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The Mandan City Commission met in regular session at 5:30 p.m. on May 20, 2014 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Rohr, Frank, and Braun. Department Heads present were Police Chief Bullinger, 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: Commissioner Tibke, Business Development and Communications Director Huber, Assessor Shaw and Finance Director Welch.

B. APPROVAL OF AGENDA: Commissioner Braun motioned to approve the Agenda as presented. Commissioner Frank 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 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 6, 2014.* Commissioner Frank moved to approve the minutes as presented. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

E. PUBLIC HEARING:

F. BIDS:

1. *Consider resolution approving contractor and contractor’s bond for Street Improvement District 186 Project 2013-22 (Macedonia Hills 1<sup>st</sup> Addition). (SEE OLD BUSINESS NO. 1 first).* Planning & Engineering Director Froseth stated that this matter was discussed at the last commission meeting. This request is for consideration of the street improvement district for Macedonia Hills. Two bids were received with Mariner Construction as the low bidder in the amount of \$716,513.05 which is 6.7% higher than the engineer’s estimate of \$671,330.00. The bonding issue for the water and sewer has been handled with the new contractor in place, Bowers Excavating, LLC. The project will be paid for by special assessments from the benefiting properties within the district. The total cost of the project including the engineering and administrative fees total \$967,292.62. There are 44 lots that will be special assessed approximately \$21,983.92 per lot with two duplex unit dwellings in which the assessment will be split in half for those lots with each paying \$10,991.96. Planning & Engineering Director Froseth explained that because the action at the last commission meeting denied the awarding of the project to Mariner Construction, the motion to deny must be reconsidered before consideration can be given to awarding the project to Mariner Construction.

Commissioner Rohr moved to reconsider last meeting's motion to deny award of Street Improvement District 186 to Mariner Construction. Commissioner Braun seconded the motion. Mayor Van Beek noted that there is an amount of contingency on the performance bond and questioned what would happen if that performance bond does not come in tomorrow? Will the project have to go back through the bidding process again? Planning & Engineering Director Froseth confirmed that is correct. If the water and sewer project does not get finished, there will be no street project.

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

Commissioner Rohr moved to approve awarding Street Improvement District 186 Project 2013-22 to Mariner Construction in the amount of \$716,513.05 and to approve the Resolution Approving Contract and Contractors Bond. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

#### G. CONSENT AGENDA

1. *Consider approval of monthly bills.* MONTANA-DAKOTA UTILITIES - 23,807.06; WELLS FARGO COMMERCIAL C - 234,977.51; ADVANCED ENGINEERING SVC - 61,948.52; BIOCOPE, INC - 7,425.00; BIS-MAN AREA CHABR OF CO - 25.00; BOERGER, LLC - 1,670.98; CONNECTING POINT COMPUTE - 1,108.00; DAKOTA'S BEST COFFEE - 55.00; DIRECTMED - 3,648.00; ETHANOL PRODUCTS - 1,293.50; FETZER ELECTRIC, LLC - 1,842.47; GERHARDT STORAGE - 120.00; GERHARDT/EDWIN - 120.00; GRAYMONT CAPITAL INC - 11,081.92; HUB INTERNATIONAL OF ND - 5,371.00; INTERSTATE ENGINEERING - 973.00; KADRMAS, LEE & JACKSON, - 387.30; MANDAN PARK BOARD - 137,731.93; MILLER/CASEY - 233.35; MINI COMPUTER SRVICES, L - 1,615.00; MISSOURI VALLEY PETROLEU - 38,466.49; MORTON COUNTY AUDITOR - 3,257.80; NAT'L REGISTRY OF EMTS - 108.00; NORTHERN IMPROVEMENT CO - 104,807.20; SCHLOSSER EXCAVATING INC - 560.00; SRF CONSULTING GROUP - 202.72; ST. ALEXIUS MEDICAL CENT - 536.25; STARION BOND SERVICES - 52,563.80; SURE SHRED - 41.55; TRAFFIC SAFETY SERVICES - 1,080.00; MONTANA-DAKOTA UTILITIES - 37,958.80; ADVANCED ENGINEERING SVC - 95.14; AT & T - 763.44; BALABAN LAW OFFICE - 1,500.00; BENDER/MARCY - 75.00; BOILER INSPECTION PROGRA - 100.00; COMPANION LIFE - 10.00; DAKOTA MEDIA ACCESS - 8,332.25; EILER/CHAD J - 140.00; EVANGER/MARK - 150.00; FORT DEARBORN LIFE - 463.21; GLASS/THOMAS J. - 1,500.00; KELLER MACHINE - 748.00; KELSCH KELSCH RUFF & KRA - 4,000.00; LAW ENFORCEMENT TRAINING - 920.00; MANDAN MUNICIPAL COURT - 1,010.00; ND CHIEFS ASSOCIATION - 70.00; ND PERS - 93,804.32; SUCHY/BEN - 233.05; MONTANA-DAKOTA UTILITIES - 35.81; ADVANCED ENGINEERING SVC - 8,796.93; ART IN THE PARK - 650.00; AVENET LLC - 100.00; BANYON DATA SYSTEMS, INC - 657.64; BIS-MAN

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CONVTN & VISITOR - 4,136.15; BIS-MDN STOCK CAR ASSN - 375.00; BIS-MDN TRANSIT BOARD - 10,024.43; BULLINGER TREE SERVICE - 2,675.00; CAPITAL SCALE CO. INC, - 372.25; CBI BUSINESS SERVICES - 7,128.00; COMPUTER PROFESS UNLIMIT - 89.00; CONNECTING POINT COMPUTE - 1,565.00; CROWLEY FLECK PLLP - 4,500.00; CUSTER DISTRICT HEALTH U - 1,060.45; DOLL/KENAN - 50.00; EILER/CHAD J - 4,500.00; ENTERPRISE FLEET MANAGEM - 2,887.92; FETZER ELECTRIC, LLC - 14,525.22; FRIENDS OF FORT LINCOLN - 150.00; FRIESZ/DUANE - 38.50; GEORGE STROH TRUCKING IN - 7,590.00; HERITAGE PLAZA FOUNDATIO - 500.00; HOUSTON ENGINEERING, INC - 33,131.70; HUBB SYSTEMS, LLC - 17,740.00; ICMA/GOSCMA SECRETARIAT - 150.00; INFORMATION TECHNOLOGY D - 1,363.36; INTERGOVERNMENTAL SHOP - 19,512.15; KADRMAS, LEE & JACKSON, - 495.40; LASER SPECIALIST - 39.00; MANDAN AIRPORT AUTORITY - 25,649.37; MANDAN HORSE & SADDLE CL - 750.00; MANDAN KIWANIS CLUB - 355.00; MANDAN PARADE - 750.00; MANDAN PARK BOARD - 4,700.00; MANDAN PROGRESS ORGANIZA - 12,500.00; MANDAN RODEO DAYS COMMIT - 1,350.00; MINI COMPUTER SRVICES, L - 937.75; MISSOURI WEST WATER SYST - 51.34; MORTON COUNTY RECORDER - 19.00; MORTON MANDAN PUBLIC LIB - 59,078.87; MUNICIPAL GOVERNMENT ACA - 50.00; MUSICIANS ASSOCIATION - 1,150.00; NALCO CHEMICAL CO - 1,402.96; ND STATE DEPT OF HEALTH - 2,094.94; ND STATE RAILROAD MUSEUM - 250.00; ND SURPLUS PROPERTY - 10.00; NDACO RESOURCES GROUP - 1,136.08; ONE CALL CONCEPT INC - 264.00; OVERVOLD/CHARLENE - 350.00; PKG CONTRACTING INC - 44,085.69; PRESORT PLUS - 4,831.39; ROEDER/WYMAN - 300.00; SECURITY INS & INVESTMEN - 2,038.00; SHANANDORE/MATT - 375.00; SRF CONSULTING GROUP - 399.95; SUCHY/BEN - 750.15; TRANSTRASH - 3,960.00; VEER/TOM - 50.00; WEHRI/RADEANNA - 600.00; YOUNG/AGLAE - 114.00

2. *Consider approval of MPO events' road closures*
3. *Silver Dollar Beer Garden and Street Dance Application*
4. *Consider Safe Routes to School sidewalk project award of contract to Concrete Services, LLC.*
5. *Consider approval of games of chance for the 164<sup>th</sup> Infantry Association of U.S. at Seven Seas Hotel from Sept. 19, 2014 through September 21, 2014.*
6. *Consider approval of Building Department purchase of Software Program and Hardware.*
7. *Consider approval of site authorizations for Mandan Baseball Club, Inc. from July 1, 2014 through June 30, 2015: (i) Westside Bar & Grill/Mulligans (ii) Captain Freddy's (iii) Station West*
8. *Consider selection of construction services for safe routes to school sidewalk project.*
9. *Consider approval of the following site authorizations for the Cystic Fibrosis Association of ND from July 1, 2014 through June 30, 2015: (i) Stage Stop (ii) Colonial Lounge*
10. *Consider reclassification of Arborist from a Grade 14 to Grade 15.*

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11. *Consider approval of the following site authorizations for the Mandan Hockey Club, Inc. from July 1, 2014 through June 30, 2015: (i) The Silver Dollar (ii) Old Town Tavern (iii) The Ridge Motel Corp. (iv) Vicky's Sports Bar.*

Commissioner Rohr moved to approve the Consent Agenda as presented.

Commissioner Frank seconded the motion. The motion received unanimous approval of the members present. The motion passed.

H. OLD BUSINESS:

1. *Consider approving the amended 3-way agreement for water and sewer improvement Project 2013-21(Macedonia Hills 1<sup>st</sup> Addition).* Planning & Engineering Director Froseth presented a request for the authorization for Bowers Excavating, LLC to complete the installation of water and sewer for development of Macedonia Hills 1<sup>st</sup> Addition. This matter was discussed at the last commission meeting regarding the water and sewer development related to the 3-way agreement pursuant to a new contractor completing the project at Macedonia Hills 1<sup>st</sup> Addition, south of 19<sup>th</sup> Street Southwest, west of Ft. Lincoln Elementary. The project would only benefit the developer. Therefore, this is being paid for under a 3-way agreement. A letter of credit has been secured for the project. The 3-way agreement needs to be amended because the original contractor for the project was unable to complete the project. The new contractor, Bowers Excavating, LLC, is in place to finish the work. The 3-way agreement requires the contractor to meet all the conditions of the original 3-way agreement. One of the articles requires a performance bond and that is expected to be filed tomorrow. The agreement would be contingent upon receipt of that performance bond being submitted to the City and by fulfilling all articles of the 3-way agreement.

Commissioner Rohr moved to approve the amended 3-way agreement for water and sewer improvement Project 2013-21(Macedonia Hills 1<sup>st</sup> Addition) with the new contractor Bowers Excavating, LLC contingent upon receipt of the performance bond. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

I. NEW BUSINESS:

1. *Consider appointing a City Commissioner and alternate to a Sales Tax Committee.* City Administrator Neubauer presented a request on behalf of the Mandan Park District to appoint a commissioner and an alternate to a Sales Tax Committee for exploring a potential ½ cent sales tax that may be a revenue source for facilities or facility improvements. Mayor Van Beek has expressed interest to serve on this committee and Commissioner Tibke has expressed interest to serve as an alternate.

Commissioner Frank moved to approve the appointment of Mayor Van Beek to serve on the Sales Tax Committee and that Commissioner Tibke serves as an alternate.

Commissioner Braun seconded the motion. Commissioner Rohr suggested consideration be given to reviewing the list of all facilities who may be requesting this revenue source and that a priority list be considered and that the funds be made available based on need.

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

J. RESOLUTIONS AND ORDINANCES:

1. *Second consideration and final passage of Ord. 1183 Changes to Chapters 1 & 2 of Title 21 related to Planning and Zoning.* Commissioner Frank moved to approve the Second consideration and final passage of Ord. 1183 Changes to Chapters 1 & 2 of Title 21 related to Planning and Zoning. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Second consideration and final passage of Ord. 1184 – Amendment to Chapter 13-15 of the Mandan Code of City Ordinances regulating door-to-door sales.* Commissioner Frank moved to approve the Second consideration and final passage of Ord. 1184 – Amendment to Chapter 13-15 of the Mandan Code of City Ordinances regulating door-to-door sales. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider resolution revising Building Permit Fees and adopting a project value chart.* Building Official Lalim stated that there is an item on the Consent Agenda that passed that was related to a new software program for the Building Department to do permitting and associated duties. In January, the Assessing Department installed a new program called Vanguard that would eventually eliminate the AS400. He stated that the Auditor's Office will be installing a new program called Banyon that would also eliminate the AS400. The proposal before the Commission is to request to install a software program called MyGov which is a government permitting program that has a series of modules for other departments also. A handout was provided that outlined the fees and cost allocations. He explained the building valuation chart that would value buildings. The chart is composed from a Building Standards magazine and numbers are updated nationwide and the values remain continually updated. He then explained how the fee structure would work for the permit fees that are integrated with the building valuation chart. This system would flow better and is an improvement over the current system that is in place. He requested approval of the Resolution for both software programs.

Commissioner Braun moved to approve the resolution amending the Building Permit Fees and adopting the International Code Council Building Valuation Data Chart as modified for use in Mandan to be administered by the office of the Building Official for the City of Mandan. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

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**FUTURE MEETING DATES FOR THE BOARD OF CITY COMMISSIONERS:**

Mayor Van Beek announced the upcoming meeting dates: June 3, June 17, and July 1, 2014. Commissioner Rohr motioned to reschedule the July 1, 2014, meeting date to Monday, June 30, 2014 at 5:30 p.m. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

**K. OTHER BUSINESS**

There being no further actions to come before the Board of City Commissioners, Commissioner Braun moved to adjourn the meeting at 5:56 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