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The Mandan City Commission met in regular session at 5:30 p.m. on December 1, 2015 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota.

Commissioners present were Van Beek, Tibke, Rohr, Braun and Laber. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Planning & Engineering Director Froseth, Planner Decker, Assessor Shaw, and Building Official Lalim. Absent: Business Development Communications Director Huber.

2. *Presentation of retirement award to Gary Schmidt.* Mayor Van Beek extended a thank you to Gary Schmidt for his many years of service to the City of Mandan. He was presented with a retirement gift for his 43 years of service and on behalf of the City Commission, Mayor Van Beek wished him well in his retirement years.

B. APPROVAL OF AGENDA: Commissioner Laber moved to approve the Agenda. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present. The motion passed.

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

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission of November 14, 2015 Special Meeting; November 17, 2015 Regular Meeting & Joint Meeting with Park Board; November 23, 2015 Special Meeting.* Commissioner Rohr moved to approve the minutes as presented. Commissioner Laber seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

F. BIDS:

G. CONSENT AGENDA

1. *Consider approval of NDDOT Maintenance Certification Agreement.*
2. *Consider entering into an agreement with North Dakota Youth Correction Center for snow removal.*
3. *Consider approval of Out of State Travel for International Code Council training Classes.*
4. *Consider authorizing the Advertisement for Bids for the Emergency Generator Project.*

Commissioner Tibke moved to approve the Consent Agenda as presented. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner

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Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Introduction of Project Proposal by KAT Communications Sr. Consultant, Harley Engelman.* Police Chief Bullinger introduced Harley Engelman who is the Senior Consultant with KAT Communications in Bismarck. Chief Bullinger stated that he and Morton County Sheriff Kirchmeier, Bismarck Police Chief Donlin, and a representative from the Burleigh County Sheriff's Department met with Mr. Engelman in September to discuss this project. He explained that KAT Communications is proposing a collaborative law enforcement initiative which is believed to help attract individuals into law enforcement careers and enhance awareness between the Bismarck-Mandan communities. Mr. Engelman is in attendance and has been invited to provide an overview of the proposal from KAT Communications in creating a professional marketing video for local law enforcement. The North Dakota Highway Patrol has a similar video that KAT Communications has done recently. The proposal is of no cost to any agency or entity.

Harley Engelman, from KAT Communications, came forward to present the project which was developed about a year ago wherein the Bismarck Tribune published an article about the on-going challenges with recruiting police officers. Mr. Engelman said KAT just came off building a similar video for the Highway Patrol and extended an invitation to key law enforcement officials in Bismarck-Mandan to develop a video that would feature different career and job fair events to attract and recruit officers into their force. KAT Communication focuses on social marketing for the betterment of the community to empower change in a positive manner. During discussion with the individuals it was clear there already is a close relationship amongst the law enforcement officers in our community. The goal is to build this in a slow methodical process to make sure we are answering a need and meeting the criteria of the political subdivisions. The proposal that was presented to the four departments began as a letter of support from each of them for KAT to proceed with the project. That letter outlined the three general areas for each of the respective law enforcement agencies.

The first area to look at is Career Awareness. KAT has significant experience developing eLearning modules or learning classrooms on a variety of different subject matters. In order to enhance potential career opportunities you have to get to the students earlier; either in middle school or the early high school ages. We looked at the possibility of building a module that would build career pathways to outline the different jobs that take place in law enforcement. The second issue discussed was recruiting and retaining. The third issue involves a diverse population in the community that is changing the culture of law enforcement. This has become challenging not only in Bismarck-Mandan but throughout the nation. The above three areas will be targeted in this proposal: 1. Career pathways; 2. Recruitment and retaining; and 3. Building an enhanced awareness or public relations within the community. After reviewing the needs, wants and desires with each

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of the four entities, (then with all four entities together), they will work for an overall collective vision to work in the community to build a campaign that will enhance the trust between law enforcement and community members. After that phase, KAT will determine the cost of the project while working with an advisory group made up of members of the respective entities. KAT Communications will find the funding for the project. There will be no cost to the entities. At this time the request before the Commission is to support the project moving forward.

Commissioner Rohr commented that this project will be a tremendous tool for law enforcement considering all the issues on hiring and retaining good staff. He agreed it is important to utilize whatever resources are available to make the community as strong as possible.

Mr. Engelman stated that KAT Communications is a full scale market media management company with over 25 years of experience in marketing for both profit and non-profit entities. The project itself would be spanned out over a 3-year period with a Needs Assessment being conducted with each of the entities as soon as possible in order to determine the project timeline of goals. KAT Communications will be transparent throughout the whole process with everyone involved through its Advisory Committee so that anyone at any time would be able to seek a report when necessary. Each entity will be afforded the opportunity to provide their priorities of importance unique to them and KAT will work its way down the project steps after obtaining that information. That way no one entity will be on the forefront of the project. It will be a collaborative effort between the four entities.

Commissioner Laber commented that the approach as outlined will be interesting and challenging at the same time because it will be working with public and private entities. She requested that clarification be provided in that the project is deemed “with us” rather than “for us” in order to assure this is an appropriate move for the City. She asked what the procedure was before making a public announcement on this. She felt it was important that the project be approved by the City.

Mr. Engelman replied that the project would start with a Letter of Support signed by each of the Chiefs (or designee) with an anticipated roll out of the project in late January 2016 when it will be disclosed as to what the theme of the project will be. Regarding the funding, he stated that he does not foresee obtaining the dollars as being a difficult task. KAT is comfortable going into the community and presenting this project in such a way that both businesses and individuals will seek to support it. Grants will be written and local legislative individuals will be involved in project discussions. Mayor Van Beek commented that he is in favor of the proposal, along with the intent to go outside the State of North Dakota to attract qualified people rather than hiring from another city in North Dakota. This would alleviate creating another vacancy within our own state.

Commissioner Rohr moved to approve the proposal by KAT Communications for the creation of a professional marketing video for area law enforcement. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner

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Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider endorsement of road projects to submit to the MPO (Metropolitan Planning Organization) for NDDOT TIP (Transportation Improvements Program) for the year 2020.* Planning & Engineering Director Froseth stated that discussions with the Metropolitan Planning Organization (MPO) and NDDOT have occurred to determine priorities for funding requests for the various roadway projects for the 2020 projects. He presented a list of projects in the order of priority submitted to the MPO as determined for the City of Mandan for the year 2020. He said that this list is similar to the list submitted in 2014 for the 2019 applications. However, the City of Mandan was unsuccessful in getting any of the projects approved for the 2019 TIP (Transportation Improvement Program) due to funding constraints.

The applications submitted and the order of priority of the urban roads projects are:

(1) McKenzie Drive Southeast from westbound off-ramp to and including intersection of 46<sup>th</sup> Avenue Southeast. This project will be adjacent to where the new YMCA facility will be constructed which has created a push for signalization in this area. It may be possible to swap this project with one that the City already has programmed in for 2017. That project will be comparable in cost, which is the reconstruction on 27<sup>th</sup> Street from 1806 to 8<sup>th</sup> Avenue Northwest. It may be swapped for a 2017 project if approved for 2020.

(2) Reconstruction of 8<sup>th</sup> Avenue Northwest from Old Red Trail to 27<sup>th</sup> Street Northwest.

(3) Sunset Drive Northwest. This would be an extension project as it is currently an open road.

(4) Extension of Division Street from 8<sup>th</sup> Avenue Northeast to Mandan Avenue. That would give the northeast part of Mandan access to interstate.

(5) Extension of Division Street west from Sunset to Lohstreter. This would be on the west side of Sunset Drive to Lohstreter. This would offer opportunity for development in this part of the City.

(6) A program project for Old Red Trail at 8<sup>th</sup> Avenue Northwest from 27<sup>th</sup> Street to 38<sup>th</sup> Street and then east to 1806. Originally the plan was to reconstruct out to 47<sup>th</sup> but due to enormous costs, it was scaled back.

(7) Old Red Trail reconstruction from 40<sup>th</sup> Avenue NW to 56<sup>th</sup> Avenue Northwest. The area between 47<sup>th</sup> and 56<sup>th</sup> Avenues will remain as a rural section.

Director Froseth stated that the rural projects are eligible for approximately 80% federal funding and 10% state funding with 10% local match (urban roads are 20%).

Urban Regional Program Projects include:

(8) Mandan Avenue, ORT, and 1806 from Interstate to 27<sup>th</sup> Street Northwest would be widening the shoulders and striping. Within this project there is consideration of signalization and a roundabout. Some improvements would be to the on-off ramp at I-94. These would be minor improvements.

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(9) Main Street Concrete Pavement Repair from 10<sup>th</sup> Avenue West to Twin City Drive. This is a smaller project addressing projects with panels.

(10) Memorial Highway, Phase 1. Phase 1 would be the eastern third of Memorial Highway. This is a project that was identified in a study done in 2010 that would be split into three phases due to it being so large. Each phase would be done in 3-year increments due to funding cycles. This would be a full reconstruction of the roadway with a new section added to implement safety and pedestrian elements and it will include a multi-use pathway. The cost breakdown for this project would be 80% federal, 10% state and 10% local funding.

2016-2019 TIP Update: These projects are in the TIP program of which NDDOT has allocated funds of which they are expected to receive FHWA (Federal Highway Administration):

(11) Traffic signals on Memorial Hwy at 40<sup>th</sup> Avenue Southeast and 46<sup>th</sup> Avenue Southeast. This will be adding a signal at 40<sup>th</sup> and installing a permanent signal at 46<sup>th</sup>.

(12) Traffic signal improvement at Main Street and Twin City Drive.

(13) Reconstruct Old Red Trail from Highland Avenue to 47<sup>th</sup> Avenue Northwest.

2017 Projects:

(14) Replace and upgrade traffic signals on Main Street. Several streets involved.

(15) Concrete pavement repair on 10th Avenue Southwest from Heart River Bridge to Main Street.

(16) Reconstruction of 27<sup>th</sup> Street Northwest from 1806 to 8<sup>th</sup> Avenue Northwest. This will include adding curb and gutter of 27<sup>th</sup> Street to provide better access to the middle school area.

Director Froseth stated that for the years 2018 and 2019, the City was unable to obtain TIP projects for these two years.

Director Froseth requested approval of an endorsement of the applications in the order that they were submitted by prioritization.

Commissioner Tibke asked what the benefit would be to the City if we were to take over maintenance of Memorial Highway? Director Froseth stated that the benefit would be a rebuilt corridor. The only way they would agree to the federal dollars for funding towards this project is if the City would take over the maintenance. Commissioner Tibke questioned whether that could be negotiated since it is a state highway. We could participate but she doesn't want to take over the cost of maintenance for their road. Director Froseth stated he would inquire if it is negotiable. Commissioner Tibke requested this project be removed until negotiations occur.

Commissioner Rohr asked if we are seeking to approve the presentation of projects with this or are we agreeing to any stipulations that may be attached to them. Or are we simply saying, "Here are our priorities and here is what we would like to see". Director Froseth explained that this is the first step in the process. There is an understanding by the state that we should be taking over the maintenance if the project goes forward. Right now we

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are attempting to get the projects into the program. We are not agreeing to the maintenance at this point. The projects have to be accepted by them first. Commissioner Tibke reiterated that it will be important to discuss with the state and that one project should not be tied to another.

City Attorney Brown commented that this is just the process for getting the projects in line for 2020. This is similar to a “wish list”. With regard to Memorial Highway improvements, he commented that the City will not get funding unless the City agrees to maintain it. That does not have to be decided at this meeting.

Commissioner Tibke moved to approve the TIP projects sent to MPO for their consideration and forwarding to the NDDOT. Commissioner Rohr seconded the motion. Commissioner Laber stated that she does not live down south and does not travel McKenzie Drive or 46<sup>th</sup>. But she travels to the middle school often. She questioned whether the traffic studies for those projects are definitely a higher priority where we would swap them out? Director Froseth stated that 27<sup>th</sup> is on the list of project improvements for 2017. If accepted into the program, then they could be swapped if need be. Commissioner Rohr commented that there are a number of circumstances to consider when prioritizing the projects. Director Froseth stated that the McKenzie Drive and 46<sup>th</sup> Street project will include a signal at that intersection wherein the 27<sup>th</sup> Street project will be a reconstruction project of widening the street and curb and gutters.

Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider recommendations from the Visitors Committee:*

(i) *Appointment of Maria Walen:* City Administrator Neubauer stated that the Visitor’s Committee met November 23rd and there was one opening on the Committee. Maria Walen, the new general manager at the Comfort Inn and Suites applied for the position and submitted a letter of interest. The Committee recommended that she be appointed to a two-year term. She is new to the community and has an interest to be involved in matters that involve visitors coming to the community. Commissioner Laber moved to approve the appointment of Maria Walen to a two-year term on the Visitors Committee. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

(ii) *Funding and proposals for visitor wayfinding signage:* City Administrator Neubauer stated this is one of the products of the Comprehensive Use and Land Transportation Plan wherein it was identified that Mandan has a lack of visitors signage when entering the major points of the community. The Visitors Committee met in August proposals were drafted for the City Commission to consider wayfinding signage and a branding within the community. Three proposals were received. Berberich Design partnered with KLJ Associates, Wenck and Associates partnered with Indigo Signs, and another applicant from out of state who didn’t have any Engineering Services provided in

their proposal, (thus they weren't considered). The Visitors Committee recommends entering into a contract with Berberich Design and KLJ based on their joint proposal. That proposal would include site evaluations, engineering and sign design services. The Committee would like to see consistent signage throughout the City. Deliverables would be research and programming; schematic design; design development; and design intent, shop drawings, engineering, preparation of bid fabrication, installation and landscaping. The Visitors Committee recommended entering into a contract with the Berberich Design and the KLJ Team with the recommended approval of up to a \$250,000 budget for the project. They also recommended that a task force or a committee be formed to overlook the project to assist with site and sign design selection. Once we have signed proposals done and the drawings have been completed, that information will then come back to the City Commission for approval before going out for bids. The funds would come out of the Visitors Fund that is comprised of dollars collected from the food and lodging tax. Currently there is over \$911,000 in that fund so there is adequate monies available to cover the project costs.

Commissioner Tibke moved to approve funding of up to \$250,000 to cover all aspects of the Mandan visitor wayfinding signage project and to authorize staff to negotiate a contract for the engineering and design services with Berberich Design and KLJ based on their proposal submitted and to appoint Commissioner Braun as a City Commissioner to the ad hoc visitor wayfinding sign committee. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

*(iii) Additional funding for rehabilitation of Beanery building:* City Administrator Neubauer stated the Mandan Visitor Committee is requesting a change order for the project at the Beanery. After the contractor cleaned much of the brickwork on the outside, they discovered that rather than the 30% of the building that was included in the original bid, additional tuck-pointing is needed in order to attempt to match mortar. They, therefore, recommend full building tuck-pointing with the work to be completed in the spring of 2016. The Visitors Committee recommends moving forward on this.

Commissioner Tibke moved to approve the Change Order of \$27,660 for additional tuck-pointing and architectural fees for the Mandan Beanery rehab project and extending the completion date to June 1, 2016. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

## J. RESOLUTIONS AND ORDINANCES:

1. *Second Consideration and Final Passage of Ordinance No. 1226 amending Sec. 24-11-2 of the Mandan Code of Ordinances related to driving while license suspended or revoked.* Commissioner Tibke moved to approve the Second Consideration and Final Passage of Ordinance No. 1226 amending Sec. 24-11-2 of the Mandan Code of Ordinances related to driving while license suspended or revoked. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke:

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Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Second Consideration and Final Passage of Ordinance No. 1227 amending and reenacting Chapters 115 and 117 and creating and enacting Chapter 119 of the Mandan Code of Ordinances related to potable water, sanitary sewer, wastewater, storm water and solid waste.* Commissioner Laber moved to approve the Second Consideration and Final Passage of Ordinance No. 1227 amending and reenacting Chapters 115 and 117 and creating and enacting Chapter 119 of the Mandan Code of Ordinances related to potable water, sanitary sewer, wastewater, storm water and solid waste. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS:

1. Mayor Van Beek commented that the arrival of Santa Claus at the Harvest Grill on November 28<sup>th</sup> was a successful event sponsored by the Mandan Progress Organization.

There being no further actions to come before the Board of City Commissioners, Commissioner Rohr moved to adjourn the meeting at 6:47 p.m. Commissioner Tibke 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