
The Mandan City Commission met in regular session at 5:30 p.m. on May 5, 2015 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Laber, and Braun. Department Heads present were Finance Director Welch, Police Chief Bullinger, 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: Commissioner Braun 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 to come forward to speak for or against any items on the Agenda. A second invitation was announced. 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 April 21, 2015.* Commissioner Tibke 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:

G. CONSENT AGENDA

1. *Consider for approval Benefit for Laurie Bender games of chance at Mandan Eagles on May 16, 2015.*
2. *Consider approval of Site Authorization for Abate of ND at the Hideaway Bar from July 1, 2015 through June 30, 2016.*
3. *Consider approval of Law Enforcement Center Improvement Requests.*
4. *Consider approval of site authorizations for Mandan Baseball Club, Inc. from July 1, 2015 through June 30, 2016: (i) Powerhouse/501(ii) Captain Freddy’s (iii) Round Up LLC Station West*
5. *Consider for approval replat of Lot 10, Block 2 Meadow Ridge Addition.*
6. *Acting as board of adjustment, consider for approval variance to allow portion of required parking to be in boulevard at 205 3rd Ave. NE.*
7. *Consider approval of Silver Dollar Bar application for Beer Garden and Street Dance for June 6, 2015 and July 3, 2015.*
8. *Consider approval of Red Trail PTO games of chance at Red Trail Elementary on May 7, 2015.*
9. *Consider approval of site authorization for Horse Race ND at Bar M Steakhouse from July 1, 2015 through June 30, 2016.*
10. *Consider for approval WCD No. 3 to Thirkettle Corporation for the Country Side MH Park Master Meter Installation.*

Commissioner Laber moved to approve Consent Agenda Items 1 through 10 as presented. 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.

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for Water & Sewer Improvement Project 2015-02 (Midway 14th Addition Phase II).* Planning & Engineering Director Froseth stated this plat is located north of Memorial Highway and east of 40th Avenue Southeast. The proposed utilities will only benefit the developer. Therefore, it is being paid for by the developer under a 3-way Agreement. The Letter of Credit has been received for the project. This project is an extension of Phase 1 that was completed in 2014. “Action Drive” is the name of the street within the subdivision. This is where Action Motor Sports built in 2014. This item is for the water and sewer of the 3-way Agreement. The approximate cost of this project is about \$52,000 and is to be completed by 6/30/15. This is a public right-of-way with public utilities and is a public street.

Commissioner Laber moved to approve the plans and specifications authorizing the execution of a 3-way Agreement for Water & Sewer Improvement Project 2015-02 (Midway 14th Addition Phase II). 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. *Consider approving the Resolution creating district, approving Resolution approving Engineer’s Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District 198, Project 2015-03 (Midway 14th Addition Phase II).* Planning & Engineering Director Froseth indicated that this item is approving the street portion, (of the street project), for the same subdivision. This will move Action Drive into Phase 2 of the project. The developer is requesting the City allow the special assessment of the street costs to the benefiting properties for the development of Midway 14th Addition Phase II. The City staff has reviewed and approved the plans and specifications for this project. The construction cost of this project is estimated to be \$185,000 and with engineering and administration costs the total project cost is estimated to be \$251,000.

Commissioner Rohr moved to approve the Resolution creating district, approving Resolution approving Engineer’s Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District 198, Project 2015-03 (Midway 14th Addition Phase II). 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.

3. *Consider resolution approving plans and specifications and authorizing the execution of a 3-way agreement for Water & Sewer Improvement Project 2015-08(24th Street NW Between 6th Avenue NW and 8th Avenue NW).* Planning & Engineering Director Froseth stated this street improvement is located at 24th Street Northwest between 6th Avenue Northwest and 8th Avenue Northwest. The proposed utilities would only serve the developer of the benefiting land; and also, therefore, to be paid for by the developer under a 3-way Agreement. The Letter of Credit has been received for the project and the City Staff have reviewed and approved of the plans and specifications of the project. For the water and sewer portion of the project the cost is estimated to be \$76,000 and is to be completed by 7/15/15.

Commissioner Tibke moved to approve the resolution approving plans and specifications and authorizing the execution of a 3-way Agreement for Water & Sewer Improvement Project 2015-08(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.

4. *Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 200, Project No. 2015-09 (24th Street NW between 6th Avenue NW and 8th Avenue NW).* Planning & Engineering Director Froseth stated this project is located within the same subdivision discussed in the previous action with the 3-way Agreement. This request is to allow the street to be constructed between 6th Avenue Northwest and 8th Avenue Northwest. The developer is requesting that the City allow the special assessment of the street costs to the benefiting properties as presented for the development of 24th Street Northwest. The City Staff has reviewed and approved of the plans and specifications of the project. The construction cost of the project is estimated to be \$217,000 and with engineering and administration costs the total estimated cost is \$293,000.

Commissioner Braun moved to approve the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 200, Project No. 2015-09 (24th Street NW between 6th Avenue NW and 8th Avenue NW).

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.

5. *Informational item. Probable near future SID requests.* Planning & Engineering Director Froseth stated that last fall at the recommendation of the City Engineer's Office,

the City Commission adopted a deadline for street improvement district projects by special assessment method to be completed in 2015. The projects' bid opening is to be by 6/1/15 in order to qualify for 2015 completion with the special assessment method. The purpose of proposing the deadline was for two main objectives: (1) Not letting projects come in late, thus increasing the chance that they needed an extension into the next year to finish construction; and (2) To get bids earlier so that the amounts are not so high causing lot assessments to be high as well. He indicated that the Engineer's Office is expecting projects in two subdivisions to request construction by special assessment method and they desire to have the streets completed by this year. He said they have missed the deadline.

The City Engineer's Office has recommendations for dealing with these requests when received: (1) Hold the deadline wherein the developer would be able to move forward with plans but the City would not guarantee project completion by the end of this construction season. The City would set a completion deadline in 2016. (2) Extend the deadline. If the City extends the bid opening deadline another month while still setting the project deadline at the end of the season, the City would run the risk of seeing projects get crunched by the end of the year. Possibly asking for time extensions into the following year. There would be risks of seeing higher bid prices thereby creating higher lot assessments. (3) Hold the deadline but allow some milestone completion dates by the end of the 2015 construction season. The City would work with the developer and their engineers to set milestone completion deadlines and dates. For example there would be a deadline for the first lift of asphalt down within at least part of the project to allow for some occupancy permits. This option would create a risk of higher bids and extension requests but not as much as compared to Option No. 2. The developers and the engineers were available to discuss and answer questions.

Mayor Van Beek stated that these guidelines were developed for certain reasons and the developers will most likely come forward in a few weeks to present their requests. Commissioner Laber commented that the real risk here is the reason why the deadline was put in place. It's to protect citizens from special assessments that are much higher than were predicted because of delays in construction or not getting them done. She believes the City would have to have assurances from the developers for completion of the projects. She indicated that she is not in favor of allowing variances. This is the first project with a deadline of 6/1/15. Commissioner Tibke recommended reaching out to the major developers to make sure they are aware of the changes of the deadlines (regarding special assessments).

6. *Consider approval of reassessment of property – Wachter Development, Inc. for 2014.* Commissioner Laber stated she had tabled this item last month due to the hectic nature of the previous April meeting. Due to the nature of this matter she requested it be tabled once more until the next meeting.

Commissioner Laber moved to table the approval of reassessment of property – Wachter Development, Inc. for 2014 until the next regularly scheduled meeting, 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.

J. RESOLUTIONS AND ORDINANCES:

1. *Consider second and final passage of ordinance 1203 creating PUD District 2015-1 for Volochenko Addition.* Commissioner Rohr moved to approve the second and final passage of ordinance 1203 creating PUD District 2015-1 for Volochenko 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.

2. *Consider second and final passage of ordinance 1205 rezoning area platted as Meadowlands Addition.* Commissioner Laber moved to approve the second and final passage of ordinance 1205 rezoning area platted as Meadowlands Addition. 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. *First consideration of ordinance 1206 renaming streets in Lakewood Commercial Park Second Replat.* Planner Decker said that this area is across the street from the Waterpark. This is the Planned Unit Development (PUD) that was started in 2014. In platting this division out, the street names did not match up with the grid that they usually used. So it was recommended to modify the street names slightly before any of the homes will be occupied in that area. Planner Decker said that when naming streets, the developers recommend street names or there is discussion with City Staff. In this case there were questions about naming a loop street with a number to it. The City Building Official and the County Emergency Management staff then work on assigning street names.

Commissioner Laber moved to approve the First consideration of ordinance 1206 renaming streets in Lakewood Commercial Park Second Replat. 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.

K. OTHER BUSINESS:

1. Mayor Van Beek extended a thank you to the more than 100 volunteers that collected over 300 bags of trash on the Second Annual Community Cleanup Day. A special thank you was extended to Amy Schmidt and the Mandan Beautification Committee and all those who donated materials and food items for the event.

There being no further actions to come before the Board of City Commissioners, Commissioner Braun moved to adjourn the meeting at 5:57 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