
The Mandan City Commission met in regular session at 5:30 p.m. on March 15, 2011 in the Ed “Bosh” Froehlich Room at City Hall. Commissioners present were Helbling, Tibke, Rohr, Frank 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 and Communications Director Huber, Engineering Project Manager Bechtel, and City Assessor Barta.

MINUTES: *Consider approval of the minutes for March 1, 2011, meeting of the Board of City Commissioners.* Commissioner Tibke moved to approve the minutes as presented. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present.

PUBLIC HEARING:

BIDS:

CONSENT AGENDA:

1. *Consider approval of the Fire Hydrant Painting agreement with HIT Inc.* The Board approved of the Fire Hydrant Painting agreement with HIT Inc.
2. *Consider approval of monthly bills.* The Board approved of the monthly bills.
3. *Consider for approval Sunday openings for the Mandan Eagles for all Sundays between March 13 and June 26, 2011. (Excluding Easter; 15 Sundays total).* The Board approved of the Sunday openings for the Mandan Eagles for all Sundays between March 13 and June 26, 2011.
4. *Consider request from the Water Treatment Plant to transfer funds from the 2010 Budget to the 2011 Budget.* The Board approved of the Water Treatment Plant to transfer funds from the 2010 Budget to the 2011 Budget.
5. *Consider request from Public Works to transfer funds from the 2010 Budget to the 2011 Budget.* The Board approved of the request from Public Works to transfer funds from the 2010 Budget to the 2011 Budget.
6. *Consider request from the Wastewater Treatment Plant to transfer funds from the 2010 Budget to the 2011 Budget.* The Board approved of the request from the Wastewater Treatment Plant to transfer funds from the 2010 Budget to the 2011 Budget.
7. *Consider request from the Police/Fire Department to transfer funds from the 2010 Budget to the 2011 Budget.* The Board approved of the request from the Police/Fire Department to transfer funds from the 2010 Budget to the 2011 Budget.

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

OLD BUSINESS:

NEW BUSINESS:

1. *Consider the creation of, approve the feasibility report for, approve the plans and specifications for, and authorize the advertisement of the Resolution of Necessity, and approve the CPM agreement for Street Improvement District No. 165 Project # 2011-01. (14th Street NW).* Engineering Project Manager Bechtel reviewed with members a request to create a special assessment and for authorization to move forward with the completion of documentation requirements. The project location is at 14th Street Northwest from Collins Avenue to Sunset Drive Northwest and will consist of the standard process for chip seal and repair, curb and gutter repair, valley gutter replacement, asphalt patching, and asphalt overlay. The City of Mandan will receive federal funds to rehabilitate because this is an Urban Roads project. The Engineer's estimate for the project is \$463,103.76 and with administration costs added, the total cost will be \$625,190.08. A breakdown of the costs: \$320,000 will be covered by federal funds and 10% covered by the City of Mandan with city-wide property taxes and 10% from sales taxes. The balance of \$180,000 will be assessed a one-time assessment to the 200 parcels within the district at approximately \$2,266 to the primary lots; \$1,133 to the secondary lots and \$566 to other lots. Commissioner Frank inquired as to how the management of the storm sewer drains in that area will be addressed. Bechtel stated that streets are normally constructed to funnel water on each half-side of the street; however, that particular street puts two-thirds on one side of the street and one-third on the other. That will be corrected during this project - to split the water drainage half-and-half to drain properly.

Another concern Frank brought forward was the assessment to the district with large areas taken up by the Lewis and Clark School and Liberty Heights. She questioned how those areas are assessed? Bechtel replied that those areas are assessed more than a city lot is assessed and will receive more units than a normal lot. He explained that if a normal unit is one, they will receive four. They have the ability to spread that out throughout the district. Mayor Helbling pointed out that this is the first time 14th Street Northwest has been on the Urban Roads project list and without it being an Urban Roads project, the assessment would have been 100% assessed for the area. Commissioner Rohr asked if everything goes as planned, would the project be finished next fall? Bechtel stated that the project will be bid by April 15, 2011, with an expected start date of June and completion date of November. Commissioner Jackson commented that he spoke with Finance Director Welch about completing the assessment time frame in less than the projected 15-year proposed timeframe and to think about that before the bond issue is brought before the Board to hypothetically reduce the city's long term debt. Mayor Helbling requested Welch and Bechtel provide an estimate of costs assessed at 8 years, 10 years, 12 years and 15 years for comparison purposes. Bechtel stated that letters will be sent to those property owners in the project outlining the specials and a protest time period. Mayor Helbling then re-stated having the estimates prepared at 8 years and 15 years reviewed prior to the letters going out. Bechtel and Welch will review the time-frame request and discuss what will be a reasonable assessment.

Commissioner Jackson moved to approve the creation of, approve the feasibility report for, approve the plans and specifications for, and authorize the advertisement of the

Resolution of Necessity, and approve the CPM agreement for Street Improvement District No. 165 Project # 2011-01 also known as 14th Street NW. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

2. *Consider approval of the Liquor License application for Dean Ulmer d/b/a Dean's Steak House, LLC formerly Prime Steer.* Dean Ulmer d/b/a Dean's Steak House LLC, Mobridge, South Dakota, spoke in support of his request. This will be a primary steak house along with a bar business. He provided the Board with his background experience in restaurant and farming. He stated that a projected opening date will be when the liquor license is approved and the state inspector has completed the inspection of the property. He indicated that March 25, 2011 is a target date at this time. Administrator Neubauer suggested that the Board approve the next ~~two~~ three Sunday opening permit requests and subsequently the (initial) license request will be amended to include a partial Sunday liquor license as it was not included in the original request.

Commissioner Jackson motioned to approve the request of the Liquor License application for Dean Ulmer d/b/a Dean's Steak House, LLC formerly Prime Steer contingent upon the establishment of meeting all fire codes, health and safety codes, building inspection codes and that all property taxes and fees are paid. Amended Motion: by Commissioner Jackson to approve the request of the liquor license for the next three Sundays to be included with the understanding that the initial request will be amended to include a Sunday liquor license. Commissioner Rohr seconded the Amended Motion. The Amended Motion received unanimous approval of the members present. Commissioner Rohr seconded the original motion. The original motion received unanimous approval of the members present.

RESOLUTIONS & ORDINANCES:

1. *Consider first reading of Ordinance No. 1093 an ordinance to create a new section to the Mandan Code of Ordinances to create a section dealing with initiative and referendum.* Commissioner Jackson moved to approve the first reading of Ordinance No. 1093 an ordinance to create a new section to the Mandan Code of Ordinances to create a section dealing with initiative and referendum. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

2. *Consider first reading of Ordinance No. 1094 an ordinance to amend Section 2-01-04 of the Mandan Code of Ordinances relating to passage of ordinances.* Commissioner Jackson moved to approve the first reading of Ordinance No. 1094 an ordinance to amend Section 2-01-04 of the Mandan Code of Ordinances relating to passage of ordinances. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

3. *Consider a proclamation designating April 11th – 16th as “Spring Clean-Up Week” in the City of Mandan.* Commissioner Tibke moved to approve the proclamation designating April 11th – 16th as “Spring Clean-Up Week” in the City of Mandan. Commissioner Jackson seconded the motion. The motion received unanimous approval of the members present. Notifications will be published as done in previous years and will include notification on the City of Mandan website.

OTHER BUSINESS:

There being no further actions to come before the Board, Commissioner Frank moved to adjourn the meeting at 5:58 p.m. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present.

/s/ James Neubauer

James Neubauer,
City Administrator

/s/ Timothy A. Helbling

Timothy A. Helbling,
President, Board of City
Commissioners