
The Mandan City Commission met in regular session at 5:30 p.m. on January 5, 2016 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 Ziegler, 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.

Mayor Van Beek welcomed everyone to the meeting and opened the meeting with the following three announcements:

(1) Police Chief: Chief Jason Ziegler was sworn in and started in his new position on Monday, January 4, 2016. On behalf of the City Commission and the Mandan Community, a welcome was extended to Chief Ziegler.

(2) 911 Communications Center Update: As of 9:00 a.m. today, calls for emergency services (911) from Mandan locations are being routed through the newly formed Central Dakota Communications Center (CenCom). This cooperative effort between Bismarck, Burleigh County, and Mandan will ensure our needs for emergency communications are met for many years to come.

(3) Recycle Update: Congratulations to Mandan recyclers on this project. On Monday 1/4/16, recycling kept over 7 tons of reusable items out of the landfill. A courtesy reminder was provided to citizens to be sure to check the recycling calendar for designated recycling pick up dates. The cardboard and newspaper collection bins by the Dog Park have been removed since those items can now be put in the recycling totes. Retaining the collection bins would have come with additional costs. A collection bin for larger cardboard items can be taken to TransTrash at 1800 40th Ave. SE. (East of Kist Livestock.) Information on this bin can be obtained by calling TransTrash at 701.204.8184.

B. APPROVAL OF AGENDA: Commissioner Rohr 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 December 15, 2015 regular meeting.* Commissioner Laber moved to approve the minutes as presented. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

F. BIDS:

1. *Consider concurrence with NDDOT to award Memorial Highway Signals project to low bidder, Strata Corporation (R&O #4).* Planning & Engineering Director Froseth said that in 2013 the NDDOT studied Memorial Highway Intersections at 40th Ave. and 46th Avenue Southeast to determine if signalization was warranted. They also studied the intersection of 3rd Street by McDonalds on Memorial Highway to determine if signalization was needed there as well. They concluded in 2013 that permanent signalization was warranted at the 46th Avenue and Memorial Highway intersection. Signalization was also warranted at 40th Avenue and Memorial Highway. But it wasn't warranted at the 3rd Street and Memorial Highway intersection. Because those signalizations were warranted, a project was programmed in to receive federal and state funding to accomplish this signalization project. The project was bid on December 16, 2015. The project will include permanent signalization at 46th Avenue where the existing is temporary span wire traffic signals. It will also include span wire traffic signals at 40th Avenue Southeast where currently there is no signalization. The low bid was submitted by Strata Corporation, Grand Forks, ND, in the amount of \$417,560.20 and the City is expected to pay its cost share of 10% of total project amount which comes to approximately \$64,464 and will be paid for by City Sales Tax Funds. It was noted that the bid came in about 22% lower than the engineer's estimate for this project.

Commissioner Rohr commented that the intersection at Kist Livestock, (40th and Memorial Highway), is in need of signalization. Director Froseth replied that the DOT indicated that straightening the skewed angle of that intersection with this signalization construction project wouldn't be favorable. Instead, creating a 90 degree angle at the intersection could be part of the full reconstruction of the Memorial Highway Corridor project. Mayor Van Beek concurred with the recommendations for the signalization projects at 40th and 46th Avenues because those two areas are in need of it.

Commissioner Rohr moved to approve the concurrence of the Memorial Highway Traffic Signal Improvements project award to the low bidder, Strata Corporation (R&O #4). 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.

G. CONSENT AGENDA

1. *Consider Native American Training Institute Games of Chance at Baymont Inn and Suites Jan. 6-Feb. 19, 2016.*
2. *Consider agreements with Lewis and Clark Regional Development Council for origination and servicing of loans associated with Bank of North Dakota Flex PACE interest buy-downs: (i) BBCS Properties, LLC (Prairie Rose Family Dentists); (ii) Gramma Brauns Inc. (Classic Rock Coffee).*
3. *Consider approval of Residential Remodeling Exemption for Eric & Carisa Upton.*
4. *Consider Pucks 4 People games of chance at Mandan All Seasons Arena on Feb. 13, 2016.*

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5. *Consider designation of depositories for City's funds as required by NDCC 21-04.*
 6. *Consider approval of Missed Renaissance Zone Exemption for 2015 – Eye Care Professionals.*
 7. *Consider approval of Reassessment 2015 Value – Robert & Theresia Fode.*
 8. *Consider approval of correction in 2015 True & Full Value Reassessment for Jessara Properties LLC.*
 9. *Consider selling of 3' wide strip of property to NDDOT for downtown sidewalk to be fully within right-of-way.*
 10. *Consider approval of reassessment 2015 Value for Wayne & Carol Friesz.*
 11. *Consider approval of the following games of chance: (i) Bis-Man Reel N Rec at Mandan Moose on March 12, 2016; (ii) Women of the Moose (Mandan Chapter) from February 1 - March 19, 2016.*
 12. *Consider approval of Pre-Approved 2 Year Tax Exemption Missed for 2015 Assessment year – Jessara Properties LLC. (Removed from agenda.)*

Commissioner Laber moved to approve the Consent Agenda as presented. Commissioner Tibke 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:

I. NEW BUSINESS:

1. *Consider approval of MPO Bicycle Friendly Community Application.*

Will Hutchings, Transportation Planner for the Metropolitan Planning Organization (MPO), indicated that the MPO contacted their jurisdictions to garner interest in applying for the "Bicycle Friendly Community Designation" last Fall. He said there was interest shown in the program and there wasn't any opposition. A regional task force was created to start the process to put together an application to become a bicycle friendly community. Fargo and Grand Forks have been recognized as members of the program. There is no cost to participate. He reviewed the highlights of the program that included Engineering, Education, Encouragement, Enforcement and Evaluation/Planning. He reviewed the draft application and explained that the MPO has been visiting with all the commissions and City Councils to explain this program. It will be presented to the MPO Policy Board on January 19, 2016 for approval before submitting it to the League of American Bicyclists on February 12, 2016. He encouraged anyone with input to be sure to bring that information forward in order for the MPO to accurately portray our community. This is an informational item wherein no approval is required at this time.

2. *Presentation, Native American Development Center, Lorraine Davis.* Lorraine Davis, Executive Director of the Native American Development Center (NADC), came forward and stated that she is here to give a brief presentation on this non-profit organization. The NADC was developed in 2012 having been established to assist the Native Americans in the Bismarck-Mandan metro area to strengthen and advance Native American individuals and families. They provide support and resources to promote

economic security and preserve its culture. Her purpose for coming here tonight is to inform the City of Mandan of the presence of the Native American Development Center. Their goal is to assist Native Americans by providing direct services in key areas such as affordable housing, financial education, home buyer education, cultural activities and community referrals. She said they have partnerships with the Bismarck City Commission, ND Dept. of Commerce, ND Dept. of Corrections and Rehab, ND Job Service, Youth Works, ND Indian Affairs and many others. This is an informational item wherein no approval is required at this time. Lorraine Davis can be contacted for further information at execdir@nativectr.com or telephone number 701.595.5181.

3. *Consider Renaissance Zone Committee recommendation for reappointment of committee member.* Business Development Communications Director Huber informed the Board that the Renaissance Zone Committee (RZC) met on December 17, 2015 to consider Letters of Interest for positions on the committee. The term for the real estate sector representative was from 2013 to 2015. Pat Vannett from Alliance Realty was appointed to fill the expired term for this position in February 2015 with that being the term expiring in 2015. The term expirations were included in a November news release. Letters of interest were received from Rev. Michael Evans, Gene Modin, and Pat Vannett seeking reappointment. The Renaissance Zone Committee recommended the reappointment of Pat Vannett for the term 2016 thru 2018.

Commissioner Rohr moved to approve the reappointment of Pat Vannett to the Renaissance Zone Committee for the term 2016 to 2018 or until filled. Commissioner Tibke 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. *Consider recommendations of appointment to Mandan Architectural Review Commission (MARC).* Doug Lalim, Building Official stated that a position recently opened up on the Board and notices were posted to solicit a prospective new member. Three letters of interest were received from Bob Vayda, (who was on the Board for two terms); Rev. Michael Evans; and James Jeromchek. Those individuals were interviewed by MARC in December, 2015. After reviewing the applicants, the MARC recommended that James Jeromchek be appointed for a three-year term commencing January 1, 2016.

Commissioner Braun moved to approve the appointment of James Jeromchek to the Mandan Architectural Review Commission to fill a three-year term commencing January 1, 2016 to end January 1, 2019. 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 appointment to the Mandan Airport Authority.* Jim Lawler, Mandan Municipal Airport Manager, stated that a position recently opened up on the Mandan Airport Authority Board and notices were posted to solicit prospective new member(s). Letters of interest were received from Chris Brown and Kathye Spilman and those individuals were interviewed. The Airport Board recommended that Chris Brown be

appointed to the open position on the Airport Board for a five-year term ending December 31, 2020. There will also be another opening on the Mandan Airport Authority Board the end of this year. Another round of applications and interviews will be held for that position at a later time.

Commissioner Laber moved to approve the appointment of Chris Brown to the Mandan Airport Board Authority for a five-year term ending December 31, 2020. Commissioner Tibke 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. *Consider request to advertise a Request for Proposals for Professional Architectural Services.* Fire Chief Nardello stated that as a follow-up to the Board's recent approval of Fire Station 3 in the City of Mandan, he requests approval to commence advertising for architectural service selection process. He explained that the specifications will ask for very basic building necessities so the price of the project would be kept within reasonable costs. Included is one site for consideration which is property already owned by the City of Mandan that would be a good spot for Fire Station No. 3. He mentioned that the Fire Station 3 needs will be similar to Fire Station No. 2. But it will be slightly smaller in that it will only have two bays rather than three bays. He said that the architectural firm that designed Fire Station No. 2 is very interested in designing Fire Station No. 3. There could be consideration of a reduced cost because they've already designed Fire Station No. 2.

Commissioner Laber moved to approve the request to advertise a Request for Proposals for Professional Architectural Services needed for the construction of Fire Station No. 3. Commissioner Rohr 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.

7. *Consider pavement bid options for the Old Red Trail reconstruction project.* Planning & Engineering Director Froseth stated that the design of the Old Red Trail construction project has progressed since the last discussion occurred in October, 2015. The DOT, Kadrmas Lee and Jackson, and City Staff met in early December to review the plans and specifications at a state of about 90% complete. Since that time, KLJ has revised the plans and specs based on those comments to bring them to nearly 100% complete for submittal to the NDDOT by Friday, January 8, 2016. This will allow the project to be bid through the NDDOT bidding system in March 2016. At the discussion in October, this Commission, at staff's recommendation, approved pursuing both concrete and asphalt pavement types through to the bid and to choose the lowest based on a life cycle cost analysis of each pavement type. A concern has come up about the City's desire to bid with an option for both asphalt and concrete by the DOT. The NDDOT has not yet been able to definitely accept the life cycle cost analysis rules that have been laid out for this project. NDDOT wants the City to choose one specific pavement type. Since it's not possible to bid both options, and the engineering estimate shows the two pavement options to be relatively close in cost with a total project estimate about 8%

more for concrete than for asphalt; (and because of the nature of concrete lending itself to a longer life cycle with less maintenance costs for higher volumes of traffic), the City staff recommends that consideration be given to do the construction project with concrete for this section of Old Red Trail. Commissioner Rohr commented that in the long-run, concrete is the better choice of the two options. It comes down to whether we go with what is best for the future, with the expectation that the City will save money by going with a better product. Commissioner Laber commented that it is understandable that the NDDOT would press for only one type. She believes that these roads such as Old Red Trail and Memorial Highway need to be constructed well so they do not need continuous maintenance in the future years.

Commissioner Laber moved to approve of concrete as the method of reconstruction if bidding pavement types as an option is not approved by NDDOT. Commissioner Tibke 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. *Second consideration and final passage of Ordinance 1228 related to animal waste.* Commissioner Tibke moved to approve the Second consideration and final passage of Ordinance 1228 related to animal waste. 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.

2. *Second consideration and final passage of Ordinance 1229 related to noxious weeds and tall grass.* Commissioner Laber moved to approve the Second consideration and final passage of Ordinance 1229 related to noxious weeds and tall grass. Commissioner Rohr 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.

3. *Second consideration and final passage of Ordinance 1230 related to storm water management penalties.* Commissioner Tibke moved to approve the Second consideration and final passage of Ordinance 1230 related to storm water management penalties. 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.

4. *Consider resolution of concurrence with NDDOT to award Memorial Highway Traffic Signals project to low bidder.* Commissioner Laber moved to approve the resolution of concurrence with NDDOT to award the Memorial Highway Traffic Signal Improvements project to the low bidder, Strata Corporation. Commissioner Braun 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. Commissioner Tibke noted that with the presence of the new Police Chief Ziegler, that she would like to discuss the pension matter again. She asked Chief Ziegler to research Defined Benefit Pension including the pros, the cons, etc., including retention and recruitment within the department in comparison to Morton County, Burleigh County and the City of Bismarck. Commissioner Rohr clarified that the Commission is looking for up-to-date information on this matter and would like to revisit this issue at a later time. He noted that nothing is pressing at this time, but it could be looked at within the next couple months.

Commissioner Tibke motioned to request Police Chief Ziegler to research Defined Benefit Pension and impact on retention and recruitment for the City of Mandan in comparison to the other entities in the region. In addition, a report is to be provided to the City Commission in March 2016. Commissioner Rohr 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.

2. Commissioner Laber extended a thank you to the successful rollout of the recycling program to Director of Public Works Wright and staff, and City Administrator Neubauer, who all did an excellent job getting this program up and running.

There being no further actions to come before the Board of City Commissioners, Commissioner Tibke moved to adjourn the meeting at 6:17 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