

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 Robert Baer
Commissioners Jason Fridrich, John Odermann and Joe Ridl

Telephone: None

Absent: None

1. PLEDGE OF ALLEGIANCE**2. ORDER OF BUSINESS**

MOTION BY: Robert Baer

SECONDED BY: Jason Fridrich

To approve the January 7, 2025 meeting as presented.

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

3. CONSENT AGENDA

A. MOTION BY: John Odermann

SECONDED BY: Joe Ridl

B. Approval of Meeting Minutes dated December 17, 2024 and December 18, 2024

C. Approval of Accounts Payable, Commerce Bank and Checkbook

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

4. ADMINISTRATION/FINANCE**A. Annual Actuarial Services Agreement with Gallagher**

Deputy City Administrator Linda Carlson presents a service agreement which is from 1/1/2025 until 12/31/2025. This pension benefit statement is for all active employees. The standard individual calculations for the benefit will remain at \$350 per employee.

MOTION BY: Robert Baer

SECONDED BY: John Odermann

To approve the Annual Actuarial Services Agreement with Gallagher.

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

B. Public Comments Section

Deputy City Administrator Linda Carlson stated during the work session the Commission had discussed moving the public comment section in the regular agenda. Ms. Carlson presents the following: She states Item # 8 on the Commission Agenda is currently: Public Hearing and Public Comments not on Agenda. Staff recommendation to the Commission would change the Agenda Order as follows: Item 8# Public Hearings. Ms. Carlson states This would be held at the current 5:00 PM time slot, such items would include but not limited to: Pre-arranged Presentations, Swearing in of Officers and Oaths, Code Amendments, and others. After Public Hearing section – then Commission would go back into the remaining City Business items. The Public Comment Section would be Item #9 on the Agenda – Where public can comment on items NOT on the Agenda. There could be a time limit set if the Commissioners wish. Then follow with #10 Commission – any comments from Commissioners and then #11 Adjournment.

Commissioner John Odermann does like the change. He wants to be respectful of City staff, family and individuals to conduct formal business. He states public comment is open ended and out of respect for various departments he would like to see the public comment section changed.

Commissioner Joe Ridl would like to set a time when public comments are to begin. If the individual does have something to say then that should be listed on the agenda and then it would be a set time.

President Scott Decker states he does not have to have a set time as the items would be jumped over and gone back to after public comments. He states the City is having a lot of engineers are in the audience and sometimes they have to wait until 7:00 p.m.

Commissioner Robert Baer states that he did contact other cities and he states there are many of them that do not even allow public comment. He does feel that public comment sometimes get out of hand and items do not even pertain to the city. He states if a person wants to be on the agenda, they should contact the city by noon on Monday prior to commission meeting. He states a pre-arranged presentation needs to be included ahead of time. Also feels that the commissioners should not comment on public comments.

Commissioner Jason Fridrich states that public comments used to be at the end of the agenda. He does agree with all other commissioners. He states some people have to wait an hour to present. He does like moving it to the end of the agenda as it used to be. He is not in favor of putting time limits on people.

MOTION BY: John Odermann
To approve the move of Item #9 to public comments not on agenda and then commission comments.

SECONDED BY: Jason Fridrich

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

C. Findings for Demo Hearing

City Attorney Christina Wenko presents the Findings of Facts for 348 East Broadway. She states this statement of Findings of Facts is a result of the hearing. The owner will not be served and has 30 days to appeal. She states this property does have an accessory structure on the property. Once the primary residence is down the lot will become out of compliance. City staff will work with the owner to bring it back into compliance or either remove structure or demo it. The City does want to work with the individuals for the lot to become back into compliance.

MOTION BY: Robert Baer
To approve the Findings of Facts for 348 East Broadway.

SECONDED BY: John Odermann

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

D. Dickinson Recodification

City Attorney Christina Wenko presents a proposed ordinance change to essentially adopt the Municode. She is hoping within the next couple of months the Municode will be in place. She states this is a standards ordinance for moving forward in the adoption process.

MOTION BY: Jason Fridrich
To approve first reading of Ordinance 1814.

SECONDED BY: Joe Ridl

ORDINANCE NO. 1814

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF DICKINSON, NORTH DAKOTA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

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

B. 2025 Road Maintenance SID 202501-2

Engineer and Community Development Director Joshua Skluzacek presents the 2025 Road Maintenance SID 202501-2. The resolution that this includes is 47-2024 which now has changes to not include curb and gutter within the special improvement district. Also, the interest rate is listed at 3.7%. This intent is to modify and remove curb and gutter and the interest rate to 3.7%. Director Skluzacek states new letters will be sent to the home owners.

MOTION BY: Robert Baer
Adopt Resolution No. 02-2025.

SECONDED BY: Jason Fridrich

RESOLUTION NO. 02-2025

A RESOLUTION FOR THE 2025 ROAD MAINTENANCE PROJECT SPECIAL IMPROVEMENT DISTRICT NO. 202501-2 DIRECTING THE FILING OF AN ENGINEER’S REPORT REGARDING THE SAME, AND DECLARING THAT IT IS NECESSARY TO MAKE THE IMPROVEMENTS DESCRIBED THEREIN.

DISPOSITION: Roll call vote...Aye 3, Nay 1 (Ridl), Absent1
Motion declared duly passed

C. Highway 22 Traffic Signal Maintenance Agreement with NDDOT

Engineer and Community Development Director Joshua Skluzacek presents a highway 22 traffic signal maintenance agreement with NDDOT for a cost participation and maintenance agreement for highway 22. The cost participation is \$0 dollars for the project to the City of Dickinson. This agreement would be for intersection traffic cameras to allow emergency service vehicles through. These costs are accounted for in the 2025 Capital Improvement Program budget for this project. Engineering staff recommend approval.

MOTION BY: Jason Fridrich
To approve Highway 22 Traffic Signal Maintenance Agreement with NDDOT.

SECONDED BY: Robert Baer

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

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

A. Kleinwaechter

Attorney Sandra Kuntz is appealing a compliant that was filed on August 15, 2024. She states the issues at 900 block of 1st Street East is outside storage, parking restrictions, nuisance. She states this issue has been brought to the city staff. She was told they have the right to park for 48 hours. Vehicles consistently being stored on the public street. She feels this area should be screened. If it can’t be visible on the public right away then can’t be parking on the right away. She states this is inconsistent. She shows pictures of what it looks like every day and Ms. Kuntz states her client is out of patience waiting and continuing of violation of the city ordinance. It is unlawful to deposit rubbish, fluids, etc. on the street and this is also consistent of what you find. Misunderstanding by city staff, right to park for 48 hours that trumps the zoning ordinances. She is hoping to have figured on how to remedy this issue Ms. Kuntz states her and her client asked the city to enforce the city’s own zoning ordinance. Residents should not be able to expand beyond four corners of your own property. This is an ongoing situation and they are looking for guidance. There is no right to park for 48 hours. Ms. Kuntz presents several solutions to clarify the zoning ordinance. Outdoor storage four corners of your lot and screened. Outdoor storage may not be visible by public right away. The code needs to be enforced. She states this situation is not unique to 900 block of 1st Street East. This problem is around the community. Ms. Kuntz and her client are asking to change and clarify.

Commissioner John Odermann questions what the word storage means and what defines what is being as he is trying to see both sides. If that vehicle is overnight that would be

stored. Vehicle is affectively being stored if overnight beyond business hours. He is concerned of the violation of the yellow no parking.

Ms. Kuntz states the ordinance identifies what your zoning requires of commercial businesses and then it has supplemental regulation. Part of commercial district regulations.

City Attorney Christina Wenko states the definition of storage is within the code. What it means logically but not a specific definition.

Deputy Police Chief Matt Hanson visits about the 900-block 1st street east – 1 parking citation issued there, statistics – 21 calls on 900 block.

Commissioner Robert Baer questions on how this differs from residential from housing on one side and apartment complex on other side.

City Attorney Christina Wenko states zoning designation for that area and look at what the code would provide. Look at particular zoning designation is and what parking requirements are for that zoning designation.

Schwindt – building official – apartment against residential – required parking for off-street of apartment. They could park on street.

Commissioner John Odermann questions why only 1 citation. Hard to believe with 17 calls for service only 1 citation.

Deputy Police Chief Hanson states that are a valid question. He had jumped into this problem. Scene looked like a lot of storage overnight and started working. It is larger than just writing tickets. Worked with ownership with Schmidt transmission. Effectively can tow, realistically not solving problems. Working with ownership. Situation has greatly improved. North side does stay free and clear. Working with Remington Schmidt, vehicles are waiting for pickup. Typically, officers will go there and try to remedy this thing, they hang tickets on people dropping off vehicles. August 2024 seeing improvements. Tried to get a meeting together with Kleinwaechter, Schmidt etc. and Mr. Kleinwaechter resisted.

Commissioner John Odermann would like to see some resolution of this.

Attorney Kuntz states they are in violation, then enforce it.

Commissioner Jason Fridrich states this has been a problem for 22 straight years.

Commissioner Joe Ridl clearly, we have ordinances, nuisance and safety, if this has been going on and city staff has been notified how come it has never been addressed. Why is the city picking and choosing?

Building Official Leonard Schwindt states this building was built in 1957 – building does not conform to current set back. Customer parking – parking on street or storage – look at storage on residential 72 hours. Create ordinance to put campers on the street. Customer's parking. Not have seen any work on parking lot. Vehicles are coming and going. A lot of these vehicles are not there for more than three days. There is 48 hours is parking – after that time then it is storage. Private property is 72 hours.

Mr. Remington Schmidt states these are older photos. Maybe 6 or 8 vehicles on our side of the side. Fully operable vehicles to pick up. We don't have storage on the street to be worked on. If there is a vehicle dropped off to be worked on. It is picked up. If after hours the customer drops it off. We do tell customers not to park on yellow line. What more to touch on with things but are working on this problem. Try to average 6-10 vehicles a day in and out of the shop.

Mr. Anthony Kleinwaechter states there have been 27 vehicles on the street. Employees store vehicles on the street. Block my driveway. Completely worse over the past two years.

Attorney Sandy Kuntz questions why entire vacated alley is not available for them to put vehicles pending service.

D. Public Hearing – REZ-003-2020 North Energy Center Residential Rezone

City Planner Natalie Birchak presents a rezoning of a property located in the City’s Extra-Territorial Zone (ETZ), located in the East ½ of the East ½ of the Southwest ¼ of Section 16, Township 140 N, Range 96 W. The North Energy Center Residential Subdivision plat had been recorded with the Stark County Recorder’s Office in 2020. Planning staff determined the North Energy Center Residential minor plat was never brought before City Commission for final approval. Staff also determined public hearings on this item, as well as the following related items, were held before the City’s Planning & Zoning Commission on September 15th, 2020.

President Scott Decker opens the public hearing at 6:03 p.m.

Resident Tracy Tooz states this item had been lost during transition of old City Planner and new City Planner. The public hearing is closed at 6:04 p.m. and the following motion is made.

MOTION BY: Jason Fridrich
To approve first reading of Ordinance 1816.

SECONDED BY: Joe Ridl

ORDINANCE NO. 1816

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

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

E. Dickinson State University

Mr. Ty Orton whom is the Interim President for Dickinson State University visits about the ag building and arena update. The building is going to have 900 seats. The Ag building is classroom. DSU is planning on moving into this building in August, 2025. Potential renovations projects for DSU - \$48.5 million for updated facilities. There will be new programs such as a Master in athletic training. The plan is to tear down Selke but it is getting to the end of the life. 2025 spring semester has over 1400+ students. DSU has 220 employees and summer camp hosting 1000+ students. Residence hall are full. Mr. Orton reports there are 300 kids on campus and 800 kids living in apartments/housing. Renovations for DSU are the AG/TECH renovations; Woods Hall project. Cost about \$8,000 dollars a year to go to DSU. Events coming up TR Symposium; DSU homecoming 100 years of football celebration October 7-11; DSU give away – November 4, DSU HY Yuletyme – December 13. DSU gaming is at Final Final and Bernie’s Esquire. Thank you to the Commission. President search is open. Numerous people applying. Search closing in march. Hopefully on site 7/1/2025.

F. Dave Beaudoin Presentation

Mr. Dave Beaudoin states the condition of our solar system and sun is our main motivator. Changing time. Reviews the solar cycle. How we position ourselves in a time of change. The earth hasn’t been in a grand solar minimum for over 350 years. The nation has come to a stage of where the poles have flipped. Temperature goes down as the cycles change. Expect war. When the solar cycle changes, we get these changes, morality goes down, socialization goes down, economy goes down. Mr. Beaudoin states we are in a time of change where things are not going to flourish. Main concern is that we cannot be ready for cold weather in this grand solar minimum. In a 2028 we will be in a famine. We need to look at and be prepared for it.

President Scott Decker states the City has been working with emergency manager to beef up our electricity. It is all about the dollars. The City has petitioned multiple times to the State for different things. President Decker states Mr. Beaudoin needs to bring those ideas

to the legislatures. We have petitioned for backup systems and that is not one of their priorities at this time. President Scott Decker appreciates Mr. Beaudoin for bringing this forward to us. President Decker feels that the Governor at this time is concerned about the electrical grid.

G. Public Comments Not on Agenda

Mr. Ryan Messano states the society has become feminine. Everyone is free to make their own decisions. War and pandemics and climate changes are forcing us further into debt. Love of money is the root of all evil. Rights come before business. Plan on their way for WWII. This will be war on white America.

9. COMMISSION

None

ADJOURNMENT

MOTION BY: Robert Baer

SECONDED BY: Joe Ridl

Adjournment of the meeting was at 7:20 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, City Administrator

Scott Decker, President
Board of City Commissioners

Date: _____ January 21, 2025 _____