

The Mandan City Commission met in regular session at 5:00 p.m. on February 18, 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 and Rohr. Commissioners Davis and Larson arrived shortly after the meeting was called to order. 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, Human Resource Director Cullen, Director of Public Works Bitz and Attorney Brown. Absent: Assessor Markley and Building Official Ouradnik.

B. APPROVAL OF AGENDA:

C. MINUTES:

1. *Consider approval of the minutes from the February 4, 2020 Board of City Commission regular meeting.* Commissioner Rohr moved to approve the minutes as presented. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Absent; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

D. PUBLIC HEARING:

E. BIDS:

F. CONSENT AGENDA

1. *Consider approval of monthly bills.*
2. *Consider payment of bills for Morton Mandan Public Library / Downtown Parks Project.*
3. *Consider revisions to Accountant/Senior Accountant job description.*

Commissioner Rohr moved to approve the Consent Agenda items No. 1, 2 and 3 as presented. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Absent; Commissioner Larson: Absent; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

G. OLD BUSINESS:

H. NEW BUSINESS

1. *Consider cost share with Morton County related to engineering services to develop interactive, web based flood mapping.* City Administrator Neubauer stated that this is a request from the Morton County Emergency Management (MCEM) that was discussed recently in preparation of possible spring flooding. This request is for a cost share between the city and MCEM with a 50/50 cost share to have Houston Engineering provide services for providing mapping for the city in one-foot intervals so there is a better understanding of how to prepare and

know what to do if problems arise. The city's share will be \$3,675 and those funds would come from the City Sales Tax Fund. This will benefit several departments within the city. Mayor Helbling commented this request is necessary to have updated maps and sharing a plan with other entities will be beneficial to the city. Michael Gunsch came forward and explained the mapping will cover the full extent of Morton County down to the Oahe Reservoir, around the University of Mary bend and a little further south from there. It includes all of the Heart River from the confluence with the Missouri River up to Lions Road, Crown Butte tributary. The Morton County mapping capabilities being requested with this proposal would be comparable to interactive mapping used by Burleigh County that has been available for several years.

Administrator Neubauer recommended hiring Houston Engineering for a maximum fee of \$3,675 for engineering services as a 50/50 cost share in order to produce interactive, web based inundation mapping for Morton County and the City of Mandan based on readings at the Missouri and Heart River gages.

Commissioner Braun moved to approve funds based on using remaining funds in the 2020 Emergency Management Budget to pay Houston Engineering Inc. a maximum of \$3,675.00 to produce interactive, web based inundation mapping for Morton County and the City of Mandan, based on readings at the Missouri and Heart River gages. The city's share in the amount of \$3,675.00 will come from the City Sales Tax Fund. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Absent; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

2. *Morton Mandan Public Library (MMPL) & Downtown Parks project presentation.* City Administrator Neubauer presented an update regarding the progress on the MMPL & Downtown Parks project and also requested taking the next step to design and bid documents. He reported that the \$3 million donation received in the spring of 2019 from Energy Transfer started the process with the addition to the MMPL along with park improvements. Bartlett -West and Stantec were selected to move forward with the project and began with a project kick off meeting in September 2019. On February 11, 2020, a community open house was held at the Mandan Depot inviting public input on the project to date.

Joe Larrivee from Bartlett & West and Wendy Van Duyne from Stantec came forward and presented a power point overview of the project, scheduled in three phases. At the completion of the presentation, Mr. Larrivee indicated that the project is now at a point where approval from the City Commission will be requested to move from the project concept into planning for the design and for bid preparation. The funding for this phase of the project will come from the Energy Transfer grant.

Administrator Neubauer said that the next steps would include bidding the project out sometime this spring and the estimated cost is at \$3.5 million that will include construction and administrative fees. Preliminary cost estimate for Phase I is approximately \$1.1 million and that includes the design fee; Phase II is estimated to cost between \$500,000 to \$600,000. Phase III, between \$2 and 2.5 million. There will be a final report prepared that will include grants and funding sources to support the long term of these phases. One more element that would affect the south side is for a bump out that has been discussed with Director Froseth and that could be

added at another time with an approximate cost of \$200,000 however, that can be discussed and added at a later date.

Commissioner Rohr inquired about pop up events that were mentioned. Ms. Van Duynes explained that these are events that were held over time throughout the community wherein she would attend the events and visit with specific groups one-on-one, for example, such as the Cookie Walk that was held in downtown Mandan in December. She also said that she has partnered with the Morton Mandan Public Library wherein she attended story time hours and was available to explain the project to the public. She also attended events held at outlying communities with the Bookmobile to explain what is happening in Mandan.

Commissioner Davis commented that the plan is very nice, and views it as a wish list that has grown from a library enhancement project to a \$6 million dollar community project. Initially the \$3 million was earmarked to help with library and park, however, the project has grown and the cost is now much higher. He inquired about additional funding to pay for it, such as will the Mandan Progress Organization help pay for this? Will the county chip in? It is apparent that the cost of the project has doubled with the add-ons. He voiced concern about the city's budget, and expressed that he does not want to tap into other sources of city money.

Mayor Helbling commented that the \$3 million grant has been awarded from Energy Transfer. The phases came in due to wanting to do this project right the first time. He stated that there are some Visitors Fund money and Mandan Supplemental Environmental Trust Fund money that could be utilized for this project that the community will benefit from. He also suggested that the city will look for more donations as residents have already come forward with private dollars to get the Phase I of project moving forward. He said he views Phase II and III as next steps. He stated that this is an important area for the community and views it as continuing with the tradition that others before have started. He agreed that other funding resources may be needed to complete Phase I and that eventually fundraising dollars will be needed. Commissioner Davis agreed this will enable the City Commission to reach out for other funding sources to complete all phases of the project.

Mayor Helbling commented that for a long time, the Mandan community has requested that there should be public restrooms and community meeting rooms available for public use. In this project, the library and restrooms can be locked down when they are not in use should that ever be a concern. The City Commission has heard for years there is a need for a gathering space for the community. Administrator Neubauer said when the project was initially talked about it was in the \$5 million dollar range. That's when the phases were developed. Further, Energy Transfer has been kept in the loop should the City need or want to change things from the beginning plan explaining that certain funds have to be used for certain projects. Mayor Helbling stated he feels good about this project and anticipates it will evolve positively over the next few years.

Administrator Neubauer stated that the presentation provided tonight address the major concepts of the project and the next step is that now the library portion is to go out for bid noting that Phases I and II and the library go together. Phase III will be addressed at a later time.

Commissioner Rohr commented that he supports Phase I and II and the Library project and wants to move forward at this time.

Administrator Neubauer recommended moving forward into the design phase of this project that would include the Library and Phases I and II for the MMPL addition project.

Commissioner Rohr moved to approve moving forward with the design phase of this project for the Library addition that will include Phases I and II of the project. Commissioner Braun seconded the motion.

City Administrator stated that there will be another opportunity to revise this before the project goes out for bid. The Library Board approved of moving forward with this project at their meeting. Commissioner Larson stated that because so many entities are involved, the private dollars are a great source of additional funding for the city. She voiced concern how that will be handled, who will be the lead entity for the fundraising. Mayor Helbling stated once the design is done then the costs can be looked at and how all part of the project will be addressed. Administrator Neubauer assured there will be a plan in place for the fundraising.

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

3. *Consider approval of participation in North Dakota League of Cities Census Craziiness Tournament.* City Planner Van Dyke presented a request for approval for participating in the North Dakota League of Cities Census Craziiness Tournament explaining that the North Dakota League of Cities is hosting a competition between cities based on 2020 Census self-response rates. The response rates are based on a percentage and will be updated on the US Census Bureau's webpage daily. The contest will take place from March 12, 2020 to May 9, 2020. He stated that obtaining an accurate 2020 census count is vital to North Dakota's future. It is estimated that every person who is missed in the counting results in a loss of \$19,100 to North Dakota. The tournament is intended to increase city official awareness about the census and to encourage city officials to do what they can to encourage citizens to respond to the census. The competition will be bracket style with each competition period covering two weeks. The response rate on the last day of the two-week period will be used to determine the winning city that will move forward in the competition. There will be two different divisions that cities will compete in, the Big City Bracket and the Small and Mighty Bracket. The Big City Bracket is a competition between the 16 largest cities in North Dakota. The two winning cities will receive a pizza party at their city council/city commission meeting and will be honored at the League's Annual Conference in September. There is no financial impact to any city. The information gathered is for census purposes only and will not be used for any other purpose. Commissioner Davis said he will be assisting with this project to get the most accurate count possible. The Engineering and Planning Department recommended approval of participation in the North Dakota League of Cities Census Craziiness Tournament, which kicks off March 12, 2020.

Commissioner Larson moved to approve participation in the North Dakota League of Cities Census Craziiness Tournament that kicks off March 12, 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.

4. *Consider approval of a Request for Proposal advertisement for 19th Street Multi-Use Trail, Phase II Engineering Services.* Planning & Engineering Director Froseth presented a request to consider approving the advertisement of a Request for Proposals (RFP) for the 19th Street Multi-Use Trail, Phase II project. The DOT's Transportation Alternatives (TA) program has dedicated \$290,000 of grant funds towards the project. That is the maximum amount available for any single project under this program. Planning and design, followed by construction of this project is going to be a significant undertaking that is always much more rigorous when receiving federal funds. Therefore, the Engineering Department recommends that a consultant engineer partner with the city to properly execute.

The Engineering Department believes the city has a good head start because of work that Stantec previously completed in creating a preliminary report and helping to facilitate a public meeting on this that occurred in May 2018 (Phase I). Phase II will be a larger construction project than Phase I because it will require the crossing of a significant water feature immediately to the west of Macedonia Avenue and then extend for a greater distance than Phase I. In order to get started on the Phase II planning and design the Director Froseth recommended advertising this RFP to start a selection process for a consulting engineer to lead the design of this project. If approved, the bidding process would start in March and in April a request and information would come back to the Board for review and approval. Similar to other efforts where a special assessment district is involved, it is proposed to commit with the consultant through a preliminary design to present a cost estimate as part of a resolution of necessity and mandatory protest period. If the project were not protested out, the city anticipates going forward with this consultant for final design and bid in the spring of 2021 for 2021 construction. Phase II will be special assessed to the benefiting parties. Special assessment districts will be created this summer. If it moves forward, bidding for Phase II will occur in the spring 2021. He said that the City has partnered with the Park and School Districts since the inception of the trail extension part of the project. For Phase I, the partnership included project creation, planning and full funding of the local costs. For Phase II, the partnership will continue with planning, however, the local funding will come from a regional special assessment district with the School and Park Districts being part of that in proportion to all properties drawn in the district. The Park District will be responsible for the maintenance on the trail project. There is minimal fiscal impact directly related to this item at this time. After a consultant is chosen, the Engineering Department would need to bring back an item to recommend entering into a contract with them. As presented at a previous meeting, when the grant was accepted last year it was noted that the city would intend to special assess the local cost to regional benefitting properties.

Commissioner Larson inquired of this project - if there were estimates submitted for Phase II, after Phase I was looked at? Director Froseth replied that those estimates were there initially looked at and they have not changed. Phase II is estimated at \$590,000 less the \$290,000 for a local cost of \$300,000 and that assessments were projected to be in a wide range. Commissioner Larson commented that she recalls that at the public meetings it felt like there was mixed support of any kind of special assessment for these trails stating the reason was that this trail would go to a dead end - the concern was that if it were to be protested out and the City Commission approves to move forward with a consultant - who will cover that cost? Would it be the City or

would it be a Park or School District project? Director Froseth replied that the RFP is written with information to start the protest period. There is a risk if it does not move forward then the properties cannot be assessed because there is no district. That has not been addressed with those entities. Commissioner Larson said that would be a concern as it should not be considered a city project. Considering the area, Commissioner Davis suggested pursuing that the Park and School Districts should cost-share this particular bike/walking path versus the City covering the cost for this. Mayor Helbling concurred stating that this should be a Park and School District cost, in particular, the engineering and construction costs for this part of the project since children would use the walk/biking path to get to and from school. Director Froseth stated that he agreed that the School District would be assessed for the Ft. Lincoln school area and the park area would be the Park District's responsibility.

Mayor Helbling clarified that this request is for the City Commission to approve that the City, Park and School Districts agree to move forward and split the engineering costs three ways to get this project moving forward. If the project comes in and gets protested out then the City will have to consider other options.

Director Froseth requested both request be approved so they could be worked on at the same time and if that is not received in the next couple days, then Engineering Department could issue a notice to those potential proposals that would come in, and if none, there would be no proposal for consideration.

Commissioner Larson moved to direct Director Froseth to coordinate with the Park and School Districts on behalf of the City, to participate in a cost sharing potential for engineering fees if needed and also moved to approve the advertisement of the Request for Proposal (RFP) for the 19<sup>th</sup> Street Multi-Use Trail, Phase II. 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.

5. *Consider entering into an agreement with Condrey and Associates for completion of a salary study that encompasses all City of Mandan departments.* Brittany Cullen, HR Director presented a request to enter into agreement with Condrey and Associates to complete a salary study that encompasses all City of Mandan Departments. She reported that the last salary study was conducted in July 2013 which was an in-house study using comparisons to the City of Bismarck. Prior to that study, Condrey and Associates completed a study in January 2008. In recent department head meetings, there has been interest expressed in having an updated salary study completed. Almost 7 years have passed since the internal study was done and 12 years since the last external study was conducted. Since Condrey and Associates completed a study for the City of Mandan in the past they were contacted to obtain the approximate price of a salary study. Condrey and Associates said they would honor the price of a proposal they offered to the City in 2015 (\$42,500). The scope of the study will consist of new job descriptions, interviewing 80% of full-time employees, conducting a salary survey, general organizational structure recommendations and the preparation of a classification plan. Director Cullen stated that the HR Department is requesting a waiver of the formal bid process, as departments were pleased with the work performed by Condrey and Associates in 2007, which was then implemented in 2008. Condrey and Associates is familiar with the City of Mandan area. They completed a salary

studies for both the City of Mandan and a salary study for the City of Bismarck in 2015. Recently the department directors sat in on a video call with Condrey to go through the proposal and all questions were addressed. After the meeting with Condrey, Department Directors were in agreement to request approval to move forward with their proposed study. This study will compare the City of Mandan to other cities in the state and outside North Dakota rather than just Bismarck. This study will also help with recruitment and retaining employees and it will suffice as a fair process for comparisons of like positions. This will entail a complete review of all job positions and create up-to-date job descriptions. The Department Directors will provide input received from their employees and this will assist with budgeting and developing current and future job classifications.

Director Cullen stated that this project does not include a Benefits review as that would be an additional fee of \$12,000. Commissioner Davis suggested looking at Benefits packages in order for the city to be aware of comparisons with other cities. Mayor Helbling commented that when doing salary studies, several factors should also be considered including how it affects taxpayers. Commissioner Davis commented that it would be helpful to have a system in place to have a resource available when needed in order to determine if wage increases are warranted.

Director Cullen said that if approved, Condrey's proposed timeframe to conduct the study would commence in March 2020 and run through June 2020 with a follow up conducted in July 2020. The cost is estimated to be \$42,500. Finance Director Welch provided the funding source as the General Fund 2019 Budget Savings. Commissioner Larson pointed out the importance of paying employees well and assuring a decent and equitable pay rate in comparison to other cities and not just Bismarck is appropriate. Commissioner Davis requested looking into including benefits, insurance, etc., as part of the contract to have Condrey review in addition to salary review. Commissioner Rohr said that the International City Manager's Association used to have access to that information, but he is not aware if those associations still function. Mayor Helbling suggested tabling this until a later time in order to work out details.

Commissioner Davis moved to table this item until the next meeting so that he and Administrator Neubauer and Director Cullen can work through some of the questions that were discussed. 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.

## I. RESOLUTIONS AND ORDINANCES

### J. OTHER BUSINESS:

1. *2020 Census Announcement.* City Administrator Neubauer advised the Commission that several reminders in upcoming months will be provided to Mandan residents to complete the 2020 census. He explained that when counting your family members, it is to be based on where you are living, not your legal residency since services are provided to you based on where you live the majority of the year. Planner Van Dyke explained how one missed resident is a loss of \$19,100 and that equates as one missed household is a loss of \$44,312 for the State of North Dakota over the next 10 years. In March, all households will receive a notification to complete the census for everyone living in the home. Census Day is April 1, 2020 but data collection will

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continue through July 2020. He stressed the importance of completing the census as soon as it is received.

K. ADJOURNMENT:

There being no other business to come before the Board, Commissioner Rohr motioned to adjourn the meeting at 6:57 pm. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present.

s/s James Neubauer

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James Neubauer  
City Administrator

s/s Tim Helbling

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Tim Helbling, Mayor  
Board of City Commissioners