

The Mandan City Commission met in regular session at 5:30 p.m. on January 8, 2019 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Mayor Helbling called the meeting to order.

A. ROLL CALL:

1. *Roll Call of All City Commissioners.* Present were Mayor Helbling and Commissioners present were Braun, Davis, Larson and Rohr. Department Heads present were Finance Director Welch, City Administrator Neubauer, Fire Chief Nardello, Building Official Ouradnik, Director of Public Works Bitz, Business Development and Communications Director Huber, Planning & Engineering Director Froseth, Planner Van Dyke, Assessor Markley, Police Chief Ziegler and Assistant City Attorney Oster. Absent: Commissioner Davis, Attorney Brown.

B. APPROVAL OF AGENDA:

C. MINUTES:

1. *Consider approval of the minutes from the December 18, 2018 Board of City Commission Regular Meeting.* Commissioner Braun moved to approve the minutes as presented. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent. Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

D. PUBLIC HEARING:

1. *Public hearing and consideration of sufficiency of protests for Southside Street Improvement District. (See Resolution and Ordinances #1).* Justin Froseth, Planning and Engineering Director presented a request to move forward with the resolution determining insufficiency of protest for the Southside Street Improvement District. At the meeting held on December 4, 2018 the City Commission approved the resolution creating the district, approved the engineer’s report, approved the feasibility report and approved the resolution of necessity for this project. The Resolution of Necessity was published in the Mandan News on December 7 & 14, 2018 and notification letters were sent out to the property owners within the district. The 30 day protest period started on December 7, 2018 and ended on January 7, 2019. At the December 18, 2018 City Commission meeting a motion was approved to commit \$1.5 million out of the Sales Tax Fund and spread it over the 20 year term of the bond for this project. If the Prairie Dog Fund is passed by the legislature in the 2019 session, the City Commission may consider using those funds instead of the Sales Tax Fund for project funding assistance.

At the conclusion of the protest period, 12.81% of the assessment district area was protested. In order to determine sufficiency of protests, state law mandates that consideration be given to the percentage of the area that protests within the entire area of the district. There is public property in this district owned by the Parks District. If you take the Parks, Schools, City, lower heart and state property out, then the protest district is at 35% of protest. On a map prepared by Director Froseth he outlined the protested properties. If the City Commission finds the protests are insufficient and elects to move forward with the project, staff would work on final drawings and advertise the project for bid the 2019 construction season.

Director Froseth further explained that if the City Commission decides not to move forward with this project, the Engineering Department believes the primary options are (1) To revise the scope and bring back at a future meeting with another resolution of necessity that changes the general nature. This would result in at least a six week delay; (2) To abandon the project idea altogether.

If this project moves forward, the Engineering Department and the consultant will work to bring cost down through the final design process which do not change the general nature of the project. Examples of this include reduce the storm pipe sizes or overland flow storm water where feasible. The design stands at 30% to this point. The request before the City Commission is to determine the insufficiency of protests and move forward with the project.

Mayor Helbling commented that Director Froseth provided the necessary explanation of this project. As stated, at the December 2018 City Commission Meeting the Commissioners agreed to commit \$1.5 million toward this project. The concern would be that if the project is dropped, that would only add thousands of dollars in the future to bring it back again. He recommended that the Commission determine the insufficiency of protest and approve the project to move forward and to get bids for the project. After the project is bid, it may be necessary to hold another public meeting so everyone is informed of what the bids are and if they are much higher than the project estimated cost, the project may have to be scrapped. He recommended the project move forward.

Mayor Helbling announced this is a public hearing and opened the floor for questions or comments for or against the sufficiency of protests for Southside Street Improvement District. (See Resolution and Ordinances #1). He requested anyone coming forward to sign their name on the sheet at the podium and to spell their last name.

DeNae Kautzmann, came forward. She stated her family owns three properties in the special assessment district. She said when she received the letter and the map, to her, it was nothing more than a rouse. Her perception was that the city stated what they were going to do and if she wished to protest it, it would go through the process, but it's not going to matter. And the reason that it doesn't matter is because that over 50% of the property is owned by the government. It's owned by the City, the Park District and the School District. There is no way, under the statute the other property owners could get a majority to protest and stop this from proceeding. There may have been some individuals who said to forget it and they didn't want to go through the process, however, she filed a protest. From her view, what the city has done, is abrogated her ability to protest this property under the statute. Regarding, the 54% of the property owned by the Park District: What is that property being used for? It's being used for recreation. Baseball, softball, golf, parks, an ice hockey rink, football field and tennis courts. There are many people using the roadways for those events. She believes improvements need to be made, but for this neighborhood to shoulder the cost of this project is unconscionable. She believes it should be a city-wide assessment.

Mayor Helbling commented that if the public portion of the property were taken out, there would be 35% left. He said that state law was followed. By having 54% of the public property within that area, it would be spread city-wide. Burlington Northern is paying a huge amount for this project. Any assessments to the city or park district will go to this project. Sales Tax fund will

provide \$1.5 million for the project. A map was created to show the area affected. A public input meeting was held in December. And another public hearing may be held. The City Commission is trying to complete a project to make the community better.

Richard Leingang came forward to speak. He said he was part of the group to get the protest going. His understanding of the Century Code is that if 50% or more of the people protest, the project would be cancelled. Yesterday, he went to the Special Meeting at the Park Board, he said we were at the 50%. The motion that was made at the Park Board meeting yesterday was 4-1, they were going to stay neutral and they were going to send a letter of recommendation to the City Commissioners highly listening to what the people have to say. The Park Service is going to sit out, so it's the people. The numbers were there yesterday but tonight there are percentages. He said he was following the state code, and he did not read anything about percentages. It talked about the people. If 50 or more percent of the people protest it, the project gets cancelled. The chart (on the screen) shows 35%. Yesterday's chart showed 20% of the property down there is owned by the individuals. There was 11%. That was on the percentage chart yesterday. Now tonight, square footage is being factored in. What formula is being used? He commented that 20% of the people are getting the \$7 million project assessed to them. He said he is confused.

Mayor Helbling commented that under state law 54% of the square footage area would be a viable protest. So if you take the total area and 54% of the square footage in that area, is protest in that area, the project goes away. The City said that if you take the public lands out of that, it would be 35% of the people protesting.

Mayor Helbling stated that the project can be cancelled. He asked what Mr. Leingang would he would like to do next. Mr. Leingang inquired what the rush is to push this project through. Mayor Helbling stated that the water and sewer lines that were put in many years ago and the streets are in disrepair. Mr. Leingang stated that according to the numbers, this project should be cancelled. The people have spoken and the project should be cancelled in his opinion. This project should be shut down and Plan B should be looked at. And when that is done, maybe some of the people should give advice.

Mayor Helbling stated that the cost of the roads and the streets that need to be re-done is more than likely not going to change and is likely to increase because there will be additional engineering costs and staff time and expenses incurred for public notices. The people have spoken and 12.81% of the square footage area protested this out. If you take away the public lands that number is 35%. It is not over 50%, it's 35%. That is the people, that's no public parcel. Still, that's only 35% of the people without the public land. Mr. Leingang stated that when this project goes through and these people get their bill in a couple years and you have a whole section of Mandan that is upset.

Director Froseth clarified language from the Century Code that speaks to the protest process: "If the governing body finds the protest to contain the names of the owners of a majority of the area of the property included within the improvement district the protest shall be a bar against proceeding with any special assessment for the improvement project."

Jerome Johnson said he agrees with Mr. Leingang and does not know what the hurry is with this project. The map has a lot more colors on it than not colored on the residential part. He said he was one of the individuals that helped collect the petitions. He would like to delay the project and know who colored the spots on the map.

Director Froseth stated that the Engineering office counted the protests and then put together a spreadsheet, and his office created the map for display at this meeting. The resident inquired if someone else could come in and show what was done. He requested the numbers be verified. Mayor Helbling stated that it is public record and anyone can review the information and they can call the Engineering Department for information.

Director Froseth stated that his office staff is the only ones who have reviewed the maps. He explained there is a lot of public property and this project does give them a lot of protest power. They have to be included in the District. The golf course is a large portion of the district. They will benefit from the project and they will be assessed accordingly.

Harriet McClelland came forward to speak. She said that she thinks everyone wants to have improved property but the cost is extremely high. The division of the burden between the City and the Park Board and the residents seems to be unequal given the slightly below average income of this area of the city. These residents have always paid their fair share of property taxes. This will be a heavy tax if added to the property tax. The pipes and such should go on the commercial land and should be exclusive burden of the city. Mayor Helbling commented that this property is one of four parcels that need to be reviewed. He explained that shifting the burden on the other parts of the city is not a fair option because when it comes time for those streets to be reconstructed. He said that the entire City will be assessed for the Park District, the golf course and the ball diamond areas.

John Gartner came forward and commented that both his taxes and what will be assessed to all residents in the city, will affect him. He suggested cutting out anything extra and scale back to only what is needed.

Mel Miller came forward with a question. He said that he understood that 35% of the people are getting assessed. Are the other 65% wanting it or are you just assuming it? Mayor Helbling replied that he is assuming it because they did not protest it. He stated that the City is following the law and the procedures that are in place for a project like this.

John Gartner returned to the podium and referred to the homes on the map, indicating the ones that are for sale and those that are apartments and those residents that did not protest. He said he moved to his home 3 years ago and would not have purchased the house if he knew this was coming down. Mayor Helbling explained that a plan should have been put in place years ago so the city would not get into this position.

Unidentified male (maybe Gary Marchus): said that he came to speak because his family owns three properties in that area but he is not a resident in that area. He agrees with the others that the costs are excessive and he thinks the costs should be explained to the residents and why they are responsible for those costs as opposed to the rest of the city. He believes the map is false.

He owns property in the northeast part of Mandan and over the last three years the property taxes have more than doubled (went up 120%) due to specials. He printed a pie-chart of the city website and pointed out that the school district is at 15% and the specials at that location are 60% for the specials implemented on the house. He said his house is not an expensive home. As a business owner in the city, he believes the tax situation is more detrimental to residents. He encouraged the city to come up with alternate Plan B or C.

Director Froseth came forward and explained there are different ways of calculating protests. For this protest, there were 135 out of 304 parcels protested and that equals 44.4% and that is ignoring the size or how much dollars is going to it. It is how many parcels by count not active built on property and that is consistent with policy and with other city's policies structure for special assessments.

Harriet McClelland came forward again and inquired how much load is the School District carrying?

Director Froseth replied that the School District's estimated notice was \$377,000.

Jan Fasching came forward to and inquired what if the project comes back in 20% higher than what is estimated? That will change the figures. What is the City looking at if it comes in 15-20% above, who will have to pay the other 20%? He thinks the sooner the project gets bid, the better.

Director Froseth said the City is looking at a bid date in the spring 2019 (April). Mayor Helbling recommended moving the bid forward and see where the bids come in and if they are higher than estimated - another review of the project will need to be done. Director Froseth clarified that is assuming it goes forward tonight. If not, the schedule will change. The recommendation is to get the bids and have another public meeting to inform residents.

Keith Knoll came forward. He inquired as to what will happen with the rental units in that area if their rent increases due to the taxes. People will move out and the buildings will sit abandoned. He believes there are other options to consider and he does not think storm sewers are not needed for the ballpark and golf course. If they own 54% of the property, why aren't they paying 54% of the bill? Mayor Helbling replied the City has committed to looking at the storm sewers. He explained the Park District and School District are separate entities from the City Commission. He encouraged residents to go to the Park District and School District and ask them questions.

Director Froseth clarified that each parcel of property is being assessed so if a resident owns three parcels, all three parcels are being assessed individually to property owners.

Tom Tokach came forward to speak. He said both sides of the street are in total disrepair and need to be fixed. Based on the due process, he understands the Prairie Dog will give residents a 20% reduction... Mayor Helbling clarified that there are Sales Tax Fund dollars that are guaranteed to go towards this project. He inquired as to when the "new estimate figures" of the parcels will be available?

Mayor Helbling stated that once the bids come in and the project is completely designed then another public hearing will be scheduled. No more letters will go out to the residents allowing another protest, however, residents will be able to lobby any of the commissioners. It is hopeful the project will come in lower than estimated.

Harriet McClelland came forward again and inquired if the City Commission will act in good faith with everyone and explore the ways the assessments can be readjusted so the residents do not have a heavy burden. Mayor Helbling replied that the City Commission is required to follow the state law and rules and procedures and the intent is to put everything out there so they are aware.

Mike Unterseher came forward and stated he is against the cost of the project but is confused. Regarding the \$1.5 million – is that coming off the top of the project cost? Or is it coming off the share that the residents will support. Mayor Helbling replied that the City Attorney was asked that question and the original response was to take it off the top or lessen the burden to certain areas. The city attorney said that everyone in the district has to be treated fairly whether it's the Park, School or City, business owner, apartment owner, or homeowner - however it is determined it will have to be assessed fairly. The City Commission committed \$1.5 million out of the City Sales Tax Fund towards the project. There is no one particular area it is committed to. Everyone has to be treated fairly and equally.

Mayor Helbling announced this is a public hearing and invited anyone else to come forward

Mayor Helbling commented that Third Street is not part of this project other than a couple storm sewer drains, because Third Street is allowed federal and state funding to pay for Third Street construction projects because it's a main artery and the highway going by the golf course is not a part of this project.

A third and final announcement was made by Mayor Helbling for anyone to come forward to speak for or against the sufficiency of protests for south side street improvement. Hearing none, the public hearing was closed.

Commissioner Rohr said that the Plan A is now under consideration. Any alternate plans would have to be based on funding and there are limitations with that and then there's the scope of the project. Director Froseth explained that the scope of the project is to reconstruct the area streets and from an engineer's perspective the storm sewer is integral to that to give the streets an acceptable life span. The alleyways are included in the scope is to repave the existing alleys. That came from the public input meeting. The street lights are not part of this project. The curb and gutter will be spot repaired in efforts to make everything ADA with disabilities acceptable.

Commissioner Rohr continued on – the biggest concern is the cost and how it is to be split. He polled the audience as to their desired plan and the most popular response was to come up with a different plan of which it's not always best to come up with different plans. He explained that the City Commission has to be able to differentiate what public input of value can be obtained versus the transitioning of those who know what needs to be done. Coming up with a

different plan will take some time and coming up with a different plan for funding would have to be done too. That could be difficult.

Mayor Helbling said that many cities are now looking at taxing all their residents within their city to do away with special assessments. Administrator Neubauer has been looking at that scenario for some time. He said the City Commission has been working with the legislature to provide funds from oil taxes to put into infrastructure but in the end it all costs somebody money.

Mayor Helbling recommended moving forward with the project and open it up for bids. When the bids come in, another public input meeting can be scheduled to let everyone know where they're at within the project. And then, the city can move on from there.

Commissioner Larson stated this has been the most complex topic she has seen since becoming a commissioner. She addressed issues that have been discussed and pointed out the pros and cons from her perspective. She said she appreciates the residents coming forward to speak.

Commissioner Braun stated that his father lived in this area and that he would probably come forward and say that it's in the best interest of the people of the whole city and to be sensitive to the people in a certain area. Based on what has been discussed and based on the show of hands, he thinks the best choice is Plan B, which is move forward, get the bids, and then come up with options and have another public hearing. If it fits and it's reasonable and we can afford it then we move forward.

Director Froseth clarified that after the project is bid, it will come back before the City Commission for approval. That is the normal process for projects. He explained the bidding process and alternate parts of the base bid.

2. *Public hearing surrounding first consideration of Ordinance 1305 related to an annexation and zone change surrounding a correction to a portion of Macedonia Hills 1st Addition (See Resolution and Ordinances #2).* John Van Dyke, AICP, CFM, Principal Planner presented a request to approve the first consideration of Ordinance 1305 related to the annexation and zone change surrounding a correction to a portion of Macedonia Hills 1st Addition. This is a correction (a surveyor's error that has occurred over a period of time and was recently discovered) to a plat (Macedonia Hills 1st Addition) where an incorrect reference line was used to establish the legal description for the subdivision affecting four lots, Lot 19, Block 1 and Lots 2-4, Block 6 of Macedonia Hills 1st Addition. Since the portion of property in question is outside city limits and the default zoning for all annexed and platted land is R-7 Residential, the application requires annexation, a zone change, and minor plat. This is the correction of the lots, there are no new lots being created. The property is located southwest of Ft. Lincoln Elementary School. At a recent meeting, the Planning and Zoning Commission unanimously recommended approval of the annexation and zone change. The Engineering and Planning Department and Planning and Zoning Commission recommended approval of Ordinance 1305 as presented in Exhibit 4.

Mayor Helbling announced this is a public hearing and opened the floor for questions or comments for or against the first consideration of Ordinance 1305 related to an annexation and zone change surrounding a correction to a portion of Macedonia Hills 1st Addition (See

Resolution and Ordinances#2). A second announcement was made by Mayor Helbling for anyone to come forward to speak for or against this matter. Hearing none, the public hearing was closed.

E. BIDS:

1. *Consider awarding bids for Public Works equipment purchases and amending 2019 Landfill budget.* Director of Public Works Bitz presented a request to consider awarding bids on a skid steer loader, compact excavator, utility work vehicle, and ancillary attachments. In addition he requested amending the 2019 Landfill budget to allow for purchase ancillary attachments. He stated that regarding this project, in the fall of 2018 the Budget and Finance Committee approved the budget request of \$177,847 to allow for the purchase of a skid steer loader, compact excavator and a utility work vehicle. In November 2018 the Commission approved the advertisement for bids of the above equipment and attachments for the equipment. The bid requests were advertised on November 30 & December 7, 2018. Two bids were received and opened on December 18th for the skid steer loader and attachments. Also, received was a single sealed bid for the compact excavator and attachments and a single sealed bid for the utility work vehicle and attachments. After all bids were totaled and the trade in price for the existing equipment was factored in the grand total for all equipment and the attachments came to \$191,417. The request before the Commission is to award the three bids for the equipment and attachments. Staff is also requesting a budget amendment to the 2019 Landfill budget to transfer \$6,000 from Landfill overtime (620.620.51020) and \$7,600 from Landfill other fees (620.620.52128) to 2019 Landfill capital outlay (620.620.62114) to allow for the \$13,570 shortfall.

Director Bitz recommended awarding all three bids for the equipment and the attachments as presented and to amend the 2019 Landfill budget to allow for the capital outlay expenditures.

Commissioner Larson moved to approve the following:

(1A) To award the bid to Bobcat of Mandan for the skidsteer loader, asphalt planer, brush mower as well as accept their trade in price offer of the New Holland L190 skid steer loader for a grand total purchase price not to exceed \$61,539.01.

Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

Commissioner Braun moved to approve the following:

(1B) To award the bid to Bobcat of Mandan for the compact excavator, the hydraulic breaker attachment, and a plate compactor attachment for a grand total purchase price not to exceed \$68,673.62

Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

Commissioner Braun moved to approve the following:

(1C) To award the bid to Bobcat of Mandan for the utility work vehicle, an angle broom attachment, a snow blower attachment, and a snowplow attachment for a grand total purchase price not to exceed \$61,204.67.

Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

Commissioner Rohr moved to approve the following:

(1D) To amend the 2019 Landfill budget as follows: Transfer \$6,000 from Landfill overtime and \$7,600 from Landfill other fees to the 2019 Landfill capital outlay budget. This is a transfer and not a request for additional funds.

Commissioner Larson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

F. CONSENT AGENDA

1. *Consider approval of budget transfer for Water Treatment Facility operating system.*
2. *Consider approval of Bismarck Farwest Rotary charity raffle permit for a one day event at Midway Lanes on January 19, 2019.*
3. *Consider purchase agreement with 218 W Main, LLC for Lot 13, Block 8, Original Town of Mandan (street address 218 W Main St).*
4. *Consider out-of-state travel request for IEDC Leadership Summit.*
5. *Consider approval of Gaming Site Authorization for the Mule Deer Foundation at Baymont Inn & Suites on February 9, 2019.*

Commissioner Larson moved to approve the Consent Agenda items 1 through 5 as presented. Mayor Helbling requested Item No. 6 be removed. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

6. *Consider proclaiming February, 2019 Entrepreneurship Month in Mandan.*

Mayor Helbling stated that this is a proclamation presented by students from the Mandan High School DECA (Kevin Reisenauer, Advisor DECA, along with Kolten Reisenauer and Grant Himmelspace were present). Mayor Helbling read out-loud the Proclamation designating February as Entrepreneurship month. Commissioner Braun moved to approve the Consent Agenda items 6 as presented. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

G. OLD BUSINESS:

H. NEW BUSINESS:

1. *Presentation of Metropolitan Planning Organization led Freight study and consideration of final approval of study.* Mayor Helbling introduced Joey Roberson-Kitzman, Bis-Man MPO, to present a final report presentation of the Bis-Man Freight Study. The MPO is the Metropolitan Planning Organization conducts studies such as this as well as the Highway 83

study that is underway. Keith Buckew, HDR Study Project Manager came forward and reported that the Bis-Man Freight Study has reached its conclusion. It has been reviewed by the MPO and stakeholder staff and it is now in its final draft form and is ready for acceptance consideration. The purpose of the MPO regional freight study had four requirements: (1) Identify primary freight routes; (2) Identify first and last mile movements; (3) Identify freight needs and issues; (4) Determine investments to improve freight mobility. The project started in February 2018 and the final report was drafted in December 2018. The key deliverables included private sector stakeholder engagement (website and facebook live) public involvement, regional freight profile, freight performance measures, freight funding (state, MPO, build and infra grants, P3 funding, local), identify key freight issues.

Recommendations:

- Capital Improvements –
 - Roadway (29 projects in the long range MPO plan)
 - Rail
 - Air Cargo
- Planning
 - Sub areas
 - Safety Hot Spots
 - Data Collection to monitor future trending
- Policies
- Funding
- Implementation and Next Steps
 - Short term performance measures; routing network
 - Mid term – identify funding
 - Long term – capital improvements
 - Ongoing – private sector involvement; community needs; monitor trending

Commissioner Larson noted that the website referenced is www.bismanfreightstudy.com.

Commissioner Rohr moved to approve the acceptance of the Final Report of the Bis-Man Freight Study. Commissioner Larson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

2. *Consider ND Department of Transportation Cost Participation and Maintenance Agreement and budget amendment for I-94 Resurfacing project.* Planning and Engineering Director Froseth presented a request to approve the Cost Participation and Maintenance (CPM) Agreement for this project. The project would be resurfacing the I-94 and the I-94 interstate roadways. However, some of the improvements would take place on Highway 810, which is the segment known as Expressway and south of Memorial Highway to the Expressway Bridge. This Highway 810 segment is part of the arterial roadway system in which the City has 10% funding participation responsibility, therefore the need for the CPM agreement through this stretch.

This is a very large project scheduled in 2019. It is expected to be comparable to the interstate project that went through Bismarck in 2017 as far as its working scope and potential for

disturbance and delays. The bulk of the project will be resurfacing of the interstate system from the Highway 25 exit west of town to all three bridges in town: (1) Grant Marsh (I-94 mainline) (2) Veterans' Memorial (Memorial Highway Bridge) and (3) Expressway Bridge. It will also include some miscellaneous work at the bridge structures within those segments.

The project was mentioned in 2017 to the City of Mandan as a programmed project for 2019. In June of 2018, the City was given an estimate to budget from of \$35,056 for Mandan's local share of the project. Since I-94 is included in this project, the segment between Memorial Highway Bridge and the expressway bridge that's classified so the city has 10% cost share secondary. In November, the estimate was revised to \$79,949. In December, the estimate was revised to \$101,210 for the local share. These are estimates and the actual amount will not be known until after the project is bid, complete, and total costs tabulated. However, staff has been concerned about the nearly 190% increase from the June estimate which was used to budget for 2019. Staff did ask for justification and received the following back from the DOT. This project was initially scheduled as a mill and overlay in FY 2019 with micro-surfacing to follow in FY 2020 however, management chose to not move forward with the FY 2020 micro-surfacing. Instead, they chose to have a slurry seal included with the FY 2019 project. The old program sheets only showed the mill and overlay cost. Another change is the additional bridge work added on the Mandan side. The work on the Expressway Bridge was known and included, but the Bridge Division provided additional work at McKenzie Drive. Therefore, the bridge work cost was not passed on to the City of Mandan as added cost. There will not be any maintenance due to the classification of the highway.

Mayor Helbling commented that he is not comfortable with this project stating that if it was within a few thousand dollars, it would be fine, but it is way out of the scope of where they initially thought it was going to be. He commented that asking the citizens of Mandan to fund that much money requires more justification. Commissioner Rohr voiced concern that it came up after budget. Mayor Helbling recommended contacting them for other options. Director Froseth said the work would fall within 2019 and 2020. The new estimate is more than the original estimate whether it is paid in 2019 or 2020.

Mayor Helbling recommended responding with going through with the original budgeted amount. The DOT should provide justification why the City of Mandan should pay more. The agreement could be signed with the original amount and the project could go forward. Commissioner Rohr suggested using caution when approaching this matter and suggesting postponing until a future meeting. Mayor Helbling requested further justification and to table this until later. Director Froseth said there is time before the project is bid.

Commissioner Rohr moved to table this item until the next meeting. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

I. RESOLUTIONS AND ORDINANCES:

1. *Resolution determining insufficiency of protests for Street Improvement District No. 213 Project No. 2018-07 (Southside) and to move forward with the project.* Commissioner Larson

moved to approve Resolution determining insufficiency of protests for Street Improvement District No. 213 Project No. 2018-07 (Southside) and to move forward with the project. Commissioner Rohr seconded the motion.

Commissioner Rohr commented that from his perspective that if the bids do not work out for the residents he will be the first one to deny that particular project. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

2. *First consideration of Ordinance 1305 related to an annexation and zone change surrounding a correction to a portion of Macedonia Hills 1st Addition.* Commissioner Braun moved to approve First Consideration of Ordinance 1305 Related to the Annexation and Zone Change Surrounding a Correction to a Portion of Macedonia Hills 1st Addition as presented. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

J. OTHER BUSINESS:

K. ADJOURNMENT:

There being no further actions to come before the Board of City Commissioners, Commissioner Braun moved to adjourn the meeting at 7:30 p.m. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

s/s James Neubauer

James Neubauer
City Administrator

s/s Tim Helbling

Tim Helbling
President, Board of City Commissioners