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The Mandan City Commission met in regular session at 5:30 p.m. on July 16, 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 Braun, Davis, Rohr and Larson. Department Heads present were, Finance Director Welch, Fire Chief Nardello, Building Official Ouradnik, Director of Public Works Bitz, Deputy Chief Flaten, Planning & Engineering Director Froseth, Principal Planner Van Dyke, Assessor Markley, Business Development and Communications Director Huber and Attorney Brown. Absent: Human Resource Director Cullen, Police Chief Ziegler and City Administrator Neubauer.

Mayor Helbling commented on recent events held in Mandan. A thank you was extended to those involved with the installation of the flower pots lined up on Main Street. A thank you was extended to the planning committees, volunteers and participants at the 4<sup>th</sup> of July events in Mandan including the rodeo, Art in the Park and Parade Committees and everyone else who volunteered and helped out. He reported that last weekend, a fire occurred and the community pulled together to help our first responders and the residents that were affected. A thank you was extended to the Mandan and Bismarck City and Rural Fire Departments, the Police and Sheriff Departments and Metro Ambulance and all the surrounding communities that helped out without being asked to do so.

2. *Presentation of plaques to businesses donating at least \$500 towards the boulevard tree-planting program.* Public Works Director Bitz presented information related to giving awards to businesses that have donated \$500 or \$1,000 to the community boulevard tree-planting program. He stated that earlier this year, the Forestry Department solicited donations for the community boulevard tree-planting program. As of June 1, 2019 the City has received \$2,000 in donations. Businesses donating \$500 or more will be presented today with a plaque. In addition, the names of donors contributing \$1,000 or more will be included on a permanent plaque that is displayed in the Ed “Bosh” Froehlich meeting room at Mandan City Hall. The City will match these donations up to \$2,500. Over 100 trees have been planted along city boulevards since 2017. These donations help the City of Mandan maintain its Tree City USA status, which has been in place for 43 years. Businesses donating \$1,000 includes Prairie View Landscaping and businesses donating \$500 include Al Fitterer Architect PC and Gate City Bank. Mayor Helbling extended a thank you to the donators.

3. *Recognition of Mandan Flower sponsors.* Amy Bickelman from Mandan Flowers came forward to present certificates to sponsors donating \$500 or more to the Mandan Flowers project. She reported that in early 2019, a 5-person team in the leadership Bismarck-Mandan Class of 2019 sought donations for Mandan Flowers, a beautification project bringing hanging flower baskets to downtown Mandan Main Street. Those sponsoring at the \$500 and above level will receive a certificate of appreciation. Stem sponsor \$1,000 includes Cloverdale Foods, Lignite Energy Council and Redmann Law Firm. There was one Planter sponsor \$500 presented to Starion Bank and there is one in-kind sponsor that will be acknowledged and that is BOS Solutions. Mayor Helbling extended a thank you to the donators and staff responsible for making this project happen.

B. APPROVAL OF AGENDA:

C. MINUTES:

1. *Consider approval of the minutes from the July 2, 2019 Board of City Commission regular meeting.* Commissioner Larson moved to approve the minutes 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.

D. PUBLIC HEARING:

E. BIDS:

1. *Consider bids for the water main replacement project by pipe bursting method.* Engineering & Planning Director Froseth presented a request to award a contract for bids received for a water main pipe project in the northwest Mandan. He said that on July 12, 2019, one bid was received. The Engineer's Estimate was \$349,190.00. The only bid was received by Basaraba Excavating and the bid was for a total project cost of \$436,360. He explained that the bid came in 25% higher than the engineer's estimate. The Engineering and Public Works staff discussed the pros and cons to accept vs. reject. He stated that it is possible that the City will not be able to get a better price to replace this segment of water main in 2019. He said that the city could rebid and set a deadline to complete in 2020, but with the amount of breaks experienced in this area over the years the same rate of breaks can be expected this upcoming winter. Therefore, it was recommended to award this project to Basaraba and complete it yet this year. In order to accomplish this project and take care of other water main replacement needs, he requested that the 2019 Water Utility Fund be amended by \$130,000 to meet the funding demand. He said that Finance Director Welch was consulted in the recommendation to amend utility funds and indicated that funds would be available to move to the Water Utility Fund for this project.

Director Froseth recommended approving the award for the Custer Drive Water Main Pipe Bursting Project #2019-06 that was opened July 12, 2019 to Basaraba Excavating and Dirt Works, LLC and to amend the 2019 Water Utility Fund budget by adding \$130,000 to cover this work.

Commissioner Rohr commented that since not many bids came for this project, that the City Commission should consider going over the bid due to the circumstances for this needed work to be done in the city.

Commissioner Braun moved to approve the resolution of award for the Custer Drive Water Main Pipe Bursting Project #2019-06 that was opened July 12, 2019 to Basaraba Excavating and Dirt Works, LLC, and to amend the 2019 Water Utility Fund budget by adding \$130,000 to cover this work. 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.

F. CONSENT AGENDA

1. *Consider approval of monthly bills.* MONTANA-DAKOTA UTILITIES - 17,939.99; BANK OF NORTH DAKOTA - 147,149.98; BIS-MAN CONVNTN & VISITOR - 3,325.61; BJORND AHL/DAVID - 493.00; BRANDNER/BRENT - 80.50; BRANDOZ CONCRETE INC - 5,276.81; CENTRAL DAKOTA FRONTIER - 510.00; DEHNE/DOUGLAS - 50.00; FETZER ELECTRIC, LLC - 408.17; GOV OFFICE LLC - 4,140.00; KRONOS SAASHR, INC - 2,174.72; LAW ENFORCEMENT ASSOCIAT - 460.00; MANDAN PARK BOARD - 3,500.00; MORTON COUNTY AUDITOR - 3,182.05; ND HEALTH DEPT ENVIR TRA - 120.00; NISTLER/KATHERINE - 80.50; PRESORT PLUS - 2,347.64; RENNER'S LAWN SPRINKLING - 1,392.00; RIVERS EDGE PLUB & HTG - 697.39; STEWART/DAVID - 35.13; VERIZON WIRELESS SERVICE - 625.00; WINKLER/JOEL - 78.10; MONTANA-DAKOTA UTILITIES - 31,525.00; ND STATE WATER COMMISSIO - 100.00; ND PERS - 168,664.08; AT & T - 663.03; BALABAN LAW OFFICE - 1,500.00; BISMARCK MAYOR'S COMMITT - 250.00; BROOKE/PATRICK - 50.00; DAKOTA COMMUNICATION SVC - 2,573.00; DAKOTA MEDIA ACCESS - 10,998.00; DEARBORN LIFE INSURANCE - 2,394.73; GLASS/THOMAS J. - 1,500.00; KELSCH KELSCH RUFF & KRA - 4,000.00; MANDAN MUNICIPAL COURT - 4,293.00; MANDAN PARK BOARD - 500.00; MANN SIGNS, INC - 57,610.00; MY GOV, LLC - 960.00; ND INSURANCE RESERVE FUN - 34,544.70; SEVERIN, RINGSAK & MORRO - 50.00; CENTURYLINK - 4,310.88; MORTON COUNTY TREASURER - 21.62; WELLS FARGO COMMERCIAL C - 203,366.02; ADVANCED BUSINESS METHOD - 737.46; ADVANCED ENGINEERING SVC - 103,524.00; ARMSTRONG SANIT & ROLL O - 98,308.08; BDTAID, INC - 2,850.00; BIS-MAN AREA CHABR OF CO - 23,750.00; BIS-MDN TRANSIT BOARD - 476.01; BJORND AHL/DAVID - 100.00; BRANDOZ CONCRETE INC - 11,713.13; BRANDT/KATHY - 50.00; CENTURYLINK - 1,424.32; CITY AIR MECHANICAL INC - 3,700.33; COMPANION LIFE - 10.00; CROWLEY FLECK PLLP - 5,000.00; CUSTER DISTRICT HEALTH U - 1,119.00; DAKOTA'S BEST COFFEE - 81.00; ELECTRIC PUMP INC - 2,102.58; FETZER ELECTRIC, LLC - 7,347.96; GUITAR LOTS LLC - 378.13; HOMETOWN MUDSLIINGERS LL - 4,300.00; INFORMATION TECHNOLOGY D - 2,818.52; INTERGOVERNMENTAL SHOP - 11,599.12; INTERSTATE ENGINEERING - 1,897.00; KADRMAS, LEE & JACKSON, - 14,208.44; KEY'S CRANE SERVICE - 180.00; KJONAAS/SAMUEL - 500.00; KRONOS SAASHR, INC - 2,197.05; LEXIPOL LLC - 10,410.00; LILLIS ELECTRIC INC. - 141.05; MANDAN AIRPORT AUTHORITY - 5,164.00; MANDAN PARK BOARD - 27,500.00; MANDAN PROGRESS ORGANIZA - 50.00; MARINER CONSTRUCTION INC - 97,691.63; MISSOURI WEST WATER SYST - 52.45; MOORE ENGINEERING, INC - 61,988.01; MORTON COUNTY AUDITOR - 8,775.41; MORTON COUNTY RECORDER - 20.00; MORTON MANDAN PUBLIC LIB - 25,342.39; ND CHIEFS OF POLICE ASSO - 150.00; ND DEPT OF TRANSPORTATIO - 26,562.17; ND HEALTH DEPT CHEMISTRY - 484.91; ND HEALTH DEPT MICRO DIV - 400.00; ND STATE RADIO COMMUNICA - 600.00; NDSU - 96.68; NISC - 15,370.00; NORTHERN IMPROVEMENT CO - 2,823.23; ONE CALL CONCEPT INC - 404.70; PETERSON/BROOKE - 269.99; PORTSCHELLER/BEAU - 1,200.00; PYNNONEN, NICK - 31.35; RAILROAD MANAGEMENT CO I - 4,841.89; RAZOR TRACKING INC. - 450.00; REDMANN LAW PC - 24,104.00; RENNER'S LAWN SPRINKLING - 135.00; RICOH USA, INC - 122.57; ROHR/DENNIS - 100.00; SHALLOW CREEK KENNELS, I - 4,500.00; STRATA CORPORATION - 3,780.27; TERRACON CONSULTANTS, IN - 8,320.00; THE CREATIVE TREATMENT L - 1,452.00; TS SECURITY LLC - 1,910.37; VANDYKE/JOHN - 37.79; VINNY'S PROPERTY MANGT L - 3,343.93; WARZECHA/SCOTT - 369.19;

2. *Consider approval of Grant application between the City of Mandan, Central Dakota Forensic Nurse Examiners and Sanford Bismarck to fund examinations of Child victims of sexual assault and Abuse.*

3. *Consider approval of Minor plat of Midway 16th Addition.*

Commissioner Braun moved to approve the Consent Agenda as presented. 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. Mayor Helbling requested a brief update on the 16<sup>th</sup> Street Engineering Services Agreement item that was tabled at last City Commission meeting. He said that this report is for information only and no action will be recommended. Engineering & Planning Director Froseth stated that at the last meeting this item was tabled until this meeting to give an update even though he said he did not have enough information available today to give a recommendation. He said that he met with the Park District and property owners and was made aware last week that the Park District had a percentage allocation to pay towards the construction of the street. The parties were in agreement, verbally, as of today. The next step will be to obtain signatures and come back with a recommendation. It appears that the Park District's share will be about 20% of this construction cost as they had half the segment that was more northerly-southerly in direction and the segment easterly-westerly, the Park District would not be involved with. An agreement will be drafted and the properties involved will be required to sign off. That information along with the recommendation will be presented at the next City Commission meeting. Mayor Helbling commented that this update provides clarification that the process is moving along and an agreement will be a good thing to have in place.

H. NEW BUSINESS

1. *Consider joint community calendar project for 2020.* Business Development & Communications Director Huber presented a request to consider a recommendation from the Mandan Tomorrow Leadership, Pride and Image (LPI) Committee to create and publish a collaborative calendar for 2020 as part of the joint community marketing program. The LPI Committee was started by the Bismarck Mandan Chamber in 2009 as one of four committees charged with implementation of the Mandan Tomorrow strategic plan. The committee has assisted with the creation and ongoing implementation of an internal and external community marketing campaign to improve community pride throughout the region. Staffing services are provided by the City of Mandan Business Development and Communications Department. Committee involvement includes members from the Mandan Park District, Mandan Public School District and Morton County along with residents and business representatives.

Director Huber explained that the proposed calendar would provide residents, business people and visitors with important dates and resource information. A sample copy of the City of Grand Forks calendar was presented and she explained how it works. The calendar would also aid in marketing places and things to do in Mandan and Morton County. The calendar would be potentially displayed by recipients or retained for the year as a Mandan community directory. If approved, staff will seek project participation and financial support from the other local governmental entities including the Mandan Progress Organization, the city's garbage and recycling contractors and Mandan businesses. Plans include establishing a steering committee comprised of representatives from participating local government entities to determine content.

The calendar would include information about garbage and recycling collection days, particularly surrounding holidays. The plan would be that the LPI Committee leadership will meet with School District staff in July to provide a midyear update on 2019 joint community marketing activities and start discussing the 2020 plans. The School District has supported the joint community marketing program since its 2010 in an amount of \$4,500 annually and more recently at a level of \$2,500. Director Huber said that the Business Development and Communications Department budget for 2020 includes \$8,000 toward the joint community marketing program. The estimated cost of the calendar project is about \$16,000 for printing, mailing and a digital version. The goal is to cover all calendar costs and other 2020 community marketing projects with financial support from the local government entities and the private sector. Any revenues exceeding project costs would be applied toward additional joint community marketing projects for 2020. Budget amendments for 2019 and 2020 will be reviewed after revenues and costs are determined.

Director Huber recommended that the City of Mandan seek support from other entities and local organizations as described to create a collaborative 2020 community calendar as presented.

Commissioner Davis inquired if research has been done to create an app for the calendar? Director Huber replied that an app would be costly but research is being done to look into an online version, but not particularly an app due to cost restraints.

Commissioner Larson commented as a point of reference that different versions of the Business Leadership Program have come up, such as the flower pots on Main Street. If there is a potential for this project that group could possibly help with that research. Commissioner Rohr said that the calendar contains a lot of good information and will serve as a great point of reference. He prefers to have a paper copy of a calendar rather than electronic. Mayor Helbling agreed with the comments provided and encouraged the entities to work together to make this project work.

Commissioner Larson moved to authorize staff to seek additional financial support and involvement from other local government entities as well as local organizations and private business to create a collaborative community calendar for 2020. 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.

2. *Consider acceptance of offer for purchase of 100 5th St. NW.*

City Planner Van Dyke reported that there is an acceptance of an offer for the purchase of the property located at 100 5th St. NW. He reported that Clint Boyd has made an offer to purchase Lot 3, Block 1, Collins Court, also known as 100 5<sup>th</sup> St. NW. He said that Mr. Boyd intends to keep the property in its natural state at this time, addressing the lack of maintenance from mowing and weeds that affects the property periodically. The list price for the property is \$20,000 and was determined using assessor data along with current market data by Oaktree Realtors, LLC, and the brokerage firm handling properties for sale by the City. The offer from Mr. Boyd is for \$6,500 contingent on any liens, judgments, easements, restrictions, or limitations that may arise during title work that the buyer will be responsible for financially. Title work is typically the responsibility of the seller. There is a specials balance of \$586.52. The buyer is asking that the specials be absorbed by the City as part of this offer. The Engineering

Department has recommended approval of this offer. The property is currently not generating any tax revenue and has no operational value to the City. He said that the City Commissioners may accept, reject, or counter the offer provided by Mr. Boyd.

Commissioner Davis moved to approve the purchase agreement from Clint A Boyd for Lot 3, Block 1, Collins Court, also known as 100 5<sup>th</sup> St. NW as presented in Exhibit 2. 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.

3. *Consider approving the issuance of a Request for Qualifications for procurement and implementation of Brownfields Grants.* City Planner Van Dyke presented a request to approve the issuance of a Request for Qualifications for procurement and implementation of Brownfields grants. He said that staff recently met with Stantec to discuss the U.S. Environmental Protection Agency Brownfield Program. He explained tis program provides grant monies toward attaining the reuse of Brownfield sites. Brownfield sites are those properties where contaminates may be present and complicate redevelopment. One component of this program is an assessment grant, which provides up to \$200,000 in funding toward creating an inventory of properties, planning, environmental assessment, as well as community outreach. He stated that the U.S. Environmental Protection Agency Brownfield Program also includes three other grants for the establishment of a revolving loan fund, clean-up, and job training. The RFQ is not limited to this program but would seek a consultant to explore this and any other grants that may be of benefit to the City for the purpose of reusing Brownfields. There are no direct costs expected to be absorbed by the City through this program except for staff time necessary in evaluating RFQ submissions and project administration. The time related to implementation would be borne by the consultant.

Commissioner Davis inquired if it will assess the entire city? Planner Van Dyke stated it will be a city wide assessment and he stated that the Engineering and Planning Department recommended approval to issue a Request for Qualifications as presented.

Commissioner Davis moved to approve the issuance of a Request for Qualifications as presented in Exhibit 2. 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 salary adjustment for Municipal Judge.* City Judge DeNae Kautzmann presented a request for salary increases for the City Municipal Judge and the City Clerk of Court. She said this item was on the City Commission Agenda for discussion earlier this month wherein she was requesting an amendment to the 2019 budget in order to accommodate salary increases for the municipal judge position and Clerk of Court. She said she has been the City of Mandan Municipal Judge since 2004 and she has never had a problem with the budget until last year (2018). She explained that the request is based on moving her salary closer to the mid-point of the salary of Bismarck City judge and this goes back to when the City was looking at Bismarck's paygrade and that changed in 2016. She stated that her salary was significantly lower than the Bismarck judge. In comparison, she pointed out that the indigent defense counsel request was in

the amount of \$6,000, with no justification and that amount was put in the budget however, the \$5,000 salary increase that she requested for the City Judge position had been removed. She said that signified that there were different criteria applied because when she asked why hers was taken out she was told that it was because she had not justified it; that there was not enough information and there were questions. She said the questions were never sent to her in order for her to respond. She contacted Finance Director Welch who told her that the 2019 budget could be amended at any time. She stated she brought this forward now as she did not want this to happen again in the 2020 budget. She said that while she was preparing the 2020 budget she looked at the salaries of the cities that were similar to Mandan. She also said that with her \$5,000 salary increase for 2019 she was still below the market in comparison to other cities when taking into consideration the caseloads and days spent in trial court. When she went to the 2020 Budget committee meeting she was told this was not the proper forum to discuss this and she thought she did something improper that she needed to go through the Budget Committee so she pulled it from the Agenda (July 2, 2019) to discuss with the Budget Committee before discussion would occur at this meeting. She stated that she compromised on her request that was presented and they discussed what was acceptable to her and they hit a stalemate. At that point she decided to ask the City Commission to consider the request that she had initially presented on July 2<sup>nd</sup>. In the course of that meeting, she admitted that she did not know how the process worked and it was apparent that the commission delegated authority to them (Budget Committee). She then went to Finance Director Welch and inquired why an elected official's salary would be reviewed by the Budget Committee? He told her there was nothing in writing. She questioned, that if there is a conflict or if the Budget Committee does not agree with a request, how is that handled? She said she has looked and she cannot find any policy anywhere that answers that question.

Ms. Kautzmann stated that in addition to criminal and traffic cases, she also handles parking stating that parking was not listed on her job responsibilities. She reported she had 250 cases by the end of May. The indigent defense counsel, she assigned 37 cases to them from January 1<sup>st</sup> to the end of May. Overall, she assigned 263 court cases and that is 7 times what the indigent counsel represented and on top of that there were 938 traffic cases and 250 in parking.

In doing research Ms. Kautzmann concluded that the salaries are inequitable based on the salary survey comparisons with Dickinson and Devils Lake. She stated she is below market. In looking at the Clerk of Court position, previously the City Commission agreed to increase the hours for the deputy clerk and she said she appreciated that, however, she believes the Clerk of Court salary is under market. In comparison, Mandan City Clerk of Court does all the financials wherein Dickinson Clerk of Court does not. Our Mandan Clerk of Court has an elevated responsibility in comparison to the other city clerks in the state. She requested the City Commission consider approval of the salary increase for the clerk as she is a valuable asset to the municipal court's office. Ms. Kautzmann requested that the City Commission amend the budget to include the salary increases that were requested as listed in her letter in accordance with the fiscal information that Finance Director Welch provided.

Commissioner Rohr commented that when looking at comparisons in particular, the judge's salary in Bismarck, one of the reasons that salary is high is due to longevity at the job. He said that in fairness, comparisons should be made with Devils Lake and Dickinson, not Bismarck. Ms. Kautzmann agreed and stated that when she did her comparisons she did not include the City

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of Bismarck, rather Devils Lake and Dickinson are more aligned with the City of Mandan and those were the two cities she compared with. Finance Director Welch said that he recalled that the City of Mandan followed the City of Bismarck pay scale at 80% for the minimum and maximum salaries in 2013-2014 and followed that through 2016. He does not believe the municipal judge salary was part of that survey but the municipal clerk of court salary was included. Ms. Kautzmann stated that is correct as Sandy Tibke had the portfolio for Finance at that time and when it was discussed, Ms. Kautzmann commented to Sandy Tibke, that the City of Mandan would not pay 95% of what the city judge in Bismarck is paid.

Commissioner Larson said she holds the municipal court portfolio however she was new to the process, stating that last year, the judge's salary increase was submitted after the budget process started but it needed to be presented to the public because salaries are paid by the taxpayers. Ms. Kautzmann stated that she submitted the request on May 18, 2018 and at that time she asked for a \$5,000 increase to get closer to the mid-point of the Bismarck City Judge's salary and that did not even get close. It was her understanding that the City of Mandan was still looking at the Bismarck pay scale.

Commissioner Larson said this matter was on the Agenda for discussion at the last commission meeting and then a Budget meeting was held. She said it was her understanding that the salary increase of \$5,000 seemed to be reasonable so if there is a challenge with that amount, it was a miscommunication. She thought the \$5,000 increase seemed to be reasonable and was an amount that would be considered. Because of those discussions, she thought it was pulled off the Agenda and was surprised that it came back on today's agenda. She said she is confused about what the disconnect is between that meeting and what is now represented today. She said that also during that budget committee meeting, there was discussion about the clerk of court hours and the salary increase for her and part of that discussion included that she has only been in her position for two years and that would put her out of the pay range.

Ms. Kautzmann explained her reason for pulling the item off the last agenda was because she was trying to find out what policy or procedure the Budget Committee was using. She said she was unable to find anything. She then contacted City Administrator Neubauer and was told that the \$5,000 was not an option. She said that she was told \$2,500 was what was determined. She emailed back and forth with Administrator Neubauer on this matter. Ms. Kautzmann stated that it is very important to her that the City make efforts to retain the (current) Clerk of Court since she has years of knowledge on the complex computer system used by the City Court offices.

Commissioner Rohr commented that when looking at the Clerk of Court salary, it is higher than what a police officer makes. He inquired if comparisons were made with other city clerks of similar size to Mandan. He said he supports the salary increase for the judge but not the increase for the Clerk of Court. Ms. Kautzmann encouraged the City Commission to consider the salary increase for the clerk based on reasons given today, and if necessary, the clerk can do a desk audit to justify what she does and it will be compared with other similar sized city court jurisdictions.

Commissioner Larson, with regard to the police officers, those salaries were set based on the challenges to retain staff rather than fill positions.

Ms. Kautzman requested that the increases would be amended for the 2019 budget and then going forward in 2020. Commissioner Davis stated that in every department the wish lists are endless and an important thing to remember is that every position should be at market value to retain good employees. However, he does not think it is fair to other departments to bring this up at this meeting; rather it should go back to the Budget Committee to renegotiate.

Mayor Helbling stated that the City Judge position is very different than the Clerk of Court position. In this case, the clerk was brought in at a higher pay grade due to past work experience. The City Judge is an elected position and at the time the position was accepted the pay was set. When considering salaries, there has to be a balance of fairness to both the employee and the tax payer. He suggested that in order to resolve the City Judge salary, steps need to be taken that do not hurt the budget or hurt other city employees.

Ms. Kautzmann agreed with Mayor Helbling's comments, however, she stated that she believes the City Judge salary process was not handled in the proper way. The \$5,000 she requested was pulled from her budget request and she was not allowed to advocate for herself when that was done. She stated that is why she asked for the \$5,000 to be included in the 2019 budget. She felt she was not dealt with fairly, that's why she asked for it to be pulled from the July 2<sup>nd</sup> City Commission meeting Agenda. Mayor Helbling commented that after the Budget Committee meeting was held, there was no contact with Commissioner Larson who holds the portfolio and Ms. Kautzmann should have been working with her. Ms. Kautzmann replied that at times she would contact Commissioner Larson and after not hearing back from her, she decided to email Administrator Neubauer. She stated that communication can be improved both ways. Commissioner Larson commented that it is hoped that an agreement can be reached on this matter. Mayor Helbling commented that his recollection of the Budget Committee meeting there was a discussion that the City Judge salary increase would be recommended at \$2,500 (commencing July 1) and then to consider another \$2,500 at the next budget session (2020). Ms. Kautzmann said that was not what she recalled. Commissioner Larson stated this needs a point of clarification. Finance Director recalled that it was recommended that \$2,500 would be effective July 1, and then another \$2,500 incorporated into the 2020 budget for a total of \$5,000. Ms. Kautzmann stated that she sent an email to Administrator Neubauer indicating she thought about the discussion afterwards but it was her request to increase the salary the full \$5,000 (effective July 1<sup>st</sup>) but he replied back and said there were additional questions and issues but it was not clear to her what the questions were or where they came from. Ms. Kautzmann stated she was never asked any additional questions or ever told there were additional issues.

Mayor Helbling recommended this matter be tabled until Administrator Neubauer is present for the discussion and/or perhaps the Budget Committee can meet with the parties involved and work their way through this. Commissioner Larson agreed with Mayor Helbling's suggestion based on there appears to be somewhat of an agreement already. Commissioner Larson moved to approve the salary increase for the Municipal Judge of \$2,500 beginning July 1, 2019. Commissioner Rohr seconded the motion.

Commissioner Rohr inquired if Ms. Kautzmann finds this amenable, in that if the City Commission will agree to the \$5,000 salary increase, and the balance of \$2,500 will not

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implement until January 1, 2020, will that have to go back through the budget committee? Mayor Helbling said that the City Commission has final approval of what the Budget Committee recommends. Commissioner Davis said he would prefer to table this matter and ask Commissioner Larson, Ms. Kautzmann and the Budget Committee to go back to the drawing board to come up with an agreement. He does not believe the amount is agreed upon by both parties at this time and would like to have that done before voting.

Based on the discussion, Commissioner Larson withdrew her motion. Commissioner Rohr withdrew his second to the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

Mayor Helbling said that the agreement is that Commissioner Larson and Ms. Kautzmann will revisit this matter with the Budget Committee to discuss the details for 2019 and what to do for 2020.

#### I. RESOLUTIONS AND ORDINANCES

1. *Second and final consideration of Ordinance No. 1315 to create a new Article 4-4 of the Mandan Code of Ordinances relating to Special Event Permit.* Attorney Brown stated that this Ordinance was suggested by the MPO and was created from a similar Ordinance that is in place in Fargo. There have been no comments or opposition received. It was recommended to approve the request.

Commissioner Braun moved to approve the Second and final consideration of Ordinance No. 1315 to create a new Article 4-4 of the Mandan Code of Ordinances relating to Special Event Permit. 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.

#### J. OTHER BUSINESS:

Mayor Helbling invited Engineering & Planning Director Froseth and the engineers involved with the Southside project to give a summary of the progress thus far. Director Froseth reported that there are two water main crews currently working to replace the water mains in that area. They have completed the curb and gutter and concrete work for water conveyance. The city streets will have the cement stabilized base within the next couple days and some of the pavement will be put down later next week. A storm sewer will be started next week and approximately 25% of the street will have storm sewer underneath the street. Weekly meetings are being held and the public is welcome to attend the meetings on Tuesdays at 11 AM at the Public Works building and the information is also posted on the City of Mandan website. He said that the focus right now is to get the school done before school starts. Mayor Helbling extended a thank you to the all the crews working on the project.

1. Consider moving into executive session pursuant to North Dakota Century Code § 44-04-19.1(9) and 44-04-19.2(2) to discuss negotiation strategy related to litigation August Kersten, Brian Berube and Lonesome Dove, Inc. vs. City of Mandan. Commissioner Braun motioned to recess the regular meeting and move into Executive Session at 6:39 pm. 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.

K. ADJOURNMENT:

There being no further actions to come before the Board of City Commissioners the regular meeting adjourned at 6:30 p.m.

s/s Jim Neubauer

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James Neubauer  
City Administrator

s/s Tim Helbling

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Tim Helbling  
President, Board of City Commissioners