

---

The Mandan City Commission met in regular session at 5:30 p.m. on July 19, 2011 in the Ed “Bosh” Froehlich Room at City Hall. Commissioners present were Helbling, Tibke, Rohr, Frank, 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 and Communications Director Huber, Engineering Project Manager Bechtel, and City Assessor Barta.

MINUTES: *Consider approval of the minutes for July 5, 2011, regular meeting.* Commissioner Jackson moved to approve the minutes of July 5, 2011, Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present.

PUBLIC HEARING:

BIDS:

CONSENT AGENDA:

1. *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.
2. *Consider approval of the monthly bills.* The Board approved of the monthly bills.
3. *Consider Acceptance of Grant from the Department of Human Services, for the Enforcement of Underage Drinking, Contract #2011-1.* The Board approved of the Acceptance of Grant from the Department of Human Services, for the Enforcement of Underage Drinking, Contract #2011-1.
4. *Consider approval of Sunset Commercial Park & School District 5<sup>th</sup> Addition Zone Change. (First consideration of ordinance 1100).* The Board approved of the Sunset Commercial Park & School District 5<sup>th</sup> Addition Zone Change. (First consideration of ordinance 1100).
5. *Consider approval of Seven Seas 1<sup>st</sup> Addition Zone Change. (First consideration of ordinance 1099).* The Board approved of Seven Seas 1<sup>st</sup> Addition Zone Change. (First consideration of ordinance 1099).

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

OLD BUSINESS:

1. *Update on status of Diane’s Addition street maintenance project.* Engineering Project Manager Bechtel provided an update on this project. He stated that the months of May and June were spent working on the flood project in the city. He stated that in looking at putting this project up for bids, contractors and consultant engineers cautioned that this project may not be very prudent at this time, and in particular, projects related to streets. The projects that are currently being bid right now are about three times what would normally be paid for product. Any projects that are out there with timelines - many of those contractors are saying they do not want a time line and they do not want to

---

bid it; and if there is a timeline they are telling us what it is rather than us dictating when that is. Regarding projects that are being bid this year and that are spanned into next year, the contractors are willing to bid but will speculate basically on oil prices, concrete prices and other prices for projects. Therefore, you can expect to see escalated prices on those products. Those are the factors working against us at the present time. If we were looking at starting immediately, that would most likely be around September 1<sup>st</sup>, and we would have approximately 8-10 weeks to do the areas we are looking at. The Diane's project would not be completed in that 8-10 week period of time. Bechtel proposed moving this project in with a larger district next year, breaking that district up into three, four or five different sub-districts. Bechtel stated that it would be brought to bid possibly in January or February to see what the market is at that time with plans to move forward with the project in the spring of 2012. In collaborating with the Public Works Department, Bechtel stated that it would be proposed, depending on the project district, that there would be some temporary patching or repairs done to get through the winter months in these areas. Bechtel indicated that they will be working on the new district and anticipates having it ready at the next meeting for approval.

Mayor Helbling commented that he is not pleased with how this project has been delayed, now into its third year, noting that the project should have been completed prior to the flood this past spring. He recommended that the staff look at hiring an outside engineering firm to complete this project. He stated that going on three years is unacceptable and that a plan to complete the project should have been in place by spring and the project itself completed in the spring. Mayor Helbling said that after three years, he does not feel confident that the engineering staff is capable of taking on this project and getting it completed. He recommended that at the next meeting a decision needs to be made as to whether an outside engineering firm is to be hired to complete the project stating that he thinks it is too large and to get it done correctly, outside help is necessary.

Commissioner Rohr indicated that he drove around the area and agreed that there may be serious problems if repairs to the streets are not completed before winter. Bechtel stated that there are some areas in the city that are newer than the Diane's Addition but they are in worse condition and probably have a higher priority for attention.

Mayor Helbling commended Bechtel and the engineering department for their efforts extended during the flooding. However, he recommended that this project be brought back at the next meeting to look at different alternatives and to consider hiring an outside firm to oversee this and other larger projects.

Commissioner Jackson asked Bechtel if he has seen any of the bids coming in on projects in general. Bechtel replied that he has not personally seen them but he has had discussions with firms such as Northern Improvement and Toman Engineering regarding jobs that have been bid recently. He indicated that those engineering bids are considerably higher than the standard engineering bids at this point. This is affecting the whole state of North Dakota, not just the Bismarck-Mandan area. Commissioner Jackson mentioned that he is aware of some projects going ten times as high as normal and in fact comments have been made that they are "going through the roof". There are at least two

---

dozen counties with roads under water... roads in need of repair everywhere. He stated that he does not want to see the City spend money on a private engineering firm only to have a bid come back four to five times higher and then to have the Commission end up saying that it does not make any sense anyway. Jackson stated that his notes indicate that the project goes back to 2009 and it was not just the City dragging its feet because there was at least one occasion in which the project was protested out. Mayor Helbling agreed with Commissioner Jackson regarding keeping the costs down. However, the concern is that no bid specifications are ready to go on the project and if the plan was to bring this back as part of a bigger project last spring, the city should have been ready to do that. He pointed out that we need to do what we told the people we were going to do. Mayor Helbling requested this matter be placed on the next Agenda for discussion.

### NEW BUSINESS:

#### RESOLUTIONS & ORDINANCES:

1. *Consider second and final consideration of Ordinance No. 1098 an ordinance to create a new Chapter to Title 17, Public Nuisances, of the Mandan Code of Ordinances.* Commissioner Tibke moved to approve the second and final consideration of Ordinance No. 1098 an ordinance to create a new Chapter to Title 17, Public Nuisances, of the Mandan Code of Ordinances. Commissioner Jackson seconded the motion. Roll call vote: Commissioner Rohr: No; Commissioner Tibke: Yes; Commissioner Frank: No; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed. *(A copy of the ordinance is on file open for public inspection during regular working hours in the Office of the City Administrator.)*
2. *Consider first consideration of Ordinance No. 1100 Zone Change for Sunset Commercial Park & School District 5th Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Municipal Code relating to District Boundaries and Zoning Map.* Commissioner Tibke moved to approve the first consideration of Ordinance No. 1100 Zone Change for Sunset Commercial Park & School District 5th Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Municipal Code relating to District Boundaries and Zoning Map. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.
3. *Consider first consideration of Ordinance No. 1099 Zone Change for Seven Seas 1<sup>st</sup> Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Municipal Code relating to District Boundaries and Zoning Map.* Commissioner Jackson moved to approve the first consideration of Ordinance No. 1099 Zone Change for Seven Seas 1<sup>st</sup> Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Municipal Code relating to District Boundaries and Zoning Map. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

---

4. *Consider first consideration of Ordinance 1101 an ordinance to create a new section to the Title 12, Alcohol and Gaming Licenses and Permits, of the Mandan Code of Ordinances relating to the on or off sale of distilled spirits.* City Attorney Brown stated that Business Development and Communications Director Huber recently notified him that someone had expressed interest in opening a distillery. The City of Mandan does not have an ordinance to permit a distillery. However, state law permits licensing of a facility to make distilled spirits. He indicated that an ordinance has been created so that if someone wants to open a distillery they can do so. Mayor Helbling mentioned that at this time, there is no one who wants an actual license but that the City is approaching this proactively rather than reactively. Huber stated that there is an entrepreneur looking at a start-up business of this nature and the individual wanted to make sure that the licensing would be in place before entering into any lease agreements for property or other investments related to the business. Commissioner Jackson moved to approve the first consideration of Ordinance 1101 an ordinance to create a new section to the Title 12, Alcohol and Gaming Licenses and Permits, of the Mandan Code of Ordinances relating to the on or off sale of distilled spirits. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

5. *Consider a resolution to establish a license fee for the sale of distilled spirits.* Commissioner Jackson moved to approve a resolution to establish a liquor license fee in the amount of \$600 for the sale of distilled spirits. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed. *(A copy of the resolution is on file open for public inspection during regular working hours in the Office of the City Administrator.)*

OTHER BUSINESS:

There being no further actions to come before the Board, Commissioner Rohr moved to adjourn the meeting at 5:50 p.m. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present.

---

/s/ James Neubauer  
James Neubauer,  
City Administrator

---

/s/ Timothy A. Helbling  
Timothy A. Helbling,  
President, Board of City  
Commissioners