



Commissioner Jason Fridrich states he is glad to see there are many applications and is hoping to have make some good hires.

**5. PUBLIC WORKS**

**A. ND Dept. of Environmental Quality Loan Application**

Public Works Director Gary Zuroff presents a resolution that authorizes the filing of an application to the ND Dept. of Environmental Quality for a loan under the Clean Water Act. Environmental Compliance Specialist Leah Upchurch will coordinate and work with the SRF group on the loan for Cell 3-B 5 which is currently up for bid.

MOTION BY: Jason Fridrich  
Adopt Resolution No. 15-2023.

SECONDED BY: John Odermann

**RESOLUTION NO. 15-2023**

**RESOLUTION OF GOVERNING BODY OF APPLICANT**

Resolution authorizing filing of application with the North Dakota Department of Environmental Quality for a loan under the Clean Water Act and/or the Safe Drinking Water Act.

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

**B. Apex Engineering Task Order -Water Reclamation Facility – Facility Plan**

Public Works Director Gary Zuroff states the City of Dickinson Water Reclamation Facility (WRF) has been in operation for approximately 10 years of the 20-year design life. Although the facility has been operating well, analysis of various components is required to proactively plan for future operational and equipment needs: capacity, solids handling, electrical, controls and reuse supply. This Facility Plan will allow the City to budget capital improvements needed in the future and will satisfy the requirements for State Revolving Fund (SRF) funding. Director Zuroff states that the City is using one person all summer to apply and this project has been difficult to complete it all until the fall. With the proposed increased of wastewater, we are looking to the next phase.

MOTION BY: John Odermann

SECONDED BY: Jason Fridrich

To approve the Task Order 2023-03 for Water Reclamation Facility – Facility Plan

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

**6. PUBLIC SAFETY**

**A. Fire Department**

**Reports:**

None

**B. Police Department**

**Reports:**

None

**7. COMMUNITY DEVELOPMENT SERVICES**

**A. Special Use Permit – 3936 6<sup>th</sup> Avenue East**

City/County Planner Steven Josephson presents a request for a Special Use Permit for a Home-Based Business/Home Occupation to be located at 3936 6th Avenue East in the City of Dickinson's Extra-Territorial Zone. Both the Planning and Zoning Commission and Development staff recommend approval subject to conditions.

Commissioner John Odermann commends the application for going through the proper SUP process.

MOTION BY: John Odermann  
Adopt Resolution No. 16-2023.

SECONDED BY: Jason Fridrich

**RESOLUTION NO. 16 - 2023**

**A RESOLUTION APPROVING A SPECIAL USE PERMIT TO BUBBLE & PAW LLC FOR A DOG GROOMING FACILITY LOCATED AT 3936 6<sup>TH</sup> AVE EAST, DICKINSON, ND**

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

**B. Special Use Permit – 990 3<sup>rd</sup> Avenue West**

City/County Planner Steven Josephson presents a request for a Special Use Permit for an expansion of an existing group day care located at 990 3rd Avenue West in Dickinson, North Dakota. Both the Planning and Zoning Commission and Development staff recommend approval subject to conditions. The daycare provider is expanding at this site and is following state regulations and could be expanded to 30 children. There is a number of improvements that need to be completed prior to having additional children. Planner Josephson states the State did send a letter of support.

MOTION BY: Robert Baer  
Adopt Resolution No. 17-2023.

SECONDED BY: John Odermann

**RESOLUTION NO. 17 - 2023**

**A RESOLUTION APPROVING A SPECIAL USE PERMIT TO MARIA MUNOZ/BRIGHT START FOR A DAYCARE LOCATED AT 990 3<sup>rd</sup> AVE WEST, DICKINSON, ND**

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

**C. Final Plat – Duchscher Subdivision**

City/County Planner Steven Josephson's presents a request for a Final Plat for the Duchscher Subdivision a Replat of Lot 3, Block 1 of Braun Third Subdivision located in the SE ¼ of Section 34, Township 140N, Range 96W located in the City of Dickinson. The site consists of +/- 2.127 acres. Both the Planning and Zoning Commission and Development staff recommend approval. Planner Josephson states the current resident does want to split in to two lots and adding to the north and maintaining the existing home to the south. Ingress and egress and other easement aspects are needed to work though. There are conditions such as sidewalks need to be installed.

MOTION BY: Jason Fridrich  
Adopt Resolution No. 18-2023.

SECONDED BY: Robert Baer

**RESOLUTION NO. 18 - 2023**

**A RESOLUTION APPROVING FINAL PLAT ENTITLED THE DUCHSCHER SUBDIVISION A REPLAT OF LOT 3, BLOCK 1 OF BRAUN THIRD SUBDIVISON STARK COUNTY, NORTH DAKOTA.**

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

**D. Final Plat – North Lake Subdivision**

City/County Planner Steven Josephson presents a request for a Preliminary/Final Plat for the North Lake Subdivision located in the NW ¼ of Section 8, Township 139N, Range 96W located within the City of Dickinson's Extra Territorial Zone. The site consists of +/- 11.65 acres. Both the Planning and Zoning Commission and Development staff recommend approval. He states there are individual lots for three public entities. There were no public comments on this topic.

MOTION BY: Jason Fridrich  
Adopt Resolution No. 19-2023.

SECONDED BY: Robert Baer

**RESOLUTION NO. 19 - 2023**









Mr. Bernie Marsh from the Esquire Club came to stand up for his business. He states that he has been in business for 36 years. He states 19 years ago he started Party on the Pavement. He has experience running outdoor events. He states he has never been denied a special event permit until Legacy Square opened. Mr. Marsh feels the city is holding his business hostage while making the Legacy Square a success. He states Esquire Club has previously had an opportunity for greater gain and now the city is taking away the Downtown 1<sup>st</sup> on 1<sup>st</sup> income from them and this was an important part of his income for them in the past. He is wondering why there is no special event permits allowed when the city is having an event going on. He states the city is competing with the Esquire Club now.

President Scott Decker states that the Esquire is allowed to extend their permit into the parking lane but no band outside in the street.

Commissioner John Odermann states the city has granted the Esquire special event permits but there is no need to shut down the street at this time as the first on first events are being held in a different area. Commissioner Odermann states no one has said that the Esquire are not good stewards of downtown. He does not feel that this issue is what it is about being good stewards. Commissioner Odermann states the city is now selling alcohol for the first on first event. He feels the biggest hesitation is there is no competition and entertainment. Ultimately this is the reason the street is not shut down anymore because there is no need to shut the street down in front of the Esquire. Commissioner Odermann can understand Mr. Marsh's frustration. Commissioner Odermann has visited with the downtown businesses owners and they do not want the street shut down. He states the shut down of the street is detrimental to the neighborhood,

Mr. Marsh states they do clean the streets after events and they do their best to keep things cleaned up. He states Mr. Joel Walters has done a great job in the lineup of events.

Commissioner Robert Baer asks Mr. Marsh why does he not hold his events on other dates.

Commissioner Jason Fridrich is not in favor of live music outside. If Mr. Marsh would like a beer garden that would be fine. He states the alive at 5 is now at the north of City Hall. This whole area gives an opportunity to walk around and set up and this the first year it was changed. Commissioner Fridrich suggests maybe closing the street in front of the Esquire instead of Bravera.

Commissioner Robert Baer states the Spur paid \$10,000 to serve beer at the events. Neither the Esquire nor the Rock had bid. This would be a disservice to the Spur if the city allowed street closure and events. Commissioner Baer states possibly look at this process next year.

#### **I. Public Comments not on Agenda**

None

#### **9. COMMISSION**

Commissioner John Odermann is wondering if there is any update on Patterson Lake.

President Scott Decker states there are no updates on the lake. They are looking back and improve the quality of the lake.

Engineering and Community Development Director Josh Skluzacek states the City can look at a host of grant opportunities but the start is a study of the lake.

#### **ADJOURNMENT**

MOTION BY: John Odermann

SECONDED BY: Jason Fridrich

Adjournment of the meeting was at 6:30 P.M.

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

OFFICIAL MINUTES PREPARED BY:

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Rita Binstock, Assistant to City Administrator

APPROVED BY:

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Dustin Dassinger, City Administrator

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Scott Decker, President  
Board of City Commissioners

Date: August 1, 2023