

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 John Odermann,
Commissioners Suzi Sobolik and Robert Baer

Telephone: None

Absent: Commissioner Jason Fridrich

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

MOTION BY: Suzi Sobolik

SECONDED BY: John Odermann

To approve the June 4, 2024 meeting as presented.

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

3. CONSENT AGENDA

MOTION BY: Robert Baer

SECONDED BY: Suzi Sobolik

A. Approval of Meeting Minutes dated May 7, 2024

B. Approval of Board of Equalization Meeting Minutes 2023 and 2024

C. 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. High Speed Rail Alliance**

President Scott Decker states High Speed Rail Alliance is seeking to bring Amtrak back through Dickinson. This connection would be from Fargo to Montana and the Alliance has asked Dickinson to be part of the alliance. President Decker states that Dickinson would possibly be on the stops. President Decker would like for the City of Dickinson to join the alliance. The City will advocate for the highway and a new terminal. This would be hopeful to be at the table with further discussions of Amtrak.

MOTION BY: John Odermann

SECONDED BY: Suzi Sobolik

To the joining of High-Speed Rail Alliance for \$500.

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

B. Tobacco License – Break Time – Main Avenue Dickinson, ND LLC

Deputy City Administrator Linda Carlson presents a tobacco license application for Break Time – Main Ave Dickinson, ND LLC. This would be located at 797 South Main. This is a change in ownership. Staff recommends approval.

MOTION BY: Suzi Sobolik

SECONDED BY: John Odermann

To approve the June 4, 2024 meeting as presented.

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

C. 2023 Audit Engagement Letter – Widmer Roel, PC

Deputy City Administrator Linda Carlson presents a 2023 Audit Engagement Letter from Widmer Roel, PC. She states this auditor will be done by September, 2024. The fee for

this audit would not exceed \$50,000. The field work is scheduled for the week of the 10th of June. Ms. Carlson states the 2022 audit is available on the website.

MOTION BY: Robert Baer
SECONDED BY: Suzi Sobolik
To approve the 2023 Audit Engagement Letter from Widmer Roel, PC.

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

D. Monthly Financial Report

Deputy City Administrator Linda Carlson presents the monthly financial report. This is the April financial report and shows a total cash of \$69 million dollars with \$36 million in investments and the CDs are \$4 million. The 1% tax collected in February was down about 41%. Hospitality tax and Occupancy tax is slightly down but oil impact revenue is up 6%. Ms. Carlson states staff recommends approval of the April, 2024 financial report.

Commissioner Robert Baer questions the 1% sales tax and why it would drop so low. He states last year he would understand the drop because of the snow storm but this year is questionable.

Deputy City Administrator Linda Carlson states when she had called the state, they had no specifics on why this tax would have dropped. She states hopefully it will be going back up again.

MOTION BY: Suzi Sobolik
SECONDED BY: John Odermann
To approve monthly financial report.

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

5. PUBLIC WORKS

A. Reports

1. None

6. PUBLIC SAFETY

A. Fire Department

Reports:

1. None

B. Police Department

1. None

7. COMMUNITY DEVELOPMENT SERVICES

A. Chapter 39 Amendment – Group Living

City/County Planner Steven Josephson presents a Chapter 39 Ordinance Amendment for a second reading to allow the City to approve group living facilities, transitional housing, family shelters and group facilities. Planner Josephson states this is a second reading with no change from the first reading. Mr. Josephson had received a call from the sober house individuals and he states this change to the ordinance does not affect sober homes.

President Scott Decker states that he had received a call to see if the city would have sufficient teeth in this ordinance that if there are violations at the proposed site that the City would be able to step in and shut it down.

Planner Josephson states the City is going to require an annual assessment and the homes will need to submit to Planning and Zoning and there will be an annual renewal for these homes. If there are complaints the City does have the power to revoke the special use permit. A fence or berm will be for the screening.

MOTION BY: John Odermann
SECONDED BY: Robert Baer
To approve second reading and final passage of Ordinance 1798.

ORDINANCE NO. 1798

AN ORDINANCE AMENDING AND RE-ENACTING SECTIONS 39.02.006, 39.02.009, 39.02.010, 39.02.022, 39.02.023, 39.02.024 OF ARTICLE 39.02, SECTION 39.03.005 OF ARTICLE 39.03, SECTION 39.04.005 OF ARTICLE 39.04, SECTION 39.06.004 OF ARTICLE 39.06, OF THE MUNICIPAL CODE OF THE CITY OF DICKINSON, NORTH DAKOTA, RELATING TO ZONING REGULATIONS FOR GROUP LIVING FACILITIES

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

B. 2024 Watermain and Lead Service Line Replacement Project Quality Control Testing Amendment to American Engineering Testing, Inc.

Engineer and Community Development Director Joshua Skluzacek presents a contract amendment with American Engineering Testing, Inc. to provide quality control testing services for the 2024 Watermain and Lead Service Line Replacement project for an amount not to exceed **\$15,670.00**. This would be to perform the geotechnical engineering services for the project. A legal review of this task order has been completed. City staff recommends approval.

MOTION BY: Suzi Sobolik
SECONDED BY: John Odermann
To approve the contract with American Engineering Testing, Inc.

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

C. 2024 Watermain and Lead Service Line Replacement Project SRF Loan Resolution of Governing Body of Applicant.

Engineer and Community Development Director Joshua Skluzacek presents a resolution to authorize Samantha Buzalsky as an authorized individual on behalf of the City of Dickinson to execute the Drinking Water State Revolving Fund (DWSRF) Loan through the North Dakota Department of Environmental Quality. The total DWSRF loan amount requested is of **\$2,000,000** which is intended to be used for the water main replacements for the project. Director Skluzacek states the remaining loan balance carries an interest rate of 2.0%. The City Engineering and Public Works staff recommends approval.

MOTION BY: Suzi Sobolik
SECONDED BY: Robert Baer
Adopt Resolution No. 28-2024.

RESOLUTION NO. 28 - 2024

A RESOLUTION APPROVING FILING OF APPLICATION WITH THE NORTH DAKOTA DEPARTMENT OF HEALTH

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

D. Sims Street and Utility Improvements Project SRF Loan Resolution of Governing Body of Applicant

Engineer and Community Development Director Joshua Skluzacek presents a resolution to authorize Samantha Buzalsky as an authorized individual on behalf of the City of Dickinson to execute the Clean Water State Revolving Fund (CWSRF) Loan through the North Dakota Department of Environmental Quality. Director Skluzacek states the total CWSRF loan amount requested is of **\$2,000,000** which is intended to be used for the sanitary sewer and storm sewer replacements for the project. Staff recommends approval.

MOTION BY: John Odermann
SECONDED BY: Suzi Sobolik
Adopt Resolution No. 29-2024.

RESOLUTION NO. 29 - 2024

A RESOLUTION APPROVING FILING OF APPLICATION WITH THE

complaints that the City was not doing their job and tending to the cemeteries and not mowing in the proper manner. The ordinance change did have two public meetings.

Ms. Tavia Kuntz questions why her plot was even bothered with as she takes care of the lots herself. She is wondering why all the statues were removed. She states a temporary grave marker was destroyed for her daughter. She feels this is a crime and a desecration to the grave site. She calls every year about taking care of her plot but did not do it this year.

President Scott Decker states he fully understands her concerns and that this was very traumatic for some individuals but in no way did the City try to cause malicious harm to her. She states there is no record of whom takes care of their own family lots.

Public Works Director Aaron Praus states in regards to Ms. Kuntz's question that most people whom want to take care of their own graves do contact the City. They are then given yellow flags to mark the graves they are taking care of. The City does not reach out to individuals each year. The City is looking to start a new program to mark the graves that individuals are taking care of. Mr. Praus states that the items that are left behind are not going to be disposed of in case they are blessed. They will be moved into a building and sit there for people to claim.

Ms. Tavia Kuntz does also have an issue with the park board in regards to Lake View Drive and a tree that has spider mites.

President Scott Decker states Ms. Kuntz will need to contact Parks and Rec.

Mr. David Steinbach questions whether the City advertises the meeting minutes in the newspaper anymore as he cannot find them. He also visited about his property taxes and visiting with Mr. Joe Hirschfeld. He said the City could have sent him a roll of Charmin as it would have been more useful. He states Mr. Hirschfeld told him that someone will purchase Mr. Steinbach's house for whatever the value is. He states it is no use in coming to the City to discuss the valuation as they are going to raise the taxes anyway. He does not know where Mr. Hirschfeld gets his credentials for doing his job. Mr. Steinbach states that after the valuation now they are coming by to replace his sidewalks. He questions how someone can come by and say that a little crack in the concrete needs to be replaced at my expense. He questions what gave the City the right to say that they can do this and charge it back to me. He states he has been in his house for 40 years and states this does not seem fair. He states that he has paid more taxes than his house is worth. He feels Mr. Hirschfeld made a mockery of his rights. He also discusses the water break that had happened and that his house was flooded for 8 months.

President Scott Decker states that the City had multiple meetings in regards to sidewalk improvement and Mr. Steinbach could have replaced the sidewalk by himself. He states this is the first he has heard of Mr. Steinbach's flooding.

Ms. Denita Lampl states what the City did was the worse thing anyone could do to the families and the graves. She states whom was the one who took the items off the headstones. She states her mother-in-law had a glass ornament and it was ripped off. She states her grandson-built poles with lamps and those were removed. She states the family has been taking care of the graves for a long time. She feels they do a better job of taking care of the graves then the City. She states they went out to the grave and nothing was left on the gravesite. It was so sad. Someone should answer for this. She feels that theirs was the first gravesite to be destroyed. Ms. Lampl cannot honestly believe that a human being would go out and destroy gravesites. Those graves are holy and the grave site is holy and the City made it unholy.

Ms. Tavia Kuntz is wondering if the City has any plan for a financial reimbursement to the families.

Public Works Director Aaron Praus mentions to send him an email or claim and he will bring it forward to the Commission.

9. **COMMISSION**

Commissioner Robert Baer states all of this is disturbing and Mr. Dassinger is not here tonight to answer the questions that he has so Mr. Aaron Praus will have to answer the questions. Commissioner Baer states this is very disturbing to him as a commissioner. He states the Commissioners get a notice every time someone gets a 15-minute OT and Mr. Dassinger puts out tidbits weekly but what happened this week. The Commissioner had gone two weeks without anything. Commissioner Baer would like to when something like this happens instead of getting a phone call about the cemetery. As a Commissioner he would like to have had a heads up about this item. He was on the committee that reviewed this ordinance and headstones were never to be touched. He has taken a tour of those cemeteries prior to the ordinance change. Commissioner Baer feels there is something morally wrong with when someone prys off a headstone. He states benches are still in other peoples plots and bushes are still interfering with other people's plots. The intended purpose of the ordinance changes was not what had happened. Commissioner Baer has a huge issue with this. He states cemeteries are holy land, statutes are blessed and now they are broken. The City could have done more. He feels City staff have failed the Commission with not letting them know of what went on.

President Scott Decker cannot apologize enough for what has happened and has been visiting with families. He is not the biggest Facebook participant and especially on "What's up Dickinson". He is sorry that the statement was not done quicker. He hopes going forward that the City can make things right. He states again that nothing the City did was malicious. He is sorry from the City.

Commissioner John Odermann states that on his personal account he attends holy hour every Wednesday. He would have a hard time sleeping tonight if he didn't say this as he was personally impacted by this. He states there was stuff by his brothers grave that the family will never get back. He states City cannot fix this but he does want to say that people can fix on how they treat each other. City staff in the days following this incident were driving in City vehicles and they were like they had a target painted on their backs. Citizens were stopping employees and calling them names and saying that you are going to burn in hell. Commissioner Odermann states he loves this community and what it stands for. Social media has leached into our lives and into reality and this is not okay. This should not happen but that is not an excuse to treat people in an undignified manner. If the City wants to continue to have a great community, then we need to treat others with dignity and respect. Individuals should treat each other like the image of God. He states the City cannot fix what happened but will try and make it right as much as the City can. He states the Odermann family will not get back their items. Commissioner Odermann will guarantee one that is that treating people awful is not going to make this community better. He states it is not okay to treat the people who cleaned the cemeteries badly. He states staff called him and stated that if employees are going to be able to provide services that the City provides citizens need to treat each other in the community with dignity and respect that they deserve. This is raw and traumatic for people but it doesn't fix it when they lash out to each other.

Mr. Jeff Ficek states he has been digging graves for 30 years with heavy equipment with respect. He states there are a lot of blessed statutes and a lot of church rights need to be buried when they are done with life. He has not seen any concrete action going forward. He would offer that when the blessed statutes are going to be buried that he would provide the excavation of the grave and to bury these items.

ADJOURNMENT

MOTION BY: John Odermann

SECONDED BY: Suzi Sobolik

Adjournment of the meeting was at 5:45 P.M.

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

