

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 Suzi Sobolik, John Odermann and Nikki Wolla

Absent: None

1. ORDER OF BUSINESS

MOTION BY: Suzi Sobolik SECONDED BY: Jason Fridrich
To approve the February 1, 2022 Order of Business as presented.

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

2. CONSENT AGENDA

MOTION BY: John Odermann SECONDED BY: Jason Fridrich

A. Approval of meeting minutes dated January 18, 2022.

B. Approval of Accounts Payable and Checkbook.

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

3. ADMINISTRATION/FINANCE**A. City Boards – Appointments**

City Administrator Brian Winningham states we currently have six members on the Planning and Zoning board and we now have four nominees. He recommends appointing three of the four nominees to Stark County for appointment and then have them appointed to the City’s Planning and Zoning Board.

Commissioner Jason Fridrich has spoken to the county and they plan to have one commissioner on the city’s planning and zoning board. There is no one on the county board that live in the ETZ.

City Administrator Brian Winningham states we would recommend these three applicants to the county for appointment to our board. If we extend the ETZ the four miles, we would need to have three people appointed to our board from the ETZ. The City would change the ordinance to make it in line with 9 board members. This would be better to have these nominations go forward to start the process. He recommends Aaron Johansen, Mike Schwab and Richard Haugen.

Commissioner Jason Fridrich would like to go to nine commission members and also, to leave a representative for the county. We should always have a county commissioner, a city commissioner, a park and rec representative, three ETZ representatives and the rest would be at large Dickinson representatives.

President Scott Decker looks at county planning and zoning as they are essentially county except for the commissioner from the city and county commissioner Franchuk. They have six and three

Commissioner Jason Fridrich notes, we have always had a representative from park and rec on the board.

City Administrator Brian Winningham states we will update the city code and then add onto the code up to nine commissioners. As we extend the ETZ, this gives three full ETZ members representation on planning and zoning.

MOTION BY: Suzi Sobolik

SECONDED BY: John Odermann

To approve the recommendation to Stark County for Aaron Johansen, Mike Schwab and Richard Haugen for appointment to the city’s planning and zoning board.

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

B. Beer and Wine On-Sale Liquor License – de Porres House of Barbering, LLC

City Administrator Brian Winningham presents a beer and wine on sale liquor license for the de Porres House of Barbering, LLC as per the change to the ordinance. Staff recommends approval after the process has been completed.

MOTION BY: Nikki Wolla

SECONDED BY: Jason Fridrich

To approve the beer and wine on-sale liquor license for de Porres House of Barbering, LLC.

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

C. Fire Truck Lease Agreement and Resolution

Accountant Robbie Morey states, the last commission meeting in January, the commission approved the bid contract from Pierce on the 100’ Rear Mount Platform fire truck. Upon the approval of the bid, the financing of the truck will be through PNC Equipment Finance. The terms are addressed in the tax-exempt lease purchase as a 10-year annual lease with a rate of 3.17%. The resolution addresses the city as the lessee and the authorized signers of the contract. City staff recommends approval. This option was chosen because of the discount on the fire truck.

Fire Chief Jeremy Presnell states there will be a significant discount of \$80,000 to finance through them.

MOTION BY: Jason Fridrich

SECONDED BY: Nikki Wolla

Adopt Resolution 02-2022

RESOLUTION NO. 02-2022

Municipality/Lessee: City of Dickinson, North Dakota

Principal Amount Expected to Be Financed: \$1,533,777.00 (not to exceed)

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

4. PUBLIC SAFETY

A. Fire Department

1. Reports:

None

B. Police Department

1. Reports:

None

5. ENGINEERING

1. Reports:

None

6. PUBLIC WORKS

A. Reports:

1. Town Square Update

Public Works Director Gary Zuroff gives a town square update. There are three prime contracts, Tooz Construction, Central Mechanical and Denny's Electric. The commission included the pergolas and alley. Total cost of \$4,152,887.82. Public Works Director Gary Zuroff states the latest town square project report includes footing and foundations, forms set for restroom, and heat. Mr. Zuroff states he is working through the contracts for commission. He states project managers can sign change orders under \$50,000. Mr. Zuroff discusses the process of project management to commission and vice versa. There has been some request for changes at this time. Requests are to increase the stage size and access, vehicle access to the site, real ice but not designed for this and power. Looking for direction from commission. Public Works Director discusses raising the stage to 30".

President Scott Decker questions, was not JLG not aware of what the intentions were for the City of Dickinson.

Public Works Director Gary Zuroff can only go off of what was bid and doesn't know what was discussed prior.

Commissioner Suzi Sobolik questions what is the concern with stage height.

Public Works Director Gary Zuroff states the concern is the stage is too low. It needs to be a minimum 30" in height.

Commissioner Jason Fridrich states he is frustrated. The intention was for the area to be used for First on First from the beginning. He does not know where that got lost in translation but, what do we do now as there is not enough square footage, the stage is too low and not enough power to supply any of the larger bands that we use at First on First. Mr. Fridrich states this is why the City hired an architect. The City hired JLG for their expertise. Frustration is quite large with them right now. They knew what we were going to use it for.

Public Works Director Gary Zuroff states the city needs to make it right. If this is the direction of the commission, Mr. Zuroff will go to JLG and see what is the minimum for the bands for First on First. He doesn't think power is going to be an issue. We will have it changed to how it is delivered. Stage height and railing are going to add up. If that is the direction from the commission, that is what the city commission wants.

Commissioner John Odermann wants to make it clear that it is not Mr. Zuroff's fault. I think it is important that it is clear.

Commissioner Jason Fridrich states the same type of questions cost of paneling a couple of months ago. He states they are experts and he doesn't remember seeing any kind of drawing that showed that the stage was 16" tall or square foot of the stage. He feels this is unfortunate that the city is supposed to be the experts and there is a good amount of trust that he has lost with JLG in this project. It seems one thing after another was overlooked. There are town squares around the county. Really disappointed on how this played out. He states JLG tells the City will fix it but we are going to charge you more, that is really frustrating. The city hired an architect under contract, you trust them, they screw up and now we will charge you more.

Public Works Director Gary Zuroff states probably should have gone through each item in town square and make sure what we wanted was what we are getting.

Commissioner John Odermann states this was lost in the conversation. Everyone associated with the city very cognizance based on what position we have in the city, if the people are talking to JLG or any construction firm, if there is any opportunity for them to misunderstand that person's authority to make decision. The City needs to be very careful about that. As a commissioner my words hold weight. Staff and Commissioners need to

be very cognizance that our words can hold a decision that the whole commission does not support.

Public Works Director Gary Zuroff will continue to tell his staff, if you say something to the contractor that is considered a request by the owner. The city wants to go through on owner rep as contractor can say the owner told me to. Mr. Tooz did bring forward zinc and aluminum. Talking to JLG this is critical in design and not the look they were going for.

Commissioner Jason Fridrich states JLG were to bring back alternates to save us money and that has not happened yet. The siding and other items. Mr. Mathern said that they will bring alternatives to save money and we have not seen anything. What I want is a town square within a budget and a descent town square and we have not had that presented yet.

Commissioner John Odermann asks for money saving items to be prepared tonight.

Public Works Director Gary Zuroff visits about the zinc versus aluminum but, no other discussions with contractor. Cost of raising the stage, he doesn't know those costs. Power he can't imagine would be more than a couple thousand dollars. This infrastructure is not designed for real ice.

City Administrator Brian Winningham states it is a multi-purpose space so we have to confirm back to the architect. It is a portable space. We would like that space for glice or if company to come in and do the same area with real ice then it would be a consideration. There are a few companies to do real ice with no other construction but willing for them to consider those options. Five options right now, stage height from 16 to 30", confirmation of power, confirmation if ice or glice, I thought from the pictures that we have access to the middle of the town square. Last one is the zinc panel. That is the total of five.

Public Works Director Gary Zuroff will visit with JLG and bring back the information for construction activities.

7. **PLANNING**

1. Special Use Permit – Dickinson State University

Planning Director Walter Hadley presents a Special Use Permit, for expansion of an existing parking lot previously approved by an SUP in 2004 for the DSU Heritage Foundation. The .92-acre site is described as: Lots 7-11, W 72' Lot 12, Block 37, Young's 7th Addition with an address of 230 8th Avenue West within the City of Dickinson, Stark County, North Dakota. This item was heard at the January 19, 2022 Planning Commission meeting with no opposition. The Planning Commission and City Staff recommend approval.

MOTION BY: Jason Fridrich
Adopt Resolution 03-2022

SECONDED BY: Suzi Sobolik

RESOLUTION NO. 03-2022

A RESOLUTION APPROVING A SPECIAL USE PERMIT TO DSU FOUNDATION FOR THE EXPANSION OF A PARKING LOT LOCATED ON

LOTS 7-11, W 72' LOT 12, BLOCK 37, YOUNG'S 7TH ADDITION

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

8. **BUILDING/CODE ENFORCEMENT**

1. Reports:

None

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

A. Employee Recognition

City Administrator along with President Scott Decker present Mark Selle and Dusty Grosoluk with the certificate of recognition for dedication of CPR and AD shock to a resident of the City of Dickinson to save his life.

Mr. Brent Seaks takes the chance to thank the life savers once again and he is in debt and thankful for the rest of the life. People should learn CPR and first aid. Forever an advocate for CPR and First Aid. Mr. Seaks is forever grateful.

B. Public Hearing - Rezoning - Dickinson Energy Park

Planning Director Walter Hadley presents a Rezone Request for a Zone Change from R2 Medium Density Residential to R3 High Density Residential for the .97-acre site, described as; Lot 4 Less 20.91' and Lot 5, Block 3 in North Industries First Addition, City of Dickinson, Stark County, North Dakota. This item was heard at the January 19, 2022 Planning Commission meeting with one adjacent property owner who raised concerns that were addressed in the forthcoming SUP request via conditions with the second reading of this ordinance, no other opposition. The Planning Commission and City Staff recommend approval.

President Scott Decker opens the public hearing upon 5:05 p.m. Hearing no public comment, the following motion is made.

MOTION BY: Suzi Sobolik
 SECONDED BY: Nikki Wolla
 To approve first reading of Ordinance No. 1743.

ORDINANCE NO. _____ 1743

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

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

C. Public Comments not on Agenda

None

10. COMMISSION

President Scott Decker states citizens are looking to purchase land to expand their operations. One of the areas discussed are adjacent to the Public Safety Training Center, adjacent to 8th Street and runs out to the golf course. President Decker would like to go forward to have the city do a master plan in that area so they can start that process and use some of the funds to help with the training center. President Decker has also asked Mr. Walter Hadley to bring forward the open lots for sale in the City.

Commissioner John Odermann agrees with President Decker, it would behoove us moving forward. Commissioner Odermann would like to have some economic development for TIFFS or other incentives to help get projects over the finish line for under developed properties. To have incentive into properties is a better use in those locations instead of just tearing them down.

ADJOURNMENT

MOTION BY: Suzi Sobolik
 SECONDED BY: Jason Fridrich
 Adjournment of the meeting 5:35 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:

Brian Winningham, City Administrator

Scott Decker, President
Board of City Commissioners

Date: February 15, 2022