
The Mandan City Commission met in regular session at 5:30 p.m. on June 30, 2014 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, and Braun. Department Heads present were Finance Director Welch, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development and Communications Director Huber, Planning & Engineering Director Froseth, Planner Decker, Assessor Shaw, and Building Official Lalim. Absent: Police Chief Bullinger and City Attorney Brown.

B. APPROVAL OF AGENDA: Commissioner Braun motioned to approve the Agenda as presented. 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 to come forward to address items on the Agenda. A second announcement was made to come forward to speak for or against items on the Agenda. Hearing none, this portion of the Public Communications forum was closed.

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission regular meeting held June 17, 2014.* Commissioner Braun 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. *Consideration of request to vacate portion of Viewpoint Lane (see R&O #2).* Principal Planner Decker reviewed with the Board a request to vacate portion of Viewpoint Lane. He stated that this is located in the Big Sky Development and they previously created a re-plat for this area but they failed to do the official vacation of the existing right-of-way. This is a catch-up item based on what they had done previously. The plan is to convert this piece of right-of-way to a utility and access easement because it only provides access to one property to the east. It is not a through street and that’s why it was originally re-platted. This action will match that re-plat.

Mayor Van Beek stated this is a public hearing and invited anyone to come forward to speak for or against the request to vacate portion of Viewpoint Lane. A second announcement was made to come forward to speak for or against the request to vacate. Hearing none, this portion of the Public Hearing was closed.

Commissioner Rohr moved to approve the request to vacate portion of Viewpoint Lane, Big Sky Subdivision. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consideration of request to vacate portion of 11th Ave. SW (see R&O #3).* Principal Planner Decker reviewed with the Board a request to vacate a portion of 11th

Ave. SW. He indicated that the adjoining property owner is planning to sell their property. In researching the records of the boundaries of the property they found that when abandonment of 11th Avenue occurred they missed a 40' portion in the lower right corner. This is a follow-up to clean up the abandonment. There are several small narrow lots in this subdivision. This is a small piece of the lot that was left over.

Mayor Van Beek stated this is a public hearing and invited anyone to come forward to speak for or against the request to vacate a portion of 11th Ave. SW. A second announcement was made to come forward to speak for or against the request to vacate. Hearing none, this portion of the Public Hearing was closed.

Commissioner Tibke moved to approve the request to vacate portion of 11th Ave. SW located adjacent to Lots 9 and 10, Block 14, Mandan Meads Subdivision

Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

F. BIDS:

1. *Consider award of bid for Street Improvement District 191, Project 2014-04(Lincoln Ridge Estates 6th Addition).* Planning & Engineering Director Froseth reviewed with the Board a request to award the bid for Street Improvement District 191, Project 2014-04 (Lincoln Ridge Estates 6th Addition). Planning & Engineering Director Froseth stated that two bids were received for this project. Northern Improvement Company was the low bidder for the amount of \$195,217.50. The Engineer's estimate was \$163,522.50. The bid was 19.6% higher than the engineer's estimate for this project. The construction costs of the project is \$195,217.50 plus engineering and administrative costs of \$68,326.13 for a total cost of \$263,543.63. The project will be paid for by special assessments from the 16 benefiting properties estimated to be \$16,471.48 per lot.

Commissioner Rohr moved to approve the bid award for Street Improvement District 191, Project 2014-04 (Lincoln Ridge Estates 6th Addition) to Northern Improvement Company was the low bidder for the amount of \$195,217.50 and approve the Resolution approving contractor and contractor's bond. Commissioner Braun seconded the motion.

Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider award of bid for Street Improvement District 192, Project 2014-06(West Hills Estates 3rd Addition).* Planning & Engineering Director Froseth reviewed with the Board a request to award the bid for Street Improvement District 192, Project 2014-06 (West Hills Estates 3rd Addition). He stated that two bids were received for this project. Northern Improvement Company was the low bidder for the amount of \$252,769.30. The Engineer's estimate was \$193,835.50. The bid was 30.4 % higher than the engineer's estimate for this project. The construction costs of the project is \$252,769.30 plus engineering and administrative costs of \$88,469.26 for a total cost of approximately

\$341,238.56. The project will be paid for by special assessments from the 13 benefiting properties estimated to be \$26,249.12 per lot. Concern was expressed about the assessments in the amounts over \$20,000. Commissioner Tibke stated that there are meetings scheduled the latter part of this year to start discussion with the developers, contractors and city staff to come up with policies addressing who should be responsible for the assessed costs.

Commissioner Tibke moved to approve the bid award for Street Improvement District 192, Project 2014-06 (West Hills Estates 3rd Addition) to Northern Improvement Company the low bidder for the amount of \$252,769.30 and approve the Resolution approving Contract and Contractor's Bond. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider award of bid for Street Improvement District 193, Project 2014-08(Midway 14th Addition).* Planning & Engineering Director Froseth reviewed with the Board a request to award the bid for Street Improvement District 193, Project 2014-08(Midway 14th Addition). He stated that two bids were received for this project. Mariner Construction was the low bidder for the amount of \$213,498.49. The Engineer's estimate was \$175,404.00. The bid was 21.7% higher than the engineer's estimate for this project. The construction costs of the project is \$213,498.49 plus engineering and administrative costs of \$74,724.47 for a total cost of \$288,222.96. The property is zoned commercial so the project will be paid for by special assessments from the 6 benefiting lots estimated at \$.053 per sq. ft. This is a bid for Phase 1 of the project. Phase 2 is pending at this time. Traffic on commercial lots determines how the costs are assessed.

Commissioner Rohr moved to approve the bid award for Street Improvement District 193, Project 2014-08 (Midway 14th Addition) to Mariner Construction the low bidder for the amount of \$213,498.4930 and approve the Resolution approving Contract and Contractor's Bond. Commissioner Braun seconded the motion. Roll call vote:

Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Consider approval of low bid for resurfacing projects bid through the NDDOT. (9th Avenue NE, Longspur and 24th Avenue SE, 40th Avenue SE).* Planning & Engineering Director Froseth reviewed with the Board a request to award the bid for three resurfacing projects bid through the NDDOT. They were bundled into one project. (9th Avenue NE, Longspur and 24th Avenue SE, 40th Avenue SE). He stated there were two bids received for this project. Mariner Construction was the low bidder for the amount of \$882,099.96. The bid was 4.4% under the Engineer's Estimate. The projects under this project are the 9th Avenue NE and 24th and Longspur by the race track and Dacotah Speedway Park. Also included is 40th Avenue SE on Memorial Highway to South Bay Drive. An award letter was received from the DOT for these projects. The date of completion of the projects is October 31, 2014.

Commissioner Tibke moved to approve the bid award for resurfacing projects bid in conjunction with the NDDOT. (9th Avenue NE, Longspur and 24th Avenue SE, 40th Avenue SE) to Mariner Construction the low bidder for the amount of \$882,099.96. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

G. CONSENT AGENDA

1. *Consider authorizing a work change order on Street Improvement District No. 179, Project No. 2013-10 (Meadow Ridge 3rd Addition).*
2. *Consider for approval replat of Lots 3A through 3H of Lot 3, Block 4 Heart Ridge Addition.*
3. *Consider for approval a setback variance for Lot 1, Block 1 Developers West Acres 2nd Addition.*
4. *Consider new Class E Liquor license for Bar M Steakhouse, LLC at 2815 Memorial Hwy. formerly Dean's Steakhouse.*
5. *Consider authorizing a work change order on Street Improvement District No. 178, Project No. 2013-04 (Keidel's South Heart Terrace Phase IV).*
6. *Consider authorizing a work change order on Street Improvement District No. 185, Project No. 2013-19 (Heart Ridge 2nd Addition).*
7. *Consider authorizing a work change order on Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6th & 7th Addition).*
8. *Consider request from the Building Inspection Department to destroy old documents in accordance with the Records Management and Retention Plan.*
9. *Consider approval of Engineering Service Agreement with KLJ to provide construction engineering services for resurfacing projects bid through the NDDOT (9th Avenue NE, Longspur and 24th Avenue SE, 40th Avenue SE).*
10. *Consider budget amendment to transfer funds from salary to equipment for program coordinator.*

Commissioner Rohr moved to approve the Consent Agenda as presented. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Consider authorizing a work change order on Street Improvement District No. 177, Project No. 2012-22 (Meadows 6th Addition).* Planning & Engineering Director Froseth reviewed with the Board a request for the authorization of a work change order on Street Improvement District No. 177, Project No. 2012-22 (Meadows 6th Addition). This is one of the projects not completed in 2013. This request is to extend the date of July 5, 2014, to July 20, 2014, to complete a surface lift and September 1, 2014 to complete the chip seal. Northern Improvement was the only company that submitted a bid on this project last year and the bid opening for it was held August 23, 2013. They

were not awarded a contract until September. Director Froseth stated that without their bid the project would likely be further behind. He recommended denying the request for the extension because the commencement of this project does not contractually depend on the completion of other projects.

Commissioner Tibke moved to deny the request authorizing a work change order on Street Improvement District No. 177, Project No. 2012-22 (Meadows 6th Addition) for completion date of July 20, 2014, for Surface Lift and September 1, 2014 for completion of chip sealing. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider authorizing a work change order on Street Improvement District No. 181, Project No. 2013-15 (Meadows 7th Addition).* Planning & Engineering Director Froseth reviewed with the Board a request for the authorization of a work change order on Street Improvement District No. 181, Project No. 2013-15 (Meadows 7th Addition. This project is a neighbor to Meadows 6th Addition and the request is similar. This request is to extend the date of July 5, 2014, to July 20, 2014, to complete a surface lift and September 1, 2014 to complete the chip seal. Northern Improvement was the only company that submitted a bid on this project last year and that the bid opening for it was held July 19, 2013, and they were not awarded a contract until August. Director Froseth stated that without their bid the project would likely be further behind. He recommended denying the request for the extension because the commencement of this project does not contractually depend on the completion of other projects.

Commissioner Braun moved to deny the request authorizing a work change order on Street Improvement District No. 181, Project No. 2013-15 (Meadows 7th Addition) for completion date of July 20, 2014, for Surface Lift and September 1, 2014 for completion of chip sealing. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

J. RESOLUTIONS AND ORDINANCES:

1. *First consideration of Ordinance 1186 annexing land in Section 3, Township 138 North, Range 81 West.* Principal Planner Decker stated this matter relates to the previous discussion of assessment district costs. This is an attempt to lower the per lot assessment by widening the area of the storm drainage and costs. This area would normally have been annexed at a later date as development of this area occurred, but the storm drainage costs are pushing those assessments on the existing currently planned section upward. By annexing this now, draining assessments can be spread over a larger area.

Commissioner Tibke moved to approve the First consideration of Ordinance 1186 annexing land in Section 3, Township 138 North, Range 81 West. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consideration of resolution vacating portion of Viewpoint Lane.*

Commissioner Tibke moved to approve the resolution vacating portion of Viewpoint Lane. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consideration of resolution vacating portion of 11th Avenue SW.*

Commissioner Tibke moved to approve the resolution vacating portion of 11th Avenue SW. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Resolution for City Commission to grant property tax exemptions for improvements to existing commercial and residential structures.* City Assessor Shaw stated according to NDCC 57-02.2 guidelines require that the governing body of the property within city limits must have a resolution in place to allow the remodeling exemptions for commercial and residential properties. The resolution will require all applications for remodeling to be brought forth to the City Commission for review and/or approval once an application has been processed with the Assessor's Office and it has been deemed that the property improvements qualify for the exemption.

Commissioner Braun moved to approve the resolution for the City of Mandan to grant property tax exemptions for improvements to existing commercial and residential structures. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Frank: Yes; Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS

1. Mayor Van Beek reminded citizens that shooting fireworks is only allowed on July 2, 3, and 4. The fine for shooting fireworks outside of those dates is set at \$75.00.

There being no further actions to come before the Board of City Commissioners, Commissioner Rohr moved to adjourn the meeting at 6:05 p.m. Commissioner Braun 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