

---

The Mandan City Commission met in regular session at 5:30 p.m. on June 3, 2014 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota.

Commissioners present were Van Beek, Rohr 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, Business Development and Communications Director Huber, Planning & Engineering Director Froseth, Planner Decker, Assessor Shaw, and Building Official Lalim, Absent: Commissioner Tibke and Commissioner Frank.

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 May 20, 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:

F. BIDS:

1. *Consider award of bid for Street Improvement District 189 (Lakewood 6<sup>th</sup> Addition Lot 10b, Block 2.* Planning & Engineering Director Froseth, reviewed with the Commission the two bids received for this project with the low bidder being from Mariner Construction in the amount of \$70,013.27 which was approximately 27% higher than the Engineer’s Estimate of \$55,361.20. This project would be paid for by special assessments from the benefiting 19 lots at approximately \$4,974.63 each.

Commissioner Rohr moved to award the bid for Street Improvement District 189 (Lakewood 6<sup>th</sup> Addition Lot 10b, Block 2 to the low bidder Mariner Construction in the amount of \$70,013.27 and to approve the Resolution approving Contract and Contractor’s Bond. Commissioner Braun seconded the motion. Roll call vote:

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

2. *Review of bid opening for Street Improvement District 196 Project 2014-14 (Mandan Industrial Park).* Planning & Engineering Director Froseth, stated that on March 4, 2014, the City Commission approved the creation of Street Improvement District 196 and approved the Engineer’s Report and Resolution of Necessity at that time.

---

On April 15, 2014, the City Commission approved the Resolution determining insufficiency of protest. The City Engineer's Office consulted with Wenck and Associates to create the plans and specifications for a street improvement project in this district that called for a concrete reconstruction of the two major streets running east and west in this district at 34<sup>th</sup> Street and 37<sup>th</sup> Street Northwest and asphalt overlay on 30<sup>th</sup> Avenue. Bids were open during the month of May with a bid opening held on May 27<sup>th</sup>. There were no bids received for this project. The reasons given for not receiving bids was due to contractors already having a full schedule and the contractors were looking for a more defined plan for the traffic control elements of the project. There were questions about the design of the project after the bid opening date. Mayor Van Beek recommended bringing this matter back in September-October in order to get it on schedule for the spring of 2015. This is an informational item and no action is necessary at this time.

G. CONSENT AGENDA

1. *Consider approval of CPM agreements for resurfacing projects bid through NDDOT*
2. *Consider approval of DOT agreement for temporary road closures for MPO events*
3. *Second replat of Lot 1, Block 4 Lakewood 1<sup>st</sup> Addition.*
4. *Consider approval of a Sunday Opening for the Mandan Eagles Club for June 22, 2014.*
5. *Consider approval of a Sunday Opening for Silver Dollar (Lucas Berger, Jr.) for June 8, 2014.*

Commissioner Rohr moved to approve the Consent Agenda items 1 – 5 as presented. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Introduction of new Police Officers.* Police Chief Bullinger introduced new officers that have joined the Police Department: Officer Kahlor Krefting, Parking Enforcement Officer is from Bismarck, ND and the new police officers are Bryce Klein, from Minot, ND, Scott Warzecha, from Colorado and John Lemieux, from Devils Lake, ND. Mayor Van Beek extended a welcome to the new officers.
2. *Consider Street Improvement District 190, Project 2014-02(Keidel's South Heart Terrace 3<sup>rd</sup> Addition).* Planning & Engineering Director Froseth presented a request to create and allow assessments of specials related to and authorize the paperwork for the requested project and allow for the project to be bid. He stated the Engineer's Office met with the developer (today) to discuss the project; in particular the high cost of the project. One reason brought forward causing the high cost is the storm water runoff through the development as there is a fairly large drainage area. Suggestions included annexing an

---

area owned by the same developer and possibly spread the storm water costs over the whole area. One previous recommendation was to set a hard bid opening deadline of July 1<sup>st</sup> for any street improvement district coming forward this year if it was to be completed by this year as a result of many projects not being completed by the end of last year. Director Froseth, after talking to the developer and engineer to work through lowering the per lot special assessment, requested an extension to the opening bid deadline. The developer and engineer were present to answer questions.

Commissioner Rohr voiced concern that the specials of approximately \$43,000 are unusually high; and in the event the City was to end up with some of those lots, that would carry quite a liability for the City. Director Froseth agreed that construction costs have been increasing and that last year the highest specials assessed were around \$30,000. Mayor Van Beek clarified that the request is to table this matter or extend the dates in order to have time to review the prices on these lots with the possibility of distributing costs to the land south of this project that is by the same developer. Director Froseth replied that is correct and the request is to extend the deadline with the possibility of annexing the area so assessment costs could be spread throughout. He did not have any solid recommendations as to how to reduce the specials at this time. Director Froseth stated the recommendation is to table this matter for two weeks and to extend the bid date deadline from July 1<sup>st</sup> to July 9<sup>th</sup> and to bring the matter back to the July 15<sup>th</sup> Commission meeting for approval.

Commissioner Rohr moved to table this matter until further information is obtained and provided to the Commission and to extend the bid date deadline. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider Street Improvement District 191, Project 2014-04 (Lincoln Ridge Estates 6<sup>th</sup> Addition).* Planning & Engineering Director Froseth stated that the developer of this project is requesting to create and allow the assessments of specials related to, and authorize the required paperwork for the requested project and allow for the project to be bid. The developer is requesting the City allow special assessment of street costs to the benefiting properties for the development of Lincoln Ridge 6<sup>th</sup> Addition. The cost of the project is estimated to be \$163,232.50 and the engineering and administration costs would add \$57,131.38 for a total cost of \$220,363.88. The specials would be assessed to the 16 lots benefiting at approximately \$13,772.74 per lot in specials.

Commissioner Rohr moved to approve the Resolution creating district, approve the Resolution approving the engineer's report, approve the Resolution of Plans and Specifications, approve Resolution determining sufficiency of petition, approve feasibility report and approve Resolution directing advertisement for bids for Street Improvement District No. 191, Project 2014-04 (Lincoln Ridge Estates 6<sup>th</sup> Addition). Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

---

4. *Consider Street Improvement District 192, Project 2014-06(West Hills Estates 3<sup>rd</sup> Addition).* Planning & Engineering Director Froseth stated that the developer of this project is requesting that the City allow the special assessment of street costs to the benefiting properties for the development of West Hills Estates 3<sup>rd</sup> Addition. The expected fiscal impact of estimated costs of the total cost of the project is \$193,000 and with engineering and administration fees it would be \$261,000 for a total project costs. The 16 benefiting lots would be about \$20,000 special assessment per lot.

Commissioner Braun moved to approve the Resolution creating district, approve Resolution approving engineer's report approve the Resolution of Plans and Specifications, approve Resolution determining sufficiency of petition, approve feasibility report and approve Resolution directing advertisement for bids for Street Improvement District 192, Project 2014-06 (West Hills Estates 3<sup>rd</sup> Addition). Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

5. *Consider 3-way agreement for Water & Sewer Improvement Project 2014-07(Midway 14<sup>th</sup> Addition).* Planning & Engineering Director Froseth stated this is a request to enter into a 3-way agreement for Water & Sewer for Midway 14<sup>th</sup> Addition. This project would benefit the developer and it is being paid for through a 3-way agreement by the developer and a letter of credit has been received.

Commissioner Rohr moved to approve the Resolution approving the plans and specifications and authorizing the execution of a 3-way agreement for Water and Sewer Improvement for Project 2014-07(Midway 14<sup>th</sup> Addition). Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

6. *Consider Street Improvement District 193, Project 2014-08(Midway 14<sup>th</sup> Addition).* Planning & Engineering Director Froseth stated this is a consideration for the same project discussed under No. 5 – 3-way agreement. The developer is requesting the City to allow the special assessment of street costs to the benefiting properties for the development of Midway 14<sup>th</sup> Addition. The project construction is estimated to be \$175,000 plus administration and engineering costs of \$61,391.40 for a total project cost of \$175,404. There are 6 lots that would benefit from the project and they are zoned commercial so the costs would be special assessed by square foot of approximately \$.43 per square foot. The street would not be fully developed at this time due to not knowing what may be located there.

Commissioner Rohr moved to approve the Resolution creating district, approve the Resolution approving the engineer's report, approve the Resolution of Plans and Specifications, approve Resolution determining sufficiency of petition, approve feasibility report and approve Resolution directing advertisement for bids for Street Improvement District 193, Project 2014-08 (Midway 14<sup>th</sup> Addition). Commissioner

---

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

7. *Consider Street Improvement District 197, Project 2014-24(24<sup>th</sup> Street NW Between 6<sup>th</sup> Avenue NW and 8<sup>th</sup> Avenue NW).* Planning & Engineering Director Froseth stated this project is to extend 24<sup>th</sup> Street to the east in order to facilitate development of property in the district boundaries. The developer is requesting the City to allow the special assessment of street costs to the benefiting properties for the development of 24<sup>th</sup> Street Northwest between 6<sup>th</sup> Avenue and 8<sup>th</sup> Avenue. The construction of the project is estimated to be \$195,989.00, engineering and administration costs will add \$68,596.15 for a total cost of \$264,585.15. The assessments would go to the benefiting properties in which there are 33.2 acres and split over the square footage of commercial properties would be approximately \$.18 per square foot. Manchester from Toman Engineering came forward and stated that the developer is unsure as to exactly what they will do with the property with regard to developing it as commercial or multi-family.

Commissioner Braun moved to approve the Resolution creating district, approve the Resolution approving the engineer's report, approve the Resolution of Plans and Specifications, approve Resolution determining sufficiency of petition, approve feasibility report and approve Resolution directing advertisement for bids for Street Improvement District 197, Project 2014-24 (24<sup>th</sup> Street NW between 6<sup>th</sup> Avenue NW and 8<sup>th</sup> Avenue NW). Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

8. *Consider 3-way agreement for street improvement Project 2014-20(Missouri Valley Addition Replat).* Planning & Engineering Director Froseth presented a request for a 3-way agreement. The developer would like to fund this cost by themselves but since it is in the City right of way, we would require a 3-way agreement so it is built to the City's plans and specifications. It was recommended to approve the 3-way agreement.

Commissioner Braun moved to approve the Resolution approving the plans and specifications and authorizing the execution of a 3-way agreement for street improvement Project 2014-20 (Missouri Valley Addition Replat). Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

9. *Consider Wenck and Associates to provide construction engineering services for Roughriders SID #195.* Planning & Engineering Director Froseth presented a request for street improvement project #195 also known as Roughriders. Wenck and Associates were selected to provide design services for this project. On May 6<sup>th</sup> the City awarded the bid to Mariner Construction who was the low bidder at \$701,719.07. Part of the project's total costs for these services would be paid for by assessments to the benefiting

properties. At the proposed fee of 7% of construction cost, the amount for construction services would be \$49,120.33. Director Froseth recommended approving the Engineering Services Agreement for Construction engineering with Wenck Associates for this project.

Commissioner Rohr moved to approve the Engineering Services Agreement for Construction engineering with Wenck Associates for Roughriders SID #195.

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

*10. Report on EDND Draft Value Statements and 2015 Legislative Priorities.*

Business Development and Communications Director Huber stated that the City has paid for her EDND membership fees. The organization provides services in the areas of professional development through networking and idea sharing and legislative advocacy. She provided a copy of the draft document outlining the legislative priorities and agenda that the Economic Development Association has been working on. She stated that she serves as the EDND State Secretary-Treasurer and she is a member of the Board of Directors. She also indicated that this information is being provided to the City Commissioners for any additional input to give back to EDND for consideration at the summer conference on June 17-19. There is no further action on this matter required at this time.

**J. RESOLUTIONS AND ORDINANCES:**

*1. First consideration of Ordinance 1185 related to penalties and fines.*

Robert Decker, Principal Planner, presented a request to update the current language of Ordinance 1185 related to penalties and fines that will give the municipal judge more latitude in assessing penalties and fines. This Ordinance will bring the City Code into conformance with the North Dakota Century Code.

Commissioner Braun moved to approve the First consideration of Ordinance 1185 related to penalties and fines. Commissioner Rohr seconded the motion. Roll call vote:

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

**K. OTHER BUSINESS**

*1. Keep Mandan Beautiful.* Mayor Van Beek stated that Mandan is holding a trash and litter cleanup day on Saturday, June 21, 2014. The City of Mandan officials are working with concerned citizens to plan a special day devoted to keeping Mandan litter free. Volunteers willing to help are asked to gather Saturday, June 21<sup>st</sup> at 8:30 a.m. at Spirit of Life Catholic Church, 801 First Street Southeast in the Activity Center with parking in the north parking lot. Instructions, supplies and safety vests and gloves will be provided. Volunteers are to wear long pants and work gloves. A morning snack will be provided and it is anticipated that 50-100 workers will participate. Mayor Van Beek extended a thank you to Amy Schmidt for coordinating this event.

---

2. *Consider Mandan City Hall utilization for a safe shelter for residents who don't feel safe in their homes during a tornado warning.* Tom Doering, Morton County Emergency Management Director stated that the purpose for this request is to determine the need for a procedure of launching a city-wide telephonic/multi-media severe summer weather warning (CodeRED) and to make City Hall a shelter available to citizens from severe weather which warrants activation of Mandan's Outdoor Warning System. He stated that the Morton County CodeRED warning drill that was conducted on April 30, 2014, was successful in reaching 3,861 residents in Mandan, New Salem and Flasher. This would be a good addition to Mandan's outdoor system. The population affected reside in trailer parks and in apartment buildings. There are some shelters at some of the trailer parks that offer shelter for their residents and other trailer parks advise their residents to seek shelter in a friend's or family's basement. The proposal is to provide Shelter for residents in the basements of the County Courthouse, Mandan City Hall and the Fire Department if available. He provided the criteria for activating a warning siren, a CodeRED and a local shelter.

Commissioner Rohr motioned to approve the use of Mandan City Hall utilization for a shelter for residents who don't feel safe in their homes during a tornado warning in the event of severe summer weather that meets the criteria for activating the outdoor warning system. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

Commissioner Braun moved to approve using CodeRED to notify Mandan residents of severe summer weather that meets the criteria for setting off the Mandan Outdoor Warning System. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

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 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