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The Mandan City Commission met in regular session at 5:30 p.m. on December 2, 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, Planning & Engineering Director Froseth, Planner Decker, Assessor Shaw, and Building Official Lalim. Absent: Business Development & Communications Director Huber.

B. APPROVAL OF AGENDA: Commissioner Laber motioned to approve the Agenda as presented. Commissioner Rohr 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 November 18, 2014.* Commissioner Braun moved to approve the minutes as presented. Commissioner Laber seconded the motion. Roll call vote: Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Van Beek: Yes. The motion passed.

E. PUBLIC HEARING:

1. *Conduct a public hearing to consider adoption of Ordinance 1188, an Ordinance to amend Title 21 of the Mandan Code of Ordinances related to Landscaping.* Robert Decker, Principal Planner stated that current requirements for landscaping in the Code of Ordinances are limited to certain zones or specific uses. The Mandan Community Beautification Committee has worked on this matter for several months and as a result the Committee recommends that there be a universal requirement for landscaping on all property within the City of Mandan. The Planning and Zoning Commission and the Mandan Architectural Review Commission have reviewed their recommendation and they concur with the adoption of the Ordinance to amend Title 21 as presented. The requirements will take effect going forward and will not be retroactive. This Ordinance will give the Municipal Judge more leeway in what penalties can be imposed based on state law. This provides a monetary incentive to make arrangements quickly.

Mayor Van Beek stated this is a public hearing and invited anyone to come forward to speak for or against the adoption of Ordinance 1188, an Ordinance to amend Title 21 of the Mandan Code of Ordinances related to Landscaping. A second announcement was made to come forward. Hearing none, this portion of the public hearing was closed.

F. BIDS:

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G. CONSENT AGENDA

1. *Consider for approval replat of Lot 1, Block 1, Midway 12<sup>th</sup> Addition*
2. *Consider approval of games of chance for 957 MWR Committee at the Seven Seas Inn on Dec. 6, 2014.*
3. *Consider the request for approval of Ambulance Service Agreement.*

Commissioner Laber moved to approve the Consent Agenda items 1, 2 and 3 as presented. 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.

H. OLD BUSINESS:

1. *Consider approval of negotiation with Stantec to enter into a contract for design engineering and pre-bid services for downtown street improvement district.*

Planning & Engineering Director Froseth stated that the Engineering Department has identified an area in downtown Mandan to conduct a street improvement project. The boundaries are 4<sup>th</sup> Avenue NE on the west and Mandan Avenue on the east. Second and Third Streets would be part of the project as well as streets in between this area. The water main project is also being considered. In October there was a request for proposals for the design engineering and pre-bid services. Eight (8) proposals were submitted by November 18, 2014. The City staff recommends selecting Stantec to perform design engineering and pre-bid services for this project. The request before the Board tonight is a request to negotiate a contract with Stantec. If approved, a project plan will be brought to the next City Commission meeting.

Commissioner Laber moved to authorize the Engineering Department to move forward with negotiating terms of an agreement with Stantec for design engineering and pre-bid services for downtown street improvement district project. 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.

I. NEW BUSINESS:

1. *Presentation by Mike Manstrom, Dougherty & Company LLC, regarding the sale of \$6,095,000 Refunding Improvement Bonds of 2014, Series B. (See Resolutions #3).*

Mike Manstrom, Dougherty & Company LLC presented a request for the authorization of the sale of \$6,095,000 Refunding Improvement Bonds of 2014, Series B. He stated three competitive bids were received. The bid was awarded to Hutchinson, Shockey, Erley & Co, a 15-year issue with a 2.788% interest rate. A copy of the Moody Report was provided by Mr. Manstrom indicating the rating given is an A-1, which speaks highly of the City of Mandan. He stated that the Resolution has been prepared and if approved, the rates will be locked in.

2. *Consider authorization of ad for bid for Mandan Wastewater Treatment Plant Optimization project.* Planning & Engineering Director Froseth presented a request to advertise for the bid process for the Wastewater Treatment Plant Optimization Project.

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The project will include rehabilitation of the existing pretreatment building including new electrical, process, mechanical and odor control equipment, along with modification to the blower building and basically an overall optimization of the entire plant. The project is scheduled to begin in February 2015 with the completion expected in February 2016. A loan application for this project will be presented. Commissioner Rohr commented that these items are matters that need to be addressed on a regular basis and planned out over several years.

Commissioner Tibke moved to approve the advertisement of Mandan Wastewater Treatment Facility interim optimization improvements. 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.

J. RESOLUTIONS AND ORDINANCES:

1. *First consideration 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 First consideration of Ordinance No. 1188, an Ordinance to amend Title 21 of the Mandan Code of Ordinances related to Landscaping. 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.

2. *Consider Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Clean Water Act.* Planning & Engineering Director Froseth stated this matter is a request for the release of funds for the Wastewater Treatment Plant, as the project progresses. Commissioner Rohr moved to approve the Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Clean Water Act. 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. *Consider Resolution Awarding Sale of Warrants and Bonds for \$6,095,000 Refunding Improvement Bonds of 2014, Series B.* Commissioner Braun moved to approve the Resolution Awarding Sale of Warrants and Bonds for \$6,095,000 Refunding Improvement Bonds of 2014, Series B. 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. *Introduction and first consideration 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.* City Administrator Neubauer stated that there were items in the 2015 Budget that were previously approved. With regard to the Employee Pension Plan, employees will be required to participate in the defined contribution plan unless they elect not to participate. He pointed out that the Plan will now have a provision that sworn police officers and firefighters, should they contribute 4% or greater into the Plan, the

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City will make a contribution of 10%. If the officer or firefighter contributes less than 4% but equal or greater than 2% the City will contribute 8%. The budget process concluded that if the employee contributes an additional 2% the City will put in an additional 2%. Also addressed in the Plan is that a participant attains normal retirement age under the Plan when the participant attains age 65. The Plan designates attainment of age 55 for sworn police officers and career firefighters. The plan will become effective January 1, 2015, contingent upon the passing of the first and second reading of the ordinance. Commissioner Rohr commented that the Plan addresses the shared responsibility of both the employer (City of Mandan) and the employee to contribute to retirement funds.

Commissioner Tibke moved to approve the Introduction and first consideration 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 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.

K. OTHER BUSINESS

There being no further actions to come before the Board of City Commissioners, Commissioner Laber moved to adjourn the meeting at 5:55 p.m. Commissioner Rohr 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