

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: Jason Fridrich

SECONDED BY: Robert Baer

To approve the November 19, 2024 meeting as presented.

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

3. CONSENT AGENDA

A. MOTION BY: Joe Ridl

SECONDED BY: Jason Fridrich

**B. Approval of Meeting Minutes dated November 5, 2024 with the change of
Medical Director Job Description Motion.**

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. Monthly Financial Report**

Deputy City Administrator Linda Carlson presents the monthly Financial Report to include the Treasurers Report which shows \$59 million dollars in working cash. She states the interest rate has dropped to 3.4%. The City has paid the SRF loans and Bonds on the annual basis. She states the 1% sales tax collection is \$238,000 dollars more than last year at this time. Hospitality Tax is \$22,561 dollars over 2023 and Occupancy Tax is about the same. Ms. Carlson reports oil impact is \$19,000 dollars short as compared to 2023. She reviews the revenue and expenses year to date.

MOTION BY: Robert Baer

SECONDED BY: Joe Ridl

To approve the monthly financial report.

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

B. HR Monthly Report

HR Coordinator Shelly Nameniuk updates the Commissioners on the open positions as of date. Police Officers, there are four openings for officers; Fire Department has 9 openings for Firefighter Paramedics, 7 EMT openings and 5 PT Firefighters. She states Public Works has four openings and Community Development has two positions open.

5. PUBLIC WORKS**A. Public Works Quarterly Report**

Public Works Director Aaron Praus reminds everyone of all the services provided by the Public Works Department. He reviews work order requests which were slightly higher this quarter, forestry was quite busy with the removal of 41 diseased trees and planted 19 new trees; Building and Grounds had completed their regular summer maintenance services and also had 70 reburials. Director Praus states the City has hired Chad Tormaschy at Fleet

Supervisor. He states the City had used around 5,000 gallons in gas and 4,500 in diesel per month. The 3rd quarter tonnages spiked, concrete, etc. He states the Street Department spent quite a bit of time durapatching. Water utilities had replaced 147 registers; 27 large meters. There was 772 million gallons of water from SW Water year to date with 54 million gallons sold for reuse and 163 million discharged into Heart River. He updates the Commissioners on the new hires.

Commissioner Robert Baer questions the elm tree injection process to see if they can save them. Also asks for an explanation of the work orders for solid waste which are typically high or average maintenance. Problems with the fleet as a high number of vehicles being services.

Public Works Direct Aaron Praus states solid waste units run 7 days a week and a lot of miles on. Solid waste has the most work orders such as tire rotation, oil changes, hoses leaking, etc. He states at this time the City has garbage trucks - 7 side load trucks; 3 front load trucks; 5 roll offs.

6. **PUBLIC SAFETY**

A. Fire

None

B. Police

1. Tobacco/Alcohol Compliance Update

Police Chief Joe Cianni states that on October 29, 2024 tobacco compliance checks were completed on 15 businesses. The failed tobacco compliance checks were Vapes on west Villard – 2nd violation; Pit Stop – 21st Street West – 2nd violation; Lucky Express on 12th Street – 1st violation; Hub on Villard – 1st and Loaf and Jug 1st violation. Chief Cianni states 10 alcohol compliance checks were completed on November 6, 2024 and the following businesses were in violation: Blue 42 on west Villard - 1st violation; Neighbors – 1st violation; Southside Saloon 1st violation and letters have not gone out prior to this information as they will go out later this week. New ownership at the Southside Saloon but the manager was the same.

7. **COMMUNITY DEVELOPMENT SERVICES**

A. SRF Consulting Contract Amendment

Senior Engineer Kris Keller presents a SRF Consulting Contract Amendment for 9th Street West and 5th Street West. This would be for the development of final design and plans, public improvement and other, modify intersection. The location is on the East side of Rocky Butte Park. This modification will improve the safety. The cost is \$215,223. And is in the 2024-2025 budget and will be paid for with Gross Production Tax. City Attorney Christina Wenko has reviewed contract.

MOTION BY: Jason Fridrich

SECONDED BY: John Odermann

To approve the SRF Consulting Contract Amendment for 9th Street West and 5th Street West.

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

B. 2025 Road Improvement Project SID 202501-1

Engineer and Community Development Director Joshua Skluzacek presents the resolution to protest for 2025-01-1 district established 38-2024. Protest period ended 10/25/24. Total protest 45% of overall district. Benefits for this project are street, curb, gutter and sidewalks. The total cost of the project is \$1,910,680.10. During a work session it was discussed to reduce the total assessment and the City of Dickinson would pay 100% for the curb and gutter at a reduced interest rate. The average 10-year tenure treasure note of 3.7%, that is being proposal. Duration for the special improvement district would be 10 years as otherwise noted. Director Skluzacek states if the resolution is approved engineering staff

will proceed. The City will cover 100% of curb and gutter and sidewalks will be specialized to the property owner. The sidewalk would need to be in prior to the City coming in and doing the road. Director Skluzacek states sidewalks do require a permit.

Commissioner John Odermann gives a lot of credit to Mr. Skluzacek and his staff as they are always super professional. Engage in public in professional manner and throughout process actively trying to find solution that can work for the City and property owners to make sure this work gets done and Commissioner Odermann does really appreciate it personally as he has been talking about interest rate for 4.5 years. This is a much better solution than what it would have been if the City ran it through. Thanks for putting the work into this.

Mr. Paul Bartholomew questions if the property owners will we have a window to get the sidewalk done and can his contractor meet with the staff. Can we go ahead with the sidewalk this year? Mr. Bartholomew thanks Mr. Skluzacek and his staff.

Mr. and Mrs. Tom and Joann Sahr state since last meeting people have come to meet with us. The project was discussed worked things out and rather than 500' of new sidewalk we got down to 280 'and didn't have to put a sidewalk into nowhere. Thank you for working with the people.

Commissioner Robert Baer discussed Shinagle and Garfield and the plowing of right on corner. He noticed damage because of the plows hitting it. He feels this is from the melting and freezing that the sidewalk is damaged. Come up with a plan to move snow somewhere else.

Public Works Director Aaron Praus states the snow is rolled up against curb as close as it can and once it is spring try to get it out. People are doing some of their own snow removal and pushing it up and gets to be a stock pile.

Commissioner Jason Fridrich is concerned about setting the interest rate today as it might be going down. He questions if they should set the interest rate today or when it is going to be certify. Do time of certification as it will be the most current rate.

City Attorney Christina Wenko states what if the rate goes up. Property owner needs to know what it is. Everyone is aware. Not changing the rules down the road.

MOTION BY: John Odermann
Adopt Resolution No. 47-2024.

SECONDED BY: Jason Fridrich

RESOLUTION NO. 47-2024
**A RESOLUTION DETERMINING WRITTEN PROTESTS TO
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 4, Nay 1 (Ridl), Absent 0
Motion declared duly passed

Commissioner Joe Ridl states even though we have come together the terms his vote will still be No.

C. 2025 Watermain Project SID 202503-1

Engineer and Community Development Director Joshua Skluzacek presents the 2025 watermain project SID 202503-1. He states the protest period ended 10/25/2024 with an overall protest is 5%. Street curb and gutter are need of repairs. Several sidewalks are not

ADA compliant. Extend life expectancy of the street. Total projected cost of the project is \$4.69 million which is funded through SID, possibly a State Water Grant and the revolving fund. Total assessment \$911,242.60. This assessment amount will be paid for 10 years at 3.7%. The curb and gutter will not be included in special assessment as the City will be paying for curb and gutter.

Mr. Dan Roller speaks on behalf Hilda Lamprecht. Mr. Roller appreciates all the City staff time and thank you for taking the time to look at the project.

MOTION BY: John Odermann
Adopt Resolution No. 48-2024.

SECONDED BY: Robert Baer

RESOLUTION NO. 48-2024
**A RESOLUTION DETERMINING WRITTEN PROTESTS TO
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 4, Nay 1 (Ridl), Absent 0
Motion declared duly passed

D. Final Plat – West Ridge 4th Subdivision

City Planner Natalie Birchak presents an application requesting the approval of the West Ridge 4th Addition Subdivision being the Replat of Lots 13-15, Block 6 of the Replat of West Ridge 1st Addition, Block 1, Lots 1 & 17-21, located in the SW1/4 of Section 31, Township 140 North, Range 96 West, of the 5th Principal Meridian, City of Dickinson, Stark County, North Dakota. According to the applicant, the purpose of the proposed subdivision is to construct nine units, with seven townhomes on individual lots and two units on one duplex lot. The seven townhome units on individual lots will be sold to the occupants, and the duplex units will be rented out by the developer. The site is currently zoned Medium-Density Residential (R-2), and the proposed subdivision is +/- 1.51 acres.

MOTION BY: Jason Fridrich
Adopt Resolution No. 49-2024.

SECONDED BY: Robert Baer

RESOLUTION NO. 49-2024
**A RESOLUTION APPROVING FINAL PLAT ENTITLED
WEST RIDGE 4TH ADDITION
STARK COUNTY, NORTH DAKOTA**

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

E. Final Plat – Dvirnak Subdivision

City Planner Natalie Birchak presents a request for approval of a Minor Subdivision Plat for the Dvirnak Subdivision, being a replat of Lots 5A, 5B, and 6 in Block 3 of the Country Oaks Estates Second Addition, located within the SW1/4 of Section 28, Township 140 North, Range 96 West, of the 5th Principal Meridian, in the City of Dickinson, Stark County, North Dakota. According to the applicant, the purpose of the proposed subdivision is to divide Lot 5B and combine the south 58 feet with Lot 6 to construct a detached garage. The lot is currently zoned Medium-Density Residential (R-2), and the proposed subdivision is +/- 0.72 acres. Staff recommends approval of the Dvirnak Subdivision.

MOTION BY: Robert Baer

SECONDED BY: Jason Fridrich

Adopt Resolution No. 50-2024.

RESOLUTION NO. 50-2024
A RESOLUTION APPROVING FINAL PLAT ENTITLED
DVIRNAK FIRST ADDITION
STARK COUNTY, NORTH DAKOTA

DISPOSITION: Roll call vote...Aye 5, Nay 1, Absent 0
Motion declared duly passed

F. Pavement Management Plan Update Contract Amendment at MDST

Senior Engineer Kris Keller presents for consideration a contract amendment to perform additional pavement management study activities. The activities include: work history update, map update, 5-yr rehabilitation plan update, results report, and general consultation. The intent of the update is to extend the timeframe for completion of a new full Pavement Management Plan. The contract for services is for **\$5,830** on a Time & Material Not-to-Exceed basis. The City Attorney has reviewed the contract. The City Engineering staff recommend approving this contract.

MOTION BY: John Odermann SECONDED BY: Jason Fridrich
To approve the Pavement Management Plan Update Contract Amendment at MDST.

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

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

A. Seth Helgeson

Mr. Seth Helgeson questions who is the City Auditor: Dustin Dassinger. He states the recall petition was filed on 8/1/2024 as Dickinson does not have a City Auditor. He states they were told that they needed 25% of voters to sign the petitions. He reviews Home Rule Charter and he states that it states they only needed 15% need number of recalls. Reviews century code. Opinion in Home Rule Charter is 15%. Mr. Helgeson states the City is not following ND Constitution, ND Century Code, and not the Home Rule Charter. He questions what is the Commissioners following at this time.

President Scott Decker states that the City is abiding by the Attorney General ruling.

Resident Seth Helgeson calls to discuss the Century Code and Home Rule Charter discussion of voting. He is trying to understand of what the Commission have to obey.

B. Swearing in of Policer Officers

President Scott Decker swore in the following Dickinson Police Department Police Officers: Officer Jaidynn Claxton, Officer Matthew Schagunn, Officer Robert Kleinholz, and Officer Russell Priewe

C. Transportation Master Plan and Comprehensive Plan Update Presentation by KLJ Engineering.

City Planner Natalie Birchak presents the KLJ Comprehensive Plan update. KLJ was not able to send out because of weather. Planner Birchak states the City is in the middle stages of development existing conditions are established in the plan. She states the study area is focused on downtown Dickinson. Transportation plan extends into ETZ. She states the population is a focus, population trend more realistic in how it is going to grow. The first step is to focus on establishing a connection with the community. Housing and economic opportunities along with parks and rec. were the focus to see in Comp Plan. Vehicle complaints were a top priority when navigating the City. Future plans deemed as the stop light map and infield development shown. The transportation aspects of where bypass and trucks will be to keep out of center of City. Also, where 15th street connection to 30th.

Engineer and Community Development Director Joshua Skluzacek states there was a discussion last week and the City initiated discussion with Dickinson Public Schools and NDSU to have an initial discussion on where they lie on right away dedication and concerns.

President Scott Decker opens public hearing 5:27 p.m. Hearing no public comment, the public hearing was closed at 5:28 p.m.

G. Public Comments on Agenda

Mr. Dean Kluver who has been a resident since 2016 whom is a father, painter and etc. asks everyone to reach under seat and grab nothing. Nothing is something that we have in surplus. Excess is a sin. When someone does nothing it reminds him of the 7 deadly sins. These sins are to spur others. Change the dialog that have been going on. He states since it is Thanksgiving, he would like to share what he is thankful for. He is thankful for is to share that tradition with the Council. Mr. Kluver states Dr. Baer you stand taller than anyone in the room as you do so much for those in need. Commissioner John Odermann he is thankful for your dialog, lift the veil of uncertainty and bring clarity. President Scott Decker, Mr. Kluver is grateful for honest conversation. When Mr. Kluver was running for City Commission, not always did President and Mr. Kluver see eye to eye but still have open dialog. Commissioner Jason Fridrich thank you for giving me the work, thank you for your hard work and dedication in decisions, embody quality of true leader and upcoming support in election; Commissioner Joe Ridl thank you for the fellowship, leadership, Shepard all the sheep that have gone astray. Administrator Dustin Dassinger for your life long service; contribution resonate for generations. Mr. Kluver states for City Attorney Christina Wenko, truly Ms. Wenko you scare the hell out of me. Ms. Wenko ability to navigate complexity of law and confidence as a whole. She is sharp, master of craft and role model across the state. Mr. Kluver is hoping his daughter has someone to look up to. Mr. Kluver would like to thank the incredible community as words cannot fully capture all that you mean to me.

Mr. David Steinbach reviews the last commission meeting in regards to the special assessments on street improvement repairs. He questions why should all of those of us now be subject to pay special assessments. Some people got special treatment on this. He states he is 3' inside of the boulevard.

President Scott Decker states when the City did bare minimum for specials it was no fault of the City. At that time the City didn't have the ability to participate that the City is covering the road section. They did not have the ability so in the past they chose to go through property tax and other means to pay for small repairs. It fell upon this Commission that we are falling far behind. The roads are worn more in disrepair and the City had to proceed and in 2019 we started SID.

Mr. Jim Jensen is curious about transparency. He would like to see all from both sides of what is going on. On the bids I never seen a bid that there is possible of 40% more. A bid is a competition

Mr. Kenny Kostelecky discusses the project on the Shinagle Addition, to replace curbing which is cracked. The cracking is from the street coming into the curbing. If you replace curving with concrete the crack is coming back. Now to replace curbing are you going to guarantee it is not going to crack. I cannot afford \$14,000. Come in and seal the cracks so they flex.

Mr. Paul Bartholomew appreciates the due diligence and looking over Washington 4th. He states Josh was very professional and he didn't get results hoping for from the City. Mr. Odermann, I apologize as I didn't have much time to reponed. Commissioner Ridl, thank you for your time. Commissioner Baer, thank you for your time. Commissioner Fridrich,

thank you for the knowledge. Appreciate professionalism from Josh. Appreciate your help.

9. **COMMISSION**

A. Home Rule Charter

Commissioner Robert Baer states in light of everything that has been happening he questions if this would be a good time to have the Home Rule Charter updated. He feels this is old information and needs to be updated.

City Attorney Christina Wenko states this is has to be a specific process and this would require a vote of the people. She can certainly review. In light of Attorney General's opinion, it is pretty clear of the direction we are going. The Home Rule Charter is 30 some years old.

Commissioner Robert Baer will not be present at next commission meeting which will be the first meeting of December.

B. Youth Commission

Commissioner John Odermann updates the Commission on the excitement with the Youth Commission. He states the Youth Commission has really hit the ground running this year and this group has a real energy to it and they have servant hearts. They are working on putting together a group of youth to help shovel for elderly. If you are watching or listening, please reach out to Commissioner Odermann. He states there are 45 kids signed up that want to volunteer to remove snow. Service project huge impact on the community. If interested and need help moving snow. Putting list together.

ADJOURNMENT

MOTION BY: Robert Baer

SECONDED BY: John Odermann

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:

Rita Binstock, Assistant to City Administrator

APPROVED BY:

Dustin Dassinger, City Administrator

Scott Decker, President
Board of City Commissioners

Date: December 3, 2024