

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: John Odermann SECONDED BY: Joe Ridl
To approve the December 17, 2024 meeting as presented.

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

3. CONSENT AGENDA

A. MOTION BY: Jason Fridrich SECONDED BY: Joe Ridl

B. Approval of Meeting Minutes dated December 3, 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. Special Election Polling Location

City Administrator Dustin Dassinger states a recall election will be held on March 11, 2025 at the BAC from 7:00 a.m. to 7:00 p.m. He presents a resolution dedicated to the location and time of the recall election. Since this is not the general or primary election, voting lines should move fairly quickly. Since the election is not being run by Stark County and ran by the City of Dickinson the City does not have the luxury of using an electronic polling identifier. The City has to use a manual polling book. He states if there was a second location for voting people could vote at both polling places. Administrator Dassinger states if Stark County would have run the election two sites could have been utilized, therefore, that is why there is only one polling place. Absentee ballots will be available and advertised appropriately and collected at City Hall.

MOTION BY: Robert Baer SECONDED BY: John Odermann
Adopt Resolution No. 51-2024.

RESOLUTION NO. 51 - 2024

A RESOLUTION TO ESTABLISH A POLLING PLACE FOR THE CITY OF DICKINSON

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

B. 2025 Alcohol License Renewals

City Administrator Dustin Dassinger presents the 2025 liquor license renewals. He lists total number of licenses for each classification. Qdoba and MasterFade Barbershop did not renew their 2025 liquor licenses. City Administrator recommends approval of the liquor license renewals.

MOTION BY: Jason Fridrich SECONDED BY: Joe Ridl
To approve the liquor license renewals for 2025 as listed.

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

C. Restaurant On-Sale Liquor License – DO Properties DBA All In Events and Catering

City Administrator Dustin Dassinger presents a restaurant liquor license application from DO Properties DBA All In Events and Catering. This license is located at 20 East Broadway Street. He states background checks were performed and recommends approval.

MOTION BY: Robert Baer
To approve the Restaurant liquor license for 20 East Broadway Street for DO Properties DBA All in Events and Catering.

SECONDED BY: Joe Ridl

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

D. Stark Development Corporation Single Year Funding Agreement

Deputy City Administrator Linda Carlson presents the annual Stark Development Corporation agreement. The funding for this agreement is the 20% of the 1% sales tax for job creation and senior citizens activities. The total funding for Stark Development is \$750,000 and up to \$150,000 annually for work force or building rehabilitation.

MOTION BY: John Odermann
To approve the Stark Development Corporation Single Year Funding Agreement.

SECONDED BY: Jason Fridrich

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

E. Dickinson Public Transit Single Year Funding Agreement

Deputy City Administrator Linda Carlson presents the annual Dickinson Public Transit Single Year Funding Agreement. The funding for this agreement is the 20% of the 1% sales tax. She states Dickinson Public Transit will receive \$250,000 in quarterly payments. There is also an in-kind funding of up to \$15,000 for insurance and utilities.

MOTION BY: John Odermann
To approve the Dickinson Public Transit Single Year Funding Agreement.

SECONDED BY: Joe Ridl

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

F. Monthly Financial Report

Deputy City Administrator Linda Carlson presents the monthly financial report. She states that there is working cash of \$65,377 million dollars; investments are the same; 1% sales tax is lower than 2023; Hospitality Tax and Occupancy Tax is lower than the previous years but shows to be the highest over 7 years. Oil impact is lower than 2022 and 2023. Ms. Carlson reviews the general fund revenue and expenses along with the enterprise fund.

MOTION BY: Jason Fridrich
To approve the Monthly Financial Report as presented.

SECONDED BY: Robert Baer

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

G. Local Landmark Nomination for McDonald Block

Museum Director Robert Fuhrman presents the nomination of the McDonald Block for the local landmark. He states the address is 25 1st Avenue West. This building was built in

1905 and has a historically significant to the central business district. Director Fuhrman asked the State Historical Preservation Commission to add McDonald Block to the local landmarks.

MOTION BY: Robert Baer
To approve Resolution No. 52-2024

SECONDED BY: Joe Ridl

RESOLUTION NO. 52 - 2024
**A RESOLUTION PROVIDING FOR OFFICIAL RECOGNITION OF
DICKINSON CITY LOCAL LANDMARKS**

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

H. Historic Preservation Committee Nominee – Natalie Birchak

Museum Director Robert Fuhrman asks for Nominee Natalie Birchak to be appointed to the Dickinson History Preservation Commission. He states with her education and professionalism Ms. Birchak would be a good fit for the Historic Preservation Commission. He states she was preliminary approved by the ND Historical Office. She has a Bachelor's Degree in Science and a Minor in Aviation. She is an EPA Fuel Operator and a licensed pilot. This would be for a three-year term starting January, 2025. Director Fuhrman does state there is one more opening on the board.

Ms. Natalie Birchak states she has been at the City for a short time but is interested in attending the Historic Preservation. She has a relatively good grasp on preserving buildings. She also feels with her education the Historic Preservation Commission would be a good fit.

MOTION BY: John Odermann
To approve the appointment of Natalie Birchak to the Dickinson Historic Preservation Commission for a three-year term.

SECONDED BY: Jason Fridrich

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

I. Chapter 29 Code Amendment – Harassment Policy Change

City Attorney Christina Wenko presents a Chapter 29 code amendment to make changes to the harassment policy. She states the original code is outdated and inconsistent with the labor laws. This amendment and revisions are proposed by an outside legal council in regards to legal guidance. The changes are consistent with the federal law. Ms. Wenko states Civil Service has approved the changes. She states the next step to this code change will be the procedure and is being worked on now. She suggests that moving forward this code should be reviewed on a consistent basis as employment laws are always changing. She would recommend and support to give the HR Department to go ahead and review each year.

MOTION BY: Jason Fridrich
To approve second reading and final passage of Ordinance 1812.

SECONDED BY: John Odermann

ORDINANCE NO. 1812
**AN ORDINANCE AMENDING AND RE-ENACTING SECTION
29.08.04040(1)-(2) OF THE CITY CODE OF THE CITY OF DICKINSON,
NORTH DAKOTA, RELATING THE CITY'S HARRASSMENT POLICIES**

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

J. Flexible Spending Account Amendment

HR Director Shelly Nameniuk presents a resolution for Health Equity as they saw a need for the ability to lock employees' cards if they do not submit substantiation of the receipts. She states that because of that the city needs to create a new plan document. She states

when an employee puts money in to the flexible spending there are times the plan needs to have requirement of medically necessary documents. The company does the best they can to have a legitimate reason and can't prove legitimate then they want a receipt for the charge. If the employee does not provide the information needed to them or reimburse the card then then their card will be shut off.

MOTION BY: Jason Fridrich
To approve Resolution No. 53-2024

SECONDED BY: Robert Baer

RESOLUTION NO. 53 – 2024

The undersigned authorized representative of City of Dickinson (the Employer) hereby certifies that the following resolutions were duly adopted by the Employer on December 17, 2024, and that such resolutions have not been modified or rescinded as of the date hereof:

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

K. HR Monthly Report

HR Director Shelly Nameniuk presents her monthly HR Report to the City Commissioners. She updates them on the open positions for the City.

5. PUBLIC WORKS

A. Reports

6. PUBLIC SAFETY

A. Fire

None

B. Police

None

7. COMMUNITY DEVELOPMENT SERVICES

A. Sanitary Sewer Manhole Repair Contract Amendment to Moore Engineering

Senior Engineer Kris Keller presents a contract with Moore Engineering for a sanitary sewer manhole repair. He states the total cost is \$97,700 and the City will use cash on hand for the project.

MOTION BY: Jason Fridrich

SECONDED BY: Robert Baer

To approve the Moore Engineering Contract for the Sanitary Sewer Manhole repair.

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

B. Special Use Permit – Zip Storage

City Engineer Natalie Birchak presents a Special Use Permit for Zip Storage which is a 440-unit convenience storage facility. She states it is a 4-acre lot and the address is 677 Livestock Lane. This is zoned general commercial and the primary condition facing the property owner is that they previously had outdoor storage.

MOTION BY: John Odermann

SECONDED BY: Joe Ridl

To approve Resolution No. 55-2024

RESOLUTION NO. 55 – 2024

A RESOLUTION APPROVING A SPECIAL USE PERMIT TO ZIP STORAGE FOR A CONVENIENCE STORAGE FACILITY AT 677 LIVESTOCK LANE, DICKINSON, ND

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

C. 2024-2025 Watermain Replacement DWSRF Loan Resolution for Loan Approval bond Attorney.

Engineer and Community Development Director Joshua Skluzacek presents a resolution to execute the Drinking Water State Revolving Fund (DWSRF) Loan through the North Dakota Department of Environmental Quality. The loan is for \$1,591,000 and will be used for the water main replacements. The City Engineering and Public Works staff recommends approval.

MOTION BY: Robert Baer
To approve Resolution No. 56-2024

SECONDED BY: John Odermann

RESOLUTION NO. 56 – 2024
CITY OF DICKINSON, NORTH DAKOTA
BOND RESOLUTION
\$1,591,000 SALES TAX REVENUE BOND, SERIES 2025

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

D. Lead Service Line Replacement DWSRF Loan Resolution for Loan Approval bond Attorney.

Engineer and Community Development Director Joshua Skluzacek presents a resolution to execute the Drinking Water State Revolving Fund (DWSRF) Loan through the North Dakota Department of Environmental Quality for the lead service line replacement. There are approximately 150 lines to replace. The total cost requested is \$2,000,000 which is intended to be used only for lead service line replacements throughout the City of Dickinson. The DWSRF loan includes lead service line forgiveness maximum of \$1.5 million at an interest rate of 0.5%.

MOTION BY: Jason Fridrich
To approve Resolution No. 57-2024

SECONDED BY: Joe Ridl

RESOLUTION NO. 57 – 2024
CITY OF DICKINSON, NORTH DAKOTA
BOND RESOLUTION
\$2,000,000 SALES TAX REVENUE BOND, SERIES 2025

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

E. Sims St and Utilities CWSRF Loan Resolution for Loan Approval bond Attorney.

Engineer and Community Development Director Joshua Skluzacek presents a resolution to approve the loan request of \$2,000,000 which is intended to be used for the sanitary sewer and storm sewer replacements for the project. The remaining loan balance carries an interest rate of 2.0%. The City Engineering and Public Works staff recommends approval.

MOTION BY: John Odermann
To approve Resolution No. 58-2024

SECONDED BY: Robert Baer

RESOLUTION NO. 58 – 2024
CITY OF DICKINSON, NORTH DAKOTA
BOND RESOLUTION
\$2,000,000 SALES TAX REVENUE BOND, SERIES 2025

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

F. Landfill Expansion CWSRF Loan Resolution for Loan Approval bond Attorney.

Engineer and Community Development Director Joshua Skluzacek presents a resolution to execute the Clean Water State Revolving Fund (CWSRF) Loan through the North Dakota Department of Environmental Quality. The total CWSRF loan amount requested

is of **\$3,539,000** which is intended to be used for the water main replacements for the project. The remaining loan balance carries an interest rate of 2.0%. The City Engineering and Public Works staff recommends approval.

MOTION BY: Jason Fridrich
To approve Resolution No. 59-2024

SECONDED BY: Joe Ridl

RESOLUTION NO. 59 – 2024
CITY OF DICKINSON, NORTH DAKOTA
BOND RESOLUTION
\$3,539,000 REFUSE DISPOSAL REVENUE BOND, SERIES 2025

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

G. Fisher Annual Load Pass Permit

Engineer and Community Development Director Joshua Skluzacek presents the annual Fisher Load Pass Permit. The annual fee for this permit is \$12,000. This Agreement allows oversized loads under 200,000 pounds to travel to and from I-94 exit 64, along the I-94 East Business Loop, and on Energy Drive to and from the Permittee's location on Energy Drive.

MOTION BY: Jason Fridrich
To approve the annual Fisher load pass permit.

SECONDED BY: Robert Baer

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

H. Monthly Report

Engineer and Community Development Director Joshua Skluzacek presents the monthly report which states there have been the greatest number of applications since 2018. There have been 57 pre op meetings. He reviews the building permits and projects that are completed and in progress. He states this has been a successful construction season. Director Skluzacek states the GIS Department has done a lot of work with ND Dept. of Water Resources with the new requirements of inventory of all the water distribution systems. He does states that a majority of the preapplications meetings do move forward with their projects.

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

A. Introduction of New Executive Director of the CVB – Alicia Erickson

Terri Thiel introduced the new Executive Director of the CVB Alicia Erickson. Ms. Thiel has been with the CVB for 27 years and will now be retiring.

Ms. Alicia Erickson states she is looking forward to working with the Commission and to present the annual report. She states Dickinson is a great community and she looks forward to increase tourism in SW ND.

City Commissioners thank Ms. Thiel for all her hard work for the past 27 years.

B. Public Hearing – Rezone Request – Meduna Rezone

City Planner Natalie Birchak presents a rezone request for Meduna's. She states this would be rezoned from Rural Residential to Low Residential. This property is located in the ETZ zone. This rezoning would match the zoning district to the west and adjacent lots.

President Scott Decker opens the public hearing at 5:05 p.m. Hearing no comments, the public hearing is closed at 5:06 p.m. and the following motion is made.

MOTION BY: Robert Baer

SECONDED BY: Joe Ridl

To approve first reading of Ordinance 1813.

ORDINANCE NO. 1813

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

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

C. Public Comments Not on Agenda

Seth Helgeson Seth Helgeson visits about the August, 2023 oath of offices and he is wondering why Ms. Christina Wenko stated that she did not have the oath for Mr. Fridrich from 2022 when open records request was made. She stated she provided him only with the documents that came from the City. He states then the City located Mr. Fridrich oath of office and pulled video footage. He states Dr. Baer and Jason Fridrich used on the video. He states they are just trying to pacify him at this point. Mr. Helgeson had gotten multiple open records these documents.

President Scott Decker states the City does have a video recording of actual swearing in of Commissioners Baer and Fridrich. Video evidence supports signing.

President Decker states this sophistry is getting old. President Decker states to Mr. Helgeson if he feels he has a case then present it to the proper authority and stop wasting the City's time. President Decker asks Mr. Helgeson, do you feel like you have a case? Take it up with the proper authority. Perpetuate.

Mr. Helgeson states the oath of offices are to be notarized, filed with city auditor and have a ND seal. He visits about the property taxes and special assessments and states the city is tampering with public record.

Commissioner Jason Fridrich states he took the oath, he provided my oath, and video. He stated he has looked through century code. This form has to be used. He states the City will get this clarified with request of AG that if the form we used was subsequent. Commissioner Fridrich has looked through constitution of ND and the oath words need to be in there and there is not a special form. Century code does not need to be notarized. I don't think there is anything that is outrageous here and done what we were supposed to do. He feels this issue needs to be done.

Ms. Wenko agrees with Commissioner Fridrich as the oath must meet requirements of ND. She states the oath has to support of discharge office of duties to the best of your ability. Ms. Wenko will put in a request to put this issue to bed. She will certainly request this from the AG's office and with the NDLC to see what needs to be done.

Mr. Helgeson asks why was the home rule charter not followed.

President Scott Decker asks Mr. Helgeson why he did not recall Commissioners Baer and Ridl.

Mr. Helgeson states he respects Mr. Ridl a lot. He believes that Ms. Wenko lied to Mr. Ridl and manipulated the ND Century Code. I am done wasting my time and your time.

President Decker states he does not care about what form Mr. Helgeson is holding up. President Decker does care about the citizens and states he cares more about this City and Country than ever.

Commissioner John Oermann asks Mr. Helgeson why didn't he recall the other two Commissioners, Baer and Ridl.

Mr. Helgeson states that 5 petitions were way too much. He is having a hard time doing what he is doing and that it is corrupt. Deteriorate for so long, making us pay for curb, gutter, special assessments, make them pay for everything. He states Commissioner Ridl was lied to. How is the 15% not okay for you three. You are yes man.

Commissioners John Oermann states that the Commission understands. He states he thinks there is a lot going and Mr. Helgeson does not understand.

President Scott Decker thanks Mr. Helgeson for his comments.

President Scott Decker apologizes and does not want to conduct business here. This is what has been happening here lately. President Decker is tired of one of the Commissioners being a punching bag for this community. Commissioner Fridrich has done nothing but right things for this community for the past 9 years. For years the City didn't have anyone step up. To get into the arena as one president said it is tough and we not going sit by and let our members be abused. President Decker states he is sorry for being a little vocal tonight. He is tired of this issue and the community is tired of it. Individuals have their right to their opinion but not get the backs.

City Administrator Dustin Dassinger states the acquisition against us is ridiculous. This oath of office form has been used for 20+ years. He states it is not a piece of paper, it matters what in the heart of the Commissioners that have taken the oath. Dealing with this since August, 2023, time for Mr. Helgeson to take it to Secretary of the State and tired of this issue.

Mr. Dave Ouellette states this is the first time he seen anything on the recall. For someone to come up and speak like this with no professional support, no legal people are ridiculously wasting everyone time. Agree by all means do something formally and do not waste anyone else's time. Formally do what needs to be done.

9. COMMISSION

Commissioner Joe Ridl questions about the Youth Commission shoveling for the needy.

Commissioner John Oermann states that the Youth Commission have taken on this project and he is behind the scenes. He is hoping to get the details worked out by the end of the week. He will let the Commissioners know the details at the next commission meeting

President Scott Decker apologizes to the public as this is not how the City of Dickinson want to conduct their Commission meetings. He states this recall issue is getting old and he is tired of the Commissioners and staff being punching bags and not be able to defend ourselves.

ADJOURNMENT

MOTION BY: Joe Ridl

SECONDED BY: Jason Fridrich

Adjournment of the meeting was at 5:55P.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: January 7, 2024