
The Mandan City Commission met in regular session at 5:30 p.m. on April 21, 2020 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Mayor Helbling called the meeting to order. Due to the coronavirus situation, this meeting was held virtually.

A. ROLL CALL:

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

Mayor Helbling announced that Energy Transfer submitted the second half of the \$3 million installment and extended a thank you to them for that contribution to help fund the library and the downtown park improvements. Secondly, all residents in our communities are encouraged to support our local businesses due to Covid-19.

B. APPROVAL OF AGENDA:

C. MINUTES:

1. *Consider approval of the minutes from the April 7, 2020 Board of City Commission regular meeting and April 7, 2020 Board of Equalization meeting minutes.* Commissioner Braun 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:

1. *Consider the award of bids for Municipal Sidewalk Improvement Project 2020-02 and approving the Resolution approving the contract and contractor's bond.* Planning and Engineering Director Froseth presented a request to award a contract for bids received for the 2020 Municipal Sidewalk repairs throughout the City. Three bids were received on the project. The Engineer’s estimate was \$75,032.50 and the low bid was received from Four Square Concrete LLC in the amount of \$83,062.50 and is 10.7% higher than the engineer’s estimate. Director Froseth recommended approving the bid for the 2020-02 Municipal Sidewalk Project to the low bidder, Four Square Concrete LLC for the amount of \$83,062.50.

Commissioner Rohr moved to approve awarding the bid for the Municipal Sidewalk Improvement Project 2020-02 to Four Square Concrete LLC. in the amount of \$83,062.50 and approve the Resolution approving contract and contractor’s bond. 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.

2. *Discussion regarding bids for Street Improvement Districts 215, 215A and 215B and approving the Resolutions approving the contract and contractor's bond.* Planning and Engineering Director Froseth presented a request to present the bids for Street Improvement District No. 215, Project No. 2019-05 (Midtown East), 215A Project 2020-04 (Public Works Parking Lot) and 215B Project 2020.05 (Grounds Maintenance Parking Lot). At the City Commission meeting on December 3, 2019 the Commission approved the resolution creating the district, approved the engineer's report, approved the feasibility report and approved the resolution of necessity for SID 215. The City Commission on January 7, 2020 found the protests insufficient and elected to move forward with this project. On March 3, 2020 the City Commission approved the resolution creating the district, approved the engineer's report, approved the feasibility report and approved the resolution of necessity for SID 215A and SID 215B. SID 215A and 215B are to pave the Public Work's parking lots at their main facility and the Grounds Maintenance building respectively. On March 17, 2020 the City Commission approved the advertisement of bids for all three districts.

The bid opening was held on April 14, 2020 and Strata Corporation was the low bidder however their bid did come in over estimate. For the parts that would be special assessed, the bids came in at 15.1% over estimate. For the water and sanitary sewer parts, the bids came in 10.9% over. An Attachment #1 was provided that gave a summary of the different estimate parts vs. the amounts estimated for funding purposes. Attachment #1 is comparing construction costs only. A conservative amount of 30% could be applied to all dollar amounts to get to the total project cost amounts. That will change the dollar differences by 30% but the percentage of difference will remain the same. The Attachment #1 does not show all components bid as SID 215A and 215B are not summarized on it. Those bids came in over-estimated. All bid amounts can be found on attachment #2, the bid tab.

Staff has been discussing possible ways to trim scope to make the project costs come down. Ideas such as eliminating the widening of 3rd Avenue or eliminating the chip seal of all streets are examples of items that would have significant impact on cost. On the underground side, eliminating some segments of watermain that would accomplish looping of the system for more reliable service or removing a segment of watermain that is separate from this area could be considered in order to relieve some pressure on the utility fund. It would be prudent to take more time to flush these ideas out and identify funding strategies should the Municipal Infrastructure Funds (MIF, formerly Prairie Dog) no longer be reliable given the dramatic drop in oil prices. Discussions will continue with the intention to bring back to the next meeting in order to allow the contractor to get started in a timely manner. The bid instructions allow us to hold bids for no more than 60 days until awarded. If this project is awarded, the majority of the project construction is planned for 2020 with some tasks moved into 2021. It was recommended to continue discussions on this matter and there is no action required at this time.

3. *Consider the award of bids for Street Improvement District 218, and approving the Resolution approving the contract and contractor's bond.* Planning and Engineering Director Froseth presented a request to award the bids for Street Improvement District No. 218, Project No. 2019-12 (Northwest Area). In March 2020, the City Commission approved the resolution creating the district, approved the engineer's report, approved the feasibility report and approved the resolution of necessity for this project. The resolution of necessity was published in the

Mandan News on March 6th and March 13th. Notification letters were sent out to the property owners within the District. The 30-day protest period started on March 6, 2020 and ended on April 6, 2020. On March 17, 2020 the City Commission approved the plans and specifications and resolution directing the advertisement of bids for this street project. On April 7, 2020 the Commission approved the Resolution determining insufficiency of protests. The bid opening for Street Improvement District No. 218, Project 2019-12 was held on April 13, 2020. Bids were received from two contractors and Strata Corporation was the low bidder at \$983,715.09 which is about 31% lower than the engineer's estimate. The total project cost that would be divided among district participants is estimated at approximately \$983,715.09. Additional costs for the project for engineering, testing and administrative cost for the project give the project a total cost of \$1,180,458.11. The City indicated buying-down the project at a rate of 20% through the Municipal Infrastructure Fund (MIF, formerly Prairie Dog Fund). With recent concerns stemming from Covid-19 and a sharp drop in oil prices, there is uncertainty exists with those funds. Discussions with the City Finance Director for the current plan is to accomplish the 20% buy-down from the cash reserve in the 1% City Sales Tax Fund. The 1% City Sales Tax Fund will be reimbursed from the MIF if those projected funds are collected from the state. The City was approved for a low interest loan from the Bank of North Dakota for favorable loan terms to help with costs. Director Froseth recommended approval of the Resolution approving contract and contractor's bond for Street Improvement District No. 218 and award the bid to Strata Corporation.

Commissioner Davis commented that he appreciated re-evaluating this project and getting it down 31% was commendable. Without the Prairie Dog Funds, he extended a kudos to Administrator Neubauer and Finance Director Welch for having funds available in the budget to cover this in order to achieve the buydown. He cautioned the importance of giving residents enough time to pay their assessments due to the hardships created by COVID-19. Director Froseth clarified that not all assessments will be reduced by 31% due to parts of the project will be chip seal and some will be a mill and overlay. Some residents will see 16% lower than their letter stated and some will see a 40% reduction, however, it is up to the Assessment Commission to determine the final assessment.

Mayor Helbling stated that some projects have been delayed due to COVID-19 however, several projects will still go forward.

Commissioner Davis moved to approve the Resolutions approving contract and contractor's bond for Street Improvement District #218 (Northwest Area) and award the bid to Strata Corporation. 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.*
2. *Consider payment of bills for Morton Mandan Public Library / Downtown Parks Project.*
3. *Consider approval of a gaming site authorization for the Matpac Wrestling Club at The Scapegoat Bar for July 1, 2020 – June 30, 2021.*

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4. Consider allowing the forestry department to apply for America the Beautiful Program Development Grant for \$10,000.00 to assist with the cost of Dutch Elm Disease tree removal on boulevards, right-of-way and other public property.
 5. Consider approval of a driveway variance request from the Mandan Park District for the Dacotah Centennial Park lot.
 6. Consider acceptance of the Bank of North Dakota Infrastructure Loan for two projects applied for; SID #215 and SID #218.
 7. Consider approval of annual site authorization for ABATE of North Dakota at Hide-a-way Bar from 7-1-2020 to 6-30-2021.

Commissioner Braun moved to approve the Consent Agenda items 1 through 7 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:

H. NEW BUSINESS:

1. *Bismarck Mandan Chamber EDC, activities update, President, Brian Ritter.*

Brian Ritter, presented a power point for viewing by the audience via tele-conference stating that this is what the Chamber/EDC is currently involved in with both Mandan and Bismarck cities.

The Outbreak Phase:

- Advocate
 - Weekly messages from government officials to local, state and federal leaders
 - Provide ideas for a safe re-open of business. Working with public health departments in both Bismarck and Mandan in partnership with residents
- Support
 - Takeout Tuesday, Run it down with Ross
 - Provide ideas as to how to support local businesses
- Provide Resources
 - Respond to individual requests for assistance
 - Pro-actively provide resources on website, video

The Recovery Phase:

- New video series
- New business resource guide
- New site selector guide
- New Internship-focused website
- New economic development-focused section at www.bismarckmandan.com

The Normal Phase:

- 2021 Legislative Agenda Development
- Leadership and Professional Development Opportunities for Business
- Ongoing Economic Development Efforts
- Continued work with Mandan Tomorrow Plan and EOP Committee

- Collaboration with MPO

Commissioner Larson extended a thank you to the Bismarck Mandan Chamber EDC for all their work they been providing to small businesses during the COVID-19 shut down.

2. *Waste Management, update on state of recycling, Public Sector Representative, Paul Kalibabky.* Paul Kalibabky, Public Sector Services, covering the North Dakota area, was available via tele-conference and presented the following April 2020 Waste Management report: *Recycling in the US in 2020: Working together for a sustainable future.*

Recycling Overview:

- Where we recycle (over to MRF, Minneapolis-St Paul Area)
- What we recycle = 15.33 million tons including paper, mixed organics, fly ash, glass, metal, plastic, wood, e-waste/lamps, other; and 3.38 million tons of organic materials
- Global Market Changes and Impacts on Recycling
- Recycling supply and demand
- The evolution of recycling
- Plastic bags are an issue wrapping in the recycle machinery
- Not everything is recyclable. Reminders will be sent out
- Bottles, cans, paper, cardboard are recyclable

Looking into the future of recycling:

- Challenges create Opportunity
- Recyclers are in it for the long term and markets will improve
- There is more recycling done every year

There will be new pricing submitted for the upcoming budget year. Mayor Helbling extended a thank you to Mr. Kalibabky for taking the time to present this important information.

I. RESOLUTIONS AND ORDINANCES:

1. *Second and Final Consideration of Ordinance 1337 related to Multiuse Shops.*

City Planner Van Dyke presented a request for the approval of the second and final consideration of Ordinance 1337 related to multi-use shops. Ordinance 1337 provides applicants, owners, lessees, and the City some assurances of how multi-use shops will be used in the future. The structures can still be used for commercial or accessory to residential purposes, although the uses will be either/or within the same structures. This addresses several health and safety issues while providing efficiency throughout the City. Since the presentation of the first consideration of the Ordinance, the Finance Department requested additional language that clarified that one bill would be sent to the owner or representative of multiple owners for the entire use of city-provided water. As indicated at the City Commission April 7, 2020 meeting, the water billing and related shut-offs have been problematic and this would alleviate this issue. There were no comments or opposition received since the first consideration of the Ordinance. He recommended approval of Ordinance 1337.

Commissioner Braun moved to approve the second and final consideration of Ordinance 1337 related to multi-use shops. 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. *Second and Final Consideration of Ordinance 1300 related to Telecommunication Towers.* City Planner Van Dyke presented a request for the approval of Ordinance 1300 related to telecommunications towers. This is the second and final consideration of Ordinance 1300 related to telecommunications towers. The only update to report since the first reading is to the guidelines themselves to reflect what the Ordinance already stated and there was no change to the Ordinance since the first reading. The guidelines have been updated to align with the Ordinance.

Commissioner Braun moved to approve Ordinance 1300 as presented in Exhibit 1 along with the associated guidelines in Exhibit 2. 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.

3. *Second consideration and final passage of Ordinance 1338 which will amend and re-enact section (h) of Sec. 24-7-17 Parking of certain vehicles and trailers restricted; and section (c) of Sec. 24-7-18 Restrictions on consecutive parking of the Mandan Code of Ordinances.*

Attorney Brown stated this matter was a correction from a drafting error when the Code of Ordinances was revised. He recommended approval of the Ordinance.

Commissioner Rohr moved to approve the consideration and final passage of Ordinance 1338 which will amend and re-enact section (h) of Sec. 24-7-17 Parking of certain vehicles and trailers restricted; and section (c) of Sec. 24-7-18 Restrictions on consecutive parking of the Mandan Code of Ordinances. 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. *Mandan Progress Organization Funding Request for Business Gift Card Promotion.* Business Development & Communications Department Director Huber presented a request to consider a Mandan Progress Organization (MPO) request for funding of a business gift card promotion to support businesses amid COVID-19 challenges. This is an idea that came from the Wahpeton area and was explained by Dot Frank, Executive Director of the MPO. The MPO is proposing to conduct a series of online flash sales of business gift cards (and certificates). All Mandan businesses will be eligible to participate. The public will be invited to purchase discounted gift cards to use at present (or a later date for those closed due to the governor's executive orders). All gift cards would be worth \$30, but sold for just \$20, with a limit of 5 per customer per sale. The participating business would cover \$5 of the differential. The MPO is asking the City of Mandan to provide funding to cover the remaining \$5 gap per gift card. There will also be some credit card fees and promotional expenses. The MPO is planning to conduct a series of four flash sales at different dates and times in the upcoming weeks to give a variety of businesses and customers the opportunity to benefit. The entire request is for \$2,740. Business gift cards and certificates are the recommended mode instead of Mandan Bucks because it

requires participating businesses to make a commitment, too, and it helps assure a greater variety of local businesses benefit.

Director Hubert stated that the Mandan Growth Fund is the potential funding source. Normally, requests for support would be considered by the Mandan Growth Fund Committee with a recommendation then presented to the City Commission for final consideration. Because of the urgency of providing businesses with support now during the COVID-19 pandemic, the MGF is asking the City Commission to directly consider this request for support. In preliminary results of a business survey, 31% of respondents report a decrease in weekly revenue since COVID-19 of more than 75%. Nearly 40% report concerns of having to permanently close within the next five months.

Commissioner Rohr inquired if there is a centralized point for residents to purchase the gift cards? Dot Frank replied that the MPO will coordinate the sales and software to host a singular site where people will purchase them through the MPO and the cards will come directly from the participating businesses. It will be common-access site. The cards will become available at 100 per time.

Director Huber recommended approval of the MPO request for funding support of \$2,740 toward the Mandan business gift card promotion.

Commissioner Larson moved to approve the MPO request for funding support for \$2,740 toward the Mandan business gift card promotion. 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. Mayor Helbling again extended a thank you to Energy Transfer for the funding for the City Library & Downtown Parks Project.

3. Mayor Helbling extended a thank you to Dakota Access Media for assistance in organizing the video-conferencing for these meetings.

4. Mayor Helbling extended a thank you to Administrator Neubauer and all city staff, the MPO, the Business Development Office, the League of Cities and the Bismarck Mandan Chamber for bringing the cities and counties together in North Dakota for state-wide meetings during the COVID-19 pandemic.

K. ADJOURNMENT:

There being no other business to come before the Board, Commissioner Braun motioned to adjourn the meeting at 6:45 pm. Commissioner Davis seconded the motion. The motion received unanimous approval of the members present.

s/s James Neubauer

James Neubauer
City Administrator

s/s Tim Helbling

Tim Helbling, Mayor
Board of City Commissioners