

The Mandan City Commission met in regular session at 5:00 p.m. on January 19, 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 5, 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:

1. Consider a change of zoning from A (Agricultural) to RM (Multi-Family) of Auditor’s Lot A of the NE ¼ SE of Section 34-139N-81W. Engineering Project Manager Bechtel presented a request to change the zoning from A (Agricultural) to RM (Multi-Family) of Auditor’s Lot A of the NE ¼ SE of Section 34-139N-81W. The request was received from property owners Lance and Gail Wachter on behalf of HIT Incorporated. The plan is to consider construction for a group home setting. The Planning and Zoning Board has approved of the request.

Mayor Helbling stated that this is a public hearing and asked for comments from the public. There were no comments received. Mayor Helbling closed this portion of the hearing.

Commissioner Tibke moved to approve the change of zoning from A (Agricultural) to RM (Multi-Family) of Auditor’s Lot A of the NE ¼ SE of Section 34-139N-81W. Commissioner Serhienko seconded the motion. Roll Call Vote: Commissioner Gangl: Yes; Commissioner Tibke: Yes; Commissioner Jackson: Yes; Commissioner Serhienko: Yes; Commissioner Helbling: Yes. The motion passed.

2. Consider a change of zoning from R7 (Single-Family Residential) and RM (Multi-Family Residential) to all RM (Multi-Family Residential), all of Block 1 of Ol’ Town Addition, Section 27, Township 139N, Range 81W. Engineering Project Manager Bechtel presented a request to change the zoning from R7 (Single-Family Residential) and RM (Multi-Family Residential) to all RM (Multi-Family Residential), all of Block 1 of Ol’ Town Addition, Section 27, Township 139N, Range 81W. He stated that Sam Towner has requested the change as he intends to build single-family homes on the property and has requested the entire zoning be zoned RM. The Planning and Zoning Board has approved of the request.

Mayor Helbling stated that this is a public hearing and asked for comments from the public. There were no comments received. Mayor Helbling closed this portion of the hearing.

Commissioner Serhienko moved to approve a change of zoning from R7 (Single-Family Residential) and RM (Multi-Family Residential) to all RM (Multi-Family Residential),

all of Block 1 of Ol' Town Addition, Section 27, Township 139N, Range 81W.

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.

BIDS:

1. *Consider using the MNDOT Contract Bid to purchase a new snow blower.*
Director of Public Works Wright reviewed with the Board a request to purchase a new snow blower. Write said that the 2010 budget includes a provision for a new snow blower at an estimated cost of \$95,000. He reviewed three options available and recommended that the City consider purchasing a Tenco 172-LM snow blower for the price of \$94,888. He stated that pursuant to a contract bid with Minnesota DOT, the City can purchase the snow blower at the price of \$94,888 which is under the contract bid that expires January 31, 2010. Wright stated that this snow blower would be just under the budgeted cost. Wright also stated he had reviewed recent bids received on similar snow blowers in Burleigh County and the cost to purchase under the MN DOT contract is much less.

Commissioner Serhienko moved to approve the purchase of a new Tenco 172-LM snow blower in the amount of \$94,888 using the MN DOT contract bid. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present.

CONSENT AGENDA:

1. *Consider approval of monthly bills.* The Board approved of the monthly bills.
2. *Consider approval of the pledge of securities reports as required by NDCC 21-04.* The Board approved of the pledge of securities reports as required by NDCC 21-04.
3. *Consider the designation of depositories for the City's public funds as required by NDCC 21-04.* The board approved of the designation of depositories for the City's public funds as required by NDCC 21-04.
4. *Consider site authorization for Ducks Unlimited at the Seven Sea's for March 10, 2010.* The Board approved of the site authorization for Ducks Unlimited at the Seven Sea's for March 10, 2010.
5. *Consider the following abatements:*
 - i. *Jody Keller – Wheelchair Exemption*
 - ii. *Edward & Viola Schaner – Homestead Credit Exemption*
 - iii. *Jade Schroeder – Homestead Credit Exemption*
 - iv. *Robert Woodaman – Disabled Veteran Exemption*
 - v. *Thomas Geiger – Reassessment*
 - vi. *Anthony Berger – Wheelchair Exemption*

The Board approved of the abatements as listed above.

6. *Consider Site Authorization for Prairie Public Broadcasting, Inc. at Captain Freddy's, Inc. (2/1/10 to 6/30/10).* The Board approved of the Site Authorization for Prairie Public Broadcasting, Inc. at Captain Freddy's, Inc. (2/1/10 to 6/30/10).
7. *Consider a change order request for Street Improvement Project 2008-08 District No. 153 Area B in the amount of \$48,718.78.* The Board approved of the change order

request for Street Improvement Project 2008-08 District No. 153 Area B in the amount of \$48,718.78.

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

OLD BUSINESS:

NEW BUSINESS:

1. *Consider funding of the preparation of the subdivision plat and associated costs from the Community Center Long Term Maintenance Fund.* City Administrator Neubauer reviewed with members that in preparation for the transfer of property to the Mandan School District and to clean up the plat for the area, a cost estimate for the preparation of a subdivision plan was requested. Neubauer stated that the cost should be under \$9,500. He stated that this estimate does not include the costs for updating the abstracts, filing fees, attorney title opinion, platting and zoning fees, which may cost an additional \$2,000. Neubauer stated that the City, Park Board and School District have all contributed to the maintenance fund on a yearly basis. Neubauer explained that these are not new monies that have to be collected. The City had agreed in June 2009 to allocate its remaining share of the maintenance fund to the School and Parks, therefore, if the recommendation is approved, it will only reduce the amounts these two entities will receive.

Commissioner Jackson moved to approve the funding of the preparation of the subdivision plat and associated costs from the Community Center Long Term Maintenance Fund. Commissioner Jackson seconded the motion. The motion received unanimous approval of the members present.

2. *Introduction of new Police Officer – Brent Brandner.* Police Chief Bullinger introduced new police officer Brent Brandner. He stated Officer Brandner is a 2006 graduate of Bismarck High School and is continuing his education in the Criminal Justice Program at Bismarck State College. Brandner is a member of the ND National Guard and has served in Iraq, is a recipient of many awards including the Purple Heart. He is attending the Law Enforcement Training Academy in Bismarck. Mayor Helbling welcomed Officer Brandner to the community.

RESOLUTIONS AND ORDINANCES:

1. *Consider introduction and first reading of Ordinance No. 1057 – an ordinance to amend and reenact subsection 1 of Section 21-01-06 of the Mandan Municipal Code Relating to the Time of Meetings for the Planning and Zoning Commission.*

Commissioner Jackson moved to approve the first reading of Ordinance No. 1057. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present.

2. *Consider introduction and first 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 a request for the introduction and

first reading of Ordinance No. 1070. He stated that at the request of the City, this ordinance was revised to include a provision and to clarify that a member serving on the MARC shall be a resident of the City, a business owner/operator within the City or an owner of property within the City.

Commissioner Serhienko suggested that the amendment should only reflect the additional members. City Attorney Brown commented that the City Commission appoints the members of MARC and that it should not be a major concern as to the way the Amended Ordinance is written.

Commissioner Serhienko moved to approve the introduction and first reading of Ordinance No. 1070 – an ordinance to amend Section 2-12-02 of the Mandan Municipal Code Relating to Architectural Review Commission. Commissioner Jackson seconded the motion. Mayor Helbling opened the floor for discussion. Susan Beehler, Mandan City resident, came forward to voice concern that MARC does not have any elective representation on the board. She stated that they come to the City Commission after the fact. She stated that she has concern about the MARC eliminating things that have come up before. She stated that she previously was not selected as a member because she was not a landscape expert under the so-called law. She voiced opinion that she feels there should be no reason why it should not be a Mandan/Morton County person on that Board and that there should not be any allowance for anyone other than a Mandan resident or business owner on the MARC. She commented that by using the phrase “whenever possible” leaves the door wide open for another person to come in. She stated she believes it should state residents and business owners in Mandan/Morton County.

Mayor Helbling commented that City Attorney Brown has reviewed the proposed Amended Ordinance and approved it as presented. Mayor Helbling stated that there has been a motion before the Board with a second to approve the first reading.

The motion received unanimous approval of the members present. The motion passed.

OTHER BUSINESS:

There being no further actions to come before the Board, Commissioner Serhienko moved to adjourn the meeting at 5:23 p.m. Commissioner Jackson 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