

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, and Joe Ridl

Telephone: Commissioner John Odermann

Absent: None

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

MOTION BY: Robert Baer

SECONDED BY: Joe Ridl

To approve the February 20, 2025 meeting as presented.

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

3. CONSENT AGENDA

MOTION BY: Jason Fridrich

SECONDED BY: Robert Baer

A. Approval of Meeting Minutes dated February 4, 2025

B. 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. Public Comments not on Agenda**

City Administrator Dustin Dassinger states there is a desire for the local government to be more accessible on topics not listed on the agenda. He states this is vital to the City and we are trying to build trust. He states the public comment section is very vital to the community. He would like to maintain integrity and value in the public comment. Administrator Dassinger states that public comment is not dialog or open mic. This is a public board meeting and not a meeting of the public. The purpose is to receive input on matters of scope of municipal business. The first amendment is freedom of speech.

City Attorney Christina Wenko gives an overview as previously discussed with City Administrator Dassinger. She states Administrator Dassinger to go through information as having a backbone of what is permissible and what is not permissible and what other cities are doing. This discussion is meant to be education and information based. Attorney Wenko reads the legal precedent and guidelines. Ms. Wenko states the right to access a public meeting does not include the right to address the governing body during the meeting unless a specific statute requires a public hearing: Procedures to be followed are left to public entity's discretion, may take steps to control decorum of the meeting, authorized to adopt reasonable rules and policies to ensure meetings are conducted in an orderly manner, if specific policies or procedures have not been adopted by ordinance, resolution, or bylaws, generally accepted rules of parliamentary procedure govern, i.e. Robert's Rules. She states it is implied right first amendment right to speak – right to access public meeting does not see the first paragraph. Century code and the AG's office have specific guidelines. She states the public does have the option at the Planning and Zoning to present. Take steps to control decorum. She would like to see reasonable rules and permitted actions to promote free speech. She visits about what other cities, counties and others do. They have the ability to set time manner restrictions on how the meetings occur or what information are presented at those meetings. She sees one thing that is most consistently requesting to address commission to comments or concerns are having to make a request to be on the agenda. Not unusual or out of line.

City Administrator Dustin Dassinger reviews expectations and this is not a knee jerk decision. He states during the last December work session discussion. He was to move forward with some policy or ground rules for public comments and present to commission for consideration. He states the person whom would like to speak would have to sign up to speak at the commission meeting.

Commissioner Joe Ridl questions if people whom want to speak at every meeting would have to sign up every meeting and know what they want to talk about.

Administrator Dustin Dassinger states the individual who would like to speak would have to state the reason or synopsis.

Commissioner Joe Ridl state then they would not be able to comment until next meeting.

City Administrator Dustin Dassinger states this is true.

Commissioner Robert Baer states that resident's main thing they don't like to sign up. It does not allow that to be spontaneous during the meeting. They might want to talk about. subject being discussed would they still have the opportunity to do it. Could be a little bit lenient on this registration. If something comes up during meeting, could they comment on.

Commissioner John Odermann states there is a certain amount of heartburn. If the other bullet points are put in place the first one is not necessary. All for discussion now. Like possibility of spontaneous feedback of someone that is not at the meeting. Hate to see that potentially lost.

City Attorney Christina Wenko states spontaneously coming up. Which are we talking about? Related to watermain and that is something for consideration then currently those are not up for public comment as it is an action item that we discussed or are you waiting for someone to come up and comment. Different than what is on the agenda.

Commissioner Jason Fridrich states he does not like the sign-up thing. Should be able to come and speak before us. These individuals should be citizens of Dickinson, none of the decisions affect the person if you are not citizen. Many times, things come up during meeting spontaneously or a question or comment and I think we need to have it that way. Limit to 5 minutes. Obviously, citizen of Dickinson; comments pertain the scope of this board and can be addressed. The rest are pretty basic.

Commissioner John Odermann agrees with Commissioner Fridrich. Like Ms. Wenko was going through what other cities do. Bismarck present, like allowing for opportunity for citizen to appeal to a commissioner and like to be on agenda.

Commissioner Joe Ridl questions the citizen of Dickinson. He states what about the people who live in the ETZ, they are not technically citizens of the City.

Commissioner Jason Fridrich states the issue is that there is some decision being made that is going to be detrimental opportunity at P&Z to have a public comment. They are notified when anything is going to affect them in 300 ft.

City Engineer Josh Skluzacek states that projects had federal funding they were obligated to have public engagement.

Commissioner Robert Baer states people that are residents in ETZ whether or not they should have a voice at city commission. Agree with Commissioner Ridl. He feels people in the ETZ are part of city. Residents should be allowed to speak on something on agenda.

President Scott Decker states the only scope in ETZ is land use and zoning.

Commissioner Jason Fridrich states there are public hearing at P&Z and if it passes there it is a public hearing at City commission before it is approved. I don't see anything else in ETZ, land use and zoning.

Commissioner Joe Ridl states building and codes control ETZ, if we are going to be policed in ETZ of land use but if my dad can't come to commission meeting and speak.

City Attorney Wenko states if this relates to land use City cannot do that as it is jurisdiction of county. Again, comes down to very limited circumstances as it relates to land use. Other city building and codes certain restrictions we do not address those. Related to land use specifically some times.

President Scott Decker states the general consensus is no sign up.

Commissioner Robert Baer has no problem with 5 minutes. Most people do not have a problem with that. Suggestions if difficulty speaking in project to write it down ahead time. Spontaneously write thoughts down to stay in time of 5 minutes. Not limit freedom of speech just make mindful of others and keep in timely manner. Group of people that they designate one speaker and keep within 5 minutes.

Commissioner Joe Ridl states 5 minutes would not be enough time. There are a lot of different topics and people can make anything sound good in 5 minutes. I personally don't think 5 minutes is long enough. Commissioner Ridl states who is going to deem if this is municipality business or not.

Commissioner Jason Fridrich states 5 minutes with the ability to extend is enough time to get your point across.

Commissioner John Odermann sees where Commission Ridl is coming from. I think that is why I am in favor to appeal to a Commissioner to put on the agenda it gives an opportunity for the Commissioner to be aware of and talk about. I really do think we need to look into an appeal process. If there is a Commissioner that has a citizen that doesn't have anything that pertains to the municipality. That is why people elected us to see if something is worth the time. If a Commissioner decides that someone want to put something on agenda then it should be potentially worth hearing. If one Commissioner feels it is city business it should be on the agenda. This item should be submitted prior to the agenda being created.

Commissioner Robert Baer states comments need to be something pertaining to issues under control of the city. If city does not control it then not on agenda.

City Administrator Dustin Dassinger states this is mudding the water. Public comments not on agenda, not talking about agenda items. Brought forth for commissioner or administrator that is currently happening as it is an agenda item. Items not on agenda is what we are talking about today.

City Attorney Christina Wenko states this item is getting meld the two together. Certain amount of common sense. Most part come in front of commission and be on agenda – it is related to city business. Unfortunately, some incidences that has not occurred. Situation if the city denied something and deem that appropriate that automatically gets on agenda. Common sense has to weigh in. City staff can put city items on agenda and if not, city business there is still recourse that is related to city business and then it would be put on the agenda.

Commissioner Robert Baer visits about the frequency of someone speaking on a topic. This is the one that goes back to comment I made previously having more than one comment. Individual should have one comment per subject. Someone will come up and talk about own personal issue and take it up then and then if there is another subject, they should be able to get up and speak.

Commissioner Jason Fridrich states for items on agenda or not on agenda. 5 people to come up and talk about 5 different things. Commissioner Fridrich states unless you are on the agenda there should not be a video or other visual aids or props. If you are not on agenda then no props. He also states the public can criticize us as a Commissioner and not personal. Right to criticize the job as a Commissioner and not as a person.

Commissioner Joe Ridl states if it is something as a commission, they should be able to tell us here but on a personal standpoint that should not be allowed.

President Scott Decker states a bill is going through legislature and it might change this.

City Administrator Dustin Dassinger states HB2180 would require public comments at meetings – school boards, other citizens and counties. In writing name and address; may limit time and speaker, develop public comment rules, pertinent of municipality. Cities and counties that do not provide public comment need to come up with procedures with a resolution.

Commissioner John Odermann thanks Administrator Dassinger for the time that he has spent on this topic and feels it is unfair for the employees to be was tasked with and addressing things discussed in legislature. Thank you for your time and energy that he put forth in this.

MOTION BY: Jason Fridrich

SECONDED BY: Robert Baer

To table the Public Comments and to present the policy as discussed at the March 18, 2025.

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

B. Recall Election Workers

Deputy City Administrator Linda Carlson visits about the upcoming recall election on March 11, 2025. She states the City needs to get all workers put into place. Ms. Carlson provides the workers list. Judges are Susan Westfall and Joan Heckaman whom are both city residents and will be paid \$21. Poll Clerks would be Ron Keller, Les Dykema, JoAnn Heiser and Peggy Meduna. They are all city residents and will be paid \$21 pe hour.

MOTION BY: Robert Baer

SECONDED BY: Joe Ridl

Approval the Recall Election Workers.

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

C. Monthly Financial Report

Deputy City Administrator Linda Carlson presents the Monthly Financial Report. She states sales tax is up. This is a reminder that these receipts are for January, 2025. Hospitality tax and occupancy tax is up more than 2024. Unfortunately, oil impact is under 2024 by \$208,715. The general fund revenue is 6% collected and 12% expended. Utility revenue is 8% collected and 3% expended.

D. HighRoad Partners

HR Director Shelly Nameniuk presents a contract with HighRoad Partners whom would like to rewrite the HR policies. She states while they were working on the grievance policies and procedure it was recommended that the City of Dickinson reach out to HighRoad partners for assistance. Michelle Krommer of HighRoad Partners has served on the ND Labor Commission and Commerce Commissioner and has been in HR for 20+ years. The cost would be from \$2,500-\$3,250. Director Nameniuk is looking for approval to move forward with this contract.

Commissioner Jason Fridrich questions if the changes would be seen by Civil Service prior to them coming before the Commission.

HR Director Nameniuk states these changes would be reviewed prior to coming before the Commission.

MOTION BY: Jason Fridrich

SECONDED BY: Joe Ridl

Approval the Planning and Zoning Board Appointments

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

E. HR Monthly Report

HR Director Shelly Nameniuk updates the Commissioners on the City of Dickinson's positions that are available, the ones in background phase along with the ones that have been filled.

5. PUBLIC WORKS

A. Hazardous Tree Removal Improvement District

Public Works Director Aaron Praus presents a hazardous tree removal improvement district resolution. This would allow citizens to remove trees and special assess the cost of the removal to their parcel for 10 years. This is a voluntary program. The Forester may assist the homeowner. This resolution has been reviewed by legal and recommend approval.

MOTION BY: Jason Fridrich
ADOPTED BY: Joe Ridl
Adopt Resolution No. 06-2025 with a 10-year assessment instead of 5-year assessment.

RESOLUTION NO. 06-2025
**A RESOLUTION CREATING HAZARDOUS TREE REMOVAL
IMPROVEMENT DISTRICT 2025-01 OF THE CITY OF DICKINSON AND
AUTHORIZING THE IMPROVEMENTS AND ASSESSMENTS**

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

6. PUBLIC SAFETY

A. Fire

No Report

B. Police

No Report

7. COMMUNITY DEVELOPMENT SERVICES

A. Master Service Agreement with Civil Science

Engineer and Community Development Director Joshua Skluzacek presents a Master Service Agreement with Civil Science, Inc. The benefits of having a MSA versus providing individual project contracts are; consistent terms and conditions regardless of the project, clarity to the obligations and rights of both parties which reduces potential conflicts, and reduced review time by staff for future project contracts. The City Engineering and Public Works staff recommends approval.

MOTION BY: Robert Baer
ADOPTED BY: Joe Ridl
Approval the Master Service Agreement with Civil Science, Inc.

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

B. 2025 Road Maintenance Engineering Contract Award to Civil Science

Engineer and Community Development Director Joshua Skluzacek presents a Task Order with Civil Science for the engineering services for the 2026 Road Maintenance project for an hourly not to exceed fee as specified in the task order of \$189,075.00. Three proposals were received for this project. Civil Science scored the highest combined score based on their proposal and interview for the project. Based on the current project needs, the plan is to include two bid packages under this project. One for the mill and overlay of streets, and the other for a chip and fog seal project. The scope of work would include preliminary engineering and field survey/evaluation of manholes, prepare the special improvement district documents, develop the plans and specifications, and bid assistance. The project

was included on the 2025 Capital Improvement Plan budget funded through Gross Production Tax. The City Engineering staff recommends approval.

MOTION BY: Jason Fridrich
Approval of Engineering Contract with Civil Science for the 2025 Road Maintenance.

SECONDED BY: Joe Ridl

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

C. 10th Avenue East – Villard to Museum Drive Contract Amendment with Moore Engineering

Engineer and Community Development Director Joshua Skluzacek presents a contract amendment with Moore Engineering, Inc. for engineering services for the 10th Ave. E. – Villard to Museum Drive project. This contract amendment is for the amount of \$12,530. There were three scopes of work that required some additional work beyond what was included in the original contract; Utility Coordination, New Department of Transportation Process Requirements, Two Curb Ramp Designs and Right-of-Way Agreements, Sidewalk Extension from 10th Street East to 12th Street East on East Side of the Road. This project was approved with the 2024 capital improvement project budget, and it is to be paid for using Gross Production Tax.

MOTION BY: Joe Ridl
Approval the contract amendment with Moore Engineering for 10th Avenue East – Villard to Museum Drive.

SECONDED BY: Robert Baer

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

D. Mann's Dam Engineering Contract Award with Barr Engineering

Senior Engineer Kris Keller presents a task order with Barr Engineering to perform initial engineering services for the Mann's Dam Project for \$6,000. Assist in applying for cost share funding from the ND Dept. of Water Resources and Project Scoping, Cost-Share Application, Basis of Design, & Cost Estimate. This information will be used to submit an application to the North Dakota Department of Water Resources for a 75% cost-share on the project. There were two proposals received for this project. Barr scored the highest combined score based on their proposal and interview for the project. The project is included in the 2025 Capital Improvement Plan budget and funded through Cash on Hand. The contract terms have been reviewed by the City Attorney. The City Engineering staff recommends approval.

MOTION BY: Jason Fridrich
Approval the Engineering Contract with Barr Engineering for the Mann's Dam.

SECONDED BY: Joe Ridl

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

E. DWR Cost Share Request of Approval Letter for Mann's Dam

Senior Engineer Kris Keller presents a letter of support for the North Dakota Department of Water Resources cost share application for the Mann's Dam. The letter will authorize the City of Dickinson to submit the project for cost sharing with the DWR. The project is included on the 2025-2027 DWR Water Development Plan which increases the probability of successfully being awarded the cost share. The General Water Management cost-share maximum is 75% from the DWR, and 25% from the City of Dickinson. This application is anticipated to be for \$135,000, and the City of Dickinson cost share is estimated to be \$45,000 for a total cost of \$180,000. The City Engineering staff recommends approval.

MOTION BY: Robert Baer
Approval Cost Share Letter of Request for Mann's Dam.

SECONDED BY: Joe Ridl

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

F. Queen City Damn Engineering Contract Award to Barr Engineering

Senior Engineer Kris Keller presents a contract task order with Barr Engineering to perform initial engineering services for the City of Dickinson Project Number 202310, Mann's Dam Project for \$6,000. The goal of this funding is assisted in applying for cost share funding from the ND Dept. of Water Resources. The purpose of the task order is to gather sufficient information and submit an application to the North Dakota Department of Water Resources for an 80% cost-share on the project. Two proposals were received. Barr scored the highest combined score based on their proposal and interview for the project. The project is included in the 2025 Capital Improvement Plan budget and funded through GPT.

MOTION BY: Robert Baer SECONDENED BY: Joe Ridl
Approval the Cost Share Letter of Request for Queen City Damn.

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

8. PUBLIC HEARING – 5:00 P.M.

A. Resume back to City Business – For Informational Purposes Only

9. PUBLIC COMMENTS NOT ON AGENDA

Mr. Ryan Messano states people see what they want to see. He states all information controls our minds and he is not from Dickinson but Dickinson is very hospitable. He is coming to warn from unpopular things which are unpopular. This hate stirred up by the Dickinson is the end result of all of this. It is better to be slapped with the truth than kissed with a lie. This is all very relevant. He states we are not recognizing that we are having our thinking controlling us. He states if the public does not have free speech, you have nothing. Mr. Messano does not threaten others and he does not expect to be threatened. The American citizens are being silenced. He questions why the public cannot use the video equipment as he pays taxes and to tell him that he can't say what he wants to say. He states the City would be in a much better position if they discarded this topic. This law is targeted towards people they don't like. The best decision would be made before God. Put citizens before God is not really a good look.

Mrs. Tonya Yorgensen whom is from Dickinson. She states everyone seems to be ganging up on Mr. Messano but that is not true. He has his own platform on social media and he has been making comments to racist groups. He said that it would take a lot of work to put the fear of God into him. That feels like a threat on a forum like that. I do have to have sympathy on people like this. He did not choose to be like this racist style of life as it did choose him and he is trying to do the best that he can right now. She questions if it is required by law to live stream.

President Decker states it is not required by law to live stream.

Ms. Ruth Heley thanks the Commission for allowing her speak. She feels this is currently a privilege to speak. She reminds the public that the cities reside in a republican community and the people are sovereign and have disbursed powers to our elected representatives. This does not allow the people to wash their hands from the responsibly of public governance. She states she disagrees with some of changes proposed to the public comments period of commission meetings. She does understand a balance needs to be allowed. She finds five minutes may not be sufficient time. The public relies on the opportunity to express their concerns. Ms. Heley does advocate for public speech. Ms. Heley visits about a recent library board. She states Commissioner Odermann spoke to a volunteer board member Ms. Ho in a divisive and inaccurate in his assertions without addressing the current issue. She states free speech should be used in a way that advances

discussion of the needs of the community and the elected public officials should be held accountable for their actions.

Mr. Jeff Ficek states there that he is no way endorsing certain individual's offensive as well as misplaced. Our founding fathers though it so important freedom of speech. Disturbing in new age this board is considering embracing policies and thoughts of the Biden administration. He states President Trump for free speech in every public form. He did this on day 1 of his presidency. That is the new policy of the US. Not all the information provided by legal is accurate. Board meetings are designated public forums. These do not allow limited time, items, and others. You cannot designate one way or other but there is more than one designated way. Stark county has no restrictions on free speech, no time limits, no registration forms they have nothing at Stark County commission meeting. He states that sign up requirements is an undue burden. Time limits are always deemed illegal. Thank you for moving public comments to the end of the meeting. He states the commissions are not exempt from listening to comments. Maybe after 5 minutes. Too many restrictions can be a problem. Regarding comments personal, abusive, I do not support the abusive, personal in nature is completely supported by the supreme court. Consider the last library board meeting. Reviews Ms. Ho issue. Mr. Odermann attacked Mrs. Ho in the meeting and stated she was not following the policy. Mr. Ficek states Commissioner Odermann accused her of not having them on the agenda. Commissioner Odermann blamed her for library addition delay. Mr. Ficek states that Commissioner Odermann actions were of a bully and unbecoming of any City Commissioners. Actions were abusing the situation today and creating limits on free speech. This is what personal address is all about. Liberty is so much more than security.

Commissioner John Odermann feels the Library Board needs to possibly have some reconsideration policy that they have talked about several times in the past but it was fairly well publicized that he addressed to Ms. Ho that Library Board members have no rights to bring books for consideration and that everyone needs to follow all the policies all individuals need to follow. Important that the Board have orderly meetings that stick to the agenda at hand. Those items were not spelled on the agenda and no one knew they were going to be discussed. He needs to know as the rest of the board what is on the agenda. Commissioner Odermann stands by his comments at that meeting.

Mr. Jeff Ficek urges people to go and watch that video and see what he said. People can judge for himself. The patron could not access that process fully.

Commissioner John Odermann states that was not an accusation. The Board spent a lot of time talking about a lot of time not on the agenda and we should spend more time on agenda. It was a general comment on how meetings were going and spending a lot of time talking about things not on agenda.

Mr. Dave Beaudoin does understand how freedom is and the rights we have to present to the Commission and how we need to figure out the future. He is thinking that we have a lot of debt. This is not helping out the citizens. This debt creates anger, hate and division. The City needs to clean this up. Everyone is going into a solar hibernation. Dickinson is a lot cleaner. Dickinson is a wonderful town. When we have kids here and in 10 years, they are going to have liberties. There has to be open discussion and other people can get up here and feel uncomfortable to speak and sometimes it takes time to express themselves.

City Attorney Christina Wenko states she spoke to a Stark County individual which was the Stark County States Attorney's office.

President Decker states sometimes employees and public officials do not have all information and need to forgive them when they do not know all of the information.

10. **COMMISSION COMMENTS**

A. None

11. **ADJOURNMENT**

MOTION BY: Jason Fridrich

SECONDED BY: Robert Baer

Adjournment of the meeting was at 6:45 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:

Dustin Dassinger, City Administrator

Scott Decker, President
Board of City Commissioners

Date: March 4, 2025