

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 John Odermann and Commissioners Jason Fridrich and Suzi Sobolik

Telephone: None

Absent: Commissioner Robert Baer

1. PLEDGE OF ALLEGIANCE

Pledge of Allegiance said by Dickinson Boy Scouts

2. ORDER OF BUSINESS

MOTION BY: Suzi Sobolik

SECONDED BY: John Odermann

To approve the April 4, 2023 Order of Business as presented.

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

3. CONSENT AGENDA

MOTION BY: Jason Fridrich

SECONDED BY: John Odermann

A. Approval of meeting minutes dated March 21, 2023

B. Approval of Accounts Payable, Commerce Bank and Checkbook

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

4. ADMINISTRATION/FINANCE**A. Make-A-Wish Proclamation**

President Scott Decker presents the Make-A-Wish 2023 Proclamation. He reads the proclamation and proclaims April 29, 2023 as World Wish Day.

MOTION BY: Suzi Sobolik

SECONDED BY: John Odermann

To approve Make-A-Wish Proclamation for 2023.

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

B. Behavioral Health Summit/Vision West

President Scott Decker states the City supported the Behavioral Health Summit hosted by Vision West last year in June. This year it will be held in Dickinson in June. President Decker is looking for the support for the summit. President Decker suggests \$5,000 and this would include a booth at the exhibit and the city could use the booth to promote open positions along with activity in Dickinson. He states the Youth Commission was one of the favorites last year. The attendees enjoyed listening to them.

Commissioner John Odermann states since Dickinson is hosting this event possibly the city could bump the contribution up to \$5,000. He would also suggest the Youth Commission could man the booth at some time also.

MOTION BY: Suzi Sobolik

SECONDED BY: John Odermann

To approve the sponsorship of \$5,000 to the Behavioral Health Summit/Vision West for 2023.

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

City Attorney Christina Wenko presented changes to the tobacco ordinance which is the tobacco ordinance. These code changes are for the authority to sell tobacco. The city added the restriction of smoke and vape shop penalty which prohibits anyone under the age of 18. She states the city had also updated the definitions, compliance checks and increased the penalties for tobacco retailers. Attorney Wenko states the Federal Drug Administration does include E Cigarettes as tobacco as they have nicotine in them. There are no other changes from the first reading. Ms. Wenko states SRO officers and the Police Department will need to spearhead this with the high school and local tobacco holders. There is an administrative fee of \$100 for violations and allows the commission to decide if they would like to continue with a license for that specific retailer.

Police Chief Joe Cianni states there were very few comments and a very poor attendance of stakeholders so he feels the public has had the opportunity to speak.

MOTION BY: John Odermann
SECONDED BY: Suzi Sobolik
To approve the second reading and final passage of Ordinance No. 1772

ORDINANCE NO. 1772

AN ORDINANCE AMENDING AND RE-ENACTING ARTICLE 21.20 OF THE MUNICIPAL CODE OF THE CITY OF DICKINSON, NORTH DAKOTA, RELATING TO THE AUTHORITY TO SELL TOBACCO

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

H. Chapter 25 Amendment

City Attorney Christina Wenko present Chapter 25 amendment which relates to criminal penalties regarding sale of tobacco. The city has added and reorganized definitions, penalty of minors of smoke and vape shops. The age of carding to age 30. The city has also increased the fines for retailers for selling tobacco to minors.

Commissioner John Odermann questions if the State would pass tobacco lounges what changes will the code encounter.

City Attorney Christina Wenko states the city can be more restrictive if they chose to. She states the city will cross that bridge when and if this is approved. Conversation is open to ideas and to see how the change will affect the code and make the changes if the commission desire to do so.

MOTION BY: Suzi Sobolik
SECONDED BY: Jason Fridrich
To approve the second reading and final passage of Ordinance No. 1773

ORDINANCE NO. 1773

AN ORDINANCE AMENDING AND RE-ENACTING ARTICLE 25.06 OF THE MUNICIPAL 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

I. Solid Waste Operator II and Solid Waste Foreman Job Descriptions

HR Director Shelly Nameniuk presented a job description for Solid Waste Operator II and Solid Waste Foreman. She states the Solid Waste Foreman is a title change only and a Grade 13 to Grade 14. Ms. Nameniuk reviews the requirements and states the Solid Waste Operator II is a Grade 13 and non-exempt.

MOTION BY: Suzi Sobolik
SECONDED BY: John Odermann
To approve the Solid Waste Operator II and Solid Waste Foreman Job Descriptions.

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

Commissioner John Odermann thanks all of the Public Works employees for everything they have done. He thanks them for doing this work which was done in the light of abuse to the city staff from the Dickinson people who made gestures towards the city staff. Commissioner Odermann thanks them for sticking with the work despite all the gestures and staying professional.

Public Works Director Gary Zuroff updates the Commissioners on pothole work which has started on Level 1 and Level 2 roads. He states there are plenty of pothole material at this point. They have already used 9 tons of material on level 1 roads.

6. **PUBLIC SAFETY**

A. Fire Department

Reports:

1. Monthly Report

Fire Chief Jeremy Presnell updates the commissioners on the monthly report to include 163 calls for service in March which is a 40% increase in calls. The EMS calls for service is up 80% this month with drug overdoses and several CPR calls. Station #2 had 56% of the calls. The response times have increased slightly due to weather and hour of day. Chief Presnell states the department is going to use a little bit different siren on the new vehicle for EMS calls. They will be using a rumble siren to see if people will be more apt to pull over for the emergency vehicle. This vehicle is a white Dodge with lights and sirens. They are still waiting on further lights and decals. The Fire Department completed 1,142 hours of training and is working really hard to get the training hours up as it goes into the ISO rating and they are hoping to bring this down to a Class 2. This is one of the departments goals over the next year. They have had 84 routine inspections.

B. Police Department

Reports:

1. None

7. **COMMUNITY DEVELOPMENT SERVICES**

A. Sundance Coves Lighting Special Improvement District No. 202301-1

Engineering and Community Development Director Skluzacek states he has reviewed the Koch Meadows on their allocation from the special improvement district and hope this addresses the questions. He reviews the maps and where the lights will be installed.

City Attorney Christina Wenko states the payment is part of the amendment that came as an amendment to the Development Agreement. The next portion was to create a SID to move to the next step.

Engineering and Community Development Director Skluzacek states the total cost for lighting is \$516,000 dollars and to remove the \$150,00 for the contribution. He states the cost per square foot to light this would be \$.39 cents per square foot. Director Skluzacek state assessment could be looked at in either two ways; per square foot or equal allocations per lot. He states two tracts are uses for stormwater detention.

Commissioner John Odermann states this was not the homeowners screw up and was the city's screw up therefore the city will have to pay for their own mistake.

Engineering and Community Development Director Skluzacek state this was a miss from the city's standpoint but also a miss from Koch's also. He states the amendment to the development agreement was negotiated and signed in September. This project would be paid for out of GPT funding.

Commissioner Jason Fridrich states in his opinion that Koch's people had to pay and they got 100% from the property owners. Commissioner Fridrich states Sundance Coves will

He states as the weather starts to improve the permits will be billed. The Building Inspector II position, some adjustments are being made to the job description so it is made simpler and easier to read and still get quality applicants. There have been several Planner applicants at this time. A majority of them are from the upper Midwest. Director Skluzacek discusses projects which include the drainage ditch and erosion repair, Legacy Square, watermain and lead service replacement and 2023 road maintenance. Director Skluzacek states bids will be coming in 2023 for the Dickinson South Cemetery, North Industries water and sewer and Legacy Square Parking Lot. He states a handful of people showed up with the public improvement meeting for North Industries. He states there was a GIS upgrade and the GIS Specialist has been working with Public works for systems to track their work. Director Skluzacek states in the Engineering Team Hailey Richter whom was working as an Admin had taken an Engineering Tech position and now the admin position is vacant.

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

A. Chapter 23 Amendments

Police Chief Joe Cianni presents Chapter 23 Amendments to include animal control to take on parking ordinance. Chief Cianni does not have anyone designated at this time for the position but it will not be a sworn officer.

President Scott Decker opens the public hearing at 5:03 p.m. Hearing no public comment, the hearing is closed at 5:04 p.m. and the following motion is made.

MOTION BY: Suzi Sobolik

SECONDED BY: John Odermann

To approve first reading of Ordinance No. 1774

ORDINANCE NO. 1774

AN ORDINANCE AMENDING AND REENACTING SECTION 23.12.010 OF THE MUNICIPAL CODE OF THE CITY OF DICKINSON, NORTH DAKOTA, RELATING TO AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS

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

B. Public Comments not on Agenda

Jennifer Schaefer from SW District Health whom is the Tobacco Coordinator goes over the proposed changes to the tobacco ordinance. She is asking to add language to the ordinance which would address drive through tobacco sales and vending as this is would be struggling with sales to minors. She does not want to normalize this. She is hoping that Dickinson will continue to be a leader throughout the State of North Dakota and treating all businesses equally and protecting all businesses equally.

City Attorney Christina Wenko has reviewed this topic along with the City's zoning and she has not found any restrictions that would prohibit these types of sales. She feels that if they want to do some type of mobile unit it would require a Special Use Permit. Attorney Wenko states at this time the city's code does not prohibit drive through tobacco products.

Ruth Heley states she was at the library on March 14, 2023 and there was a display that stated to check these books out before they are gone. She states the legislatures want to remove some books. She states some videos and books would be banned. Ms. Heley states this display did disturbed her and asked why a public funded library would allow this display. She stated the library staff had removed the display in the afternoon. She feels the public should be able to decide what they want to see and what they like.

City Attorney Christina Wenko had discussed this with the Library Director and the display was taken down. Ms. Wenko states the Commission and the City will remain neutral in this process while this legislature works the process out. Ms. Wenko states this was what the advice she had given the library.

Ms. Kimberly Hoe states she had decided back in October to do the best she could for the library. She applied for the library board and was told that the director would get back to her. She has reached out to the new library director and they have met and have completed the application to be on the library board. Ms. Hoe does have many concerns about the library, programming and materials. She home schools and feels faith based communities are being left out.

Commissioner John Odermann states there was a shift on the approached of the library board appointments. He does apologize for the lack of communications to all applicants.

9. COMMISSION

ADJOURNMENT

MOTION BY: John Odermann

SECONDED BY: Jason Fridrich

Adjournment of the meeting was at 6:25 P.M.

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

OFFICIAL MINUTES PREPARED BY:

Rita Binstock, Assistant to City Administrator

APPROVED BY:

Dustin Dassinger, Interim City Administrator

Scott Decker, President
Board of City Commissioners

Date: April 18, 2023