
The Mandan City Commission met in regular session at 5:30 p.m. on June 21, 2016 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Braun, and Laber (via teleconference call). Department Heads present were Finance Director Welch, Police Chief Ziegler, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Planning & Engineering Director Froseth, Planner Decker, and Building Official Lalim. Absent: Assessor Shaw and Business Development & Communications Director Huber.

B. APPROVAL OF AGENDA: Commissioner Braun moved to approve the Agenda. 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 interested to speak for or against any items on the Agenda to come forward. A second announcement was made inviting anyone to come forward to speak on the Agenda. Hearing none, this portion of the Public Communications was closed.

D. MINUTES:

1. *Consider for approval the Board of City Commission minutes from the May 20, 2016 Board of City Commission Working Session; the June 7, 2016, Regular Meeting Minutes and the June 15, 2016 Special Meeting Minutes.* Commissioner Braun moved to approve the minutes as presented. Commissioner Tibke 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 downtown ADA curb ramp construction to low bidder, Knife River.* Planning & Engineering Director Froseth presented a request for the approval of the East Main Street ADA Curb Ramp Improvements project award concurrent with NDDOT. He stated that the NDDOT annually reviews and addresses any of the corridors in the state that are not in compliance with the recent ADA standards for handicap accessibility. There has been ongoing planning to make improvements to the east side of Mandan’s Main Street with construction scheduled this year. The west side of Mandan’s Main Street was done in 2015. The DOT opened bids for this project on June 10th and 5 bids were received. The low bid came from Knife River Corp. at \$364,897.48, about 31% under the engineer’s estimate. The City’s cost share of this project is 10% of the total cost which is approximately \$61,000 and would be paid for by the city sales tax fund. The low bid was approximately \$365,000 plus costs including the NDDOT 10% construction costs, the right of way costs and consultant engineering costs for a total project cost of \$609,000. This figure also includes the engineering work costs and the costs for the consultant fees. The DOT may have already paid the costs for the consulting engineer but those costs are not outside of the scope of the project and may be attributed towards the project design. Director Froseth recommended approving the bid to Knife River.

Commissioner Braun moved to approve the concurrence of East Main Street ADA ramp improvements bid award to the low bidder, Knife River in the amount of \$364,897.48.

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.

G. CONSENT AGENDA

1. *Consider approval of monthly bills.* ADVANCED ENGINEERING SVC - 23,740.20; ARMSTRONG SANIT & ROLL O - 30,391.70; ART IN THE PARK - 650.00; BANK OF NORTH DAKOTA - 114,593.55; BIS-MAN CONVTN & VISITOR - 2,416.23; BIS-MDN STOCK CAR ASSN - 1,150.00; BIS-MDN TRANSIT BOARD - 106.19; BLACK BOX NETWORK SERVIC - 89.00; CROWLEY FLECK PLLP - 150.00; D & F TELEPHONE - 50.00; DELKER/JOHN - 50.00; ETHANOL PRODUCTS - 1,624.23; FRIENDS OF FORT LINCOLN - 100.00; FT ABRAHAM LINCOLN FOUND - 250.00; GRAYMONT CAPITAL INC - 12,490.50; HERITAGE PLAZA FOUNDATIO - 675.00; HUB INTERNATIONAL OF ND - 1,120.00; JULY 4TH ROAD RACE - 625.00; KINETIC LEASING, INC - 87,074.00; MANDAN AIRPORT AUTHORITY - 212.39; MANDAN HORSE & SADDLE CL - 750.00; MANDAN LIONS CLUB - 175.00; MANDAN PARADE - 500.00; MANDAN PARK BOARD - 8,500.00; MANDAN PROGRESS ORGANIZA - 12,250.00; MANDAN RODEO DAYS COMMIT - 1,000.00; MORTON COUNTY AUDITOR - 6,678.24; MORTON MANDAN PUBLIC LIB - 371.68; MUSICIANS ASSOCIATION - 1,000.00; ND INSURANCE DEPARTMENT - 188.89; ND RAILROAD MUSEUM - 250.00; OLD RED OLD TEN SCENIC B - 125.00; PRESORT PLUS - 4,175.50; RAZOR TRACKING - 36.00; ROUGH RIDER INDUSTRIES - 122.96; STARION BOND SERVICES - 900.00; MONTANA-DAKOTA UTILITIES - 32,541.08; ADVANCED ENGINEERING SVC - 6,935.10; ADVANCED TREE SERVICE IN - 5,300.00; AT & T - 709.56; BALABAN LAW OFFICE - 1,500.00; BRAUN INTERTEC ENGINEERI - 8,241.25; COMPANION LIFE - 10.00; DAKOTA MEDIA ACCESS - 9,704.00; FORT DEARBORN LIFE - 1,817.88; GIESER/MATHIAS - 237.60; GLASS/THOMAS J. - 1,500.00; HDR ENGINEERING, INC - 2,649.22; KADRMAS, LEE & JACKSON, - 99,549.36; KELLER/RYAN - 50.00; KELSCH KELSCH RUFF & KRA - 4,000.00; MANDAN AIRPORT AUTHORITY - 5,600.00; MORTON MANDAN PUBLIC LIB - 10,650.00; MOTL/CODY - 100.00; ND PERS - 113,992.03; NDAAO - 660.00; NORTHERN IMPROVEMENT CO - 203,626.44; PAYNE/DIANE - 71.20; SUCHY/BRAD - 50.00; THORSON/SHILA - 50.00; TOMAN ENGINEERING CO - 46,257.75; WEST FARGO PUBLIC SCHOOL - 150.00; JOHNSON/SHANE - 297.00; WELLS FARGO COMMERCIAL C - 169,230.91; MONTANA-DAKOTA UTILITIES - 20,162.34; ADVANCED ENGINEERING SVC - 30,324.58; ARMSTRONG SANIT & ROLL O - 82,271.06; AXIEN ENGINEERING, PC - 9,481.00; BANK OF NORTH DAKOTA - 159,272.50; BECK/ANDY - 269.00; BERBERICH DESIGN - 8,044.68; BIS-MAN CONVTN & VISITOR - 5,676.98; BIS-MDN TRANSIT BOARD - 922.21; BISMARCK POLICE DEPARTME - 1,768.33; BORDER STATES ELECTRIC - 12,991.36; BURLEIGH COUNTY SHERIFF - 2,538.10; CBI BUSINESS SERVICES - 7,448.41; COAST TO COAST OFFICE MA - 161.00; COMPUTER PROFESS UNLIMIT - 93.00; CROWLEY FLECK PLLP - 4,500.00; CUSTER DISTRICT HEALTH U - 1,075.00; DAKOTA PROMOTIONS & PRIN - 354.00; DAKOTA SANITATION, INC - 33,411.93; DAKOTA'S BEST COFFEE - 50.00; DRAIN MAN - 3,650.00; ETHANOL PRODUCTS - 389.81; FETZER ELECTRIC, LLC - 6,039.68; FOUR SQUARE CONCRETE LLC - 2,009.50; FOX/FRED - 31.84; GOLDADE/MARCIA - 1,763.34; GRAYMONT CAPITAL INC - 12,473.38; HUB INTERNATIONAL OF ND - 308.00; INFORMATION TECHNOLOGY D - 1,117.50; INTERGOVERNMENTAL SHOP - 8,298.36; MANDAN AIRPORT AUTHORITY - 1,844.54; MANDAN MUNICIPAL COURT - 2,160.00; MANDAN PARK BOARD - 3,000.00; MANDAN PROGRESS ORGANIZA - 100.00; MARINER CONSTRUCTION INC -

218,007.35; MARKWED EXCAVATING INC - 32,000.00; MED DIRECT - 0.00; MISSOURI VALLEY PETROLEU - 9,599.08; MISSOURI WEST WATER SYST - 87.35; MOODY'S INVESTORS SVC IN - 13,500.00; MORTON COUNTY AUDITOR - 198.40; MORTON COUNTY SHERIFF - 998.56; MORTON MANDAN PUBLIC LIB - 20,457.40; MUNICIPAL CODE CORPORATI - 673.00; MY GOV, LLC - 1,050.00; ND BUREAU OF CRIMINAL IN - 923.72; ND DEPT OF TRANSPORTATIO - 116.16; ND STATE DEPT OF HEALTH - 320.00; ONE CALL CONCEPT INC - 372.40; PENGUIN MANAGEMENT, INC - 864.00; PHAT BROTHERS BAKERY, IN - 625.00; PRESORT PLUS - 2,156.67; RAZOR TRACKING - 450.00; RENNER'S LAWN SPRINKLING - 1,984.50; RUNNING'S SUPPLY INC - 35.98; SCHLOSSER EXCAVATING INC - 10,863.50; SKEELS ELECTRIC CO - 0.00; STANTEC CONSULTING SERVI - 4,507.64; SUNGARD PUBLIC SECTOR - 986.59; SWANBERG CONSTRUCTION IN - 55,000.00; TERRACON - 1,879.00; TOMAN ENGINEERING CO - 5,646.50; ND TRAFFIC SAFETY SERVIC - 5,532.00; TWIN CITY ROOFING INC - 3,444.00; VAULT1440, LLC - 1,875.00; VOGELPOHL/STEVEN L - 4,966.71; WEHRI/RADEANNA - 300.00; WELCH/GREG - 85.00; ZIEGLER/JASON - 2,500.00.

2. *Engineering Service Agreement with AE2S for Collins Reservoir Inspection.*
3. *Lakewood Harbor 3rd Addition First Replat of Block 1.*
4. *Consider approval of annual Liquor Licenses for July 1, 2016 to June 30, 2017.*
5. *Consider approval of Special Sunday Openings for all annual Liquor Licenses.*
6. *Consider approval of authorized check signers.*
7. *Consider approval of a road closure for Starion Financial.*
8. *Consider agreement with Lewis and Clark Regional Development Council for origination and servicing of loan to SSWII, LLP for a Bank of North Dakota Flex PACE interest buy-down.*
10. *Consider for approval replat of Block 5, Macedonia Hills 1st Addition.*

Commissioner Braun 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. *Presentation of plaques to businesses donating \$500 or more to the community boulevard tree-planting program.* City Arborist Kaiden Straabe stated that earlier this year the Forestry Department solicited donations from local businesses for the community boulevard tree-planting program. As of June 1st, the City has received \$5,000 in donations and the businesses donating \$500 or more were presented with a plaque. Businesses donating \$1,000 or more will also have their names included on a perpetual plaque that will be displayed in the Ed “Bosh” Froehlich Meeting Room at Mandan City Hall.

Mayor Van Beek extended a thank you and presented plaques to the businesses donating \$1,000 or more, (Armstrong Sanitation, Bollinger Tree Service, Starion Financial); and the businesses donating \$500 or more, (Gate City Bank, and Prairie View Landscaping).

Other contributions were also received from the Bismarck Mandan Home Builders Association and Capitol Credit Union.

2. *Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for water & sewer improvement Project 2016-18(Lakewood 8th Addition First Replat).* Planning & Engineering Director Froseth presented a request to authorize the installation of water and sewer for the development of a project that is located at 24th Street SE and Gale Circle, between 34th Avenue SE and 40th Avenue SE. The proposed utilities will only serve the developer of the benefiting land; therefore, this project is being paid for by the developer under a 3-way agreement. The need for this smaller 3-way agreement stems from a re-plat project done within Lakewood 8th due to the reconfiguration of lots. Those lot adjustments require some corresponding adjustments to the water and sewer service lines. All the original water and sewer installation in Lakewood 8th was done last fall that had a completion date of June 10th. The work has not been completed due to other construction work that needs to be done before it can be completed. The completion date of this project will be pushed back to allow a reasonable time for the street project completion dates. A Letter of Credit has not been received, so the approval of the 3-way agreement would be contingent on receipt of that letter of credit. Director Froseth recommended approving the resolution and approving the plans and specifications and authorizing execution of 3-way agreement for this project.

Commissioner Laber moved to approve the resolution approving the plans and specifications and authorizing execution of 3-way agreement for water and sewer improvement Project 2016-18 (Lakewood 8th Addition First Replat) contingent on receiving Letter of Credit. 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.

J. RESOLUTIONS AND ORDINANCES:

1. *Second consideration of Ordinance 1240 related to building and lot numbering.* Commissioner Laber moved to approve the Second consideration of Ordinance 1240 amending and re-enacting Article 12, Chapter 111 of the Mandan Municipal Code related to building and lot numbering. 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.

2. *First consideration of Ordinance 1244 annexing property at 2300 14th Ave. SE.* Planner Decker stated that the owners of this property have requested annexation. They are on a street that is mostly located within the City; however, this portion of the property remains outside the City. Water and sewer are available for this street. The assessment for the water and sewer will be paid by the property owners once they are annexed. They are requesting the annexation because they currently have well water that is poor water quality. The sewer system on the property is functioning correctly as confirmed by Custer Health and the City will work on connecting it over to the sewer line sometime in the future. The majority of the properties along this street are within city limits. This is a

voluntary request so there is no protest option requirement. City Attorney Brown stated that the City has a separate agreement with the property owners in the event their septic tank fails to work. If it fails, they must connect to the city sanitation system and if they don't, the City will have the option to terminate their water services.

Commissioner Tibke moved to approve the First consideration of Ordinance 1244 annexing property at 2300 14th Ave. SE. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS:

1. *Presentation of awards to Mayor Van Beek and Commissioner Tibke.*

Mayor Van Beek stated that during the years that Commissioner Tibke has served on the City Commission, the community witnessed significant growth, a stable decline to the mill levy and the revitalization and redevelopment of the downtown area. He reviewed many of the projects Commissioner Tibke assisted with throughout her tenure with the City of Mandan from 2003 to present. On behalf of the City of Mandan, Mayor Van Beek extended a thank you to Commissioner Tibke for serving as a City Commissioner and also for serving as the Vice-President of the Commission.

Commissioner Tibke commented that it was interesting to read through the years of accomplishments of the many city government projects that she had been active in pursuing and noted that many of the items were very challenging.

Commissioner Tibke then presented a watch to Mayor Van Beek and thanked him for his service to the City of Mandan over the past four years.

2. *Consider for approval the Abstract of Votes cast by the voters of City of Mandan in the Consolidated Primary Election held the 14th day of June A.D. 2016.* Commissioner Tibke moved to approve the Abstract of Votes cast by the voters of City of Mandan in the Consolidated Primary Election held the 14th day of June A.D. 2016. 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.

3. *Consider motion for Vice-President of the Board of City Commissioners.*

Commissioner Tibke moved to approve the appointment of Commissioner Rohr to serve as the new Vice-President of the Board of City Commissioners. 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.

This is Mayor Van Beek's last City Commission meeting serving as the mayor. He extended a thank you to the residents of City of Mandan for allowing him to serve as their Mayor.

There being no further actions to come before the Board of City Commissioners, Commissioner Tibke moved to adjourn the meeting at 6:00 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