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The Mandan City Commission met in regular session at 5:30 p.m. on August 17, 2010 in the Ed “Bosh” Froehlich Room at City Hall. Commissioners present were Helbling, Rohr, Frank, and Jackson. Commissioner Tibke was present via teleconference (left the meeting at 6:29 p.m.). Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Fire Chief Nardello, Business Development Director Huber, Engineering Project Manager Bechtel, and City Assessor Barta. Absent: Director of Public Works Wright.

MINUTES: *Consider approval of the minutes for August 3, 2010 meeting of the Board of City Commissioners.* Commissioner Rohr moved to approve the minutes as presented. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present.

PUBLIC HEARING:

BIDS:

CONSENT AGENDA:

1. *Consider approval of monthly bills.* The Board approved of the monthly bills as presented.
2. *Consider approval of abatement for David Horton – Disabled Veteran exemption.* The Board approved of the abatement for David Horton – Disabled Veteran exemption.
3. *Consider final acceptance of projects.* The Board approved of the final acceptance of projects as presented.
4. *Consider transfer of liquor license from Stamart to Petro Service USA at 1200 East Main.* The Board approved of the transfer of liquor license from Stamart to Petro Service USA at 1200 East Main.

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

OLD BUSINESS:

1. *Consider proposal for marketing theme by Mandan Tomorrow - Leadership, Pride & Image Committee.* Ellen Huber, Business Development Director, provided the following updated information that was requested from this Board at its last meeting as a result of these items being tabled until further information was obtained.

(i) Trademarking the logo: The Secretary of State fee of \$30.00 was paid and was applied for. It was not registered because NDCC does not allow registration of a trademark if it is primarily geographically descriptive. In discussing the matter with City Attorney Brown, and if you do choose to adopt this community theme, we could visit with the Secretary of State office staff to determine if there are options to reapply seeking only the logo or the trademark itself and not the words “Made in Mandan”. The intent

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here is tying the attributes and key strengths of Mandan to the trademark or the logo “Made in Mandan”.

(ii) City Attorney Brown does not think federal trademarking will be necessary. The application fee is \$325 and sometimes requires legal counsel in getting through that application process. Since this is local rather than a nationwide effort, Attorney Brown did not think it is necessary but rather at this time the Secretary of State registration would be more important. If you choose to adopt this theme, the Leadership, Pride & Image Committee has a meeting tentatively scheduled for September 1<sup>st</sup>. They would undertake at that time developing standards for appropriate use of the logo and the theme.

(iii) The budget for the campaign: the Finance Committee met regarding the Development Office budget. The overall request submitted for 2011 is down 4%. Specifically, the publishing and printing is down 8%, and that is the line item that would encompass the types of activities that are recommended in the overall marketing plan for the City of Mandan. This project is all about collaboration and to see if there are some grant funds available to be garnered for the project. Huber indicated that there are members from the Leadership and Pride Committee available to answer questions.

Commissioner Rohr commented that there are several ways to promote Mandan currently in existence and this is yet another way to promote Mandan. He stated that he has spoken with several community members at various times and events in order to achieve input on this matter from the citizens. He stated that by far most of the people he spoke to did not have a confident view of the logo nor were they in favor of spending any additional money to promote it. He stated he believes that Mandan and its people have made many positive strides in marketing Mandan through its committees and workforce with what it currently has available. The logo “Made in Mandan” sounds good and has its applications but there appears to be a significant resistance to associating a logo to Mandan and recognizing the logo as an appropriate logo along with spending the additional money.

Commissioner Jackson requested Huber go over the methodology of who was polled and how the committee received feedback for the “Made in Mandan” logo.

Business Development Director Huber stated that first of all the committee determined if the “Where the West Begins” slogan should be replaced. Seventy-five percent of the people who responded did not want to replace that slogan. It was determined that the “Made in Mandan” would not replace that slogan but rather complement it. The next step was to develop themes that would be complimentary to that, not ones that would be contradictory. A number of themes were discussed and the Committee used several criteria in boiling down to what would emerge as something they could test with a broader public. The criteria included: Is it brief? Is it easy to understand? Is it unique and not just something any community could say? Could it speak to more than just one audience, business retention, residential retention and tourist and visitor attraction? Once developed, the information was sent to a variety of business and community contacts to get their initial reaction to the theme. Of which, for example, 8 out of 10 of the responses received back were favorable to look into it. This provided the committee with enough feedback to go forward with it. The next step was to develop some graphics and visuals

to go with the theme, some photos, and from there, each committee member sent it to another 10-20 contacts from all walks of life with an April 5<sup>th</sup> deadline. There were about 40 responses received by that time. Of that group, 90% were favorable and were able to associate the visuals and the graphics of the theme. Of the 10% feedback that was not in favor, the committee took that information and used it to improve the visuals and graphics. Chairman Laurie Leingang reported back to the committee on each stage of its progress at steering committee meetings at the Mandan Tomorrow meetings. The preliminary idea was published in the Mandan Messenger April issue and now the August issue going out has a little more information added to it.

Commissioner Frank commented that when Commissioner Rohr said that a logo or a slogan doesn't make what they are and who they are necessarily, she thought of Dale Carnegie advice. He had said "Give someone a reputation to live up to" which would be an example of how Mandan can pay attention to that statement and give our residents a reputation to live up to. She thinks that this marketing plan will present that opportunity. She stated that she conducted a poll of her own regarding this matter and found that the community has really understood and is beginning to realize the potential for a campaign such as this to pull the different entities together. She stated she felt there was strength between the Park Board and the School Board in pulling their views together on this matter. Overall she had 31 people that replied to a survey and the majority of them support moving forward with this particular marketing plan. About 25% were not in support of the plan.

Commissioner Tibke commented that from what she understands from the information submitted from the Committee and Business Development Director Huber on this matter that their data is built from facts and figures. She stated she agrees with what Commissioner Frank spoke to. She commented that Madison, Wisconsin, has a logo "Made in Madison" and the people there claim that the logo has increased sales for the Wisconsin city products.

Commissioner Jackson commented that all the feedback he has received has not been in favor of the "Made in Mandan" slogan or the marketing theme itself or the money going into the marketing campaign. He stated that Chairman Laurie Leingang said that with the "Mandan Tomorrow" plan – the goals and what we're trying to accomplish - we had said "do this" and now they are coming forward with a proposal. This is a committee that is trying to ascertain what we should do. He stated that with the direction the committee was directed to go and with what they have brought forward so far, that he feels that something should come out of this marketing plan. He would like to see a "smaller version" of a marketing plan theme and see how that goes and then expand the following year dependent upon the results of the marketing campaign.

Mayor Helbling stated that he agrees with Commissioner Jackson about scaling back the plan just to get started. Taxes will not be raised to implement this program but rather use of current ones will be used. Another misconception was to discontinue the use of the current slogan "Where the West Begins"; however, that is not the case. "Made in Mandan" would complement the "Where the West Begins" slogan in order to make

things better. He stated he has heard both sides for and against the “Made in Mandan” logo. He also mentioned that he has heard positive comments about the city entities working together for the betterment of the community rather than each separate board. He stated that we have to do everything possible to make people feel good about the community because there is some negative perception within the community and they do not realize what we have here in Mandan already. He agreed with Commissioner Jackson that it would be appropriate to start the campaign slowly and increase the following year.

Commissioner Tibke questioned what would happen if the city were to scale back on the funds requested from the committee. How would that affect the grant request process for matching funds for the project?

Business Development Director Huber stated there is a deadline of September 3<sup>rd</sup> for a North Dakota Tourism Marketing grant of up to \$5,000. There is also the Department of Commerce Partners in Marketing grant application process that can provide up to 90% matching, but it is very restricted to primary sector business recruitment. Tourism is considered as a primary sector endeavor. She indicated that while the committee is hopeful in securing grant funds there is no promise. The tourism grant process is competitive. The Department of Commerce Partners in Marketing process is on a “first come first served” basis and they allocate a certain amount of money before the biennium and when it’s gone, it’s gone. While the committee is hopeful to fulfill this with grants or whatever private sponsorships, there is no guarantee of that. If the foundation dollars are cut, that will affect the grant process. If you choose not to go with this theme, Huber does not know if this committee will volunteer additional hours in coming up with an alternative theme. If that is the case, the city will have to more than likely proceed with a marketing advertising firm that will cost something and at this point in time, there has been no cost to any of the work that has been done up until today. It’s purely been volunteer hours.

Commissioner Jackson stated that his recommendation would be to support the project in the dollar amount of \$8,000 over the next six months and review the 2011 budget request for this project in order for it to continue on. Mayor Helbling pointed out that the committee presented three proposals: Primary @ \$19,468; Secondary @ \$31,448; Optimal @ \$45,044. Commissioner Jackson stated that the current request is in the amount of \$11,250 which is 25% of the \$45,044.

Commissioner Frank clarified that over the course of the campaign the request is for 25% which equals \$11,250. She suggested considering changing their request *from 25% equal to at least \$11,250* to say: *funding of the plan at the amount of 25% equal to \$11,250 or less*. Jackson stated that by taking 25% of the secondary amount of \$31,448 would come out to @ \$7,750.

Director Huber suggested consideration to resolve the matter - if the Board would adopt and utilize the theme and then to take the financial considerations up in respect to the 2011 budget?

Commissioner Rohr commented that with the different things going on now in the State of North Dakota, and we are almost top in the nation of what could be economics stability. He commented that will probably open many doors for us if we take the proper course and that could be exciting. He stated he is not against this but rather gives him more of an interest in the direction we are going.

Commissioner Jackson asked Business Development Director Huber what the amount of funds is that are available in the Development Budget for this marketing theme for this year? Huber indicated there is not a lot left this year, and that a lot is dependent upon the opportunity to apply for the grants and to secure those grants and get things set up for 2011. To date, the Park District approved 10% of the requested budget of \$4,500 contingent upon the City's approval of its requested level. The School Board approved at the 10% rate of \$4,500. So much depends on what comes together and ultimately the committee will have to take what is available and what projects they can make fit and apply for those grant funds and see if they come in; and if they do not, they will have to go to a Plan B. Huber said this will not require any change to the 2010 budget and it fits within the requested 2011 budget.

Commissioner Jackson moved to approve the proposal for the marketing theme presented by Mandan Tomorrow - Leadership, Pride & Image Committee of not more than an \$8,000 commitment. Commissioner Rohr seconded the motion.

Commissioner Tibke commented that the Board acknowledges the time and effort the Leadership Pride and Image Committee has dedicated to this project and would like to make them aware that the Board is taking a conservative financial approach to the marketing plan. She noted that the goal is to see this program have an opportunity to succeed so we do not want to stop it before it even starts with underfunding the marketing strategy with what they feel is a compact plan from the committee level.

Mayor Helbling noted that he believes the Board is aware that the committee is aware of the financial impact due to the three different proposals they submitted in terms of the dollar amounts.

Roll call vote: Commissioner Rohr: No, Commissioner Tibke: Yes; Commissioner Jackson: Yes; Commissioner Frank: Yes; Mayor Helbling: Yes. The motion carried.

NEW BUSINESS:

1. *Consider recommendations of selection committee regarding responses to Request for Proposals for redevelopment of junior high property.* City Administrator Neubauer reviewed with the Board a recommendation from the committee jointly appointed by the Mandan City Commission and the Mandan School Board to review responses received to a Request for Qualifications and subsequent request for proposals for the redevelopment of the former junior high property. Neubauer stated that RFP's were received from the CommunityWorks ND and Erling Haugland on August 6<sup>th</sup>. The committee met on August 11 with Mr. Rob Knoll from CommunityWorks ND and also with Mr. Erling Haugland. CommunityWorks ND requested a two-month extension to

further prepare the proposal. The Committee recommends that CommunityWorks ND be granted an extension to October 8, 2010 and if Mr. Haugland wishes to submit additional information to the committee on or before October 8, 2010, he may do so. Neubauer stated that the School Board recently approved the extension request to the October 8, 2010 deadline.

Commissioner Frank moved to grant an extension for both parties to provide additional information by Oct. 8, 2010. Commissioner Jackson seconded the motion. Roll call vote: Commissioner Rohr: Yes, Commissioner Tibke: Yes; Commissioner Jackson: Yes; Commissioner Frank: Yes; Mayor Helbling: Yes. The motion carried.

2. *Consider petitions submitted for the placement of “Mandan Noise Ordinance 1-A” on the ballot for the next election scheduled for November 2, 2010.* City Administrator Neubauer presented a request to consider petitions submitted for the placement of “Mandan Noise Ordinance 1-A” on the ballot for the next general election scheduled for November 2, 2010. He stated that 475 signatures were submitted of which 341 were required to be submitted. It was noted that 77 of the 475 were tossed out due to duplications or inadequate or insufficient address information, etc. The balance of the 398 signatures is above the required amount of 341. City Attorney Brown reported that he reviewed the petition and the proposed ordinance and the format complies with the home rule charter on initiated ordinances.

Mayor Helbling stated that the Commission can adopt the Ordinance as presented or put it to the vote of the people. He commented that the logical thing to do is to put it to the vote of the people and let them decide the fate of the Ordinance.

Commissioner Jackson moved to approve that the appropriate steps be taken to call a Special City Election to coincide with the November 2, 2010 general election and that the Noise Ordinance be placed on the ballot for a vote by the citizens of the City of Mandan. Commissioner Rohr seconded the motion.

Commissioner Rohr stated that it will be good to have the citizen’s vote on this Ordinance as there are implications with this issue that could affect other things and we need to make them aware of what that all entails. Mayor Helbling commented that there are many things that evolve around the events hosted by Mandan and they are aware of that.

Roll call vote: Commissioner Rohr: Yes, Commissioner Tibke: Yes; Commissioner Jackson: Yes; Commissioner Frank: Yes; Mayor Helbling: Yes. The motion carried.

3. *Consider the authorization for the advertisement of bids for Water Improvement Project 2010-12 (Southside reservoir pump station).* Brett Jochim from Advanced Engineering reviewed projects that have been completed and those that are remaining to be done to the water distribution system. The project before the Board tonight is the Southside reservoir pump station which is part of the master plan efforts that were completed previously for the water treatment facility and water distribution system.

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Jochim stated that the request tonight is for authorization to advertise for bids for Water Improvement Project 2010-12 (Southside reservoir pump station) as well as the demolition of the old Collins Avenue reservoir.

Mayor Helbling asked Finance Director Welch how this project impacts the budget process. Welch explained that the fees to pay for the proposed construction for this work are built into the current rates. The City borrows the money from the state revolving fund program at a low interest rate and that cost is spread over a 20-year period. The city's water rates have already been adjusted to reflect the proposed debt service for this work.

Commissioner Jackson moved to approve the authorization for the advertisement of bids for Water Improvement Project 2010-12 (Southside reservoir pump station and demolition of the old Collins Avenue reservoir). Commissioner Frank seconded the motion. The motion received unanimous approval of the members present.

#### RESOLUTIONS & ORDINANCES:

##### OTHER BUSINESS:

1. *Update on Diane's Addition Street Project.* Engineering Project Manager Bechtel provided the Commission with an update on this project. He stated that since this project was approved by the City Commission two meetings ago, a fair amount of calls have been received in opposition to the project due to the costs involved of \$8,000 to \$10,000 per lot for special assessments. At the last commission meeting, Mayor Helbling requested alternative improvements be considered. Bechtel stated that his office is looking at alternative plans and the letters will not be going out and they will not be putting the project out on bids at least for this year. Mayor Helbling commented that even if there were bids received, the work would not take place this year anyway due to contractor's schedules. It is advantageous to put the project off until next year and obtain new bids at that time and set up a new district and try to get the cost down. The protest period will lapse the end of this month. However, there will be no follow-up letters sent out; this project has been delayed until next year. New notices and new assessment numbers will be sent out next spring.

2. *Special Assessment Commission opening.* Engineering Project Manager Bechtel stated that the Special Assessment Committee currently has three positions, one of which is vacant. If anyone is interested in this position they are to contact Dave Bechtel, Engineering Project Manager at the City Engineer's office at phone #667-3225. It is a 6-year term. There are two sessions of assessing that the commission attempts, one in the spring and one in the fall with each session taking about 4-5 hours to look over the paperwork and tour the construction sites, etc. The duties include determining the amount of specials that come from construction projects, attending public hearing meetings and hearing objections that are presented by the public. There are no special qualifications required. There is no deadline; however, Bechtel would like to have interested parties contact him within the next 30 days.

3. *Repairs to 46<sup>th</sup> Avenue & 29<sup>th</sup> Street Southeast Street repair project.* City Administrator Neubauer reviewed an item that was not listed on the printed Agenda. This repair project involves the area south of McKenzie Drive on 46<sup>th</sup> Avenue to 29<sup>th</sup> Street SE. This is about 800-900 feet that need repairs, a patch, mill and an overlay. There were two bids received within \$90 of each other, in the approximate amount of \$37,000 and there are funds left over from some storm sewer monies that can be used towards this project in the amount of \$13,000. The additional funds of \$24,000 can be taken out of the sales tax fund to pay for this project. It is not a special assessment district. The city would like to do a change order to one of the two contractors and we would not have to go through the bidding process. Commissioner Jackson felt that a bidding process should take place, however the work needs to get done before the winter season.

Commissioner Jackson moved to approve awarding the 46<sup>th</sup> Avenue to 29<sup>th</sup> Street Southeast Street project to Northern Improvement. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes, Commissioner Tibke: Absent; Commissioner Jackson: Yes; Commissioner Frank: Yes; Mayor Helbling: Yes. The motion carried.

4. Carla Barrios, 1200 Third Avenue Northeast, came forward to speak. She indicated that she came to the meeting for the discussion on the Diane's Addition project. She said that her questions have been answered on that project. She commented on the discussion held on "Mandan Tomorrow"; however she would like to see discussion on "Mandan *Today*". She has been a homeowner for over 20 years in Mandan, and 1½ years ago they purchased a larger house but contemplated whether to buy in Mandan or Bismarck. They decided to stay in Mandan. Over the last 1½ years they have lived on 3<sup>rd</sup> Avenue. In November they moved in. When they got their new tax bills, they had assessments for the Collins Avenue project assessed and now a year later they will be looking at another \$8,000 to \$10,000 assessments on their property – all within 1½ years. She stated the tax increases are driving residents out of Mandan. She has regretted staying in Mandan. In her opinion, the newer developments in Mandan have assessments that are way too high for the average homeowner. She agreed with Commissioner Rohr as to the importance of talking with constituents for their views on issues regarding concerns that affect the citizens that live in Mandan. She stated she is not alone in her concerns and there are many citizens with these same complains. She stated that within 1½ years of her residing on Third Avenue Northeast, she has been assessed \$14,000 in special assessments on her house. She requested the commission start taking that into consideration and to be cognizant of the fact that people will most likely consider moving to Bismarck rather than Mandan because of the high taxes.

Mayor Helbling commented that he has talked with mayors in several communities including Bismarck, and Mandan is not alone with the special assessments. This is why the Diane's Addition project was pulled and will be reviewed so it is affordable.

5. Dennis Meyer came forward to speak. He stated he is appearing on behalf of Terre Vallee, LLP. He apologized for not getting the vegetation cut on the area west of

the new middle school. He stated the vegetation was given to a fellow who was supposed to mow it. The fellow was late getting to it for the initial cutting and only cut some of the vegetation. Meyer said he was out there with the Weed Control staff last week and the fellow for the city who does the mowing. Mr. Meyer commented that he asked him what he would charge to do the rest of it. He said he wanted \$4,800. There are 10.2 acres left there to mow. “He needs a new calculator”. He rejected the bid and did not contact the rest of the board because he was offended by the amount. Next Monday Meyer said he will cut it himself. Meyer recommended that this matter be looked into. Mayor Helbling requested a response from Chief Nardello. Chief Nardello came forward and explained that the City of Mandan has a Weed Board and once a year they advertise for bids for general weed cutting for those property owners that fail to maintain the property. The city will then contract with the lowest bidder. Consistently it has been \$.007 a square foot. The only time the city steps in to cut a property owner’s area is when it is not below 6” in height. Chief Nardello said that the weed officer has gone out of his way to help Mr. Meyer and his property has been in violation quite often. In fact, it has not been cut all year. The residents have been complaining. He agreed to have it cut and we have extended him additional time until Monday of next week. It has been explained to Mr. Meyer that if it is not cut we will have our city contractor cut that area and it will be special assessed to the property owner.

Mayor Helbling suggested that in the next bidding process we should separate between the average city parcel and “over an acre”. There should probably be two prices. Chief Nardello agreed it could be done that way with one price per square foot and the other per square acre.

There being no further actions to come before the Board, Commissioner Rohr moved to adjourn the meeting at 6:45 p.m. Commissioner Frank seconded the motion. The motion received unanimous approval of the Board members present and the meeting adjourned.

/s/ James Neubauer  
James Neubauer,  
City Administrator

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