

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: Nikki Wolla

To approve the May 19, 2020 Order of Business as presented.

DISPOSITION: Motion carried unanimously.

2. CONSENT AGENDA

MOTION BY: Sarah Trustem

SECONDED BY: Jason Fridrich

A. Approval of meeting minutes dated April 28, 2020 and May 5, 2020.

B. Approval of Accounts Payable, Commerce Bank and Checkbook

C. Approval of Monthly Financial Report

D. Approval of Gaming Site for Fort Abraham Lincoln Foundation

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

3. ADMINISTRATION/FINANCE**A. Audit Engagement Letter**

Deputy City Administrator Linda Carlson requests the City go out and look for a different auditing firm. She states the City has had Eide Bailey since 2009. She feels a change should be made every 5-6 years to get a different perspective. She states they have looked at professional services and have asked for proposals. Three proposals were received and were highly recommended in their field for working directly with governmental municipality audits. The reason for this request is due to the increasing cost and there hasn't been a change for several years. She states after reviewing the proposals she feels that it is time for a fresh new perspective of the City's finances and recommends Widmer Roel.

MOTION BY: Carson Steiner

SECONDED BY: Sarah Trustem

MOTION BY: Carson Steiner

SECONDED BY: Jason Fridrich

To approve promoting Deputy City Administrator Linda Carlson and Police Chief Dustin Dassinger for these interim positions with a 5% increase in pay.

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

D. Restaurant Liquor License

Brickhouse Grille has sold their business to The Crossing. There has been a change in ownership and the new owners have applied for a Restaurant Liquor License. Background checks have been complete and fees have been paid.

MOTION BY: Sarah Truitem

SECONDED BY: Nikki Wolla

To approve a Restaurant Liquor License to The Crossing at 2 West Villard.

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

E. Odyssey Theater Update

Administrator Joe Gaa states the Odyssey Theater which is across the street from City Hall has a construction fence placed on the street/site for planned construction. He states a building permit was submitted and approved but not yet paid for or picked up and utility work has not begun. He states it has been 18 months since the purchase and now the City can enter into a buyback clause. He states the City could buy this property back for 90% of what was paid. He feels the City should consider the buyback option.

City Attorney Christina Wenko states the City needs to discuss this and to make a decision sooner than later to exercise their option.

President Scott Decker had high hopes for this theater but it doesn't appear construction will be happening anytime soon. He feels there should be a public hearing on the 2nd of June.

Commissioner Carson Steiner states that with the virus and other things happening he feels that they have not been upfront with the City. He feels the City should repurchase the property back for 90%. He feels the citizen's attitude is different now with the parking lot being shut off.

Commissioner Jason Fridrich states Odyssey has invested a lot of money for what they have done to this point. Commissioner Fridrich would be open to a 60 day extension for MDU to get the work done. He feels a public hearing would be good to have.

MOTION BY: Carson Steiner

SECONDED BY: Jason Fridrich

To approve a public hearing in regards to Odyssey Theater on June 2, 2020.

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

4. PUBLIC SAFETY

A. Fire Department

1. None

B. Police Department

1. SWAT MOU with Sanford

Police Chief Dustin Dassinger presents a SWAT MOU with Sanford. This would be between Sanford and Police Department team medic. This item was budgeted in 2020 under SW Tactical Team. There is only a charge for when the medic is called out. He states this MOU is very useful for when the City operates outside of the City limits.

MOTION BY: Sarah Trustem

SECONDED BY: Nikki Wolla

To approve the SWAT MOU with Sanford.

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

5. ENGINEERING

A. KLJ Construction Engineer Agreement for 2020 Mill and Overlay

City Engineer Craig Kubas presents the 2020 mill and overlay which will be inspected by KLJ. Attached for your consideration is a task order amendment for construction engineering. Staff has reviewed and negotiated the amendment with KL J and recommends approval

MOTION BY: Carson Steiner

SECONDED BY: Sarah Trustem

To approve the task order amendment with KLJ.

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

B. RFP Advertisement

City Engineer Craig Kubas states two weeks ago the City went through approximately 12 projects that engineering recommended be placed on an RFP for consultant selection. Through discussion, several of those projects were reduced in scope or length. Engineering would like to advertise this RFP as soon as possible. Engineer Kubas states there is no financial commitment is being made by the city by the selection of any consultant. Staff will be asking consultants for concise proposals. The City's hope is to expand the number of proposals received and to allow our selection committee to be able thoroughly review the proposals received. As in the past

we would like to have a mix of staff and commissioners on the selection committee. Staff recommends advertising this RFP.

President Scott Decker discusses the reuse water site and refinery contract.

City Engineer Craig Kubas states that the contract with Meridian would provide water to this point.

Public Works Director Gary Zuroff states connection to the wastewater system of \$800,000. Public Works Director Gary Zuroff states he has not heard anything from Meridian at this time.

MOTION BY: Carson Steiner
To approve proceeding with advertising the RFP with the amendments of the date and reuse water line.

SECONDED BY: Jason Fridrich

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

C. Letter of Engagement – Bond Council for SRF Project

City Engineer Craig Kubas presents a standard engagement letter to retain bond counsel for the Dickinson reuse water main extension project near Highway 10 N. of the DPR refinery. Attorney Wegner is the same bond counsel we've used on every SRF project that I'm aware of that was completed in Dickinson. Staff has reviewed and compared this fee to past projects and would recommend approval. City Engineer Craig Kubas states if the City does not actively use the services there would be no charge.

City Attorney Christina Wenko states once services were performed then they would be entitled to those fees.

MOTION BY: Jason Fridrich
To approve the engagement letter with Arntson Stewart Wegner P.C for the Dickinson Reuse Water Main Extension.

SECONDED BY: Sarah Trustem

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

D. Reports:

City Engineer Craig Kubas updates the Commissioner on the following projects in City limits.

1. Project Updates

- a. I 94 Pedestrian Bridge and Trail- construction underway at exit 59
- b. Mill and Overlay -construction to begin soon with concrete removals
- c. Villard St. Road Diet and Lighting - Road diet to be complete by July
- d. S. State Ave. Water Main - construction to begin later this summer extending into early 2021

6. **PUBLIC WORKS**

A. Dickinson Rail Terminal Agreement

Public Works Director Gary Zuroff presents an agreement with Dakota Prairie Refining, LLC owns Dickinson Rail Terminal which is requesting connection to the City's municipal sewer system. He states wastewater connections that are outside the city limits are required to have an agreement and depending on the industry are also required to follow the Department of Environmental Quality pretreatment standards. DPR will be required to monitor the temperature, PH, suspended solids, and BOD. DPR will also be required to install a meter and will be charged the rates contained in the City's fee schedule. City staff recommends approval.

MOTION BY: Nikki Wolla

SECONDED BY: Carson Steiner

To approve the Dickinson Rail Terminal Agreement.

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

B. Apex Task Order for the Water Meter MIU Replacement Project

Public Works Director Gary Zuroff states the Utility Division has been working with Ferguson Waterworks on the replacement of meter interface units which have reached their battery life. City staff has been working with Ferguson and to date there have been @500 units installed but we need to increase the pace and complete a larger project to keep up with the failing registers. Ferguson has sent the City an agreement for the installation @5000 MIU's for a total price of \$325,000. The agreement does not have any start or completion date, the agreement does not include the registers and cellular collectors which will total another \$800,000. A project this size needs to include EJCDC documents especially a performance bond. There is also a need to include in the agreement a section on Covid-19 that will require the contractor to use a mask, gloves, and other required PPE's along with disinfection of areas touched when entering residential and commercial buildings. Apex would develop the addendum, incorporate the EJCDC documents, assist with Quality Assurance and Quality control, contractor coordination and verify pay requests as needed. This is a non-competitive type of project and an exemption from competitive bidding will be requested. City staff recommends approval.

MOTION BY: Sarah Trustem

SECONDED BY: Jason Fridrich

To approve Apex Task Order for Water Meter MIU Replacement Project.

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

Public Works Director Gary Zuroff states the City of Dickinson has been selected to be Tree City USA for the 27th year in a row. This is a great honor for the City of Dickinson to participate in. Dickinson has also got the growth award.

7. **PLANNING**

A. Final Plats

1. The Bluffs Addition

Planning Director Walter Hadley presents a request for a Final Plat of The Bluffs Addition on approximately 46 acres located in the SW ¼ of Section 8, Township 139 North, Range 96 West, and the NE ¼ of Section 17, Township 139 North, and Range 96 West to create 15 rural lots. The proposed plat is within the City of Dickinson ETZ along 8th Street SW in Stark County, ND. This item was heard under a public hearing by the Planning Commission at their meeting on May 14, 2020.

MOTION BY: Carson Steiner
Adopt Resolution 25-2020.

SECONDED BY: Nikki Wolla

RESOLUTION NO. 25-2020

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

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

2. Ridl Acres

Planning Director Walter Hadley presents a request for a Final Plat of RIDL Acres, a proposed 4 lot rural family subdivision in the SE ¼ Section 30, Township 140 North, Range 96 West, along 35th Street SW within the City of Dickinson ETZ, Stark County, ND. This property is west of the new middle school. They will be creating four lots and two additional homes on this property. This is quite exciting from a standpoint and wants to have the kids grow up in this community and to come back to this community. This item was heard under public hearing by the Planning Commission at their meeting on May 14, 2020.

MOTION BY: Jason Fridrich
Adopt Resolution 26-2020.

SECONDED BY: Carson Steiner

RESOLUTION NO. 26-2020

A RESOLUTION APPROVING FINAL PLAT ENTITLED RIDL ACRES SUBDIVISION, STARK COUNTY, NORTH DAKOTA

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

B. Special Use Permit – Sickler

Planning Director Walter Hadley presents Special Use Permit for the construction of a wedding venue/event specific facility on a 20 acre site located on Lot 1, Block 1, of the Sickler Subdivision along 33rd Street SW in the City of Dickinson ETZ, Stark County, ND. This item was heard under a public hearing by the Planning Commission at their meeting on May 14, 2020.

Commissioner Sarah Trustem states this is a much needed venue in the community.

MOTION BY: Sarah Trustem
Adopt Resolution 27-2020.

SECONDED BY: Nikki Wolla

RESOLUTION NO. 27 - 2020

A RESOLUTION APPROVING A SPECIAL USE PERMIT TO LENCI SICKLER AND JAIME SICKLER FOR CONSTRUCTION OF AN EVENT VENUE WITHIN AN AGRICULTURAL ZONING DISTRICT

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

8. BUILDING

A. Reports:

1. None

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

1. Public Hearing – Rezoning Petition – SW ¼ of Section 8, T139N, R96W, NE1/4

Planning Director Walter Hadley presents a rezoning petition to consider a zone change from Agriculture to Rural Residential for approximately 46 acres located in the SW1/4, Section 8, Township 139 North, Range 96 West, and NE ¼, Section 17, Township 139 North, Range 96 West along 8th Street SW in the City of Dickinson ETZ, Stark County, ND. This property is located adjacent to the golf course. This item was heard under a public hearing by the Planning Commission at their meeting on May 14, 2020.

President Scott Decker opens the public hearing at 5:03 p.m. Hearing no public comment the public hearing was closed at 5:04 p.m.

MOTION BY: Sarah Trustem
To approve first reading of Ordinance No. 1692.

SECONDED BY: Carson Steiner

ORDINANCE NO. 1692

A RESOLUTION APPROVING A SPECIAL USE PERMIT TO LENCI SICKLER AND JAIME SICKLER FOR CONSTRUCTION OF AN EVENT VENUE WITHIN AN AGRICULTURAL ZONING DISTRICT

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

City Attorney Christina Wenko states the second reading will include the legal description.

2. Public Comments not on Agenda

No public comments.

10. COMMISSION

President Scott Decker states he has gotten phone calls in regards to playing pool and throwing darts again.

Administrator Joe Gaa states that this was discussed at a staff meeting and states these establishments could open up with a plan. This item does not need to come to Commission and the City will write a letter to the liquor establishments.

Commissioner Carson Steiner states the State has given the guidelines already.

Commissioner Jason Fridrich states the blackjack is not open but pig wheel is open.

Police Chief Dustin Dassinger feels this issue is between the vendor and the bar owners and the best interest of the City to not intervene between vendors and bar owners. He states a letter will be written to the liquor license holders.

ADJOURNMENT

MOTION BY: Jason Fridrich

SECONDED BY: Nikki Wolla

Adjournment of the meeting at approximately 5:50 P.M.

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

OFFICIAL MINUTES PREPARED BY:

Rita Binstock, Assistant to City Administrator

APPROVED BY:

Linda Carlson, Deputy City Administrator

Scott Decker, President
Board of City Commissioners

Date: June 16, 2020