
The Mandan City Commission met in regular session at 5:30 p.m. on June 2, 2015 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 Bullinger, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development & Communications Director Huber, Planning & Engineering Director Froseth, Planner Decker, and Building Official Lalim. Absent: City Attorney Brown and Assessor Shaw.

B. APPROVAL OF AGENDA: Commissioner Rohr 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 for anyone 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 May 19, 2015.* Commissioner Tibke moved to approve the minutes as presented. Commissioner Laber seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

1. *Conduct public hearing to consider approval of Land Use & Transportation Plan adopted by Planning and Zoning Commission.* Planner Decker stated that this action is the final step in the adoption process mandated by state law for a comprehensive plan that governs the zoning of the Mandan Community and is necessary for having a zoning ordinance. At this time the City Commission is to make any comments or suggestions regarding the approval of the plan and if there are any recommended changes it would go back to the Planning and Zoning Commission. The City Commission did not have any questions or comments to bring forward.

Mayor Van Beek invited anyone interested to speak for or against the Land Use & Transportation Plan adopted by Planning and Zoning Commission to come forward. A second announcement was made for anyone to come forward. Hearing none, this portion of the Public Hearing was closed.

Commissioner Rohr moved to approve the Land Use & Transportation Plan adopted by Planning and Zoning Commission. 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.

F. BIDS:

1. *Consider award of bid and approving Resolution Approving Contract and Contractor’s Bond for Street Improvement District No. 198, Project 2015-03 (Midway*

14th Addition Phase II). Planning & Engineering Director Froseth stated that two bids were received for this project which is an extension of Midway Drive. Northern Improvement Company was the low bidder in the amount of \$159,960.60 which was below the Engineer's estimate of \$185,552.00. The bid is 13.8% lower than the engineer's estimate. It was recommended to approve awarding the contract to Northern Improvement.

Commissioner Laber moved to approve the bid to Northern Improvement Company the low bidder in the amount of \$159,960.60 and to approve the Contract and Contractor's Bond for Street Improvement District No. 198, Project 2015-03 (Midway 14th Addition Phase II). 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.

2. *Consider award of bid and approving Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 200, Project 2015-09 (24th Street NW between 6th Avenue NW and 8th Avenue NW)*. Planning & Engineering Director Froseth stated that two bids were received for this project. Mariner Construction was the low bidder in the amount of \$210,454.05 which was below the Engineer's estimate of \$216,899.65. The bid is 3% lower than the engineer's estimate. It was recommended to approve awarding the contract to Mariner Construction.

Commissioner Braun moved to approve the bid to Mariner Construction the low bidder in the amount of \$210,454.05 and to approve the Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 200, Project 2015-09 (24th Street NW between 6th Avenue NW and 8th Avenue NW). 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.

3. *Consider bid proposals for the hauling of municipal waste to an approved Municipal Waste Facility*. Director of Public Works Wright said that the current contract with Waste Management expires on June 30, 2015. The automatic renewal option for renewing the contract was not accepted by Waste Management due to the high transportation costs of hauling municipal waste from the transfer station at the landfill to the Waste Management facility in Wishek. Bid proposals were advertised for in April to include hauling and recycling options for the City to consider. On May 6, 2015, the bids were opened. Three hauling proposals were received. Waste Management submitted a 5- year bid with the first year being \$55.71/ton with a 3% increase for the following years up to 5 years. Dakota Sanitation also submitted a 5-year bid starting at \$57.00/ton with a \$1/ton escalator for the next 5 years. Armstrong Sanitation submitted an alternate bid of \$35 per load with the bid including Bismarck's tipping fee of \$45. An average load would be a 6 ton/load so that \$35 would equate to \$5.83 which when adding in the tipping that would come up with \$50.83/ton. That contract proposal was for 1 year. Based on the above Armstrong Sanitation is the low bidder. They would haul the garbage from the curb to Bismarck Sanitation Landfill. Morton County residents and

other small communities that utilize our Landfill would still be allowed to use the landfill at \$45 ton. Director Wright said that Armstrong Sanitation's household garbage collection contract is set to expire on 10/31/17, thus he recommended negotiating the hauling contract to coincide with the garbage collection contract expiration date. He reviewed the fiscal impact figures with the 2015 fiscal impact being \$46,602.50. Additional costs for 2016 and 2017 would be discussed at the upcoming budget meetings.

City Attorney Brown would be requested to draft a new hauling contract with Armstrong Sanitation. Director Wright recommended allowing City Staff and Attorney Brown to negotiate a hauling contract with Armstrong Sanitation as proposed with an expiration date of 10/31/17. Recycling RFP bids will be discussed at a later time. The recycling option is more detailed and is to be compared apples to apples and that would reduce the hauling amount.

Commissioner Rohr moved to allow City Staff and Attorney Brown to negotiate a hauling contract with Armstrong Sanitation as proposed, with an expiration date of 10/31/17. Commissioner Braun seconded the motion. Commissioner Laber suggested that in the future if there is one RFP done both hauling and recycling should be considered together so the Commission can evaluate the whole package.

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 plat for Lakewood Commercial Park Third Replat.*
2. *Consider approval of the following site authorizations for the Mandan Hockey Club, Inc. from July 1, 2015 through June 30, 2016: (i) The Silver Dollar (ii) Old Town Tavern (iii) The Ridge Motel Corp. (iv) Vicky's Sports Bar.*
3. *Consider approval of Sales & Use Tax Collection Agreement with the ND Office of State Tax Commissioner for 2015-2017.*
4. *Consider Fire Department 2015 equipment reserve budget amendment.*
5. *Consider Master Meter installation agreement between the City of Mandan and Missouri West Water System.*
6. *Consider appointment of Inspectors and Judges for June 9, 2015 Special Election.*

Commissioner Tibke moved to approve Consent Agenda as presented. 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.

H. OLD BUSINESS:

1. *Consider Resolution approving revised plans and specifications for, Resolution approving amended engineer's report and Resolution directing re-advertisement for bid for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area).*

Planning & Engineering Director Froseth stated that in March of this year, the City Engineer's Office presented a request for approval for this street improvement project and in April the insufficiencies of protests were brought forward. At the City Commission meeting on May 19, 2015, the Engineering Department recommended rejecting the bids because the low bid was much higher than the engineer's estimate. Soon after bid opening, the City Staff and consulting engineer's met with the contractors of the project to get an understanding of why the bid amounts were so far off from the estimate. Since that time, work has been done to revise the plans and specifications based on feedback from the project bidders. Using the revised plans and cost estimate, Director Froseth recommended moving forward with rebidding the project as soon as possible. He reviewed some of the highlights of the revised bid, explaining the cost savings and techniques to be used. He recommended rebidding with the bid opening set for June 23, 2015. The revised figure of \$3.5 million was the previous estimate now reduced to \$2.9 million based on the revised components of the project. These are estimates that are expected to be within the contractor's bids.

Commissioner Laber moved to approve the Resolution approving revised plans and specifications for, Resolution approving amended engineer's report and to approve the Resolution directing re-advertisement for bid for Street Improvement District No. 199, Project No. 2014-28 (NE Downtown Area). 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.

I. NEW BUSINESS:

1. *Consider Growth Fund Committee recommendation regarding an application from Malloy Electric for a Flex PACE interest buy-down.* Business Development & Communications Director Huber stated that the Mandan Growth Fund (MGF) Committee met last week and considered an application from Malloy Electric for E-C Investments LLC which leases to Malloy Electric for an interest buy-down of permanent financing for a new 21,350 sq. ft. building to accommodate sales, service and warehousing of inventory. The buy-down is through the BND Flex Pace Program. The business provides sales and service of electrical equipment, electric motors, variable frequency drivers and mechanical equipment. The business markets include those in agriculture, general industry, and utility industries. The company is based out of Sioux Falls, South Dakota and is family owned. They expect to employ 7 people with expectations of employing 15-20 people by 2020.

The maximum allowed under this is \$153,846 in which BND will provide \$100,000 (65%) and local community will provide \$53,846 (35%). The MGF Committee recommends approval of this application. The total project investment is estimated to be \$2 million. The Lewis and Clark Regional Development Council will be the administrator and provide servicing of the interest buy-down structured loan. The business will pay full property taxes. The company did look at Dickinson and Bismarck for the project but settled on Mandan because of our business system track record. Director Huber stated that the MGF Committee recommends approval of the interest buy-

down for Malloy Electric with a local match of \$53,846 to be structured as a loan repayable within 43 months; and then after the 43 month buy down period with a 3% interest rate and all loan origination and filing fees paid by the borrower, E-C Investments.

Commissioner Braun moved to approve the interest buy down for E-C Investments with Malloy Electric as the operating company for its new building with the local match of \$53,846 to be structured as a loan with the term and rate as recommended.

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. *I-94 Corridor Study presentation and consideration for adoption.* Craig Vaughn of SRF Consulting Group said he has been working with the Bismarck Mandan Metropolitan Planning Organization of Bismarck and Mandan on a study to improve the safety and functionality of the I-94 corridor. He provided a brief overview of the project to look at the corridor limits of the I-94 corridor from ND Hwy 25 to 80th Street. He explained the reason for the study was to address the deficiencies with respect to traffic operation, safety, capacity constraints; as well as system linkage understanding the I-94 corridor in a north-south fashion. The project goal is to offer improvement recommendations that provide a safe and efficient transportation system that would serve not only today but the projects' timeline through 2040. Vaughn reviewed the study process that included three public hearing sessions over a period of time. The corridor issues identified were congestion at the north-south access junctions with I-94 and congestion along I-94/I-194 interchange area and future projected congestion along I-94/I-194. Of further note, the Grant Marsh Bridge section of I-94 corridor is very near the LOS D threshold for unacceptable operations which has been considered as part of the long range plan activities. Another component to the study is the Corridor Concept Alternative wherein a number of alternatives were considered and those locations were reviewed.

The goal is to provide a transportation system that is safe, efficient and effective today and into the future and to present a project implementation plan for all of the projects that were identified in the study. A project sequence has been developed within the implementation plan that includes three implementation phases and varying stages occurring between the years of 2014 – 2040. Vaughn reviewed the cost summary associated with the projects broken down into the three phases of construction stating that the total cost for the improvements along the I-94 Corridor include many interchange improvements. He stated that the construction costs for the total project is approximately \$245 million. This information was used as part of the long range transportation plan activity. This does include project costs that were provided by the DOT and the MPO Long Range Activities Plan. Vaughn reviewed an Implementation Plan Cost Summary for the timeframes and the subsequent stages that the dollars would be needed for implementation throughout the various phases. All this information is available in more detail on the project website. In closing, Vaughn requested a general acceptance and adoption of the project study as presented.

Commissioner Laber moved to adopt the I-94 Corridor Study 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.

J. RESOLUTIONS AND ORDINANCES:

1. *Second Consideration and Final Passage of Ordinance No. 1208 rezoning Lakewood 8th Addition.* Commissioner Tibke moved to approve the Second Consideration and Final Passage of Ordinance No. 1208 rezoning Lakewood 8th 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.

K. OTHER BUSINESS:

1. Mayor Van Beek encouraged everyone to attend the Buggies-n-Blues activities planned for the upcoming weekend.

2. Mayor Van Beek extended congratulations to the Mandan Baseball Team who won the State Championship this past weekend.

There being no further actions to come before the Board of City Commissioners, Commissioner Rohr moved to adjourn the meeting at 6:30 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