
The Mandan City Commission met in regular session at 5:30 p.m. on June 30, 2009 in the Ed “Bosh” Froehlich Room at City Hall. Commissioners present were Helbling, Tibke, Jackson, Gangl and Serhienko. Department Heads present were Finance Director Welch, City Attorney Brown, City Administrator Neubauer, Police Chief Bullinger and Engineering Project Manager Bechtel. Absent were Fire Chief Nardello, City Assessor Barta, Director of Public Works Wright, and Business Development Director Huber.

MINUTES:

PUBLIC HEARING:

BIDS:

CONSENT AGENDA:

1. *Consider games of chance for Bismarck Mandan Apartment Association for Sept. 10, 2009.* The Board approved of games of chance for Bismarck Mandan Apartment Association for Sept. 10, 2009.
2. *Consider approval for a beer garden and street dance application.* The Board approved of a beer garden and street dance application.

Commissioner Jackson moved to approve the Consent Agenda as presented. Commissioner Serhienko seconded the motion. The motion received unanimous approval of the members present.

OLD BUSINESS:

1. *Update on bids for construction of Longfellow Park.* City Administrator Neubauer presented information on the estimated total construction cost on bids for the construction of Longfellow Park. The low bid for grading, pavement, sidewalk, retaining walls, irrigation, plantings, lighting, fencing, site elements and incidentals were submitted by Industrial Builders, Fargo, ND in the amount of \$1,393,924.30. Neubauer stated that the City of Mandan’s share would be \$149,137.70. He stated that this amount is within budget that has been previously approved.

Commissioner Serhienko moved to approve acceptance of the NDDOT’s bid award to the low bidder, Industrial Builder’s, Inc., Fargo, North Dakota in the total amount of \$1,393,924.30 and that the City of Mandan’s share would be \$149,137.70.

Commissioner Jackson seconded the motion. The motion received unanimous approval of the members present.

NEW BUSINESS:

1. *Consider for approval, a number of requests submitted by the Musicians Association for activities of July 25 & 26 (Buggies-N-Blues Take 2).* Del Wetsch, Director of the Mandan Progress Organization presented a request to reschedule the events for the Buggies-N-Blues that were cancelled on June 6 and 7th due to inclement weather to an alternate weekend of July 25 & 26, 2009. Mr. Wetsch stated that the

request presented is the same request that was previously asked for and approved for the events scheduled on June 6th and 7th. Wetsch stated that all the car clubs have conceded to return for the rescheduled dates. City Administrator Neubauer stated that both the Police Department and Fire Department have been notified and will be available to provide services.

Commissioner Serhienko moved to approve the requests submitted by the Musicians Association for activities of July 25 & 26 - Buggies-N-Blues Take 2. Commissioner Jackson seconded the motion. The motion received unanimous approval of the members present.

2. *Consider approval of a Special Use/Child Care Center for Brenda Dolajak.* City Administrator Neubauer presented a request for the approval of a Special Use/Child Care Center for Brenda Dolajak. Neubauer stated that Ms. Dolajak is requesting permission to run a licensed daycare center from a residential structure located on a RM zoned property. He stated that there has been no opposition from any of the neighboring residents or commercial lot owners. Some of the property owners are located out of state; however, in that case, the tenants have been notified and there was no opposition from any of those residents. City Attorney Brown clarified for the Board that the ordinance requires that everyone within 300 feet be notified – it does not require that they all consent.

Commissioner Serhienko moved to approve of a Special Use/Child Care Center for Brenda Dolajak at 1208 First Street Northeast, Mandan, North Dakota. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present.

3. *Consider moving forward with projects that were requested under the existing CWSRF and DWSRF programs.* Engineering Project Manager Bechtel presented a request to move forward with projects that were requested under the existing CWSRF and DWSRF programs. These requests were previously approved contingent upon the North Dakota Department of Health (NDDH) approving that the funds be expended under the current applications.

Russ Sorenson, from Advanced Engineering A2S presented information in support of the request by Mr. Bechtel. He stated that a meeting was held with Himmelspach, Neubauer, Gangl and himself to review the projects. (1) One of the recommended changes regarding an initial request of WWTP Valve installation (\$285,000) was scaled back to \$80,000. It was decided that this was one of the projects that could be readjusted. The \$200,000 would be moved to the master plan. (2) The WW Utility Cost of Service Analysis of \$16,000 was approved by the NDDH. (3) The WWTP and Collection System Master Plan will require a new/separate loan application process. (4) The 8th Avenue Pipe and South Side Pump Station and (5) Collins Avenue Reservoir Demolition were approved by the NDDH. If items 1, 2, 4, 5, are approved tonight, engineering agreements will come back to this Board after bid lettings have been completed.

Commissioner Gangl moved to approve using the remaining fund balances to support additional work to proceed as outlined in projects No. 1, 2, 4, and 5 that were requested under the existing CWSRF and DWSRF programs. Commissioner Serhienko seconded the motion. The motion received unanimous approval of the members present.

4. *Consider revised job descriptions within the Planning & Engineering Office.* City Administrator Neubauer reviewed a proposed realignment of staffing within the City Engineering Office. He stated this was previously before this Board and now is ready for formal action. There are no new positions being created, simply a realignment of staff positions. Commissioner Gangl stated that he is in agreement with the recommendations as presented. Mayor Helbling commented that for informational purposes, he has received a request to have a certified engineer on staff. Administrator Neubauer commented that in lieu of a certified engineer as the department head, there would be a position designed as a Principal Engineer who would be required to have an engineering degree. Commissioner Jackson commented that he has discussed this matter with Administrator Neubauer and after discussion, it was apparent that the City would save money with this realignment. He stated that he was in favor of moving forward with the realignment as presented.

Commissioner Serhienko moved to approve the revised job descriptions within the Planning & Engineering Office as presented. Commissioner Gangl seconded the motion. The motion received unanimous approval of the members present.

City Administrator Neubauer advised the Board that there has been an Intern working in the City Engineer's office (who was recommended by a firm within the City). The Intern has been hired by the City of Mandan to complete a six-week term.

RESOLUTIONS AND ORDINANCES:

1. *Consider amendments to and second and final reading of Ordinance No. 1058 – an ordinance to amend Section 12-01-10.1(2) of the Mandan Municipal Code Relating to the Sale or Use of Alcohol Outside Licensed Premises.* City Attorney Brown stated that when the first reading of this was held, the principal change to the Ordinance was that the fences were required to have gates in them. There was one existing bar that had gates that were locked. The initial draft of the Amendment allowed for the latch on the inside or outside of the gate. The request before the Board tonight removes the requirement that the latch be on the inside because as a practical matter the bar is responsible for monitoring who is in the premises whether in the building or in the patio. Chief Nardello has approved of this change. The requirement is that gates are to be available so that people can get out.

Commissioner Serhienko moved to approve the second and final reading of Ordinance No. 1058 – an ordinance to amend Section 12-01-10.1(2) of the Mandan Municipal Code Relating to the Sale or Use of Alcohol Outside Licensed Premises as amended. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present.

ORDINANCE NO. 1058

An Ordinance to Amend
Section 12-01-10.1(2) of the Mandan Municipal Code
Relating to the Sale or Use of Alcohol Outside Licensed Premises

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

1. Section 12-01-10.1(2) of the Mandan Municipal Code is hereby amended to read as follows:

Section 12-01-10.1(2). Sale or use outside licensed premises prohibited--
Exception.

2. Where made within a patio structure which is permanently affixed to the licensed premises and which meets the following criteria:

- a. Access to the patio structure may be made only through the licensed premises,
- b. The patio structure must be permanently enclosed or fenced at a minimum height of thirty-six inches to prevent entrance other than through the licensed premises, provided, however, that said fence must have a gate, or gates, as required by the International Fire Code currently in effect.
- c. The licensee shall file with the ~~city auditor~~ building inspector a site plan showing the location, plans and specifications of the proposed enclosure in relation to the licensed structure and the lot lines of the premises. The proposed plan ~~shall have been~~ must be approved by the ~~city auditor~~, building inspector and ~~board~~ fire chief, and
- d. The enclosed patio area does not exceed the total square footage of the licensed premises to which it is attached.

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

Attest:
/s/ Jim Neubauer
City Administrator

First Reading: June 16, 2009
Second Reading and Final Passage: June 30, 2009

OTHER BUSINESS:

There being no further actions to come before the Board, Commissioner Jackson moved to adjourn the meeting at 5:55 p.m. Commissioner Serhienko 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