
The Mandan City Commission met in regular session at 5:30 p.m. on December 16, 2014 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Laber, and Braun. 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 & Communications Director Huber, Planning & Engineering Director Froseth, Planner Decker, Assessor Shaw, and Building Official Lalim.

B. APPROVAL OF AGENDA: Commissioner Rohr motioned to approve the Agenda as presented. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

C. PUBLIC COMMUNICATIONS: Mayor Van Beek invited anyone to come forward to address items on the Agenda excluding public hearings. A second announcement was made to come forward to speak for or against items on the Agenda. Hearing none, this portion of the Public Communications forum was closed.

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission regular meeting held December 2, 2014.* Commissioner Laber moved to approve the minutes as presented. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

F. BIDS:

1. *Consider awarding bids for the construction of the new Grounds Maintenance Building at the Cemetery and consider a 2014 Cemetery Budget Amendment to construct.* Director of Public Works Wright presented a request for a new Grounds Maintenance Building. The 2015 Budget includes a Grounds Maintenance Department. He explained the reorganization of various part-time positions indicating those positions were combined with three existing fulltime employees. The fulltime positions included two from the cemetery and one from the forestry department. Thus, all equipment and personnel have been combined into one group. He presented the problems with the existing building. He also provided an outline of the construction plans for the new building which was developed by Toman Engineering and Al Fitterer Architects who did the site-plans and designed the building.

Director Wright said bids were opened on November 13, 2014. Three single prime bids were received that combined general contracting, mechanical and electrical work into one bid. Those bids came in higher than individual bids as they were broken out. The low bidder for each phase of work was Dakota West Contracting, Bismarck, with the low general contractor at \$618,950 which includes all alternatives. Denny’s Electric, Dickinson, was the low bidder at \$61,530; the low bidder for the mechanical contractor was Central Mechanical, Mandan, at \$101,800 for a total construction cost of \$782,280.

Additional necessary miscellaneous costs determined by Al Fitterer Architect's came to \$107,700 for a total estimated project cost of \$890,000. The existing budget for 2014 for the Cemetery Maintenance Building was \$600,000. The request before the Commission is for a budget Amendment of \$290,000 with a recommendation to split the costs at \$245,000 from the General Fund and \$45,000 from the Sales Tax Fund. Director Wright reviewed the Project Timeline which would start with an approval by this Board. Ground breaking is scheduled for April 2015 with a completion date of September 1, 2015.

Commissioner Laber moved to approve the award of bids for the construction of the new Grounds Maintenance Building at the Cemetery to the low general contractor bidder Dakota West Contracting, Bismarck, ND at \$618,950 and to Denny's Electric, Dickinson, ND at \$61,530; and to Central Mechanical, Inc., Mandan, ND at \$101,800 and to approve the budget amendment to the 2014 Cemetery budget for \$290,000. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

G. CONSENT AGENDA

1. *Consider approval of monthly bills.* ADVANCED ENGINEERING SVC - 5,636.90; AUDIOVISUAL INC. - 44,749.32; COLLECTION CENTER INC - 51.72; EILER/CHAD J - 3,500.00; HIT, INC. - 854.00; INFORMATION TECHNOLOGY D - 533.85; KAPELLA/LUKE - 54.25; MANDAN PARK BOARD - 1,500.00; MARINER CONSTRUCTION INC - 494,872.54; MERCHANTS CAPITAL RESOUR - 25,105.44; MIDWEST TESTING LAB INC - 3,525.25; MONTANA-DAKOTA UTILITIES - 14,646.94; MORTON COUNTY AUDITOR - 3,698.14; ND ASSOC OF ASSNG OFFCRS - 30.00; PKG CONTRACTING INC - 18,088.84; PRESORT PLUS - 1,012.12; SRF CONSULTING GROUP - 46.11; VERIZON LEGAL COMPLIANCE - 400.00; MONTANA-DAKOTA UTILITIES - 29,903.16; ADVANCED ENGINEERING SVC - 130,009.72; BALABAN LAW OFFICE - 1,500.00; BIS-MAN CONVTN & VISITOR - 11,485.36; BIS-MDN TRANSIT BOARD - 188.25; BOB'S CUSTOM SERVICES IN - 260.00; COMPANION LIFE - 10.00; DAKOTA MEDIA ACCESS - 8,332.25; ETHANOL PRODUCTS - 823.96; FORT DEARBORN LIFE - 475.21; FOUR SQUARE CONCRETE LLC - 644.00; GEFFRE/RON - 231.00; GEORGE STROH TRUCKING IN - 945.00; GLASS/THOMAS J. - 1,500.00; KADRMAS, LEE & JACKSON, - 4,224.94; KELSCH KELSCH RUFF & KRA - 4,000.00; KOSTELECKY/EVE - 500.00; MANDAN AIRPORT AURTORITY - 376.58; MANDAN PROGRESS ORGANIZA - 3,930.00; MEDORA CORPORATION - 103,974.00; MORTON MANDAN PUBLIC LIB - 14,001.54; ND PERS - 96,472.65; ND WATER & POLLTN CONTRO - 190.00; NORTHERN IMPROVEMENT CO - 418,179.30; ONE CALL CONCEPT INC - 676.50; POST BOARD - 110.00; R K ELECTRIC - 3,195.00; RAZOR TRACKING - 5,612.00; SCHLOSSER EXCAVATING INC - 2,107.50; WELLS FARGO COMMERCIAL C - 214,932.12; MONTANA-DAKOTA UTILITIES - 23,633.32; ACS/XEROX BUSINESS SER. - 4,490.11; ADVANCED ENGINEERING SVC - 6,342.61; AT & T - 714.19; BAR BEE CARPET CLEANING - 329.00; CBI BUSINESS SERVICES - 7,122.00; COMPUTER PROFESS UNLIMIT - 89.00; DAKOTA CAULKING INC - 128.00; DIRECTMED - 142.86; EDLING ELECTRIC INC - 47,576.24; HUBER/ELLEN - 308.00; INFORMATION TECHNOLOGY D - 1,389.79; INFRATECH INC - 10,517.50; INTERGOVERNMENTAL SHOP - 12,123.71; JLG ARCHITECTS - 11,500.00; KOSTELECKY/EVE - 0.00; LILLIS ELECTRIC INC. - 675.00; MANDAN MUNICIPAL COURT - 1,490.00; MANDAN PARK BOARD - 2,000.00; MARINER CONSTRUCTION INC - 703,264.93; MISSOURI WEST WATER SYST - 72.79;

MORTON COUNTY AUDITOR - 6,936.59; MORTON COUNTY HIGHWAY DE - 3,555.62; MUNICIPAL CODE CORPORATI - 2,740.00; MY GOV, LLC - 700.00; ND INSURANCE DEPARTMENT - 27.30; ND LEAGUE OF CITIES - 1,010.00; ND STATE DEPT OF HEALTH - 320.00; ONE CALL CONCEPT INC - 133.10; PRESORT PLUS - 2,980.74; QUAM CONSTRUCTION CO INC - 5,000.00; RAZOR TRACKING - 400.00; RENNER'S LAWN SPRINKLING - 225.00; SCHLOSSER EXCAVATING INC - 1,480.00; SCHULTZ/DUSTIN - 37.95; SMITH/STEPHEN - 60.35; TRAFFIC SAFETY SERVICES - 29,460.62; VAULT1440, LLC - 1,875.00; WEHRI/RADEANNA - 450.00; YOUNG/AGLAE - 285.00;

2. *Consider approval of 2015 salary market adjustments.*
3. *Consider approval of Professional Services Agreement with Stantec for assistance in planning and designing a downtown Street Improvement District.*
4. *Consider 2014 fire department budget amendment to accept grant and purchase breathing air bottles.*
5. *Consider approval of annual Maintenance Certification agreement with NDDOT.*
6. *Consider approval of PE Reimbursement Agreement for Memorial Highway Signals project.*
7. *Consider approval of NDDOT Transportation Alternatives Program (TAP) application on behalf of the City Parks and Recreation department as a sponsoring agency.*
8. *Consider for approval games of chance for Miss Rodeo ND Organization at the Seven Seas/Baymont Inn from January 3, 2015 through February 27, 2015.*

Commissioner Rohr moved to approve the Consent Agenda as presented. Commissioner Tibke seconded the motion and the amended motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Report on U.S. Treasury Office of Inspector General Audit of the SSBCI Loan Participation Program.* Business Development & Communications Director Huber explained that the purpose of this matter is to share an audit report with the Commission from the Office of Inspector General of the Department of Treasury for the State Small Business Credit Initiative and the Mandan, ND, consortium's use of federal funds. Director Huber stated that considerable work is done with checks and balances to ensure compliance with the US Treasury program expectations. The U.S. Treasury Office of Inspector General Department has determined that the North Dakota Mandan Consortium has appropriately loaned funds to small businesses and accurately reported administrative costs through the period of the audit which ended March 31, 2014 accounting for use of \$9.7 million that was either loaned out or committed as Small Business Loans and for administrative expenditures. In summary, it was a clean audit by the Inspector General.
2. *Update on current Street Improvement Projects.* Planning & Engineering Director Froseth stated that this is an update on street improvement projects currently under contract. He said there are 16 projects still in progress with six of them started in 2014. The list of projects was provided to the Commission. With regard to District 163 (Sunset

Drive), the City staff did a walk-through of that project in June and several deficiencies were found along with other corrections. Those problems should be completed soon. A walkthrough of the final project will be done when completed.

3. *Update on forthcoming changes to the city's sidewalk and driveway standard specifications, details, and ordinance sections.* Robert Decker, Principal Planner, stated that a list has been developed of the items that need modification for next year. One key concern is that work is being done in a public right-of-way so a requirement will be implemented that a contractor will have to have a state license and will be required to have proper insurance and bonding. A list of licensed and bonded contractors was obtained from the City of Bismarck. Going forward contractors will have to have a current state license, provide proof of adequate insurance, and bond their work. Stamping the work in the concrete will be required. Planner Decker reviewed a list of several standards that will be required and monitored during the course of the project. These standards address new sidewalks; however, a standard will be developed wherein property owners will be notified about concerns with existing sidewalks.

4. *Consider recommendation from Mandan Airport Authority for new member.* Jim Lawler, Mandan Municipal Airport Manager reported that there is one Airport Authority Committee position open due to a resignation. An advertisement was published in the Mandan News for the vacancy. Six applications were received with one applicant withdrawing his application near the end of the period. Five individuals were interviewed by the Board and the Airport Manager. After completion of the interviews they recommend the appointment of Chris Brown, who scored the highest amongst those interviewed.

Commissioner Laber moved to approve the appointment Chris Brown for the period of one year, ending 12/31/15 to the Mandan Airport Authority. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

J. RESOLUTIONS AND ORDINANCES:

1. *Consider Financing Resolution for Storm Sewer Improvement District #32, Water and Sewer Improvement District #61, and Street Improvement Districts #161, #163, #174, #180, #187 Definitive Improvement Warrants. (Note: Bond sale was approved by the Board on December 2, 2014).* Finance Director Welch stated these resolutions are necessary to complete the bond sale into the formal bond issue. He stated that all cities are required to sell municipal bonds.

Commissioner Laber moved to approve the Financing Resolution for Storm Sewer Improvement District #32, Water and Sewer Improvement District #61, and Street Improvement Districts #161, #163, #174, #180, #187 Definitive Improvement Warrants. (Note: Bond sale was approved by the Board on December 2, 2014). Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider Resolution Authorizing Issuance of \$6,095,000 Refunding Improvement Bonds of 2014, Series B. (Note: Relates to Agenda item J.1.)*

Commissioner Tibke moved to approve the Resolution Authorizing Issuance of \$6,095,000 Refunding Improvement Bonds of 2014, Series B. (Note: Relates to Agenda item J.1.) Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Second consideration and final passage of Ordinance No. 1188, an Ordinance to amend Title 21 of the Mandan Code of Ordinances related to Landscaping.*

Commissioner Tibke moved to approve the Second consideration and final passage of Ordinance No. 1188, an Ordinance to amend Title 21 of the Mandan Code of Ordinances related to Landscaping. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Second consideration and final passage of Ordinance 1195, An Ordinance to Amend and Re-enact Chapter 4-09 of the Mandan Code of Ordinances Relating to City Employee Pension Plan.*

Commissioner Tibke moved to approve the Second consideration and final passage of Ordinance 1195, An Ordinance to Amend and Re-enact Chapter 4-09 of the Mandan Code of Ordinances Relating to City Employee Pension Plan. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

5. *Consider Resolution establishing NSF charge for returned payments resulting from public utilities and services supplied, provided or furnished by the City of Mandan.*

City Finance Director Welch stated that this is a Resolution to raise the current NSF charge from \$10 for each returned item to \$20. This would cover returned checks, declined ACH payments, declined credit cards, and closed checking and savings accounts. The purpose for the increase is to cover the costs assessed by financial institutions that will incrementally increase costs that affect our costs in contacting the customer and re-depositing the funds, which have also increased.

Commissioner Laber moved to approve the Resolution establishing NSF charge for returned payments resulting from public utilities and services supplied, provided or furnished by the City of Mandan to be increased to \$20 per item. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

6. *First consideration of Ordinance 1196 to amend and re-enact Chapter 12-02 of the Mandan Code of Ordinances relating to a Class WB (Winery/Brewery) liquor license.*

Business Development & Communications Director Huber stated this Ordinance will foster the local Winery/Brewery industry in Mandan. Currently there is one Brewery, Buffalo Commons, in operation and another one, Birddog Brewing Company, is working on getting established. The current Municipal Code had limits on the amount of product

that could be sold off sale, for example, that were no longer in sync with the NDCC and this Ordinance will accomplish that.

Commissioner Rohr moved to approve the First consideration of Ordinance 1196 to amend and re-enact Chapter 12-02 of the Mandan Code of Ordinances relating to a Class WB (Winery/Brewery) liquor license. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

7. *Consider Resolution adopting the Morton County Multi-Hazard Mitigation Plan.* Tom Doering, Morton County Emergency Manager stated that Morton County has a multi-hazard plan that started over a year ago in which some of the Mandan City officials played a part in helping with the planning process with a mitigation plan. FEMA supports the plan indicating it is a good use of taxpayer money in that it helps prevent damage from occurring rather than waiting until after all the damage has occurred. Manager Doering explained the 5-step process involved in the plan. He stated the plan has been approved by FEMA and is tentatively approved until all the resolutions from all the participating jurisdictions throughout the county are sent to FEMA and then it will be finally approved. There is one pretty significant project that hangs in the balance right now. He's been working with Jeff Wright on that. It's for an emergency generator for the Plainview reservoir that would also power up the pump station for the reservoir. It's a cost share so it wouldn't be at the full amount.

Commissioner Braun moved to approve the Resolution adopting the Morton County Multi-Hazard Mitigation Plan. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS

There being no further actions to come before the Board of City Commissioners, Commissioner Rohr moved to adjourn the meeting at 6:25 p.m. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

/s/ James Neubauer

James Neubauer,
City Administrator

/s/ Arlyn Van Beek

Arlyn Van Beek,
President, Board of City
Commissioners