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The Mandan City Commission met in regular session at 5:30 p.m. on February 2, 2010 in the Ed “Bosh” Froehlich Room at City Hall. Commissioners present were Helbling, Tibke, Gangl, Serhienko, and Jackson. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development Director Huber, Engineering Project Manager Bechtel and City Assessor Barta.

MINUTES: *Consider approval of the minutes for January 19, 2010 meeting of the Board of City Commissioners.* Commissioner Serhienko moved to approve the minutes as presented. Commissioner Jackson seconded the motion. The motion received unanimous approval of the members present.

PUBLIC HEARING:

BIDS:

1. *Consider awarding bid for the 2010 Four Wheel Drive Wheel Loader to Swanston Equipment.* Director of Public Works Wright presented a request to award the bid for the 2010 Four Wheel Drive Wheel Loader to Swanston Equipment, for a Volvo L150F in the amount of \$228,250 and Guaranteed Max Cost of Ownership of \$76,176. This includes the trade-in of the 2002 966 Cat loader owned by the City. Wright stated that there were 3 other companies that submitted bids: Titan Machinery (Case), RDO Equipment (John Deere), and Butler Machinery (Cat). Swanston was the low bidder of the four bids received and has met the specifications required.

Commissioner Serhienko moved to approve the bid award for the 2010 Four Wheel Drive Wheel Loader to Swanston Equipment, for a Volvo L150F in the amount of \$228,250 and Guaranteed Max Cost of Ownership of \$76,176. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present.

CONSENT AGENDA:

1. *Consider request from the Wastewater Treatment Plant to transfer funds from the 2009 Budget to the 2010 Budget.* The Board approved of the request from the Wastewater Treatment Plant to transfer funds from the 2009 Budget to the 2010 Budget.
2. *Consider site authorization for American Foundation for Wildlife at Lakewood Bar & Grill, LLC from February 6, 2010 to June 30, 2010.* The Board approved of the site authorization for American Foundation for Wildlife at Lakewood Bar & Grill, LLC from February 6, 2010 to June 30, 2010.
3. *Consider acceptance of Traffic Safety Contract for January 1, 2010 through September 30, 2010, from the NDDOT.* The Board approved of the acceptance of Traffic Safety Contract for January 1, 2010 through September 30, 2010, from the NDDOT.
4. *Consider approval of Rommesmo Addition final plat.* The Board approved of the Rommesmo Addition final plat.
5. *Consider approval of Entzel’s 10<sup>th</sup> Addition final plat.* The Board approved of the Entzel’s 10<sup>th</sup> Addition final plat.

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6. Consider for approval the following abatements:
- i. Scott Arndt – Wheelchair Exemption
  - ii. Kenneth Geiser – Disabled Veteran Exemption
  - iii. Kelly Keimele – Disabled Veteran Exemption
  - iv. Betty Newgard – Homestead Credit Exemption
  - v. Wayde Schafer – Re-assessment

The Board approved of the abatements as listed above.

Commissioner Gangl moved to approve items No. 1 through No. 6 of the Consent Agenda as presented. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present.

Commissioner Serhienko requested the following item from the Consent Agenda be removed for discussion:

7. Consider approval of 2010 Assessing Department Budget Amendment.  
Commissioner Serhienko inquired of Richard Barta, City Assessor, if it would be appropriate to hire another part time individual at 20 hours rather than just increasing another 10 hours for the part time person? Barta stated that increasing the current position to 30 hours would guarantee expertise, rather than starting with a new hire who would have to be trained in the position. Barta stated that increasing the current budget in the amount of \$17,495 would increase the hours for the part time appraiser position, including benefits and that would meet the needs of the department. Commissioner Serhienko inquired how the appraising process was going so far. Barta replied that it takes about 1.5 hours to complete the sketching of one home and then it is put into the computer. He said that it will still take a considerable amount of time to complete the project. Commissioner Serhienko reiterated that the City will be reassessing every home in the City of Mandan and it is important that the project be completed in a timely manner. Barta replied that if another person be brought in to help complete the paper work, it could possibly occur in March or April. Commissioner Serhienko requested Barta come back before the Board in approximately 3 months to provide a status update of the project. If additional help is still needed, the Commission would then take a look at the progress of the project and consider whether an additional position may be needed at that time.

Commissioner Serhienko moved to approve amending the 2010 Assessing Department Budget in the amount of \$17,495 for an increase in hours for the part time appraiser position, from part time to  $\frac{3}{4}$  time (from 20 hours to 30 hours) including benefits. Commissioner Jackson seconded the motion. The motion received unanimous approval of the members present.

OLD BUSINESS:

NEW BUSINESS:

1. Consider appointment to the Morton Burleigh Bismarck Mandan (MBBM) Committee. Commissioner Tibke presented a request that the City of Mandan become a participant in the Morton Burleigh Bismarck Mandan (MBBM) Committee. She stated

that the request came from Bismarck City Commissioner Mike Seminary wherein the purpose of the MBBM Committee is to organize a collaborative group that would meet to discuss what is impacting our communities. Commissioner Tibke volunteered to be the Mandan City Commission representative.

Commissioner Serhienko moved to approve the appointment of Sandra Tibke, Mandan City Commissioner, to the Morton Burleigh Bismarck Mandan (MBBM) Committee. Commissioner Gangl seconded the motion. The motion received unanimous approval of the members present.

Mayor Helbling commented that this is a great opportunity to become involved in a way to improve community collaboration and communication.

2. *Discussion relative to the proposed Mandan Heritage Plaza.* Matt Schanandore, President of the Mandan Heritage Plaza Foundation (MHPF), gave a presentation relating to a request for the approval of a project plan presented by the Heritage Plaza Foundation. The project consists of renovation of the exteriors of the former NP Depot and NP Lunchroom buildings to make them more energy efficient and to restore the buildings. He explained that the MHPF's mission is to add points of interest and unique features that will provide a focal point for the City of Mandan. He stated that the MHPF's intent is to maintain and preserve this area without the use of taxpayer money, noting that the money for these projects will come from development grants and donations from local communities. The project will extend over a number of years with the ultimate goal of creating an environment for a location to hold and/or participate in community events and to provide information about the City of Mandan. Schanandore pointed out that the MHPF was formed in 2009. The Articles of Incorporation and Bylaws have been submitted to the State of North Dakota. Currently occupying the two buildings are the Ft. Abraham Lincoln Foundation, Mandan Progress Organization, Mandan Art Association, Lewis and Clark Riverboat, Five Nations Arts, Mandan Historical Society, Northern Plains Heritage Foundation.

Commissioner Serhienko moved to approve the project plan as presented by the Heritage Plaza Foundation designating the Beanery, Depot and the adjacent Dykshoorn Park and the park located to the east of the Depot as Heritage Plaza; and to name the park east of the Depot as Heritage Park to compliment the Heritage Plaza theme. Commissioner Gangl seconded the motion. The motion received unanimous approval of the members present.

3. *Introduction of new Police Department Employee – Candy Fleck, Car Marker* Police Chief Bullinger introduced a newly hired police officer - Candy Fleck. He stated Officer Fleck worked in Rapid City from 1994 through 2005 where she performed similar duties and subsequently was promoted to a supervisor in that area. Mayor Helbling welcomed Officer Fleck to the community.

4. *Presentation by Mike Manstrom, Dougherty & Company LLC, regarding the sale of \$4,020,000 Refunding Improvement Bonds of 2010, Series A. (See Resolutions #4).*

Mike Manstrom, Dougherty & Company LLC, presented information for the approval of the Resolution Awarding Sale of the \$4,020,000 Refunding Improvement Bonds of 2010, Series A, for the purpose of refunding the City's refunding improvement bonds of 2002, Series B, refunding improvement bonds of 2004, Series C, and refunding improvement series bonds of 2006. Manstrom stated that due to low interest rates, refinancing of the old bonds is necessary. Manstrom briefly outlined the refunding improvement bonds included in this action. In Debt Service Comparison, Manstrom stated the savings benefits were 3.864% @ \$168,272. He indicated that Moody's Investor Service has assigned an A3 rating (which is very good) to the City of Mandan's \$4.02 million refunding improvement bonds of 2010.

Finance Director Greg Welch commented that this refinancing affects 15 special assessment districts that the city currently has for a number of different projects. The interest savings that will result from this refinancing will be passed along to those individual properties within those districts that this refinancing represents. The interest savings will be effective on 2/15/10. The interest will be applied to all the districts and any interest that will accrue will be at the lower rate. (See Resolution No. 4 below for action on this matter.)

**RESOLUTIONS AND ORDINANCES:**

1. *Consider second and final reading of Ordinance No. 1070 – an ordinance to amend Section 2-12-02 of the Mandan Municipal Code Relating to Architectural Review Commission.* City Assessor Barta presented the second and final reading of Ordinance No. 1070, in which some of the verbiage was revised to include a revision related to MARC membership, in particular, that when possible, member(s) shall be a resident of the city, business owner or operator in the city, or an owner of property within the city.

Commissioner Serhienko moved to approve the second and final reading of Ordinance No. 1070 – an Ordinance to amend Section 2-12-02 of the Mandan Municipal Code Relating to Architectural Review Commission. Commissioner Gangl seconded the motion. Roll Call Vote: Commissioner Gangl: Yes; Commissioner Tibke: Yes; Commissioner Jackson: Yes; Commissioner Serhienko: Yes; Commissioner Helbling: Yes. The motion passed.

**ORDINANCE NO. 1070**

An Ordinance to Amend  
Section 2-12-02 of the Mandan Municipal Code  
Relating to Architectural Review Commission

Be it Ordained by the Board of City Commissioners as follows:

1. Section 2-12-02 of the Mandan Municipal Code is hereby amended to read as follows:

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Section 2-12-02. Architectural review commission.

The architectural review commission is hereby established, which commission shall be appointed by the board of city commissioners. The commission will consist of nine members, including the building inspector, fire chief, and city engineer, or other designees, who will serve as voting members by virtue of their positions. The remaining six members, whenever possible, shall be residents of the city, business owners/operators in the city, or owners of property within the city. The Commission shall strive to include members of the design or construction industries or other related professions.

By: /s/ Timothy A. Helbling  
President, Board of City  
Commissioners

Attest:

/s/ James Neubauer  
City Administrator

First Reading: January 19, 2010  
Second Reading and Final Passage: February 2, 2010

2. *Consider introduction and first reading of Ordinance No. 1068 – an ordinance to amend and reenact section 21-03-02 of the Mandan Municipal Code Relating to District Boundaries and Zoning Map.* Engineering Project Manager Bechtel presented information outlining that this Ordinance pertains to a zone change wherein the property owners are looking at constructing a group home facility in that location. An RM zone is needed to facilitate the construction.

Commissioner Jackson moved to approve the introduction and first reading of Ordinance No. 1068 – an Ordinance to amend and reenact section 21-03-02 of the Mandan Municipal Code Relating to District Boundaries and Zoning Map. Commissioner Gangl seconded the motion. Roll Call Vote: Commissioner Gangl: Yes; Commissioner Tibke: Yes; Commissioner Jackson: Yes; Commissioner Serhienko: Yes; Commissioner Helbling: Yes. The motion passed.

3. *Consider introduction and first reading of Ordinance No. 1069 – an ordinance to amend and reenact section 21-03-02 of the Mandan Municipal Code Relating to District Boundaries and Zoning Map.* Engineering Project Manager Bechtel presented information indicating that this Ordinance pertains to a zone change that had multiple zoning areas within it. This is a change from an R7 to an RM with the restriction of a 4-plex or less for construction. The property owner is looking at doing single family dwellings.

Commissioner Jackson moved to approve the introduction and first reading of Ordinance No. 1069 – an Ordinance to amend and reenact section 21-03-02 of the Mandan Municipal Code Relating to District Boundaries and Zoning Map. Commissioner Tibke seconded the motion. Roll Call Vote: Commissioner Gangl: Yes; Commissioner Tibke: Yes; Commissioner Jackson: Yes; Commissioner Serhienko: Yes; Commissioner Helbling: Yes. The motion passed.

4. *Consider Resolution Awarding Sale of \$4,020,000 Refunding Improvement Bonds of 2010, Series A.* Commissioner Serhienko moved to approve the sale of the \$4,020,000 Refunding Improvement Bonds of 2010, Series A. Commissioner Jackson seconded the motion. Roll Call Vote: Commissioner Gangl: Yes; Commissioner Tibke: Yes; Commissioner Jackson: Yes; Commissioner Serhienko: Yes; Commissioner Helbling: Yes. The motion passed.

OTHER BUSINESS:

1. *Potential discussion regarding parking issues downtown.* The individual requesting this matter was not present at the meeting.

2. *Update on remediation project by Leggette, Brashears & Graham.*

Tim Kenyon of Leggette, Brashears and Graham presented the 2009 Annual Report on the remediation project. He stated that the remediation is entering the end of the process. Kenyon stated that underground wells were added in 2009 to collect product under Main Street and that 2009 was the second year the entire multi well system was in operation. Modifications have been made to the well system to accommodate redevelopment projects such as Library Square II and the commercial/apartment complex at the former Furniture First Store. Kenyon said that all the reconstruction projects were completed in 2009. Since the start-up of the project in September 2006, a total of 1.7 million pounds of hydrocarbons have been collected from the ground. He stated that currently there are five wells that have over a foot of product in them, compared to dozens of them at the beginning of the project that had 4 to 5 feet of diesel in them.

For demonstrative purposes, Kenyon provided a color-coded map from a presentation indicating how the footprint of the product has shrunk. He said that pieces of the well system are closing down as diesel material disappears. He reiterated that as outlined previously, the system has done what it was designed to do.

Kenyon reviewed what the project has cost so far - \$16.8 million has been spent on the project to date. \$17.8 million has been authorized for the complete project. The 2009/2010 budget was under what was anticipated so the costs are decreasing. He said that about \$13.2 million was spent on subcontractors, mostly from within the state.

There will be a public hearing held on February 3, 2010, 7 PM at the Mandan Fire Hall for public comments regarding future plans of the remediation. He indicated that future costs to maintain and operate the system will be dependent as to how long the project continues. He said that the project has been ongoing for 3, almost 4 years. The initial estimate of the project was expected to take about 5 years.

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Mayor Helbling acknowledged Kenyon’s work and the progress made in this long-standing project commenting that the City of Mandan has seen great accomplishments by the construction of new buildings as a result of the project management.

3. Commissioner Serhienko requested that the stop lights at the intersection on Sunset Drive and Old Red Trail be looked into. He stated that the right turn lane going south and the turn lane from the north direction both turn green at the same time. He suggested that the programming of the lights be reviewed in order to determine the correct right of way for drivers using that intersection.

4. Mayor Helbling was acknowledged for birthday greetings today.

There being no further actions to come before the Board, Commissioner Jackson moved to adjourn the meeting at 6:24 p.m. Commissioner Tibke seconded the motion. Upon roll call vote, the motion received unanimous approval of the Board and the meeting adjourned.

/s/ James Neubauer

James Neubauer,  
City Administrator

/s/ Timothy A. Helbling

Timothy A. Helbling,  
President, Board of City  
Commissioners