
The Mandan City Commission met in regular session at 5:30 p.m. on June 16, 2015 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.

2. *Presentation of retirement award to Sgt. Dave Mills.* Mayor Van Beek extended congratulations and good luck to Sgt. Mills on his retirement. He also presented Sgt. Mills a watch as a token of appreciation for his dedication and services to the City of Mandan. Commissioner Rohr also extended his thanks to Sgt. Mills for his many years of dedicated service to the Mandan Police Department.

B. APPROVAL OF AGENDA: Commissioner Tibke moved to approve the Agenda as presented. Commissioner Laber 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 to come forward to speak. 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 regular meeting held on June 2, 2015.* 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:

1. *Conduct public hearing to consider rezoning Lots 1-7, Block 1, Heart Ridge 2nd Addition.* City Planner Decker explained that this is a request to rezone 7 lots on the south side of the street. He said that initially the request to the Planning and Zoning Commission was to rezone 14 lots. However, they questioned that since the second row was adjacent to some R7 lots. They were concerned about approving all the lots, so the request was revised to approve 7 of the 14 lots. The Planning and Zoning Commission recommended conditions be applied to the rezoning. Planner Decker reviewed those conditions with the Board. One of the conditions is that if the re-zoning process is not completed and recorded within six (6) months, this approval will lapse and a new application must be filed.

Mayor Van Beek announced that this is a public hearing and that anyone is invited to come forward to speak for or against the rezoning of Lots 1-7, Block 1, Heart Ridge 2nd Addition. A second announcement was made for anyone to come forward to speak. Hearing none, this portion of the public hearing was closed.

Commissioner Rohr questioned whether there would be anything overly difficult required in order to meet the conditions. Planner Decker replied that this is a brand new street and he does not anticipate problems. Also, the requirements should be able to be completed within the timeframe given.

Commissioner Tibke moved to approve the rezoning of Lots 1-7, Block 1, Heart Ridge 2nd Addition. 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.

F. BIDS:

G. CONSENT AGENDA

1. *Consider approval of monthly bills.* ADVANCED ENGINEERING SVC - 15,494.48; ART IN THE PARK - 650.00; BIS-MAN CONVNTN & VISITOR - 3,163.57; BIS-MDN STOCK CAR ASSN - 500.00; BIS-MDN TRANSIT BOARD - 102.81; BORDER STATES ELECTRIC - 287.70; CROWLEY FLECK PLLP - 999.50; DAVIS/SARAH - 88.00; DIGITAL ALLY INC - 395.00; ETHANOL PRODUCTS - 1,415.02; FRIENDS OF FORT LINCOLN - 150.00; GRAND FORKS FIRE EQUIPME - 18,860.00; GRAYMONT CAPITAL INC - 11,959.40; HAWKINS INC - 6,371.29; HERITAGE PLAZA FOUNDATIO - 500.00; HUB INTERNATIONAL OF ND - 172.00; JULY 4TH ROAD RACE - 787.50; MANDAN AIRPORT AUTORITY - 205.63; MANDAN HORSE & SADDLE CL - 500.00; MANDAN PARADE - 750.00; MANDAN PARK BOARD - 2,500.00; MANDAN PROGRESS ORGANIZA - 12,537.50; MANDAN RODEO DAYS COMMIT - 1,000.00; MORTON MANDAN PUBLIC LIB - 359.85; MUSICIANS ASSOCIATION - 1,000.00; ND DEPT OF TRANSPORTATIO - 14,853.69; ND STATE RAILROAD MUSEUM - 250.00; OLD RED OLD TEN SCENIC B - 375.00; POST BOARD - 45.00; PRESORT PLUS - 2,386.86; SCHMIDT/GARY - 5.00; SECURITY FIRST AGENCY OF - 2,150.00; TERRACON - 1,237.00; KUPPER CHEVROLET INC - 29,482.00; QUALITY TITLE - 14,129.05; MONTANA-DAKOTA UTILITIES - 27,260.93; KS STATEBANK - 11,766.77; ADVANCED ENGINEERING SVC - 23,541.02; BALABAN LAW OFFICE - 1,500.00; BIS MAN DEVELOPMENT ASSO - 25,000.00; COMPANION LIFE - 10.00; DAKOTA MEDIA ACCESS - 8,055.00; EGGERS ELECTRIC MOTOR CO - 2,738.13; ELECTRIC PUMP INC - 10,411.62; FLECK/CANDY - 377.30; FORT DEARBORN LIFE - 1,679.64; FRIESZ/DUANE - 10.50; GLASS/THOMAS J. - 1,500.00; JLG ARCHITECTS - 13,000.00; KELSCH KELSCH RUFF & KRA - 4,000.00; MANDAN AIRPORT AUTORITY - 5,600.00; MANDAN PARK BOARD - 1,000.00; MARINER CONSTRUCTION INC - 60,165.73; MORTON MANDAN PUBLIC LIB - 10,650.00; ND PERS - 100,289.69; PETTY CASH - 187.97; RATH/JAMIE - 10.50; SWANBERG CONSTRUCTION IN - 205,156.80; JENSEN/ERIC - 930.88; BANK OF NORTH DAKOTA - 53,846.14; WELLS FARGO COMMERCIAL C - 208,795.35; ACUREN - 6,087.50; ADVANCED CONCRETE CUTTIN - 200.00; ADVANCED ENGINEERING SVC - 4,645.79; AT & T - 775.56; BIS-MDN TRANSIT BOARD - 468.59; BISMARCK POLICE DEPARTME - 20,000.00; BURLEIGH COUNTY SHERIFF - 20,000.00; COMPUTER PROFESS

UNLIMIT - 89.00; CROWLEY FLECK PLLP - 4,500.00; CUSTER DISTRICT HEALTH U - 1,075.00; DIGITAL ALLY INC - 60.00; EDLING ELECTRIC INC - 7,462.08; ETHANOL PRODUCTS - 394.15; EVOQUA WATER TECHNOLOGIE - 4,540.40; FERDERER/WME - 51.80; FETZER ELECTRIC, LLC - 135.02; FOUR SQUARE CONCRETE LLC - 5,709.69; HOUSTON ENGINEERING, INC - 10,000.00; HUB INTERNATIONAL OF ND - 72.00; INFORMATION TECHNOLOGY D - 1,398.12; INTERGOVERNMENTAL SHOP - 9,843.06; JUNG/JUDY - 33.80; KADRMAS, LEE & JACKSON, - 2,986.05; KNIFE RIVER - 3,920.09; KOSTELECKY/EVE - 500.00; MANDAN AIRPORT AUTORITY - 937.31; MANDAN MUNICIPAL COURT - 3,705.00; MANDAN PARK BOARD - 4,500.00; MANDAN PROGRESS ORGANIZA - 100.00; MANDAN REPAIR & RADIATOR - 180.00; MISSOURI VALLEY COALITIO - 50.00; MISSOURI WEST WATER SYST - 61.70; MORTON COUNTY AUDITOR - 279.99; MORTON COUNTY SHERIFF - 20,644.20; MORTON MANDAN PUBLIC LIB - 16,640.21; MY GOV, LLC - 700.00; NARDELLO/STEVEN J - 498.24; ND BUREAU OF CRIMINAL IN - 20,000.00; ND INSURANCE DEPARTMENT - 7.90; ND STATE DEPT OF HEALTH - 320.00; ND WATER & POLLTN CONTRO - 20.00; ONE CALL CONCEPT INC - 473.00; PEARSON HOME BUILDERS IN - 5.95; PRESORT PLUS - 1,690.61; RAZOR TRACKING - 400.00; RED BOOK CONNECT LLC - 600.00; RENNER'S LAWN SPRINKLING - 1,735.00; ROUGH RIDER INDUSTRIES - 176.36; RUNNING'S SUPPLY INC - 78.90; SCHLOSSER EXCAVATING INC - 1,200.00; SCHOTT/WALTER J - 544.80; STREICHERS - 17,094.00; SUNGARD PUBLIC SECTOR - 11,251.67; TERRACON - 941.00; VAULT1440, LLC - 1,875.00; WEHRI/RADEANNA - 400.00; WEST DAKOTA SWAT - 5,901.00;

2. *Consider for approval replat of Lots 2-4, Block 2, Meadow Ridge 3rd Addition.*
3. *Consider for Approval University of Mary Physical Therapy Department games of chance at Prairie West Golf Course on July 25, 2015.*
4. *Consider for approval replat of Auditor's Lot A of Lot 6, Block 1, Lakewood Commercial Park 3rd Addition.*
5. *Consider approval of Disabled Veteran Exemption for Todd Simon Miller.*
6. *Consider approval of annual Liquor Licenses for July 1, 2015 to June 30, 2016.*
7. *Consider approval of Special Sunday Openings for all annual liquor Licenses.*
8. *Consider Agreement between the City of Mandan and Armstrong Sanitation & Roll-Offs, Inc. for hauling household garbage to the Bismarck Landfill.*
9. *Consider approval of plat for Lakewood 8th Addition.*

Commissioner Laber moved to approve Consent Agenda 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:

I. NEW BUSINESS:

1. *Acting as Board of Adjustment, consider variance request for Lot 43, Block 1, Bridgeview Bay Addition.* City Planner Decker stated that this is a request from the

property owner to allow a larger footprint structure than the current code allows. The current code for this zone has a one-story allowance of 40%; a multi-story allowance of 1.2 or 120%. But there's a second stipulation in the code stating that the footprint can be no larger than the 40%. The applicant is requesting a variance to allow a larger footprint for this building. So the request is to increase the allowable lot coverage to 51%. It does meet all the setback requirements that fit within the design of the lot. The applicant was available to answer any questions.

Commissioner Braun moved to approve the variance request for Lot 43, Block 1, Bridgeview Bay Addition to allow the construction of a building with lot coverage of 51%. 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 for approval the Abstract of Votes cast by the Voters of the City Mandan in the Special Election held the 9th day of June A.D. 2015.* City Administrator Neubauer stated that the Canvassing Board met on Monday, June 15, 2015, to consider the abstract of votes. They approved the results of the election of 1,569 “yes” votes and 1,222 “no” votes. This is brought before the City Commission for approval.

Commissioner Laber moved to approve the abstract of votes cast by the voters of the City of Mandan in a Special Election held on the 9th day of June, 2015. 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.

J. RESOLUTIONS AND ORDINANCES:

1. *First consideration of Ordinance No. 1209 rezoning Lots 1-7, Block 1, Heart Ridge 2nd Addition.* Commissioner Rohr moved to approve the First consideration of Ordinance No. 1209 rezoning Lots 1-7, Block 1, Heart Ridge 2nd Addition. 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 of Appreciation for Jay Flaa being selected by the Baltimore Orioles in the 2015 Major League Baseball Draft.* Mayor Van Beek read aloud the Resolution of Appreciation as drafted. Commissioner Rohr also commented on how proud the City of Mandan should be of Jay Flaa and all that he has accomplished. He stated that he knows him personally and that he is an example of a good, young man.

Commissioner Rohr moved to approve the Resolution of Appreciation for Jay Flaa being selected by the Baltimore Orioles in the 2015 Major League Baseball Draft. 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.

3. *First consideration of Ordinance No. 1210, An Ordinance to Amend and Re-enact Section 3-03-02 of the Mandan Code of Ordinances Relating to Sales and Use Tax.* City Attorney Brown stated that in preparing this new ordinance he worked on clarifying the contents and that it now references the NDCC Chapter that governs what we can levy the sales tax on. He explained that he also added an additional sentence to include three-fourths percent, specifically mentioning that it terminates when the bond is paid.

Commissioner Laber moved to approve the First consideration of Ordinance No. 1210, An Ordinance to Amend and Re-enact Section 3-03-02 of the Mandan Code of Ordinances Relating to Sales and Use Tax. 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.

4. *Consider Resolution of City of Mandan, North Dakota relating to the issuance of bonds and the reimbursement of certain expenditures.* City Attorney Brown stated that this is required so that the City can advance funds to the Park District for the issuance of bonds and then be reimbursed. It was prepared by Bond Counsel, Scott Wagner, who recommended approval to keep matters in order.

Commissioner Tibke moved to approve the Resolution of City of Mandan, North Dakota relating to the issuance of bonds and the reimbursement of certain expenditures. 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.

K. OTHER BUSINESS:

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