

**I. CALL TO ORDER**

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

**II. ROLL CALL**

Present were: President Scott Decker, Commissioners Nikki Wolla, John Odermann and Suzi Sobolik

Video: None

Absent: Vice President Jason Fridrich

**1. ORDER OF BUSINESS**

MOTION BY: John Odermann

SECONDED BY: Suzi Sobolik

To approve the February 2, 2021 Order of Business as presented.

DISPOSITION: Motion carried unanimously.

**2. CONSENT AGENDA**

MOTION BY: Nikki Wolla

SECONDED BY: John Odermann

**A. Approval of meeting minutes dated February 2, 2021.**

**B. Approval of Accounts Payable & Checkbook.**

**C. Approval of Citizen Interest Form for Library Board.**

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

Motion declared duly passed

**3. ADMINISTRATION/FINANCE****A. Dickinson Historic Preservation Historic Places**

Museum Director Bob Fuhrman presents a request for placing historical plaques on historical buildings. He feels this is a good idea to keep the Commission in the loop of events. He states there are nine other buildings that will be receiving these plaques. Director Fuhrman states the first two plaques will be on Fire Station #1 and Dickinson Public Library. He states Stark County Courthouse will have a plaque which will be placed on post in front of the building instead of placing on the building. This original program started in 2009. Director Fuhrman states there are a plethora of buildings in the downtown area that should be marked. He has done a walking tour of the historical buildings downtown.

MOTION BY: Suzi Sobolik

SECONDED BY: Nikki Wolla

To approve the placement of historical plaques on Fire Station #1 and Dickinson Public Library.

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

Motion declared duly passed

**B. Chapter 29 Amendment**

HR Coordinator Shelly Nameniuk presents changes to Chapter 29 which were mostly for clarification and consistency with some of the benefit changes that have already occurred. She reviews changes to the code.

Fire Chief Jeremy Presnell states the Fire Department did change from 27 days to 18 days and have eliminated Kelly Days. There is approximately 8 hours of OT per pay period with this new schedule.

Commissioner Nikki Wolla also points out some wordage cleanup for medical and dental bills.

MOTION BY: John Odermann  
To approve first reading of Ordinance No. 1709.

SECONDED BY: Suzi Sobolik

**ORDINANCE NO. 1709**

**AN ORDINANCE AMENDING AND RE-ENACTING SECTION TWENTY-NINE (29) OF THE CITY CODE OF THE CITY OF DICKINSON, NORTH DAKOTA, RELATING THE CIVIL SERVICE COMMISSION**

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

**C. Monthly Financial Report**

Accountant Robbie Morey presents the monthly financial report. The networking cash is \$66,663.79; investments are up a little – the reason for this is after the retirement board meeting the City made the full contribution for 2021. He updates the commission on the rest of the revenues to include 1% sales tax, occupancy, and others. He states he will be giving a year-end report for 2020 in March. He reminds the Commissioners that the report lags two months behind as this is when the City gets the revenue.

MOTION BY: Nikki Wolla  
To approve the monthly Financial Report as presented.

SECONDED BY: John Odermann

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

**D. Main Street Initiative Proclamation/Action Plan**

Deputy City Administrator Linda Carlson states the City plans on applying for Main Street Initiative Grant which would include updating the comp plan. This proclamation would allow for this action. Ms. Carlson also visits about the action plan of the Main Street which includes three pillars to make Dickinson a Champion community.

President Scott Decker reads the proclamation.

MOTION BY: Suzi Sobolik  
To approve the Main Street Initiative Proclamation/Action Plan

SECONDED BY: Nikki Wolla

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

City Administrator Brian Winningham states the Comp plan does need to be adjusted as the current population and services are not what the original comp plan includes. Also a new comp plan will set goals and allow the City to make better decisions on how development will occur and to provide services.

**E. Reports:**

**1. Risk Management 2020 Annual Report**

Risk Management Specialist Greg Beck informs the Commission on his job duties which include safety policies and procedures, development, implementation for employees. Mr. Beck does keep records of injured employees, watch for trends of concern, safety and insurance claims, damaged city property and other duties. His largest responsibility is motor carriers safety administration compliance. He is on call 24/7. He reviews the past five years for trending data and reports the incidents for 2020. He states there were only 2 injuries in January, 2021 and is hoping to keep this trend going. There have been no spikes in any one category and no loss injury in 2020. He discusses the year of service and service standards and the risk group for injuries. He states obstacles of incidents are the lack of paperwork. He states people are required to file an incident report within 24 hours and this is lacking. If the property paperwork is not filed in an appropriate time there is a penalty. He states the current system is cumbersome. Mr. Beck is looking for some other option to expedite this in 2021. He is hoping to update the drug and alcohol policy to match the

federal requirements. Mr. Beck's long term goals are to get learn WSI learning management system.

#### **4. PUBLIC SAFETY**

##### **A. Fire Department**

###### **1. Reports:**

None

##### **B. Police Department**

###### **1. January Monthly Report**

Police Chief Dustin Dassinger presents the January Police Department report. He states there were 1939 calls for service and the top 5 calls were for suspicious vehicle or person; warrants, traffic accidents, etc. He states traffic accidents were down due to the benefit of Mother Nature. There were 3 injury accidents, 17 hit and run and 472 total traffic stops. Chief Dassinger reports that the behavioral health had 65 total calls with 46 welfare checks. At this time there are 43 sworn officer positions, currently have 3 openings, 1 open in dispatch. Staffing was depleted in January. Chief Dassinger discusses patrolling and dispatch with calls for service of for 911 is 696. He states there is a young dispatch center. Chief Dassinger states hurdles are mental health related calls, volume drug and alcohol calls, lack of resources in community and asks for the Commissioners to please speak to the legislators.

Commissioner John Odermann questions the mental health calls compared to other calls.

Police Chief Dustin Dassinger states it takes time to transport someone to the hospital for review. He states often time is spent at the hospital in excess of two hours. Also calls can require two officers. The Policy Department is competing with other agencies for talented individuals for police officers. They are receiving application but are looking for individual that would make a good law enforcement officer with a good background. Chief Dassinger states it is a tough time right now with the City's salary and benefit package. Difficult time competing with other agencies in the City's back yard. Losing another one in March to BCI. The City of Dickinson is becoming a training for officers again.

#### **5. ENGINEERING**

##### **A. East Broadway Dam (City Project 202108) – Phase 1 Contract with Barr**

Interim City Engineer Loretta Marshik states this contract would be with Barr for Phase I of East Broadway. This contract would include data collection, Alternative Concept Designs and 30% Design of a Selected Alternative. Ms. Marshik states the dam considered a Low Head Dam, which can create dangerous conditions for persons utilizing the area for recreation. It is also in need of maintenance but the entirety is not known. Ms. Marshik states Phase I will help the city determine the best route for updating this. The Contract is invoiced at a standard hourly rate, with a not to exceed amount of \$65,196.50.

President Scott Decker states at one time it was the concept of not rehab this damn and to possibly open it up.

Interim City Engineer Loretta Marshik states that is one option. She states other dams have done some recreation but still keep the water election upstream and recreational. She states they would like to eliminate the dangerous currents.

President Scott Decker states if it was decided to move the water then there would only be a two foot wide creek. Possible dumping water into the river.

Interim City Engineer Loretta Marshik states Barr will bring some ideas forward to the Commission as that will be the starting point to get some estimates for budgeting and give the City a stepping stone to move forward. She states there are grants through the State Water Commission.

MOTION BY: Suzi Sobolik

SECONDED BY: John Odermann

To approve the contract with Barr for Phase 1 of City Project 202108, east Broadway Dam project.

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

6. **PUBLIC WORKS**

**A. Apex Task Order-Water Reclamation Facility Process Control Assistance**

Public Works Director Gary Zuroff presents a task order to provide on call services, technical assistance for the Water Reclamation Facility. Director Zuroff states with the return turnover Apex Services are required to assist operators with process analysis to ensure the facility can meet permit limits. Compensation is hourly but will monitor to assure we don't exceed 2021 Engineering Fees budgeted line item.

MOTION BY: Suzi Sobolik

SECONDED BY: Nikki Wolla

To approve the Task Order for water Reclamation Facility Process Control Assistance.

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

7. **PLANNING**

**A. Reports**

1. None

8. **BUILDING/CODE ENFORCEMENT**

**A. Reports:**

1. None

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

**A. Employee Appreciation**

Fire Chief Jeremy Presnell presents employee appreciation awards to Lt. Dustin Hofer and Firefighter Jared Rhode. He states they were called upon to create a high school academy for firefighters. He states this project as put on hold during Covid and now Lt. Hofer and Firefighter Rhode have worked diligently to get this program back into session in a short period of time. He states the State and many other fire departments want to use the program including an organization from MT. He thanks Lt. Hofer and Firefighter Rhode for their commitment and dedication.

President Scott Decker states he was talking about creating a regional training center and this is what he was speaking about. The city has employees with the expertise and knowledge and he has no doubt in his mind that the city's regional training center would be world class. Could be that the city would be out in the forefront and leading the way of training. He comments the two firefighters for doing a great job. He states the staff is amazing and the amount of knowledge he has no doubt that the city can harness that and become a regional powerhouse in training individuals.

Fire Chief Jeremy Presnell states a week before the class started there were only 3 students. The team at the fire department and recruitment video shot at the fire station was sent out and the class went from 3 to 19 and there are already 19 signed up for next year's class.

**B. Public Hearing – Municipal Code Amendment – Tobacco**

City Attorney Christina Wenko presents the tobacco code amendment for a second reading. She states this change pertains only to the requirements of the license. She states this change only applies to the license and not to individuals selling to minors. Ms. Wenko

states the city, retailers and SWDH staff had all reviewed this and have come with this recommendation.

Commissioner Suzi Sobolik questions if the employee only receives written warning if they already have had the training. She is wondering if further education would be beneficial.

City Attorney Christina Wenko states this ordinance change mirrors the liquor license ordinance. There is an entity keeping track of the training and those of in attendance. If the employee is fined the city would check to see if they received training or not and then the fine would be waived. Ms. Wenko states there are issues with employees and issues with employer licenses. The employee is cited for a Class B misdemeanor. The licensee would at that time have to provide the city with the information if the employee did have training or not.

Commissioner John Odermann thought this was only for the first offense. He feels if this person has had training already and knows they are selling to minor he feels the person should be given the fine. Also maybe a 30 day probation period to get everyone trained. He feels someone who has been trained should get a greater violation in terms of the law.

City Attorney Christina Wenko states that a person whom sells to a minor has a fine and/or 30 days in jail. The employer is responsible and based on the code is required to have the employee following the law. This is the reason that the ordinance was drafted mirroring the liquor license code. When the city had visited with the dealers they wanted this change to reflect the liquor license ordinance. She states tobacco training is provided online. Ms. Wenko states first time offenders, the city takes into consideration if the employee was able to get the proper training. She states there is some flexibility on the criminal side of things. She states the training is not mandatory but it should have some sort of benefits.

President Scott Decker opens the public hearing at 5:20 p.m.

Danielle Romanyshyn whom is the Environmental Health Practitioner from the SWDHU states the most effective way is to control the prevention of tobacco use. She states e-cigarettes are an epidemic. She states in 2019 North Dakota High School tobacco usage was at 35.5%. She states 90% of the adult smokers begin while they are in their teens or earlier. She states 2/3rds become daily smokers before they reach the age of 19. Lifetime smoking and or other tobacco use almost always begins by the time youth graduate from high school. Ms. Romanyshyn gives the Commission a brief update of the compliance checks and law enforcement along with the training. She states training is given by SWDHU and the people who trained were given a certificate which was good for 2 years. She states with the certificate, the employees were not given a fine, if they sold to a minor during compliance checks. She states in 2017 a letter was sent to all retailers of the free, online program for training. She states in December, 2019 the legal age to purchase tobacco was raised to 21 years old. She states the retailers at that time were reminded of the free online training. The first line of defense for youth and tobacco use are retailers. Ms. Romanyshyn states at this time the SWDHU would not be in favor of removing the violation, on the first-offense, for selling tobacco to a minor and the retailer not having a day of suspension.

Police Chief Dustin Dassinger states an employee would get cited and employer would get cited in the prior ordinance.

Tracy Tooz who owns Lucky's Liquor and Lucky's Convenience store does agree with Chief Dassinger for fining employees. He states closing down for one day does not only hurt the retailer but does also hurt the city with the tax revenue. He states sometimes employees sell even if they go to training. Mr. Tooz does not agree with the closure and would like to see the fines go way up.

Karen Goyne states the SWDHU would like to go on the prevention side of things. She understands the ordinance to follow the liquor license ordinance but her concern is getting the pass for the owners. She is thinking there should be an incentive for behavior as well. If employees don't sell and get message from their employer to take training and how to

follow the laws then maybe they should be given some incentive or reward for positive behavior. She would like to encourage accountability. She states at this time there are at least half of the high school students smoking, vaping or drinking. She states ND is #1 in the nation as far as bars per population. Ms. Goyne states there is one bar for every 1800 people in ND. She states the City should do something to change the normalization where alcohol and tobacco is.

Commissioner John Odermann does agree with incentives and the waiving of the fee.

City Attorney Christina Wenko states this would be a unique approach and feels this would require to do compliance checks. This is a very unique creative way to do it but probably cause more staffing concerns then to implement it.

Mr. Tracy Tooz states it is an incentive to us and training is really not that difficult and to have the staff trained. He states when their company receives the letter that the employee has received training they are given an incentive within the business.

Ms. Karen Goyne states SWDHU does have scanners to use and every liquor license holder can use them at no cost to them at all. Unfortunately she has heard and seen that sometimes the employee working will take their own ID and scan it and bypass the system and sell to a minor.

Police Chief Dustin Dassinger does like the city mirrored it after the alcohol ordinance. He feels this was a good compromise between the city, retailers and SWDHU. This is a good compromise in moving forward. Chief Dassinger states no matter how hard you education there will still be violations. At least they show the staff is being properly trained. He states these individual employees might be a liability to the employee and not the best line of work for them.

President Scott Decker closes the public hearing at 5:43 p.m.

MOTION BY: John Odermann SECONDED BY: Nikki Wolla  
To approve second reading and final passage of Ordinance No. 1708.

**ORDINANCE NO. 1708**

**AN ORDINANCE AMENDING AND RE-ENACTING SECTION 21.20.040  
OF THE CITY CODE OF THE CITY OF DICKINSON, NORTH DAKOTA,  
RELATING TO THE SALE OF TOBACCO PRODUCTS**

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

**C. Public Comments on Agenda**  
No public comment.

10. **COMMISSION**  
No Comments

**ADJOURNMENT**

MOTION BY: Nikki Wolla SECONDED BY: Suzi Sobolik  
Adjournment of the meeting at approximately 6:25 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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Brian Winningham, City Administrator

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Scott Decker, President  
Board of City Commissioners

Date: February 2, 2021