Session and Commission Meeting and June 2, 2020**

**B. Approval of Accounts Payable, Commerce Bank and Checkbook**

**B. Approval of Gaming Site Authorization for Dunn County Fair Association, Blue Hawk Booster Club and Dickinson Youth Activities, Inc.**

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

**3. ADMINISTRATION/FINANCE****1. Monthly Financial Report**

Accountant Robbie Morey presents the monthly financial report with the revenues for May, 2020. He states the accounts are similar to April, 2020 at \$70 million dollar mark. Accountant Morey states the investments are right around \$37 million. The ½% sales tax shows a 7% decrease from May, 2019. Hospitality tax and occupancy tax is down from 2019. Accountant Morey states the oil impact revenue is showing a 29% decrease which is over \$300,000. The general fund expenses are approximately 40% expended through May, 2020. Collection is 57% of what is budgeted for 2020 revenue. Enterprise funds currently 35% expended with revenue collected at 39% for 2020.

MOTION BY: Carson Steiner  
To approve the Monthly Financial Report.

SECONDED BY: Jason Fridrich

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

## **2. Disclosure of Interests Ordinance**

Deputy City Administrator Linda Carlson presents a Disclosure of Interests Ordinance which allows the City to re-enact the best practice for the best interest of the City Commissioners. She states this is the best time to introduce this new ordinance as it is election year with new commissioners. This fulfills the question the auditors ask if the City has a Disclosure of Interests Ordinance. She states this is the same procedure as when you place your name on the voting ballot.

MOTION BY: Jason Fridrich  
To approve first reading of Ordinance No. 1694

SECONDED BY: Nikki Wolla

### **ORDINANCE NO. 1694**

#### **AN ORDINANCE AMENDING AND RE-ENACTING ARTICLE 2.08 OF THE CITY CODE OF THE CITY OF DICKINSON, NORTH DAKOTA, RELATING TO DISCLOSURE OF INTERESTS BY BOARD OF CITY COMMISSIONERS**

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

## **3. Reports:**

### **1. June 23, 2020 – Organization Meeting of New Commissioners**

Deputy City Administrator Linda Carlson suggests the organization meeting on June 23, 2020 would be at 4:30 p.m. She states at that meeting a Vice President will be selected, committees will be assigned and budget books will be presented.

### **2. Budget Workshop – Set the Date**

Deputy City Administrator Linda Carlson states staff will be meeting on June 30, 2020 on the 2021 budget. On June 23<sup>rd</sup> times and dates will be set with the Commissioners for the budget meetings in July. Ms. Carlson states on August 4<sup>th</sup> she will need to have preliminary budget statement approved.

### **3. Civil Service Commission**

HR Coordinator Shelly Nameniuk states there is a board opening on the Civil Service Commission. She states Ms. Suzi Sobolik whom is the President of Civil Service now will be a City Commissioner. Ms. Nameniuk states, should anyone from the public be

interested in becoming a Civil Service member to complete a Citizen Interest form on the city's website or contact the City for more information.

**4. PUBLIC SAFETY**

**A. Fire Department**

**1. None**

**B. Police Department**

**1. None**

**5. ENGINEERING**

**A. North Annexation Water Supply Project Cost Share**

Assistant City Engineer Loretta Marshik presents a Cost Share Agreement with the State Water Commission for the North Annexation Water Project. Engineer Marshik states this agreement would allow the City of Dickinson to have costs reimbursed, up to sixty percent (60%), to a total, maximum dollar amount of \$856,400. Ms. Marshik states with the decrease in State oil revenue, these funds may not be immediately available. Staff will continue to work with the State Water Commission and our internal City budget on the timing of the project.

MOTION BY: Carson Steiner

SECONDED BY: Sarah Trustem

To approve the Cost Share Agreement with the State Water Commission for the North Annexation Water Project.

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

**B. Development Agreements**

**1. Venture Homes Market Addition**

Assistant City Engineer Loretta Marshik presents a Development Agreement for the Market Addition. This is a commercial subdivision at the intersection of 21<sup>st</sup> Street West and State Avenue. The development agreement is in accordance with Chapter 34 of the Dickinson Municipal Code and requires the developer to post the security in the amount of 130% of the municipal infrastructure cost. City staff recommends approval of this development agreement.

MOTION BY: Sarah Trustem

SECONDED BY: Jason Fridrich

To approve the Development Agreement for The Market Addition.”

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

**2. Stickney Investments, LLC – Bluffs Subdivision**

Assistant City Engineer Loretta Marshik presents a Development Agreement for The Bluffs Subdivision. Ms. Marshik states this is a residential subdivision located off 8<sup>th</sup> Street Southwest in the Extraterritorial Zoning limits, near Heart River Municipal Golf

Course. No annexation was requested or required through the planning and zoning process. Ms. Marshik states since there is no municipal infrastructure being installed with this project, the 130% security is not required. However, the agreement does require the owner to pay for 100% of the infrastructure costs that are being installed. The development agreement is in accordance with Chapter 34 of the Dickinson Municipal Code. City staff recommends approval of this development agreement.

MOTION BY: Carson Steiner  
To approve the Development Agreement for Stickney Investments, Inc. – Bluffs Subdivision.

SECONDED BY: Nikki Wolla

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

## 6. PUBLIC WORKS

### A. Reuse Pipeline Bid

Public Works Director Gary Zuroff presents a project that will extend the current 16" reuse pipeline from the Dakota Prairie custody point north along 116<sup>th</sup> Ave SW then West approximately 1500 in the HWY 10 right-of-way. The end of the pipeline will include a meter vault which will connect to our SCADA controls. Public Works Director Zuroff states the Electrical portion of this project was over \$50,000 which requires a separate Electrical Contract bid. The lowest combination bids received were Rachel Contracting for the pipeline and Ystaas Electrical for the electrical bid. This extension has been on our capital project list for a number of years and is also the City's contractual obligation with Meridian Refining LLC. The total of the combined bids are \$901,844.58 which is 19% lower than the Engineer's estimate of \$1,120,000. City staff recommends approval of the Reuse Pipeline Bid.

MOTION BY: Carson Steiner  
To approve the Reuse Pipeline Bid.

SECONDED BY: Nikki Wolla

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

### B. Watermain Replacement on 1<sup>st</sup> Avenue West Quote

Public Works Director Gary Zuroff presents a project which will replace 355 feet of 6" cast iron main with 8" PVC on 1<sup>st</sup> Avenue West from 2<sup>nd</sup> Street West to 3<sup>rd</sup> Street West. The construction of the new bank along with the need to discontinue numerous old service lines made this a prime candidate for replacement. Water Utilities began budgeting for old cast iron main replacement projects last year with the goal to replace a block or two at a time and coordinate with areas that needed sewer, storm, or street replacement and repair. This project will replace the cast iron with PVC and increase the pipe size required by our water model. The street repair will be cost shared with water and we plan to add this block to our

current mill and overlay project. Quotes were solicited and B.G. Excavation, Inc. submitted the lowest estimate of \$50,908.30. Public Works Director along with City staff recommends approval of the quote from B.G. Excavation.

MOTION BY: Jason Fridrich  
To approve Watermain Replacement on 1<sup>st</sup> Avenue West Quote.

SECONDED BY: Sarah Trustem

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

7. **PLANNING**

**A. Reports:**

**1. None**

8. **BUILDING**

**A. Re-establish Weed Board Ordinance**

City Attorney Christina Wenko presents an Ordinance which will reenact and reestablish the City Weed Board so the City can reassume the responsibilities for noxious weed control within city limits. She states the language has been added and guideline and codes would be the responsibility of the City's Code Enforcement Officers. The Board of Adjustment has agreed to act as the City Weed Board in the event the Board of City Commissioners enacts this Ordinance.

MOTION BY: Carson Steiner  
To approve first reading of Ordinance No. 1695

SECONDED BY: Nikki Wolla

**ORDINANCE NO. 1695**

**AN ORDINANCE AMENDING AND RE-ENACTING ARTICLE 20.08  
RELATING TO NOXIOUS WEEDS**

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

9. **PUBLIC HEARING AND PUBLIC COMMENTS NOT ON AGENDA – 5:00 P.M.**

**1. Public Hearing – Increase on Public Bid Threshold**

Assistant City Engineer Loretta Marshik states City staff is requesting to increase the bid threshold from \$100,000 to \$200,000 following North Dakota State Century Code. This change will allow staff to make purchase and hire contractors for items that may need immediate attention, without going through our standard approval process.

President Scott Decker opens the public hearing at 5:05 p.m. Hearing no public comment the hearing was closed at 5:07 p.m. and the following motion was made.

MOTION BY: Carson Steiner

SECONDED BY: Jason Fridrich

To approve second reading and final passage of Ordinance No. 1693.

**ORDINANCE NO. 1693**

**AN ORDINANCE AMENDING AND RE-ENACTING ARTICLE 2.28.060 OF THE CITY CODE OF THE CITY OF DICKINSON, NORTH DAKOTA, RELATING TO THE PUBLIC IMPROVEMENT BIDDING THRESHOLD**

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

**2. Public Hearing – Tobacco Ordinance**

City Attorney Christina Wenko presents for a second reading the tobacco ordinance. Ms. Wenko states the first reading has held on March 3. The second reading and public hearing was delayed due to COVID-19 restrictions. These updates reflect the recent federal law change increasing the minimum age to purchase tobacco products to 21. The ordinance also reflects some amendments to the hearing procedure for revocation and suspension of licenses. Ms. Wenko along with City staff recommend approval.

President Scott Decker opens the public hearing at 5:08 p.m.

Jennifer Schaefer of Tobacco Prevention thanks the Commissioners for bringing this ordinance change forward for tobacco. She is hoping the Commission someday consider raising the age to sell tobacco to 21 years of age. Ms. Schaefer states minors do know where they can purchase tobacco products from friends whom are 18 or 19 years old.

President Scott Decker closed the public hearing at 5:09 p.m. and the following motion was made.

MOTION BY: Carson Steiner

SECONDED BY: Sarah Trustem

To approve second reading and final passage of Ordinance No. 1689.

**ORDINANCE NO. 1689**

**AN ORDINANCE AMENDING AND RE-ENACTING SECTIONS 21.20.020, 21.20.040, 21.20.050, 25.06.020, 25.06.030, 25.06.040 OF THE CITY CODE OF THE CITY OF DICKINSON, NORTH DAKOTA, RELATING TO THE SALE OF TOBACCO PRODUCTS**

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

**Odyssey Theater**

Deputy City Administrator Linda Carlson feels the community did not understand that when the discussion of the parking lot was decided on that no matter what happens those lots will not be turned back into a parking lot. She states it has been the intent of the Commission to sell that property for a commercial building so it is generating revenue. The City has received numerous comments from the public on this issue. Therefore, it has been brought back for discussion.

Commissioner Sarah Trustem states when the meeting concluded the last time she provided the public an update and got a lot of feedback regarding the direction the City took and upon reading the comments and doing some reflection she thinks the future of Odyssey needs to be made by the next City Commission. The discussion needs to be whether the City will take the property back or allow Odyssey an extension.

MOTION BY: Sarah Trustem

SECONDED BY: Jason Fridrich

To rescind the vote of the last meeting in regards to Odyssey Theater and table it until the new City Commissioners have a chance to review and visit about this item.

DISPOSITION: Roll call vote...Aye 3, Nay 2 (Decker, Steiner, Absent 0)  
Motion declared duly passed

Commissioner Carson Steiner feels this Board had made two previous errors that City government should never make. Commissioner Steiner is disappointed in himself along with the other Commissioners that this issue has gotten this far. He states City government should not pick winners and losers and that is what the Commission did in the last meeting. He states we picked a winner and a loser. He states now the Commission is going to push this item onto the new Commissioners and they are going to have to violate their code of ethics. This should have stopped at the very first meeting when the issue was drawn up and that the only thing that could be built there was a theater. The idea that no one else could build anything there. Commissioner Steiner states the City could have had a win, win situation if the Commission would have denied the theater from buying the property. He states now the Commission is going to have to pick winners and losers and the Commissioner is going to be divided. He states his heart goes out to the Commissioner with violating their code of ethics. He states maybe the Commissioner should take back 3 or 4 liquor licenses and give them to someone else as an example. Commissioner Carson Steiner states the government should never be in this position.

Citizen True White states too many citizens are too quiet. She feels nothing about this is comfortable but yet it is the citizen's job to be vocal and not being old people playing cards at senior citizen. Ms. White states she is here to make a total fool of herself. She states she thought the theater was done and then you came back to it. She states those last few minutes that the Commission stated some whole different issues, I didn't realize that you realized that you were thinking that your land is just for sale, some of you thinking that cars need a place to park for 30 years. Ms. White was one of the original people downtown. Some of us like downtown and that is where my first house downtown. Some people think that

point out that if we are interested in business that we should take every green spot and every square inch of downtown that brings in taxes it should be. That green spot or historicalness of downtown is waste of space, waste of taxpayers. She states this was even called the park a doggy park. Ms. White states why would Manhattan New York 1000s of acres to central park and take pride in the use of that land of greenness that is one of utmost expensive in the whole globe. Ms. White states the City needs parks and parking places. When a parking lot is built and it cost a lot of money. People need parking and business need parking downtown. The City would like to have a lot more transparency about things. She feels the way the land was sold in the first place it stinks how that happened and we all know something is funny about that. She states here we are, screwed. Ms. White states nobody is happy. The Governor states don't worry about having parking spaces in your downtown because in the future we are not going to drive cars. Some people still drive cars, some people still walk. Why not let future generation have better visions let them expand their vision in new and different ways.

Commissioner Carson Steiner thanks Ms. White for 20 years, we were both younger and Commissioner Steiner has always admired Ms. White and that she speaks how you feel and that is fantastic. Commissioner Steiner hopes you come back and give them knowledge.

Citizen Marietta Martin states she appreciate guys voting to revisit this issue. She appreciates Commissioner Steiner and sees where you are coming from and everyone should win. Living over 40 years here now and being in theater for a number of years the one thing that I have through each of the corporation coming into Movie Theater is not enough choices and not enough movies. Ms. Martin states the City needs to have graduates coming back, think about keeping our dollars and money spent in Dickinson. Growth and Dickinson needs to think about having two theaters. She feels the City wants to move forward and not backward. Thank you for revisit this in July.

Ms. Peggy O'Brien appreciates the fact that they are going to revisit. She states it would be wonderful if the City were able to support two theaters because neither theater owner is afraid of competition but realistically the City cannot. The City does not have the population. She does agree to keep the money in Dickinson. She states the City has one local owner and the other one is not. Ms. O'Brien states simply it will not work to have another movie theater.

George Kuzmann states he has been around long enough of seeing a movie in Dickinson and remembers seeing Grizzly Adams in the downtown theater. Downtown was a magical place. Mr. Kuzmann feels this theater is how to keep kids invested in community. He states he has lived in California and Dickinson doesn't have bars on the windows. He came here at the end of the first oil boom. Mr. Kuzmann feels this would be a comeback and it would be good. He states parking has been on the front line forever. He states his first apartment was downtown. This city has only one shot at this theater. Mr. Kuzmann states



Dickinson's downtown has gotten stale. He loves Dickinson but questions whether he wants to stay in Dickinson. Bring something better to bring back to make it better.

**10. COMMISSION**

Commissioner Sarah Trustem would like to share a fact. She does agree with Commissioner Steiner that the Commissioners do pick winners and losers. She rescinded on the decision for Odyssey. She states the Commission changed the valuation of this year, allowed restaurants to sell alcohol through their doorways and we make commitments to have our City be successful. She feels the Commissioners should have had more conversation about giving Odyssey an extension. Also the Commissioners did not visit long enough about the intent of the property if it was resold. Commissioner Trustem feels this decision needs to be left up to the new commissioner and that will be on July 7<sup>th</sup>. She does not feel this is setting up the new Commissioners but they are going to have to do what they were meant to do. She does feel this is important. Commissioner Trustem states it was an honor to serve the Citizens of Dickinson. She states the City has potentially creating some things for parking issues, some timed spots, many communities have timed spaces. She feels there is enough passion in the community and people want to look for solutions for these problems.

President Scott Decker thanks Commissioner Sarah Trustem for being the fresh air to the Commission as she had different ways of looking at things. President Decker thanks her for the past four years as she was invaluable and her voice on the Commission was very much appreciated in the way she asked questions that some of the other Commissioners overlooked and he appreciated that. President Decker wishes Commissioner Trustem the best of luck and hopes she keeps fighting for Dickinson. He states she has a bright future.

President Scott Decker thanks Commissioner Carson Steiner for being the longest serving Commissioner in Dickinson. He states 20 years is a pretty good record to achieve. He is involved in the community and his voice is also invaluable. President Decker states Commissioner Steiner looks at subjects like Ms. Trustem and he appreciates that. President Scott Decker states that Commissioner Carson Steiner has the best interest of the City.

Deputy City Administrator Linda Carlson thanks Commissioner's Steiner and Trustem for their dedication to the City.

Commissioner Carson Steiner thanks the people for stepping up and running for City Commissioner. He states this is what Democracy is. Commissioner Steiner thanks the past Commissioners, present Commissioner and the future Commissioners. He thanks his wife Mary Steiner. He thanks the Citizens of Dickinson who have had confidence for the past five terms. Commissioner Carson Steiner thanks the employees and City of Dickinson as they never cease to amaze him and for coming to work daily with a smile on their face. He is proud of the way the employees handle themselves. He states the employees amaze

him day after day and the they work to the best of their ability. He states if anyone sees the City of Dickinson employees they should give them a “thank you” as they deserve it.

Commissioner Sarah Trustem thanks Commissioner Carson Steiner. Commissioner Trustem states she and Commissioner Steiner did butt heads some times but Commissioner Trustem loves Commissioner Steiner and he represents another part of the community and this is important for the community to understand. She states people have different views on topics and they respect each other. She thanks Commissioner Steiner for keeping the Commission on their toes.

**ADJOURNMENT**

MOTION BY: Sarah Trustem

SECONDED BY: Carson Steiner

Adjournment of the meeting at approximately 5:40 P.M.

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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Linda Carlson, Deputy City Administrator

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Scott Decker, President  
Board of City Commissioners

Date: July 7, 2020