
The Mandan City Commission met in regular session at 5:00 p.m. on January 22, 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 City Attorney Brown. Absent: Human Resource Director Cullen.

B. APPROVAL OF AGENDA:

C. MINUTES:

1. *Consider approval of the minutes from the January 8, 2019 Board of City Commission Regular Meeting.* Commissioner Davis moved to approve the minutes as presented. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes. Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

D. PUBLIC HEARING:

F. CONSENT AGENDA

1. *Consider approval of monthly bills.* ADVANCED ENGINEERING SVC - 39,131.37; ARMSTRONG SANIT & ROLL O - 35,875.45; BANK OF NORTH DAKOTA - 153,022.72; BIS-MAN CONVNTN & VISITOR - 5,736.25; BISMARCK PSYCHOLOGICAL A - 360.00; BURLEIGH-MORTON DETENTIO - 7,241.07; CENEX- FUOC BISMARCK-MAN - 9,180.69; CORE & MAIN - 30.55; CULLEN/BRITTANY - 25.11; DAKOTA COMMUNICATION SVC - 7,038.00; FETZER ELECTRIC, LLC - 16,949.22; FORT DEARBORN LIFE - 2,350.60; GMHR - 10,000.00; KADRMAS, LEE & JACKSON, - 1,844.11; KRONOS SAASHR, INC - 2,109.93; MISSOURI WEST WATER SYST - 47.57; MOORE ENGINEERING, INC - 51,756.90; MORTON COUNTY AUDITOR - 6,727.38; MUNICIPAL CODE CORPORATI - 421.00; ND INSURANCE DEPARTMENT - 80.00; ND SAFETY COUNCIL INC - 58.99; NORDIC STEEL SYSTEMS - 10,000.00; PRESORT PLUS - 2,205.74; RAZOR TRACKING INC. - 450.00; S.J. LOUIS CONSTRUCTION, - 671,039.78; SANFORD BISMARCK - 72.00; SKEELS ELECTRIC CO - 17,554.50; STANTEC CONSULTING SERVI - 12,274.13; WORKFORCE SAFETY & INSUR - 330.86; MONTANA-DAKOTA UTILITIES - 41,879.42; ND WATER & POLLTN CONTRO - 60.00; INTERNTL CNFRNC OF PLC C - 125.00; ADVANCED ENGINEERING SVC - 25,855.64; AT & T - 692.96; BALABAN LAW OFFICE - 2,000.00; BANK OF NORTH DAKOTA TRU - 3,583.26; BDTAID, INC - 3,288.33; BISMARCK MAYOR'S COMMITT - 150.00; BROOKE/PATRICK - 350.00; CENTURYLINK - 4,247.59; COMPANION LIFE - 10.00; CONDUENT BUSINESS SERVIC - 5,053.65; CORE & MAIN - 639.19; CPS TECHNOLOGY SOLUTIONS - 146.09; DAKOTA MEDIA ACCESS - 10,998.00; DOUGHERTY & COMPANY LLC - 1,500.00; FETZER ELECTRIC, LLC - 16,536.88; GLASS/THOMAS J. - 2,000.00; HDR ENGINEERING, INC - 76.06; HOUSTON ENGINEERING, INC - 27,775.75; KADRMAS, LEE & JACKSON, - 2,265.24; KELSCH KELSCH RUFF & KRA - 4,000.00; MANDAN MUNICIPAL COURT - 4,274.18; MANDAN PARK BOARD - 500.00;

MISSOURI VALLEY PETROLEU - 8,404.46; MUNICIPAL FINANCE OFFICE - 30.00; NATL. JUDICIAL COLLEGE - 60.00; RAZOR TRACKING INC. - 450.00; RICOH USA, INC - 122.57; SENGER/CYNTHIA F. - 70.00; VAULT1440, LLC - 8,775.00; ND PERS - 148,768.66; NELSON AUTO CENTER - 27,515.42; ADVANCED ENGINEERING SVC - 53,236.45; ARMSTRONG SANIT & ROLL O - 56,095.36; BROOKE/PATRICK - 150.00; BURLEIGH COUNTY - 65,704.59; COMPANION LIFE - 10.00; CROWLEY FLECK PLLP - 5,000.00; CUSTER DISTRICT HEALTH U - 1,119.00; DAKOTA COMMUNICATION SVC - 212.75; GRAY OIL COMPANY - 104.91; GUITAR LOTS LLC - 378.13; H. A. THOMPSON & SONS, I - 17,651.00; HUB INTERNATIONAL OF ND - 155,887.00; INFORMATION TECHNOLOGY D - 978.89; INTERGOVERNMENTAL SHOP - 11,151.98; KAUTZMANN/DENAE - 331.09; KRIS ENGINEERING, INC - 4,108.92; MANDAN PARK BOARD - 1,000.00; MISSOURI WEST WATER SYST - 47.82; MORTON COUNTY RECORDER - 65.00; MORTON COUNTY TREASURER - 0.00; MY GOV, LLC - 960.00; ND HEALTH DEPT MICRO DIV - 400.00; ND LEAGUE OF CITIES - 11,710.00; ONE CALL CONCEPT INC - 41.45; SANFORD HEALTH - 1,910.00; SHOEZAM SHOES - 492.50; SURE SHRED - 65.25; TEIGEN/LILA - 249.40; BANK OF NORTH DAKOTA TRU - 11,429.46; WELLS FARGO COMMERCIAL C - 114,311.52; MONTANA-DAKOTA UTILITIES - 28,567.19; A-1 TREE SERVICE - 1,679.60; ADVANCED BUSINESS METHOD - 1,756.78; ADVANCED ENGINEERING SVC - 15,061.15; BIS-MDN TRANSIT BOARD - 55,502.54; BOB'S CUSTOM SERVICES - 904.00; BOERGER, LLC - 1,335.87; BURLEIGH COUNTY - 12,223.76; CENTURYLINK - 1,761.07; CHI ST. ALEXIUS HEALTH E - 901.88; DAKOTA'S BEST COFFEE - 270.00; ELECTRIC PUMP INC - 2,975.12; EMC INSURANCE COMPANIES - 103.18; FORT DEARBORN LIFE - 2,393.61; GEORGE STROH TRUCKING IN - 7,650.00; GLENCOE GUN CLUB - 840.00; GRINNELL MUTUAL - 10.00; GULLICKSON/DARYN - 530.04; HDR ENGINEERING, INC - 1,089.74; HOUSTON ENGINEERING, INC - 194.00; KRONOS SAASHR, INC - 2,135.58; MANDAN AIRPORT AUTHORITY - 110,462.46; METRO AREA AMBULANCE SER - 1,910.27; MORTON COUNTY AUDITOR - 57,552.05; MORTON COUNTY TREASURER - 89,783.38; MORTON MANDAN PUBLIC LIB - 170,293.66; MUNICIPAL JUDGE'S ASSOCI - 50.00; ND CLERK'S OF COURT ASSO - 100.00; ND HEALTH DEPT CHEMISTRY - 687.37; ND STATE RADIO COMMUNICA - 600.00; ONSITE SERVICE SOLUTIONS - 737.90; PRESORT PLUS - 2,225.61; RJR MANAGEMENT - 38.43; STANTEC CONSULTING SERVI - 15,492.75; WEST DAKOTA SWAT - 6,800.00;

3. *Consider abatement of 2018 assessments for former Thrifty White and Central Market properties.*
4. *Consider prorated abatements of 2017 assessments for former Thrift White and Central Market properties.*
5. *Consider Abatements: (i) 2017 & 2018 Abatements Maria L Higgins; (ii) 2017 & 2018 Abatements The Ridge Motel Corporation.*
6. *Consider amendment to Engineering Service Agreement with Moore Engineering for final design and bidding of the Southside Street Improvement District project.*
7. *Consider approval of minor plat of Replat of Lots 19 Block 1 & 2-4 Block 6, Macedonia Hills 1st Addition (Refer to RESOLUTIONS AND ORDINANCES Item #1).*
8. *Consider approval of a transfer of a Class F Beer License due to an ownership/acquisition for Taylor Made BBQ LLC to Laughing Sun Brewing Company LLC.*
9. *Consider agreement with the Federal DEA to have an officer already assigned to the Metro Area Narcotic Task force become a part of the DEA Task Force.*

Commissioner Rohr requested Item No. 2 be removed for discussion. Commissioner Larson moved to approve the Consent Agenda items 1, 3, 4, 5, 6, 7, 8 and 9 as presented. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

Consent Agenda No. 2. Consider request to pay annual leave.

Commissioner Rohr inquired that when an item such as this is brought forward and the circumstances may have been time accrued for an emergency type of situation – is this action of approving the request (for pay) in line with the City Ordinance. He commented that within the annual leave policy it refers to leave time not used will be forfeited. His question is, if the City Commission allows that, is that within compliance of the Ordinance? Attorney Brown replied that the City Commission has the authority to approve that type of request.

Commissioner Rohr moved to approve Consent Agenda No. 2. Consider request to pay annual leave. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

G. OLD BUSINESS:

1. *Consider approval of Cost Participation and Maintenance (CPM) Agreement for I-94 resurfacing project.* Planning and Engineering Director Froseth provided a recap of this matter from the meeting held on January 8, 2019 wherein the City Commission moved to table the execution of the Cost Participation and Maintenance (CPM) Agreement and the budget amendment because the Commission requested more explanation why the estimate for Mandan had increased by 190% from June to December. He explained that this request is to consider approval of the CPM Agreement for this project. The project would include the I-94 and I-194 interstate roadways. Some of the improvements would take place on Highway 810, aka 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, thus the need for the CPM agreement through this stretch. Subsequently, since the last meeting, Director Froseth stated that he and Administrator Neubauer discussed this matter with NDDOT staff and they were able to explain the increase of the local estimated cost. The increase has more to do with the costs not being shown as Mandan's share originally as it should have been. More specifically, the bridge structure work was all shown as only the NDDOT costs with no local share. That part of the project was under the McKenzie bridge work which is part of the Highway 810 system when it should have been under the McKenzie Drive project of which there is a 10% match. That explains most of the adjustments in question from the June to December increase of local estimated cost. There is about \$8,800 cost difference because the DOT planned to do a scope of the work in 2020 as a separate project however they wanted to bring it in to this project in 2019. He reported that the City Engineering DOT staff discussed what would happen to the project if Mandan did not agree to the CPM agreement. There was indication that all of the Highway 810 improvements would be removed from the project and addressed at some future undetermined time with another project. The concerns with that indicated that the future time may be years down the road, and probably would not be in the program that projects four years out and it would result in another time period of disturbance.

This is a very large project scheduled to go through Mandan in 2019. It is expected to be comparable to the interstate project that went through the Bismarck city limits 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 aka Memorial Highway Bridge; and (3) Expressway Bridge. It will also include some miscellaneous work at the bridge structures within those segments. In June 2018, the Engineer's Office was given an estimate to budget from of \$35,056 for Mandan's local share of the project. In November, the estimate was revised to \$79,949. In December 2018 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. While frustrating that the latest estimate is so much more than the estimate available to us during budgeting, staff does see the importance of this project and agrees to the most recent scope of work put forward by the NDDOT to ensure confidence in a long-lasting project.

Director Froseth noted there was also some discussion at the January 8, 2019 meeting about timing of payment for work done in 2019. The DOT staff indicated they would be able to work with the City to hold off on payment requests for those costs above the \$35,056 the City budgeted for in 2019 even though most of the work would be done in 2019. A budget amendment is required to increase the amount of sales tax fund for this project from the budgeted \$35,056 to the latest estimate of \$101,210. Finance Director Welch was consulted and verified that this amended amount can be utilized from the Sales Tax Fund.

Mayor Helbling commented that it was a good idea to get clarification from the state rather than pushing through as an approval at the last meeting.

Director Froseth recommended approval of the budget amendment from \$35,056 to \$101,210 and the Cost Participation and Maintenance Agreement for the Highway 810 portion of the I-94 resurfacing project.

Commissioner Braun moved to approve the budget amendment from \$35,056 to \$101,210 and the Cost Participation and Maintenance Agreement for the Highway 810 portion of the I-94 resurfacing project. Commissioner Larson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

H. NEW BUSINESS:

1. *NDDOT presentation and potential comment for increase load limit for segment of 1806.* Planning and Engineering Director Froseth stated that Brad Darr, a NDDOT Maintenance Engineer contacted the City Commission recently regarding load limits above what they currently are and certain segments of road within city limits. This is a request to allow a NDDOT representative to present this topic and to receive any feedback the Commission would be willing to provide about the States Limited 129,000 Pound Large Truck Network.

Brad Darr, a State Maintenance Engineer came forward to present additional information of this matter. He said that a Bill was passed in the 2017 legislative session requiring the NDDOT to permit up to 129,000 lbs. on a specific network of roadways and establish a process to that system. The permit is a \$20 drip permit with a \$10 routing fee \$100 per month or \$700 per year per truck/trailer combination. Legislation required the DOT to establish a mechanism for a commercial entity and for individuals who reside in the state to request specific augmentation of that system. That process includes an Advisory Committee and the system roadways must keep all axle weights legal and loads must follow a formula and any length limitations. This item stems from a request from Dixon Brothers who requested a portion of 1806 in Mandan to Interstate to the refinery to haul fuel to Minot. He reported that Minot is willing to allow this. There are no bridges on the system. Mr. Darr reviewed maps of the system. He provided copies of the Dixon Brothers application and road restrictions information. He said that Dixon Brothers would take advantage of the increased gross load for their operations. Though the gross loads would increase, the per axle loads would not, therefore the loading impact on the roadways is expected to be negligible. He explained that by allowing more gross load that would reduce the amount of truck trips through this area by roughly 20% for this activity. Dixon Brother's application states that they average 8 loads a day with the current limit as it is. The City Attorney has been informed and sent the above information. Mr. Darr reported that there have also been discussions with Director Froseth regarding the roundabouts leading to the refinery. He said that no formal motion is required for this action but that the DOT would like the City to be informed. The application is approved for Dixon Brothers but anyone else needing that segment of the road if approved would get to use it too. They would exit the refinery, go down Old Red Trail and out to the interstate. Further clarified, he explained that if the piece of 1806 was added to the system, after the purchase of a permit, Dixon Brothers and other haulers for the refinery could use this half mile piece of roadway to get to the interstate and if they wanted to haul 129,000 they would not have to get the same segment added again. The others would have to get a permit and pay the fees and they could haul too. He reported that there are approximately eight daily truck loads going in and out of that area. This concluded Mr. Darr's presentation. Director Froseth indicated this is an informational item and there is no need for a motion on this matter.

2. *Consider approval of Decision Document for the 1806 North reconstruction project.* Planning and Engineering Director Froseth stated this is a request to finalize the 1806 North Project and that the environmental document for this is due. In particular, this would be to complete the City's section of the Decision Document for the DOT to consider the design alternatives. The Design Document is necessary in order for the design team to move forward to create the final design with one configuration in mind for each of these different areas within the project. The environmental document includes a preliminary design of several alternatives among other tasks has been the focus of this project's planning and design effort over the last several months. The design team has come up with different and all technically feasible alternatives for different locations throughout the project and they have pros and cons that will be explained. The project concept report explains each of these design alternatives with a decision table for the City to complete and return to the DOT for their consideration when deciding on which alternative to go forward with at each location.

Director Froseth introduced Troy Ripplinger, KLJ Engineering Project Manager who will provide information on the alternatives referenced. Mr. Ripplinger came forward and explained

that the Mandan Avenue Interchange project that has been worked on over the last six months. He provided a power point presentation that included the following:

- Need for the project includes Social Demands and Economic Development
- Alternatives and Options - Mandan Avenue Interchange
 1. Alternative A1 - No Build Alternative
 2. Alternative B1 – Realign Ramps / 90 degree Intersection Alternative
 3. Alternative C1 – Roundabout at ramp Intersections

The Alternatives presented and discussed:

1. Mandan Avenue – not much needs to be done other than upgrading the lighting system.
2. Curve at the Refinery – looked at options to improve radius of the curve.
3. Reconstruct the Curve at the Refinery - to allow 35 mph speeds.
4. Collins Avenue – widen the section and match the stretch on Mandan Avenue. Would also add some landscaping and add street lighting. This will be coordinated with the Park and School Districts.
5. Pedestrian paths would be tied to the sidewalks along Old Red Trail.
6. Considering extending the City sewer system to the north to the properties to allow access to the City’s sewer main in the future.
7. The next major decision item is at the intersection of Collins Avenue and Old Red Trail. The Traffic Operations Report, which is available upon request, shows that the traffic volumes are not there to warrant installation of traffic signals.

The cost estimates of the alternatives were presented, depending on which alternative, costs could be up to \$10 million. The sanitary sewer improvements would be \$785,000. On the Mandan Interchange improvement there would be no local share costs and the Highway 1806 local share would be \$750,000 and the sanitary sewer local share would be \$785,000. The Timeline was reviewed with construction being planned in 2020. There was a public input meeting on November 15, 2018 with a good turnout with a lot support for the roundabout. The project concerns were discussed at that time.

Director Froseth stated that the construction project is scheduled to start in 2020. The Engineering Department has discussed the cost estimates of local funding responsibility with the City Finance Department for budgeting purposes. The estimate that comes with this preliminary design is consistent with the budgeted amount from 2018 when discussions were still at planning level estimates.

Members discussed the importance of safety issues and plans to keep the pedestrians from walking on the street and through the ditches. Commissioner Davis commented that he is in favor of the 16th Street project in this area in order to have walking paths in place for pedestrian safety. Director Froseth said that 16th Street is scheduled to be constructed at the time of the project and the property owners will be asked for input because they will be paying the specials for that street. The (safety) intent is there and the plans for the sidewalk should line up nicely to keep pedestrians from walking down the street or in the ditches.

Director Froseth presented the following recommendations for consideration by the Commission:

1. The Interchange project: The Engineering Department is recommending the realignments and not the roundabouts – to realign and square those sections up. The

roundabouts will provide safety. Due to the topography in that area it would be a tough fit for a roundabout.

2. Regarding the curve at the southeast corner of the Refinery: The Engineering Department is recommending increasing the radius so it would allow for the 25 mph design.
3. To the west, at Collins Avenue and Old Red Trail section north: The Engineering Department is recommending installing a roundabout at that intersection. The size would be the same as the preliminary design as the one located in Bismarck at Hwy 10. Going north, the recommendation is for mill and overlay. To widen, concrete will not work and the plan is to use existing asphalt and overlay the existing asphalt.
4. Going north, if the decision is to resurface, asphalt would be recommended because of the mill and overlay over existing. All the other recommendations given would be to use concrete instead of asphalt except for this one.

Commissioner Larson said she strongly agreed with the City Engineer's Department recommendations presented by Director Froseth to realign the intersection rather than put in a roundabout. There is a lot of impact to the land owners in that area which is of concern. Because there are so many things going on in this area, signage will be important. She said she is concerned about safety in that area. Commissioner Davis stated he agrees with the Engineer Department's recommendations and concurs with Commissioner Larson. He agreed that a roundabout would not be a good idea and he said he agrees that concrete would be a better option than asphalt. He also agreed that the 16th Street project is important for safety and inquired if the Park and Rec District could help with that project.

Director Froseth explained the local share of the 1806 project. The plan is to apply the local share through the typical method which is a combination of City sales tax, city wide property tax and special assessments to the benefiting properties. The 16th Street project is considered a local road so those adjacent properties would be responsible for the full funding of the 16th Street project along with the sidewalks adjacent to it.

Mayor Helbling commented that he would rather see a 35 mph than a 25 mph zone at the curve at the Refinery entrance. This might be an opportunity to request the Refinery to help fund this because it will enhance their entrance. He suggested this option be explored. Director Froseth commented if pursuing the 35 mph speed zone through that curve, the City can mark that on Decision document and send it to the DOT and if negotiations are not favorable to the City there would still be an opportunity to back off and then go with the smaller 25' radius 25 mph curve. That could be adjusted and go back to the 25 mph. Mayor Helbling commented that the speed limit is irrelevant; rather he would like to see a wider angle at that intersection. Commissioner Rohr inquired if this would be approving the design concept, correct? Director Froseth said yes, and for these specific locations the City would go forward with a final design as presented. When talking about the curve, it's clear cut whether to go with a 25 mph or 35 mph curve. By design standards they both have a certain radius associated with them. With the decision being made it will determine how much room is needed to accomplish that. The DOT has the ultimate decision on the final design and they may agree with the City's recommendation or they may go with other departments input. The City provides input and the DOT uses it for part of their

decision. There are no new access points being requested other than the 16th Street project. There are no other approaches planned for this part of the request.

Commissioner Rohr said that he believes the presentation that was given tonight explains the projects well and that all Commissioners are familiar with that area and what the issues have been in the past. He said that he is comfortable moving ahead with the project as presented.

Commissioner Davis moved to approve to return the Decision Document to the NDDOT with the Engineering Department's recommended selections. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

3. *Consider moratorium of mural permit applications.*

John Van Dyke, Principal Planner presented a request to consider a moratorium of mural permit applications until a mural ordinance is drafted and is satisfactory to the Mandan Architectural Review Commission (MARC) and Community Beautification Committee (CBC). He said that the mural guidelines were adopted by the Mandan City Commission in August 2018. These guidelines were the product of a sub-committee comprised of the MARC and CBC and staff from various departments. Both the MARC and CBC believe that changes should be made and have recommended that the Principal Planner construct a draft ordinance for review by each of the citizen bodies. This is a request to consider a moratorium on mural applications that will allow the City enough time to review its rules and revise them as needed prior to accepting any applications. He said that with the guidelines as written, the City is able to establish a moratorium that would effectively dictate that we will not accept any applications until there is an opportunity to look at request to determine it is going in the right direction. This was discussed at MARC today and they provided a recommendation for approval of this moratorium.

The timeline for the new (revised) ordinance would be as follows:

- Draft Ordinance Construction – Late January 2019
- Internal Staff/Local Artist Review – Early February 2019
- CBC/MARC Review – Early-to-mid-February 2019
- Planning and Zoning Commission – February 25, 2019
- City Commission – March/April 2019

Planner Van Dyke said that Attorney Brown has been consulted regarding the method to achieve a moratorium. A specific timeframe is recommended and a motion will be required. Planner Van Dyke stated that he visions this as a part of a public art ordinance. He stated that the request before the Commission is a recommendation for a mural permit application moratorium be imposed beginning immediately and in effect for six (6) months or upon adoption of a mural ordinance, whichever is sooner.

Commissioner Davis extended a thank you to Planner Van Dyke for bringing this forward in light of what the City has been attempting to do downtown on Main Street. Commissioner Larson said that she sits on the MARC Committee and they have been discussing this for the last couple months. She believes the Committee did their research and pointed out that there is a business policy that references the mural permit process and the policy is expected to be

followed, however at times it has not been followed. She stated this is an appropriate time to revisit the policy and update the verbiage within it as presented by Planner Van Dyke.

Commissioner Larson moved to approve to impose a moratorium on mural permit applications beginning immediately and in effect for six (6) months or upon adoption of a mural ordinance, whichever is sooner. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

4. *Consider approval of new Class F liquor license for the Rice Bowl LLC at 609 West Main Street, Suite 2.* City Administrator Neubauer presented a request for a new Class F liquor license for the Rice Bowl LLC. They have not served alcoholic beverages for the last couple years. A new owner is now interested in obtaining a liquor license. He stated that all new Class F liquor licenses must be approved by the Board of City Commissioners at the time of new application. The application has been received and fees have been collected. The request is for a new liquor license at 609 West Main Street, Suite 2 for the Rice Bowl LLC. The application and all appropriate paper work have been filed in City Finance Office. Administrator Neubauer recommended approval of the request contingent upon the establishment meeting all Fire Code, Health & Safety Code, Building Inspections Codes and all property taxes are paid to date. The new owner, Frankie Huang is planning on being able to start serving February 1, 2019.

Commissioner Davis moved to approve the new class F Restaurant liquor license for the Rice Bowl LLC at 609 West Main Street, Suite 2 contingent upon the establishment meeting all Fire Codes, Health & Safety Code, Building Inspection Codes and all property taxes are fees are paid. Commissioner Larson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

5. *Consider approval of a new Class MP Liquor license for Taylor Made BBQ LLC at 316 West Main Street.* City Administrator Neubauer presented a request for a new Class MP Liquor License for Taylor Made BBQ LLC. The business is under new ownership and has undergone a remodel and plans to open on February 1, 2019. They are interested in obtaining a Class MP license. All new Class MP Liquor licenses must be approved by the Board of City Commission at time of new application. The application has been received and fees have been collected. The request is for a new Class MP Liquor license at 316 West Main Street for Taylor Made BBQ LLC. The application and all appropriate paper work have been filed and are available in Finance Office. Administrator Neubauer recommended approval of the request contingent upon the establishment meeting all Fire Code, Health & Safety Code, and Building Inspections Codes now that renovations are finished and all property taxes paid to date. They would not have an F license, only a new MP license. Attorney Brown clarified that they would need a Class F restaurant license and an MP license. An MP license permits the sale of beer that's produced within the state of North Dakota. The owner of Taylor Made BBQ is Laughing Sun Brewery. The Class MP license will enable them to sell growlers at Taylor Made BBQ. They will have to sell their growlers to a distributor and Laughing Sun will have to buy from that distributor or Taylor Made BBQ in which they can then sell the growlers. There is a middle man in different lo-cals. Mayor Helbling inquired why they would need a separate/another liquor license if they would be buying from a distributor (McQuade Distributing). Administrator Neubauer believes

that in order to sell the growler and the liquor is considered off-sale, they need this license in place. Attorney Brown stated that this came up when they informed the City of the change in ownership to Taylor Made BBQ in that Laughing Sun wanted to fill their growlers there. The restaurant license does not permit that. They came up with a Class MP license. He said he did not look at the state regulations that Commissioner Larson referred to. Basically what Administrator Neubauer explained, one has to work through this distributor. Todd Sattler, one of the owners of Laughing Sun Brewery came forward to explain. He said he is also a lawyer and has been involved with the North Dakota Brewers Guild. He said that as long as Laughing Sun is distributing through one of the licensed wholesalers in the state, and there is no prohibition against the business opening or having an interest in a business such as Taylor Made BBQ and then selling off sale, the reason for the second license, the MP license which allows a restaurant to also sell alcohol (beer and wine in this case) does not allow for off sale, so this would allow the sale of growlers. They also can their product and there is a cooler behind the counter for off sale beer too. Mayor Helbling inquired if it allows them to sell any off sale or just anything that you produce? Mr. Sattler replied it is a North Dakota product. There is no intention of selling anything other than their own product there. Attorney Brown clarified that the MP would have to be a North Dakota product.

Commissioner Larson moved to approve the new Class MP Member Producer liquor license for Taylor Made BBQ at 316 W. Main Street contingent upon the establishment meeting all Fire Codes, Health & Safety Code, Building Inspection Codes and all property taxes and fees are paid. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

6. *Legislative Update.*

Administrator Neubauer presented the 2019 Legislative bills pertinent to the City of Mandan. He provided the list of bills and asked Commissioners to let him know if there are any certain bills that should be followed.

HB 1375, addressing (political) party references. In essence the bill states that if you were in a municipal election you would have to declare a party. Whether that be republican, democrat, or independent. His recommendation from a city standpoint is that municipal offices have always been non-partisan and that it be kept that way. He inquired if the Commissioners had a position as to support or oppose that bill. Commissioner Rohr replied that he would prefer it remain as is and that the Commission represent the community as a whole without party affiliations. Commissioner Davis concurred with Commissioner Rohr's advice to leave party affiliations out of the county and city government levels. He recommended opposing the bill. Commissioner Larson and Commissioner Braun concurred with Commissioner Rohr and Commissioner Davis. Mayor Helbling stated the Commission is unanimously in favor of opposing the bill. Administrator Neubauer stated he would put together testimony in opposition on behalf of the Mandan City Commission.

HB 1474, regarding adding a street maintenance fee. This would be when sending out the utility bill, that a street maintenance fee would be added to the utility bill in lieu of special assessments. He stated he is not sure if this would be a good or bad thing. If it passes, the city would have the

option to take it to the citizens for a vote and it would require a 60% approval rather than a simple majority. Attorney Brown clarified that this is a tax that will be attached to the utility bill. It would be an option for the City to take to the citizens for a vote.

Mayor Helbling extended a thank you to the legislators representing the City of Mandan who he feels are listening to the needs of the residents. Commissioner Davis announced that he and the city staff are working hard to stay on top of any of the bills that will affect the residents of Mandan.

I. RESOLUTIONS AND ORDINANCES:

1. Second and final consideration of Ordinance 1305 related to the annexation/zone change surrounding a correction to a portion of Macedonia Hills 1st Addition - Includes Minor Plat (See Consent Agenda Item No. 7). John Van Dyke, Principal Planner stated this is the Second and final consideration of Ordinance 1305 and to consider the approval of a minor plat that addresses the necessary correction. The Planning and Zoning Commission unanimously recommended approval of the annexation and zone change. City Commission approved the first consideration of the annexation and zone change on January 8, 2019. There have been no comments or opposition received since that time. This is a small correction that needs to be made.

Commissioner Braun moved to approve the Second and final consideration of Ordinance 1305 related to the annexation/zone change surrounding a correction to a portion of Macedonia Hills 1st Addition that includes minor plat. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

J. OTHER BUSINESS:

Keith Fleck, 2545 Highway 21, Solen, ND came forward and stated he manages Dixon Brothers, Inc. He requested that the City consider installing a left turn signal at the light located by Burger King on Main Street, going east and west. He said his drivers have had two accidents there, most recently in December. Mayor Helbling reported there is a signal project in process. Engineering Director Froseth stated the signals project does not address that intersection. It goes to Sixth Avenue Southeast. Director Froseth noted the request.

K. ADJOURNMENT:

There being no further actions to come before the Board of City Commissioners, Commissioner Davis moved to adjourn the meeting at 6:35 p.m. Commissioner Braun 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 Dennis Rohr
Dennis Rohr
Vice President, Board of City
Commissioners