

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 Jason Fridrich, John Odermann and Joe Ridl

Telephone: None

Absent: Vice President Robert Baer

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

MOTION BY: Jason Fridrich

SECONDED BY: John Odermann

To approve the September 17, 2024 meeting as presented.

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

3. CONSENT AGENDA

MOTION BY: John Odermann

SECONDED BY: Jason Fridrich

A. Approval of Meeting Minutes dated September 3, 2024**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. Terri Thiel Retirement Announcement**

City Administrator Dustin Dassinger announces the retirement of Terri Thiel whom has been a dedicated and professional for 37 years at the Convention and Visitors Bureau of Dickinson, ND. Ms. Thiel shows leadership, financial management, and operational oversight. She will be greatly missed.

B. Civic Plus Engagement Contract

IT Director Aaron Meyer states in order to foster better community engagement, the City of Dickinson is aiming to subscribe to Civic plus's Mass Notification System. This system will allow city staff to engage in community wide as well as geotargeted notifications to citizens. Within the Communicator Unlimited SMS + Unlimited Emergency Voice Package, we will gain access to community notification tools that include but are not limited to: Multi-Platform Alerting, Multi-Channel Alerting, Geo-Targeted Alerts, Polling, as well as NOAA integrations for weather alerts, and white/yellow page integrations for emergency alerting. This package is expected to cost approximately \$13,000 annually and will serve as both an internal and community notification platform, thus replacing the Alert media (estimated \$5000-6000 Annual cost) internal system we use today.

MOTION BY: John Odermann

SECONDED BY: Jason Fridrich

To approve the Civic Plus Engagement Contract.

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

C. Proclamation – Extra Mile Day

President Scott Decker presents the Extra Mile Day Proclamation which is November 1, 2024. He states to take time this date to go the extra mile in your own life and to acknowledge others for making the world a better place.

MOTION BY: Jason Fridrich

SECONDED BY: John Odermann

President Scott Decker states that he has noticed an angulation in the roadway. He states you have to hold your teeth together so you don't bite your tongue off. Will this remedy be during the project? This is in the Shinagle area.

MOTION BY: Joe Ridl
Adopt Resolution No. 38-2024.

SECONDED BY: Jason Fridrich

RESOLUTION NO. 38-2024
A RESOLUTION CREATING THE 2025 ROAD MAINTENANCE PROJECT SPECIAL IMPROVEMENT DISTRICT NO. 202501-1, 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 0, Absent 2
Motion declared duly passed

B. 2025 Road Maintenance Resolution to Begin SID Process – 202501-2

Engineer and Community Development Director Joshua Skluzacek presents the 2025 road maintenance resolution to begin SID Process – 202501-2. He states this area is along 5th Street SW, East of State Avenue, South of Heart river. This would be for curb and gutter replacement and mill and overlay. These are some areas of where the crown in the roadway is insufficient. Total special assessment is 437,361.20. A portion of this is owned by the park district and there is no sidewalk in that area.

MOTION BY: Jason Fridrich
Adopt Resolution No. 39-2024.

SECONDED BY: Joe Ridl

RESOLUTION NO. 39-2024
A RESOLUTION CREATING 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 0, Absent 2
Motion declared duly passed

C. 2025 Watermain and Lead Service Line Replacement to Begin SID

Engineer and Community Development Director Joshua Skluzacek presents the 2025 watermain and lead service line replacement to begin SID. He states this would be for concrete replacement, curb, gutter, and sidewalk. The cost of the SID is \$911,242.60.

MOTION BY: Joe Ridl
Adopt Resolution No. 40-2024.

SECONDED BY: Jason Fridrich

RESOLUTION NO. 40-2024
A RESOLUTION CREATING THE 2025 WATERMAIN AND LEAD SERVICE LINE REPLACEMENT PROJECT SPECIAL IMPROVEMENT DISTRICT NO. 202503-1, 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 0, Absent 2
Motion declared duly passed

D. Development Agreement with K-Winn Holdings, LLC

Engineer and Community Development Director Joshua Skluzacek presents a development agreement of Lot 2, Block 1, Fisher’s 3rd City East. The lot is proposed to be developed with a cattle supplement processing facility which will require the watermain extended for both domestic water and fire flows. In 2022, the Fisher’s 3rd City East plat was approved by the City Commission and filed at the Stark County Courthouse. The plat included a 20-foot water easement along the west side of the property with the intent of extending the watermain to the cul-de-sac in the 21st Ave. East right-of-way to the north. There was a development agreement that had been started during the plat process, but it was never completed nor filed at the Stark County Courthouse. The cattle supplement processing facility has had construction delays due to the project cost escalations. The intent of the DA is to ensure the watermain to Lot 2, Block 1 of Fisher’s 3rd City East is constructed to support the new cattle supplement processing facility. Any future development in the area will still be able to utilize the 20-foot water easement along the west side of the property to extend the watermain. The city engineering and public works staff recommends approval.

MOTION BY: Joe Ridl
To approve the Development Agreement with K-Winn Holdings, LLC

SECONDED BY: Jason Fridrich

DISPOSITION: Roll call vote...Aye 3, Nay 0, Absent 2
Motion declared duly passed

E. Final Plat – Caden and Holly Tuhy Minor Sub

City Planner Natalie Birchak presents an application requesting the approval of a Minor Subdivision Plat for the Caden and Holly Tuhy Subdivision within the City of Dickinson’s ETZ. According to the applicant, the purpose of the proposed subdivision is to convey a parcel of land from the owner to the applicant to allow for the construction of a single-family residence. The lot is currently zoned Agriculture (AG), and the proposed subdivision is +/- 5 acres.

MOTION BY: Jason Fridrich
Adopt Resolution No. 41-2024.

SECONDED BY: Joe Ridl

RESOLUTION NO. 41-2024
A RESOLUTION APPROVING FINAL PLAT ENTITLED
CADEN AND HOLLY TUHY SUBDIVISION
STARK COUNTY, NORTH DAKOTA

DISPOSITION: Roll call vote...Aye 3, Nay 0, Absent 2
Motion declared duly passed

F. Final Plat – Moore 1st Subdivision

City Planner Natalie Birchak presents an application requesting the approval of a Minor Subdivision Plat for the Moore 1st Subdivision located City of Dickinson’s Extra-Territorial Zone. According to the applicant, the purpose of this subdivision is to convey a parcel of land to his grandson to allow him to construct a single-family residence. The lot is currently zoned Agriculture (AG), and the proposed subdivision will be +/- 5.22 acres.

MOTION BY: Jason Fridrich
Adopt Resolution No. 42-2024.

SECONDED BY: Joe Ridl

RESOLUTION NO. 42-2024
A RESOLUTION APPROVING FINAL PLAT ENTITLED
MOORE 1ST SUBDIVISION
STARK COUNTY, NORTH DAKOTA

DISPOSITION: Roll call vote...Aye 3, Nay 0, Absent 2

Motion declared duly passed

G. Special Use Permit – Geo Chem

City Planner Natalie Birchak states Geo Chemicals, LLC is applying for a Special Use Permit on a property located at 4637 West Villard. The special use permit will be for the storage and distribution of oilfield chemicals along with the daily operations of their business. They are currently operating at 2367 West Villard and have communicated that the operations as they can be observed at the current site should be expected to be no different from those at the 4637 West Villard location. They will store chemicals which have been listed in the chemical inventory in accompanying attachments, on site in pails, drums, and totes. No bulk storage tanks are being proposed.

MOTION BY: Jason Fridrich
Adopt Resolution No. 43-2024.

SECONDED BY: Joe Ridl

RESOLUTION NO. 43-2024

A RESOLUTION APPROVING A SPECIAL USE PERMIT TO GEO CHEMICALS, LLC FOR A CHEMICAL STORAGE FACILITY LOCATED AT 4637 WEST VILLARD, DICKINSON, ND IN THE EXTRATERRITORIAL ZONE

DISPOSITION: Roll call vote...Aye 3, Nay 0, Absent 2

H. Special Use Permit – Sisters’ Chocolates

City Planner Natalie Birchak presents a special use permit. The applicant is requesting approval of a Special Use Permit for a home-based business/home occupation for a small-scale commercial chocolate production to be entirely contained within the residence at 860 20th Street West within the City of Dickinson. The property is currently zoned Low Density Residential (R1).

MOTION BY: Joe Ridl
Adopt Resolution No. 44-2024.

SECONDED BY: Jason Fridrich

RESOLUTION NO. 44-2024

A RESOLUTION APPROVING A SPECIAL USE PERMIT TO SISTERS’ CHOCOLATES FOR A HOME BASED/HOME OCCUPATION RELATED TO THE COMMERCIAL PRODUCTION OF CHOCOLATE AT 860 20th STREET WEST, DICKINSON, ND

DISPOSITION: Roll call vote...Aye 3, Nay 0, Absent 2

I. Construction Manager At-Risk Contract Negotiation – Museum, Library and Baler Building Explanation

Project Engineer Kris Keller requests the Commission’s approval to enter into negotiations with JE Dunn Construction for a Construction Manager at Risk contract on behalf of the City of Dickinson for the Library, Museum, & Baler Building Expansions. There is no cost on the preconstruction of the CMAR and the city is doing this to make sure that they are transparent and full disclose what is occurring with the project. After negotiations are concluded and reviewed by legal team a contract will be presented.

MOTION BY: Jason Fridrich
To approve the negotiations to take place for a CMAR

SECONDED BY: Joe Ridl

DISPOSITION: Roll call vote...Aye 3, Nay 0, Absent 2

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

A. Appeal – Paige Worley

President Scott Decker asks the Worley’s if they had any additional information and what happened in that area. He asks if they had anything further to add? Winn Construction did curb, sidewalk and gutter and approach. He states that Winn Construction would not have a subcontractor do a work for the City.

Mr. Phillip Worley states he took some photos of the sidewalk curb and gutter along dell avenue and it shows stamps where the concrete was stamped by Winn in 2021 and pieces of sidewalk that was put in by Gustafson in 2022.

Building Inspector Blaine Dukart states that in 2021 mill and overlay was done by KLJ Engineering firm contracted and email and no director given on change order from. Building Inspector Dukart reads the code updates and the years and ordinances. Neither homeowner or contract applied for application or locate. If the City was not notified of the pad. Dukart states in 8/12/2024 Mr. Worley appeared in front of BOA for variance request to allow parking outside of parking near driveway. No parking in front yard. Mr. Dukart states that this was not one of our projects. Mill and overlay were 2021. Mr. Dukart states Building and Codes is asking for the Commissioners support of the removal of the concrete pad and return to landscape. The pad cost \$3,600 according to local concrete pourers. Mr. Dukart states the pavers are not previously covered.

Commissioner Jason Fridrich states someone had to put the curb and gutter in.

Commissioner John Odermann states the curb cut put in there and according to their testimony they have been in there for 10 years. Only noticed this once concrete slab was in. They were violating this previously.

President Scott Decker states there are mistakes all the way around. The timely manner we are addressing these things especially this was done in 2022.

The Worley's state they only got a letter in 2024. He states Winn poured that curb and gutter. It is the same color and style.

Mr. Dukart states that MDU doing some work in 2022. Apron was poured at that time.

Al Schoch states usually when you do a curb, sidewalk for the City usually you have a stamp in a certain distance, there should be whoever did that curb and gutter. I haven't been back there to check to see the stamp right where the sidewalk is where we poured the driveway, in the sidewalk but nothing in the curb. I don't believe this is happening. When Mr. Schoch poured a driveway, a permit was never needed and now a you need a permit for a driveway. What's going on in the City, some guys are and some guys are not doing it. When Worley called and asked me to give them a bid for back patio, driveway existed where I parking my jeep all the years and there was driveway and so I poured it. Patio block and said that we can't pour that either as that is part of the city, so many feet to get to the back driveway. Curb, gutter and sidewalk is in city. We didn't pour in the City's right away

Commissioner Jason Fridrich states that anything in the right away you have to have a permit.

City Engineer Josh Skluzacek states MDU acknowledgement that they were working in this area with the City's knowledge.

Commissioner Jason Fridrich states if the City allows them to keep this slab you wouldn't be able to park there. You are limited to the width of your garage. It used to be smaller than that actually. There is a permit for accessory drive way. Even if the city would allow you to keep the pad you wouldn't be able to park. If we allow you then we need to allow everyone.

Mr. Worley states they have been parking on that pad for 9 years.

Building Official Leonard Schwindt states the City code allows for off street parking spots for 2 spots. Parking is always on the garage side. General provisions process of adoption

of the code, purpose or zoning ordinance to service the public and its jurisdiction, etc. ordinances intended to benefit the public as a whole. Board of adjustment denied the appeal. Now they are at the commission appealing. Staff is asking for adherence to the code. Parking pad removed and return to land scaping space.

President Scott Decker states for 9 years they parked there and no one complained and we didn't drive by there and see a jeep and the previous owner parked there and no one complained and we didn't site them for parking there.

Building Official Schwindt states non-conforming uses do go away. Address those as a case-by-case basis. The City only had 2 code enforcement officers. In the past code compliance was put on back burner. Now the City is looking for violations and people parking campers in front of homes they are addressed in the same manner. Finding properties out of compliance and having being tasks to have property come to code. I do not mean that the commission would not allow more staff so it is their fault.

Commissioner John Odermann states if they go back to previous, they would need to go to the previous gravel driveway. Should they take the apron out also.

Building Official Schwindt states there was no locate, no permit applied for, this is a parking pad and ordinance in place. Over 23 years to create the parking pad next to garage allows more parking on their property. allow vehicles to be taken off of street and allows for visitors. If you are actually following the code of where to park and pad there will be no problems. Not a common event.

Commissioner John Odermann states if they didn't put that in and Mr. Schoch said he poured the slab. The way he looked at this is that he poured a parking pad. If the City states they have to tear out and put a previous land scaping which is gravel. People have put parking pads next to garage and still hear from the city. The city called and asked them to tear out. Do they have to take the apron out?

City Engineer Skluzacek states since the fact that the ordinance is specific where they cannot park in front of the house anyways, I wouldn't necessarily be opposed to leaving the apron there as they are not supposing to be parking there anyways. Most cost if remove the slab and not park there anyplace.

Building Official Schwindt there are aprons around the city without parking pads. These aprons were installed without a parking pad permit also. All permits are all online.

Commissioner Odermann questions would you have poured the pad and without apron.

Mr. Worley states with the apron being it wouldn't have happened if that hadn't been there. Mrs. Worley states all they were doing was improving our yard.

Commissioner Jason Fridrich states look at curb next to it. Look at color of apron that is fresh concrete and not existing curb before. In 2021 high back picture of curb. In 2022 it was changed. Reiterate even if we let you keep your slab, you still can't park there, it is against our ordinance.

Mr. Schoch states he has been going to the city for curb and gutter, ask about driveway no permit. Why would I pull a permit on that driveway? If I would have needed a permit and I never got one. I would have got one.

Dennis Miller states he lived in 1st Street West, Dickinson ready mix, when he put his businesses in, he had to put them in so there is no dust. Why you can't follow other ordinances. Examples – certain business in town you don't have to have concrete, so many trees and not done. Too much picking and choosing in the city. Follow for everyone and not just some. Go to Able they can't go outside because there is so much dust. Fixing the

city and it is time to do something about this. Mr. Miller feels that the City is picking on the little guy as there are a lot of driveways in town this same way. If we are going to be fair, we got to be fair.

Cindy Miller states when my husband started his business, he had to have a street poured. East end – there is no street. They are coming into our private property and going around barricade to go to east end. NW Tire, when we put it in, we had to have curb, side, gutter. As you deal with these here and you just had the extra mile day, give them a break, what are we picking on here.

Commissioner John Odermann state that he sees this as we are standing by a tree; low hanging fruit and more important ones are at the high end. We happened to drive by and we are going to tear it out. Commissioner Odermann sees what Mr. Worley is saying, otherwise like this all over town. I can understand what Mr. Miller is voicing, the City is just picking the low hanging fruit. Frustrated, park here for 9 years and previous owners since the 70's. now we are going to enforce it.

Commissioner Joe Ridl agrees with Mr. Odermann 100%. US constitution 14th amendment. Would this qualify under private property rights.

City Attorney Christina Wenko states the City has certain ordinances in place. This allows the city to govern. Taking situation anyways. City is just giving guidance on how it is utilized. City does have authority to consistent and congruent throughout the city.

Commissioner Ridl with this pad in there, what is it actually affecting the storm water drainage and is it causing problems for drainage. To me if it was a gravel parking pad and now concrete and water shed what is the difference. Any runoff of this concrete pad will improve without having any gravel run down the drain.

Dave Ouellette this is the first I ever heard of this. This happened but the more I listened I feel like that we can sit here all night and pros and cons, with this being happened this was poured in 2021, talking about years ago, how you could do that because if you do that you are going to have to go around town and make every person tear it out. Is that going to help anything in the city? This does bring alert and does not give an option for anyone to do that. Parking, don't think they can still park there, you cannot park in the front yard. Can't make them tear it out. Going forward these codes cannot be broke, but what happened in he past be done with it and do the things right away from now on.

City Administrator Dustin Dassinger states it is a combination on both errors, shame on us for only catching us and the Contractor and home owner should have gotten a permit. Point better educating contractors and home owners need a permit, it is free, locate is obtained, very difficult to make them remove it right now but would not be able to park there now. Enforcing them to remove it would be the wrong time. Educating contractors and home owners. Permits for safeguard life and property.

President Scott Decker states it is errors on all parts. We are their appeal court for a reason and sometimes make hard decisions and sometimes we have to look at extending circumstances. A lot of things happened here that don't make sense to me but we have a board of appeals and we are the appeal board. All of sudden came to our attention.

MOTION BY: John Odermann

SECONDED BY: Joe Ridl

To approve the appeal and issue permit for \$0.

Commissioner Jason Fridrich states the City is going to allow them to park there. If it a larger vehicle parking there and the neighbor can't see when backing out. Reason for ordinances.

usually no place to park in the front of the building. He discusses his fence issue again and states the proposed homeless shelter is too close to a school. He feels the homeless people are probably not upstanding citizen.

Omar Mendoza of Los Cabos does not feel the homeless shelter should be located in the proposed area as that is too close to children, family restaurant, dentist office and other places. He feels the family is not going to be safe around the shelter. He questions who are these people are they doing drug, alcohol, etc. He states pretty soon Dickinson will look like New York and no one is going to be safe around the area and then the school is around the corner. He states if this becomes a shelter, he will not have Los Cabos stay there, they will move as it is not safe.

Bonita Sasse states the city needs homeless shelter for veterans in the state of ND. She states ND has 200,000 veterans in ND. Ms. Sasse states if the Commission does not think there are homeless people in the city, they are badly mistaken. She said we are all one step away from homeless.

Bill Rothstein states if Dickinson does get a homeless shelter this is not going to fix all the problems with drugs, etc. The concern is that it is hard to look at someone whom is out in the -20-degree weather. He states his biggest concern is staff, specialist and location. He does live close to this area and doesn't think this is a good location. He asks the Commission to be aware of what this requires.

Duffy Meyer whom owns a business right next door sees it as a problem. She states these people can stay in a homeless shelter long term. She is asking what is really being proposed here and will they stay 30 days or 3 days. She states several of her patient's state that they will not allow their children to walk to her business from the school if they have to walk by the hotel. She states not everyone whom is homeless is bad. IF the community was more informed, they might be more comfortable. She has several children in this area. She is questioning the rules about schools and sex offenders and having the homeless shelter so close to the school.

Commissioner Jason Fridrich states that all the change in the code was basically put something in the zoning code that would cover a homeless shelter and not actually put one in. The City has to look at the application if someone applies first.

City Attorney Christina Wenko states there will be certain conditions and requirements that have to be adhered to, site plan process when the applicant comes in. At this time there has been no application. The application has to meet all these boxes. Obviously if there is a situation, sex offender, those are other rules that apply in this situation that need to be taken into consideration.

Commissioner John Odermann states federal dollars also have some stipulations. Dr. Bear is scheduling community meetings. He states these are really good questions about the rule and staffing model and encourages the people to come to the community meeting. Also, some of these people need to sit down with the city staff and talk about the Dickinson Inn to meet the stipulation of the code.

Duffy Meyer states the building does not meet ADA requirements

Commissioner Jason Fridrich states that it does meet ADA requirements.

Tory Barnum whom is formerly an F5 Project manager states homeless is a hidden crisis, issue shrouded in shame and many do not see it daily. He states many suffer from homelessness. Every individual is different. He has worked with all walks of life in the past two years. These people desire a better life for themselves. There is no hub for people in this community that need guidance. Dickinson has the opportunity to succeeded. He states to make Dickinson for all of us and not for some of us.

Bret Messel states that in 2000 his mother started a homeless shelter and her team went through Community Action and rented minimal rooms across from Paragon and she would

rent them rooms through grants for a month at a time. When she left Dickinson, this shelter went away. He questions whether the Armory could be a homeless shelter.

Robert Kern whom lives on Hillside Drive states he is not against a homeless shelter but urges Congress to take care of the veterans. He feels putting it across from a bar, 2 block away from a liquor store and by a school will tempt people. He cannot see a shelter near a preschool elementary. He feels there is a lot more places that would be better than this one that is chosen at this time.

Commissioner John Odermann left the Commission Meeting at 6:50 pm.

9. COMMISSION
A. No Comments

ADJOURNMENT

MOTION BY: Joe Ridl

SECONDED BY: Jason Fridrich

Adjournment of the meeting was at 7:40 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: _____ October 1, 2024