
The Mandan City Commission met in regular session at 5:30 p.m. on February 4, 2020 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, Commissioners Braun, Davis, Larson and Rohr. Department Heads present were, Finance Director Welch, Fire Chief Nardello, Planning & Engineering Director Froseth, Business Development and Communications Director Huber, Principal Planner Van Dyke, Police Chief Ziegler, City Administrator Neubauer, Building Official Ouradnik, Director of Public Works Bitz and Attorney Brown. Absent: Assessor Markley and Human Resource Director Cullen.

B. APPROVAL OF AGENDA:

C. MINUTES:

1. *Consider approval of the minutes from the January 21, 2020 Board of City Commission regular meeting.* Commissioner Larson 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:

E. BIDS:

F. CONSENT AGENDA

1. *Consider approval to amend the 2020 Landfill Budget by \$28,000 to allow Public Works to lease a 744L Wheel Loader with the landfill protection package from RDO of Bismarck.*
2. *Consider approval of a Memorandum of Understanding between the Mandan Police Department and Centre, Inc. regarding the Prison Rape Elimination’s Act (PREA).*
3. *Consider approval of a charity raffle permit for the Laurie Bender Benefit at the Mandan Eagles on March 14, 2020.*
4. *Consider imposing a deadline for 2020 Street Improvement District projects requesting funding by special assessments.*
5. *Consider approval to allow the Police Department to apply for a FY2020 COPS Hiring program grant for two police officers.*

Mayor Helbling requested Consent Agenda Item No. 6 be removed for discussion.

Commissioner Rohr moved to approve the Consent Agenda items No. 1 through 5 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.

Consent Agenda Item No. 6: Consider entering into purchase agreement with Alvin Schaff for 8th Ave NW Sanitary Sewer Lift Station. Mayor Helbling stated that this item is regarding the sale of a piece of property and that it is not appropriate for a Consent Agenda. Attorney Brown stated that this matter goes back to the time when a lift station was built in 1997 and it is located partially on this piece of property but the City never bought it. The City now has a Purchase Agreement to buy it. Commissioner Larson inquired about access to the road and Attorney Brown replied that there will be access to the road from the lift station location. He said that he has not seen an accurate survey of the parcel. The Williston Basin Pipeline owns the land to the west of where the lift station is located and he does not know the exact location of their eastern property lot size and the property line where the lift station is. Part of this process will be to accurately plat where the lift station is and obtain access to it from 8th Avenue NW right of way.

Commissioner Davis moved to enter into a Purchase Agreement with Alvin Schaff for Lot 1 of Lot J of the Southwest quarter of Section 15 Township 139 North Range 81 West Morton County North Dakota. 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.

G. OLD BUSINESS:

H. NEW BUSINESS

1. *Presentation and consideration of amendment with AE2S for additional services including a rebid of the Raw Water Intake project.* Planning and Engineering Director Froseth presented a request to consider an amendment to the Engineering Services Agreement with AE2S to include services through rebidding. This matter is with regard to the City Engineer's recommendation on November 19, 2019 to reject bids for the project. He said that since that time discussions have continued with AE2S to identify the best path going forward. Laith Hintz, a PE with AE2S came forward to present plans for this project that include re-bidding the project and to answer questions about future steps which includes potential redesign efforts and bid component separation. This has been an ongoing project and the goal is to come up with an affordable project. This project initially started in 2013 when the State Water Commission addressed it and they came up with a cost share for the project. Since that time, the City of Mandan and the refinery staff have been working on the best way to figure out how much water is needed and pumped up to the two users along with several other challenges of the project. Subsequently, AE2S was contracted for the project and they came up with a plan that would serve everyone well. The project started to move forward and then bids were obtained in November 2019, however, they came in much higher than initially anticipated, thus the City Engineer recommended rejecting all bids. AE2S has had several communications with contractors and plan holders to gain a sense of the bid results and how the City of Mandan would be able to lower the bid amounts and bring costs down. Feedback received included several reasons such as competition, timing of bids, risks in construction challenges and river levels. Contractors said they did not bid the project for different reasons including, one was out of state, one bid received that would have been acceptable but when looking at the competition it did not address what the dollar amount actually would be for those contracts. Two contractors were already full up with work and they did not come back to relook at the project. There was another contractor that had a bid in a different state that a bid opened the day after this one did and they

opted to pursue that project in the other state rather than Mandan's project. Other challenges were subcontractors that backed out and other contractors seen how big the project was, and they backed out. Based on feedback to re-bid the project, contractors were once again contacted and some indicated interest in the project. With regard to the project moving forward, the first part of the amendment that would be completed is Phase 090 for additional services. This will be completed by mid-March and will provide a much better understanding of potential redesign and bidding approach changes and their impacts to the estimated construction budget. Staff would get back together with AE2S and discuss if the final design and bidding tasks outlined in today's amendment are all appropriate and necessary. AE2S and the City have been in contact with the partners in this project - the Marathon Refinery and the State Water Commission. The amendment for additional services with AE2S request is for up to \$225,000. The State Water Commission deadline is April 27, 2020 wherein items need to be submitted in advance of the State Water Commission meeting. The projected cost is \$22.1 million with the SWC share at \$12,627,000 plus additional of \$759,000 and the City and Marathon cost shares will each be \$4,357,000 (50/50 split). The City of Mandan is still under the cost share formula whereby the State Water Commission shares is 60% of the cost for services and the Marathon Refinery splits the remaining share with the City of Mandan at 50/50. Therefore, the share to the City is estimated to be \$45,000 for these additional services. Mayor Helbling commented that it is a necessary project and the City needs to move forward with this.

Commissioner Davis moved to approve the amendment for additional services with AE2S. 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.

2. *Consider approval of revised construction details and specifications.*

Planning and Engineering Director Froseth presented a request to approve the recently updated Engineering Construction Specifications and Details. He reported that the current specifications have not been addressed since 2009 by the City Engineer Department thus, many items in the spec book need to be updated. The revised water and sewer specifications list is about 300 pages and the City of Mandan's specifications have now been updated to meet the Ten State Standards promoted by the Department of Environmental Quality. The revised specifications included consultation with the City of Bismarck Engineering Department in order for the City of Mandan to sync with them as much as reasonably possible. The final product was reviewed by the Public Works and Engineering Departments and it is now complete and ready for use.

Director Froseth recommended approval of the revised Construction Specifications and Details as presented. He extended a thank you to those departments that assisted with these revisions including the Public Works Department and to Kim Fettig, Engineer's Office and Andrew Larson, the City Project Engineer who has communicated with the Bismarck Engineering Department to help with these revisions.

Commissioner Braun moved to approve the adoption of the revisions to the City of Mandan's Construction Specifications and Details. Commissioner Davis seconded the motion.

Commissioner Rohr commented that many other city department have been updating policies and manuals over the last few years and he said that he appreciates the efforts of those who keep these manuals updated. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

I. RESOLUTIONS AND ORDINANCES

1. *Second Consideration and final passage of Ordinance No. 1334 granting a franchise to Montana-Dakota Utilities Company, to construct, maintain and operate, within, upon, in and under the streets, alleys and public grounds of the City of Mandan, a gas distribution system for transmitting and distributing natural or manufactured gas or mixture of both for public and private use.* Attorney Brown reported that this ordinance is related to Montana-Dakota Utilities Co. currently has a franchise with the City of Mandan to provide natural gas that is due to expire. He stated that there have been no comments or opposition received since the first consideration and he recommended approval of this Ordinance.

Commissioner Davis moved to approve the Second and Final Consideration of Ordinance No. 1334 granting a franchise to Montana-Dakota Utilities Co. to construct, maintain and operate, within, upon, in and under the streets, alleys and public grounds of the City of Mandan, a gas distribution system for transmitting and distributing natural or manufactured gas or mixture of both for public and private use. 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:

1. Commissioner Larson provided an update to reorganize the Mandan Youth Commission that was previously approved by this Commission in 2012. It's a program to allow Mandan's youth to provide input to Mandan's growth and development, to work on projects and to encourage the lifelong commitment to public service. She requested City Administrator Neubauer and others to reorganize the Mandan Youth Commission again. One of the requirements is that students should be in the junior or senior high level and the student must be in good standing. Some of the organizations they would be involved in will include the Leadership Pride Committee, the Beautification Committee and the Economic Development and Opportunities Committee. The City Commission and the School District and also the Parks District will be asked to participate when needed. The application deadline is February 14th. Interested students are to contact Megan Schaff at the Mandan High School and there are applications available at both the middle school and high school.

2. City Administrator provided an update on the Downtown Parks and Library Project stating that on February 11, 2020, from 5 pm to 7:30 pm there will be an Open House at the Mandan Depot to look at plans for the library expansion, bookmobile house and proposed updates to Dykshoorn Park. Mandan residents were encouraged to attend and share ideas for the project.

3. Mayor Helbling extended a thank you to the Mandan Progress Organization and the Bismarck Mandan Chamber of Commerce for successful 2019 year-end events that were held.

K. ADJOURNMENT:

There being no other business to come before the Board, Commissioner Larson motioned to adjourn the meeting at 5:57 pm. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present.

s/s Jim Neubauer

James Neubauer
City Administrator

s/s Tim Helbling

Tim Helbling, Mayor
Board of City Commissioners