
The Mandan City Commission met in regular session at 5:30 p.m. on March 1, 2016 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 Ziegler, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Business Development & Communications Director Huber, Planning & Engineering Director Froseth, Planner Decker, Assessor Shaw, and Building Official Lalim. Absent: Fire Chief Nardello.

B. APPROVAL OF AGENDA: Mayor Van Beek suggested adding an item to Other Business. That item would be to bring up for discussion a working session of the Board to begin discussions on the 2017 budget. Commissioner Rohr moved to approve the Agenda. Commissioner Braun 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 on the Agenda. 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 of February 16, 2016 regular meeting.* Commissioner Laber moved to approve the minutes as presented. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

F. BIDS:

1. *Consider purchase of Skid Steer from Bobcat of Mandan, low bidder.* Planning & Engineering Director Froseth stated that due to an aging, insufficient skid-steer at the Wastewater Treatment Plant, the City advertised for a new skid-steer loader to replace it. Six proposals were received all of which were for a straight sale to the city and a trade-in sale proposal. Bobcat of Mandan was the low bidder for both the straight sale and the trade-in. It was recommended to not opt for the trade-in because the value of the existing skid-steer is greater than its trade-in value. Director Froseth recommended purchasing the skid-steer loader from Bobcat of Mandan who was the low bidder in the amount of \$31,964.02. Director Froseth noted that there is a related item under the Consent Agenda regarding the old skid-steer. Bobcat of Mandan has provided a quote for the old skid-steer which would be then be used as a trade-in for the purchase of a snow blower attachment for the new WWTP skid-steer. This can all be accomplished within the approved budgeted amount for this equipment.

Commissioner Laber moved to approve the purchase of a skid-steer loader for the Wastewater Treatment Plant from Bobcat of Mandan who was the low bidder in the amount of \$31,964.02. 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 Old Red Trail Reconstruction Project Cost Participation and Maintenance Agreement.*
2. *Consider approval of RSVP + ND games of chance at Baymont Inn and Suites on March 18, 2016.*
3. *Consider approval of the following abatements: (i) Correction in 2015 True & Full Value for land owned by Fred & Arlene Berger; Dale & Cindy Haugen. (ii) Correction in 2015 true & Full Value for land owned by Helbling Land Company replatted property Assessor Error.*
4. *Consider for approval replat of Lot 1, Block 3 Plainview Heights 12th Addition.*
5. *Consider proclaiming April 22, 2016 as Earth Day in the City of Mandan, ND.*
6. *Consider trade-in of Wastewater Treatment Facility Skid Steer for snow blower attachment for new skid steer.*
7. *For information, Change Orders G-4 and E-2 for the Wastewater Treatment Facility Optimization Project.*
8. *Consider approval of travel for two Wastewater Treatment facility staff to Colorado for EPA Region 8 conference in May.*
9. *Consider approval of Twin City Drive and Main Street signals replacement project Cost Participation and Maintenance Agreement and budget amendment.*

Commissioner Laber moved to approve the Consent Agenda items 1 through 9 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 from Ben Kubischta regarding Old Red Old Ten Committee activities.* Ben Kubischta gave a presentation of the history of the Old Red Old Ten Committee. He then explained that the purpose of the Old Red Old Ten Trail, Highway 10, is to offer an alternative to interstate travel in western North Dakota. It is a distinction of working together by two counties, Morton and Stark, moving forward to continue the promotion and economic development of the rural communities that shows commitment to expand the Old Red Old Ten Scenic Bylaw efforts. Mr. Kubischta requested that the Committee be notified or made aware of zoning and plats that would affect or potentially affect the view of the byway. He requested being on a notification list for actions such as those and that he will discuss that with City Administrator Neubauer at a later time. More information on this project can be found on the website at www.oldredoldten.com. The Old Red Old Ten Committee meets on the 4th Thursday of the month and the meeting locations rotate among the cities within the two counties.

2. *Presentation on the Violence against Women (OVW) Grant proposal.*

Chief Ziegler stated that he was contacted by the Abused Adult Resource Center (AARC) in reference to a grant opportunity from the Office on Violence Against Women (OVW) that would provide the City of Mandan with two positions with one being a school resource officer for school related domestic violence. After reviewing the grant conditions further it was determined that the school based position did not qualify for a grant. An amendment had to be done to the grant and that is currently in the process of being written along with the Memorandum of Understanding (MOU). So there is no MOU currently ready for review by the Commission at this time. However, the grant application is due on March 3, 2016. He provided a background of the grant in that this would assist in the process of getting a detective to investigate domestic violence. A representative from AARC was present to answer any technical questions about the program or the grant. Chief Ziegler stated that it would be a 3-year grant. In addition to getting a detective who would investigate domestic violence, it would allow an AARC person to be on police enforcement staff to help with the investigation of these crimes.

Commissioner Rohr pointed out that domestic violence always has and always will involve law enforcement as well as the advocates. Grants to support these groups and law enforcement may help with the problems that come from domestic violence activity. But, unfortunately, they don't solve or even reduce the problems. We as a society should strive to come up with correcting the core problems that result in domestic violence. We need to reduce drug abuse and financial instability within families and relationships. We can't continue to have entertainment and media exposure that promotes violence that fail to define positive roles to one another. Commissioner Rohr commented that he sympathizes with those who have to deal with these problems and stated that he will continue to support the activities or programs that try to help people work through these problems. In summary, our society needs to do better. Commissioner Braun stated that it is important to be proactive with preventative programs as the population increases and said he also supports programs to prevent domestic violence.

Chief Ziegler clarified that this request will provide for one investigator position rather than two in order to meet the grant criteria. The request for the investigator in the school did not meet the criteria for the grant. The grant will cover the salary benefits; as well as adding computer equipment, overtime, a bulletproof vest, and a radio for the investigator. It does not cover a firearm or a vehicle. We would use an existing officer to put in this detective position so we would add one position to the current law enforcement staff. The grant covers three years. The MOU has to be signed by Thursday, March 3, 2016. Chief Ziegler requested that he, City Attorney Brown and Mayor Van Beek who has the Police portfolio review the MOU to assure it is in compliance with what the City needs and thereby allow this group approval to submit the grant if all is in order.

Commissioner Laber requested a copy of the MOU to review when it is completed to have a clear understanding of what the additional officer will be doing and what the City is committing to with this request. She stated that she supports the request that the Mayor, City Attorney Brown and Chief Ziegler review and approve the MOU in order to meet the grant deadline of March 3, 2016. The grant is for a 3-year term and is

renewable for another 3-7 year term, but an application has to be resubmitted for that next 3-year term.

Commissioner Laber moved to approve the acceptance to join the AARC in the application of said grant known as the Grant to Encourage Arrest and Enforcement of Protection Orders Program and that the MOU will be developed and approved as a part of this motion even though it was not reviewed at this time. 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.

3. *Consider approval of the Resolution creating district, Resolution approving Engineer's Report, Feasibility Report, and Resolution of Necessity for Street Improvement District No. 206, Project No. 2016-07 (Big Sky Additions).* Planning & Engineering Director Froseth presented a request to create and allow the assessment of special assessments related to, and authorize the required paperwork for the requested project. This project is near the Mandan Middle School area. He stated that the initial work has begun with Toman Engineering to develop a preliminary plan for the costs for this project that will include new streets and some storm sewers. There have been two public input meetings held with the property owners in this area. The first meeting that was held on 2/1/16 was a discussion on the scope of the work and to obtain input from the property owners as to what they would like this project to entail. Residents were interested in the lowest cost possible for this project within the subdivision in order to support it going forward. They also requested a second meeting to see what the cost assessments might be for this project.

A follow-up meeting was held wherein the estimated special assessments per lot were discussed that included single family residential, apartment and commercial properties all within this district. The assessment will be distributed by units with each single family lot receiving one unit cost and the commercial and apartment properties will receive more units based on the observed and potential for larger traffic generators. This determination method is consistent with the recently adopted Special Assessment policy. There was also an alternate for Jude Lane in the estimate provided for the Hillside Lane intersection with Jude Lane, with the alternate being north of Hillside Road. The property owners in that area stated they would like to be included in this district in order to get these streets paved. There is no sewer and water along that stretch and they will need to have that installed before this project takes place. If those residents agree to have the water and sewer installed in time, this alternate could be included in this project. This proposed project plan is to pave 31st to where 31st meets Hillside, pave Hillside Road, and to pave Jude Lane from Hillside south to where it meets up with 27th street northwest. That is the base project. The estimate for the base project for construction is \$936,000 plus administration costs of \$327,880 for a total cost of \$1.26 million which equates to about \$26,000 per unit. If an alternate bid would be accepted, the total project is about \$1.53 million with the cost per unit jumping to about \$29,457. Toman Engineering representatives were present to answer any questions.

Commissioner Rohr requested clarification about the base project being without sidewalks or streetlights and the road being narrower. Director Froseth indicated that this was from the optional input meetings they had with the residents. He stated that if the residents do not support this, the City will not move forward because the costs would be 100% assessed. This project would be an asphalt project because it is residential zoned and concrete would be much more costly. The area at Viewpoint corridor was an option that had also been discussed as a part of this project but there is only a path in that area now. There are no houses, and the owner of the property is not interested at this time to participate in this project.

Commissioner Braun moved to approve the Resolution creating district, Resolution approving Engineer's Report, Feasibility Report, and Resolution of Necessity for Street Improvement District No. 206, Project No. 2016-07 (Big Sky Additions). 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.

4. *Consider selection of AE2S as the City's water system consultant.* Planning & Engineering Director Froseth stated that the City has three water system projects planned in which the City has received State Water Commission (SWC) grant dollars. In order to follow the State Water Commission cost share policies to accept the grant money, the City has to follow the formal selection process to identify a consultant for the City to use, as needed, for the next 3 years. That process allows the City to use a selected firm for any of the water system projects without going through another selection process. The City has the option to use another firm for the project, but would have to go through another selection process. Two proposals were received in late January and both were quality proposals. Interviews were held on 2/25/16 with representatives from both firms. Of the two firms, AE2S scored a little higher than Apex with the advantage of AE2S doing recent work with the City being a notable separator. The scoresheets were reviewed by the Board. Director Froseth stated that the advertisement was posted in late December or early January and the closing date was the end of January. Information was posted in the Mandan News and on the City of Mandan website. The interview panel consisted of Duane Freisz (Water Treatment Facility Superintendent), Commissioner Rohr, Jeff Wright (Public Works Director), and himself.

Commissioner Tibke questioned whether advertising was done to reach a broader audience. Director Froseth stated that he did send out a mass email notification to approximately 60 plus known consultants/contacts who wanted to be notified. Commissioner Tibke commented that if the City wants to involve other competitive firms that we should consider additional alternatives for advertising projects to the greatest extent possible. Commissioner Laber commented that she believes Director Froseth is following the guidelines set by this Commission. Commissioner Tibke agreed that is correct. She was merely suggesting expanding advertising to more sources without a lot of additional advertising costs being incurred. City Attorney Brown commented that in this particular project, it appears that Director Froseth did reach out to a number of organizations that were capable of bidding on this project. Perhaps because of the

complexity of the project there were only the two bids received. It would not be too complicated to develop a policy as to whether it is an RFP or an RFQ as to what type of advertising or what type of solicitation can be done. Then that policy would be adopted by the Commission and all the departments will know what needs to be done.

Commissioner Tibke stated that she is more comfortable knowing that Director Froseth did send the email notice out to his list of consultants in addition to advertising in the Mandan News and the City website. A policy could be considered in the future.

Commissioner Rohr moved to select AE2S as the City's water system consultant for the next 3-years. 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.

City Administrator Neubauer clarified that any firm that has signed up on the City of Mandan website for information on bids for RFP's or RPQ's will automatically be added to the list of contacts when the City advertises for a new RFP or RFQ and all those firms will get subsequent notifications.

5. *Discussion regarding Hub City projects.* City Administrator Neubauer stated that due to recent reductions in State aid distributions that are impacting municipalities and other government entities, City staff have started to reconsider the upcoming Hub City projects. He said that the City of Mandan is scheduled to receive approximately \$4.3 million over the next 23-24 months which amounts to \$187,500 per month. The City has accumulated to this date \$1.125 million. We expect in March 2015 having \$1.3 million in the bank for projects that the Commission gave their approval for. If not for HUB City funds, these projects would have been funded through property taxes, most likely in increases, or to pay for the projects with funds from one of the City's utility funds such as the Solid Waste Utility, Water and Sewer Utility or the General Fund. The management team met twice in February to go over the outstanding projects and to determine which ones needed prioritizing. One of the criteria discussed is that staff thought we should have the funds in the bank before moving forward on some of the larger projects. The two largest projects are the Public Works office and cold storage additions to the shop and the clear span building for the salt and sand storage. The estimated total for those two projects is \$1.3 million. The north side fire station is the next project in line with an estimated project cost of \$1.6 million. If we were to move forward on the Public Works project and everything would stay on budget we would have the \$1.3 million.

Based on the above, a project table was prepared. He explained the table stating that the project called Phase 1 would be the Public Works project and the fire station would be called the Phase 2 project. On 2/26/15 the City received Request for Qualifications (RFQs) and architectural services on both projects. Public Works Director Wright and Chief Nardello are reviewing the 4 or 5 proposals received thus far on these projects. The Phase 3 projects have other funding sources that could be used such as one of the utility funds or the General Fund. City staff believes all these projects are very important and these two projects would require increases in property taxes because there is no other funding source for the Public Works or north fire station projects. Prioritizing the other

projects, such as the Metropolitan Planning Organization (MPO) Studies would remain with the General Fund and the land purchase for a future reservoir in the northwest area would be from the water and sewer utility funds. Engineering fees would be from the utility fund; the water line fund would be paid from the utility funds - possibly paid over a timeframe of 20 years and the Storm Water Study has two phases at \$100,000 each and they would be paid out of the storm water fund. The Water Treatment Plant is requesting a hydrocarbon detector and they are still researching the best avenue to go with that project. The management team is requesting the City Commission review and advise if these projects are on the right track or if there are other recommendations. Currently the City has \$1.3 million to commit to the Public Works projects in March of this year. Due to the process of advertising for the fire station, it will probably be next fall or winter before that is ready so there is time to see if the HUB City money continues to come in. The City should know at that time what funds will be available. He would recommend not going out to bid on the fire station project until we have those funds in the bank. Other projects not brought forward today can be funded through the utility funds.

Commissioner Rohr commented that the recommendation to have the funds available before entering into any project is a very good business strategy and he encouraged the City to follow that recommendation. Commissioner Laber recommended setting aside \$10,000 - \$12,000 HUB money to be used towards a commitment to purchasing the land for the reservoir so if that becomes a viable option at some point in the near future, that money is earmarked for that project.

Administrator Neubauer said that in June 2016 there will be a recalculation done by Job Service of the oil related employment numbers. Commissioner Tibke stated she approves of the order the staff have the projects listed and agrees that having money in the bank before entering into the projects is ideal. Administrator Neubauer summarized that everyone is in agreement that using the dollar amounts of \$10,000-\$12,000 towards the land purchase for the reservoir/tower in northwest Mandan is on top of the list of priorities along with the Public Works project (Phase 1) and the hydrocarbon detector.

Commissioner Rohr moved to tentatively approve the recommendations of the project list from staff and that the City shall have the funds available before moving forward with the list of prioritized projects. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

Administrator Neubauer stated that if the HUB City funding status changes dramatically the project list will be reviewed once again and the Commission will be notified.

6. *Consider appointment to Bismarck-Mandan Chamber (Chamber) Local Issues Committee.* City Administrator Neubauer stated that a request was received from the Bismarck-Mandan Chamber asking for an elected official to be appointed to the Local Issues Committee. That Committee meets on the 2nd Tuesday of the month at 7:30 a.m. It was recommended that Commissioner Rohr be appointed to the Local Issues Committee.

Commissioner Tibke moved to appoint Commissioner Rohr to the Bismarck-Mandan Chamber (Chamber) Local Issues Committee. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

J. RESOLUTIONS AND ORDINANCES:

K. OTHER BUSINESS:

1. *Consider moving into executive session pursuant to North Dakota Century Code § 44-04-19.1(9) to discuss negotiation strategies on contracts for business development.*

Mayor Van Beek announced the next item on the Agenda is to consider moving into executive session under NDCC Section 44-04-19.1(9) to discuss negotiation strategies on contracts for business development. At this time a motion would be in order to discuss the next topic in executive session rather than in an open meeting.

Commissioner Braun made a motion to go into executive session. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

The executive session will be recorded and all members of the governing body are reminded to limit their discussion during the executive session to the announced topic. Any collective decision, collective commitment, or other final action by the governing body must occur after it reconvenes in an open meeting, unless the final action is specifically required by law to be taken during the executive session. The prohibition on taking final action during the executive session does not apply to providing guidance or instructions to our attorney or negotiator. We will now convene into the Dykshoorn Conference Room. We anticipate adjourning the executive session and reconvening the open portion of the meeting in approximately 30 – 45 minutes.

2. *Working Session of the Board to discuss 2017 beginning budgets talks.* Mayor Van Beek suggested setting a date for a working session for the Board the first part of May to begin discussions on the 2017 budget. He explained that discussions on the cutbacks that will be coming from the state should get started as soon as the Board of Adjustments has met and they should be finished by that time. Members agreed to the date of Monday, May 9th at 5:30 pm. Finance Director Welch stated that budget instructions are normally sent to the department managers by the middle of May. Commissioner Rohr suggested that 3-year projected plans be submitted for consideration if there are any large ticket item requests. Commissioner Tibke suggested recording the working sessions for public interest. Mayor Van Beek requested that the department managers provide the Commission with an outline of their 2–3 year budget requests prior to that time and that any items of significant cost be presented at that time.

Commissioner Rohr moved to set the date of Monday, May 9, 2016, 5:30 p.m. at City Hall as the time and date for the City Commission and Department Managers to meet in session to begin discussions for the 2017 budget process.

City Administrator Neubauer noted that there is already a working session scheduled on May 9th with the Park Board. The Park Board came to a City Commission meeting last year and the City Commission was tentatively scheduled to go to a Park Board Meeting the second Monday in May to cover mutual items. Thus, May 9th will not work for the City Commission and the department managers to have their working session since the Park Board will be meeting in the Ed “Bosh” Froehlich Meeting Room at that time.

Commissioner Rohr *amended* the motion to move the date to Monday, May 2, 2016 at 5:30 p.m. at City Hall. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS (continued):

The executive session was adjourned at 8:03 p.m. The public has been invited to return to the meeting room and we are now back in open session. A motion was made by Commissioner Laber to reconvene the meeting into regular session. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

There being no further actions to come before the Board of City Commissioners, Commissioner Braun moved to adjourn the meeting at 8:05 p.m. Commissioner Tibke 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