

---

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

2. *Introduction of new K-9 Medve and handler Officer Westgard.* Police Chief Ziegler introduced Officer Michaela Westgard and new K-9 Medve to the Mandan Police Force. Officer Westgard introduced Medve, who is a German Shepherd who completed a 6-week training this month. Last Wednesday was the first day on the job. Officer Westgard is the first female K-9 handler on the Mandan Police Force. Mayor Helbling extended a welcome to Officer Westgard and Medve to the City of Mandan.

3. Mayor Helbling extended a thank you to the Mandan Fire and Police Departments, the Mandan Rural Fire Department and the Bismarck City and Rural Fire Departments and Metro Ambulance for the services they provided at a recent fire at one of the Mandan Apartment Complex buildings. He also extended a thank you to the Red Cross for quickly responding after the fire and to NSIC for providing a space for storage. A thank you was also extended to the MPO as they hosted a Classic Car Show parade last weekend due to the Buggies-n-Blues event being cancelled. This coming weekend, the MPO will be hosting another Night-at-the-Movies at the Brave Center.

B. APPROVAL OF AGENDA:

Mayor Helbling inquired if there were any additions or corrections to the Agenda. Hearing none, Commissioner Braun moved to approve the Agenda as presented. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Camisa: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

C. MINUTES:

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

D. PUBLIC HEARING:

1. *First Consideration of Ordinance 1349 related to a zoning map amendment from RM Residential to Planned Unit Development (PUD).* Principal Planner Van Dyke presented

Ordinance 1349 related to a zoning map amendment from RM Residential to Planned Unit Development (PUD). He said that the property owner, Dr. Belanger, is requesting a zone change from A-Agricultural to PUD-Planned unit development (See application in Exhibit 1). The PUD will apply to the first phase of Rockwood First Addition, previously named Sunset Avenue First. The first phase of Rockwood First Addition contains eight (8) lots located in the northwest area of the subdivision (Exhibit 1). The purpose for the PUD designation is to allow for the flexibility of the developer to construct single-family residential on reduced sized lots that have less restrictive setbacks than RM Residential. The developer also would like to have the flexibility to construct single, twin-home, and/or ROW homes as needed and desired by the market. However, the lot width and setbacks are less accommodating for this mix of residential development primarily due to lot frontage requirements. Planner Van Dyke explained:

Setback	RM Residential	R-4 Residential
Front	15'	10' (local)
Side	5' minimum	5'
Rear	10'	20'

R-4 Lot Frontage = 20'  
RM Lot Frontage = 40'

Planner Van Dyke said that staff is supportive of the zoning map amendment (rezone) to a PUD and will place a requirement within the draft Development Agreement that each subsequent phase will include a zoning amendment to PUD to declare the specific underlying zone on each lot, whether single-family, twin-home, or row home construction. He provided a copy of the draft Development Agreement (Exhibit 3). It was recommended to approve the rezone as presented. Commissioner Rohr commented that five (5) feet is not a lot of distance in this area. Commissioner Larson said this was discussed previously in particular, with regard to snow removal in this part of the city and inquired if that has been addressed. Planner Van Dyke stated that there is minimal amount of access as well as boulevard space. That will be presented and addressed during the final plat phase of the project. He is still working with the developer to provide the apron width and the boulevard space in between. There will be no parking on the south side, so snow will be placed on the boulevard in that area.

Mayor Helbling announced this is a Public Hearing and invited anyone to come forward to comment or speak for or against the request to approve Ordinance 1349 related to a zoning map amendment from RM Residential to Planned Unit Development (PUD).

Dr. Belanger, the property owner (via teleconference) spoke in favor of the request and stated that the product that he is trying to bring to Mandan is a plan that exists in West Fargo that has worked extremely well. This product is well time-tested in that area and he assured that it will work well in Mandan to promote growth in that area. The setback in West Fargo is 4' between homes instead of 5' and that he is not aware of any concerns with the 4' setback in West Fargo. He stated that pursuant to the Agreement, one concern he brought forward has to do with the Development Agreement, in particular, the cost that will be assessed to this property for connection to the sewer. The cost will be passed on to the purchasers of the properties and at this

---

point the developer agreements state that the cost will be assessed by the city and the city commissioners. He said that it will be helpful at some point before everything is signed if the costs are determined.

A second announcement was made to come forward to comment or speak for or against the request to approve Ordinance 1349 related to a zoning map amendment from RM Residential to Planned Unit Development (PUD). A third and final announcement was made to come forward. Hearing none, this portion of the public hearing was closed.

Commissioner Camisa moved to approve Ordinance 1349 related to a zoning map amendment from RM Residential to Planned Unit Development (PUD) as presented in Exhibit 2.

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

2. *Consider approval of a variance request to the rear setback for 1314 Heart River Dr. SW.* Principal Planner Van Dyke presented a request for the approval of a variance request to the rear setback for 1314 Heart River Dr. SW. He explained that the property owner, Eric Seefeldt, is seeking a variance to the rear setback from twenty (20) feet to five (5) feet for the construction of a dwelling. Until recently the property maintained a home onsite that was in disrepair and needed to be demolished. The previous dwelling was located five (5) feet from the rear property line. The lot was established under previously adopted code and cannot be enlarged to create the desired space necessary to accommodate the home that the property owner's desire without encroaching closer to the access road/easement which serves the dwellings. It was noted that a dwelling that meets the setbacks of eight (8) feet in front and twenty (20) feet in the rear would be restricted to a home twenty-two (22) feet in depth due to the limited lot depth of fifty (50) feet. Moving the home further than the eight (8) feet from the front setback would add an element of safety. The roadway is a rural gravel road in a residential enclave that preceded platting requirements and therefore does not have the benefit of paved roads with curb. The homeowner to the west of the property does not have any concerns with this request. Planner Van Dyke explained that accessing the home from the south does not appear to be possible for a few reasons. First, the road running to the south appears to be contained within the BNSF right-of-way and whether the property owner is able to access his property is indeterminate at this time. Second, it is unclear where the septic system is located. Due to the size of the lot, it could be in the south part of the property. If so, a southern access would not be possible, as the property owner would be crossing the septic field to park near the home location. The granting of the variance will be in harmony with the general purposes and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. This property is all rural surfaces and there is no city sewer connection. Planner Van Dyke recommended approval of the variance request as presented.

Mayor Helbling announced this is a Public Hearing and invited anyone to come forward to comment or speak for or against the request to approve a variance request to the rear setback for 1314 Heart River Dr. SW. A second announcement was made to come forward to comment or

---

speak for or against the request. A third and final announcement was made to come forward. Hearing none, this portion of the public hearing was closed.

Commissioner Camisa commented that this property was initially platted in the 1930's to the 1950's so given the nature of the plat this would be a pertinent variance to approve.

Commissioner Larson moved to approve a variance request to the rear setback for 1314 Heart River Dr. SW from twenty (20) feet to five (5) feet as presented in Exhibit 2. Commissioner Camisa seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Camisa: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

E. BIDS:

1. *Update on the Raw Water Intake low bids.* Planning and Engineering Director provided an update on the State Water Commission level discussion and options with holding bids. He reported that at the August 13, 2020 State Water Commission (SWC) meeting, it was again decided to table any decisions on additional funds or any funds to go to newly requested projects. This project is included in those projects and we are also asking for additional funds for the bids that came in June and May. It was a split vote at the SWC meeting but as a whole they were not comfortable with increasing the funding for new projects at this time. They tabled the decision to fund new projects and the SWC will not meet until October 8, 2020. For our project, we can reject the bids or approve the project with the additional funds which is risky or continue what we have been doing and ask the contractors to hold the bids until the SWC meets in October. We contacted the contractors who placed a bid in May and June for Raw Water intake phases and we've gotten good feedback that they are willing to hold the bids until the City Commission meeting is held on October 20, 2020, to discuss this project, hence, there is nothing in writing at this time from the contractors. It is probable that contractors ask for time extensions related to holding bids for this long. It is also possible that contractors may ask for increases in the cost to do the work given this request. If they do ask for cost increases the city will need to consider that with the decision to award or reject.

Director Froseth said that no action is being requested today. Mayor Helbling extended a thank you to Director Froseth for the update and agreed that this project will have to wait until the State Water Commission makes a decision.

2. *Consider bids for the Morton Mandan Public Library Downtown Parks project.* City Administrator Neubauer presented a request to consider bids for the Morton Mandan Public Library Downtown Parks project. The donation from Energy Transfer of \$3M kick started an expansion of the Library and improvements to the downtown parks. The City received bids for this project on July 14, 2020. The apparent low bidders on the project are General (three bidders): Capital City Construction; Mechanical (five bidders): Advanced Mechanical; Electrical (eight bidders): Denny's Electric.

The Visitors Fund Committee met on August 13, 2020 and recommended approval of the use of

---

\$2.2M. The motion was contingent on only funding those items which may be tourism related. The tourism related cost of this project amount to \$2,471,574. He said that Bartlett and West broke down the project as follows: The total cost of the project including alternates with fees is \$5,785,420. The cost of the Park District portion of that amount is \$940,124. The cost of the meeting rooms, new public restrooms, east entrance lobby, patio and deck and one-half of the costs associated with the parking lot is \$1,531,450.

The Mandan Supplemental Environmental Projects Trust (MSEPT) met on August 12, 2020 and voted to contribute \$600,000 towards this project. The MSEPT has provided financial assistance to downtown projects in the general plume area, such as the improvements to the fountain area and bulb outs on 1<sup>st</sup> Street, so this project is well within the MSEPT funding authority.

Total Project Cost:	\$ 5,785,420
Less:	
Energy Transfer Grant	\$ 3,000,000
Mandan Supplemental Environmental Trust	\$ 600,000
Mandan Visitor's Fund	\$ 2,200,000
Balance:	\$ 0

*(See: New Business Item No. 1, for funding sources.)*

Administrator Neubauer recommended the award of bids to the apparent low bidders on the project General: Capital City Construction; Mechanical: Advanced Mechanical; Electrical: Denny's Electric. Completion of the project is estimated to be August, 2021.

Commissioner Rohr moved to approve the award of bids to the apparent low bidders on the project General: Capital City Construction; Mechanical: Advanced Mechanical; Electrical: Denny's Electric. Commissioner Braun seconded the motion.

Commissioner Larson extended a thank you to former Commissioner Davis for his work done on this project over the years along with Mayor Helbling and all previous commissioners who had worked on this project.

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

F. CONSENT AGENDA

1. Consider approval of monthly bills.
2. Consider approval of the annual liquor licenses for September 1, 2020 to June 30, 2021.
3. Consider payment of bills for Morton Mandan Public Library / Downtown Parks Project.
4. Consider approval of the Special Event Permit for the Mandan Progress Organization's Carpool Cinema on Aug. 22, 2020.
5. Consider approval of Sylvester's Industrial Park 11th Addition (Revised).

---

6. *Consider approval of the Cost Participation and Maintenance Agreement for Old Red Trail, Phase II of Trail project.*

7. *Consider approval of minor plat for Lakewood Harbor 3rd Addition First Replat of Block 1.*

8. *Consider approval of an easement necessary for the completion of the 30" Water Transmission Line project.*

Commissioner Camisa moved to approve Consent Agenda items 1 through 8 as presented.

Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes;

Commissioner Camisa: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

#### G. OLD BUSINESS

1. *Consider contract for recycling.*

City Administrator Neubauer presented a request to consider renewing the recycling contract with Waste Management (WM). He explained that the original recycling contract was with Dakota Sanitation was for five years with an opportunity for an extension. The current contract ends December 31, 2020. WM subsequently purchased Dakota Sanitation and became the contractor for the pickup and disposal of recyclable materials. The extension of the contract is similar to the previous contract with the exception in pricing and the addition of a fuel surcharge should the price of diesel rises above \$4/gallon, see section V(e). The proposal to renew the contract states:

Term: 5 years beginning Jan. 1, 2021 thru Dec. 31, 2025, with possible 3-year extension.

Services: Single sort, once every two week pick up.

Fee: 2021 - \$5.95/month and it will increase by 7% per year (by the end of year 5, rate would be comparable to rate charged to City of Bismarck) The first year increase is \$1.00 more than the 2020 rate.

Administrator Neubauer stated that if the recycling contract were to be terminated there would be an additional cost for residential pick up. If the City averages 100 tons of recycle per month = 1,200 tons per year. To dispose at Bismarck Landfill would add \$55,320 plus (\$46.10/ton x 1,200 tons) a per load charge of \$7,000 (1,200 tons / 6 tons per truck = 200 truck trips \$35/trip). He explained there may be additional costs as residents may want collection sites for recycling which also has a cost. Common recycle sites are not effective as they become a dumping ground and also the loads are at higher risk for contamination. Should the contract be terminated there may be requests for additional totes as residents currently have one for recycle and one for trash. He reported there were two comments received regarding the recycling program one for the recycling and one against recycling.

Administrator Neubauer presented three options for consideration by the City Commission:

- (1) Extending the terms of the contract with WM for an additional 5 years.
- (2) Rebid the service.
- (3) Not renew or in essence terminate the contract.

---

Commissioner Camisa requested additional information from Waste Management regarding apartment buildings and other multi-unit complex units would not be included in the plan?

Mitch Dahlstrom, Senior District Manager for Waste Management of North Dakota. He said that apartment buildings are not included explaining that experiences that the company has had is because of the high level of contamination for recycling by having open dumpsters at apartments. The other reason is due to limited space for parking and it is sometimes impossible to put a large dumpster in that location. Apartments owners do not want to give up 2, 3, or 4 parking spaces in limited areas. He would be willing to pilot a program if there is a request to do so. Mayor Helbling commented that when recycling first started, recycling made sense when the product was worth money and residents were told that by the time this contract ended, residents would be getting paid money for recyclables. At this time, it doesn't make sense to spend over \$500,000 to recycle. Residents should have an option to recycle and it should not be forced on residents. Given all the other projects that are necessary, he does not think recycling is a top priority. He said he believes in recycling, but does not support this contract at this time.

Commissioner Rohr inquired as to how a program would work if residents were offered the option to voluntarily pay for recycling services? Is it worth it to provide a recycling program if it is lacking incentive for a program?

Mitch Dahlstrom explained that opening the program for subscription purposes, it would be a significant cost increase to just the residents that want to participate. When dealing with municipal contracts it has helped diffuse the cost to the homeowner. Data shows that 7/10 (70%) homes in Mandan participate in recycling. When WM took over the program in 2017, they were averaging 70 tons of material per month and now are up to 100 tons of material per month, a 42% increase. More people are recycling and they are recycling more items. He said that WM would be willing to partner with the City of Mandan to provide helpful education. The program has been a success and it continues to grow. There are going to 17 new plants in the US since recyclables are not going to China anymore. Commissioner Rohr said that he sees both sides but questioned the future in recycling. Dahlstrom provided information of recycling increasing.

Commissioner Braun said that when the City first considered recycling there was much discussion on starting the program in Mandan. When looking at data, the United States is No. 35 on the chart for recycling. Germany, Austria, South Korea, Switzerland, Wales are all countries that have implemented mandatory recycling and each 5 years they progressively add information on how much is going to be recycled in the future and how much that will help us and help our children. In Mandan, the data shows that 70% of the people contribute to the program. We have heard from some who are in favor of recycling and those that aren't in favor. What about all the people who have not been in contact or voiced concern either for or in opposition of recycling? If 70% are participating then you have to assume that they accept it or they are a proponent of it. He believes additional education will make a difference. This is not just a program. This is important for the community and he believes the City should continue with the program.

Commissioner Camisa tagged on to Commissioner Braun's comments stating that this topic is more than just helping future generations and helping the environment. There are long term

---

costs that need to be kept in mind. And, concerns regarding landfill. It is unknown how much more the Bismarck landfill can take or how many years of service will be gotten out of that landfill. It's a very cost extensive business if a new landfill has to be found or relocated.

Commissioner Larson extended a thank you Waste Management for their customer service. Complaints are very rare and that's important when considering a contract renewal. WM rates are reasonable and we get good service so those are important items when considering a renewal.

Mayor Helbling commented that due to the environment and circumstances that everyone is dealing with both locally and nationally right now, he noted that this nominal expense for a household can be burdensome, especially when the City will be assessing another \$3-\$4 a month on utility bills. He complimented Waste Management for their excellent customer service.

Commissioner Larson moved to approve to extend the terms of the recycling contract with Waste Management for an additional 5-years beginning January 21, 2021 through December 31, 2025 with a possible 3-year extension. Commissioner Camisa seconded the motion.

Mayor Helbling commented that with the recycling of grass clippings and regular recycling, when combining those two, the cost is about \$100,000 per month.

Roll call vote: Commissioner Rohr: Yes; Commissioner Camisa: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: No. The motion passed.

## H. NEW BUSINESS

### I. *Consider recommendation from the Visitor's Committee.*

City Administrator Neubauer presented a request to consider a funding recommendation from the Mandan Visitors Committee. He said that the Visitors Committee met on August 13, 2020 to discuss funding assistance for the Morton Mandan Public Library (MMPL) Downtown parks project. At that meeting, the Visitors Committee viewed a presentation of the project overview and elements that would be included. Members of the committee expressed interest in funding a portion of the project related to tourism. The request was for \$2.2M of assistance. The recommendation from the Visitors Committee was to provide funding of \$2.2M provided the dollars spent from the Visitors Committee go towards the tourism related facilities. The motion received unanimous approval. There is adequate funding available. Bartlett and West provided the following project cost with the total cost of the project including alternates with fees per the summary statement is \$5,785,420. The cost of the Park District portion is \$940,124 and the cost of the meeting rooms, new public restrooms, east entrance lobby, patio and deck and one-half of the costs associated with the parking lot is \$1,531,450. The Visitors Fund had a balance of \$2.2M at the beginning of 2020 and has expected revenue of \$495,000 in 2020 and that revenues are tracking above that projection. The projected unreserved amount at the end of 2020 is \$2.6M. Therefore, the funds are available to honor the recommendation of \$2.2M for this project, as there are no pending requests from this funding source.

---

The Visitors Committee recommended on a unanimous vote (3-0, two members were unable to attend, but one expressed his support for the project) a contribution to the MMPL Downtown Parks project of \$2.2M provided the funds are used for the tourism related aspects of the project.

Commissioner Larson moved to approve the Visitors Committee recommendation for a contribution to the MMPL Downtown Parks project of \$2.2M provided the funds are used for the tourism related aspects of the project. Commissioner Braun seconded the motion.

Mayor Helbling clarified that these funds are dedicated by state law and can only be used for specific purposes. They cannot be used to repair roads or several projects that people would like to have improvements done for.

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

I. RESOLUTIONS AND ORDINANCES:

1. *Consider second and final consideration of Ordinance No. 1348 An Ordinance to Amend and Re-enact Section 10-2-10 of the Mandan Code of Ordinances Relating to Fireworks.*

City Administrator Neubauer presented the second and final consideration of Ordinance No. 1348 for approval. He reported that there have been no comments received since the first consideration.

Commissioner Larson moved to approve the second and final consideration of Ordinance No. 1348 an Ordinance to Amend and Re-enact Section 10-2-10 of the Mandan Code of Ordinances Relating to Fireworks. Commissioner Camisa seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Camisa: Yes; Commissioner Larson: Yes; Commissioner Braun: No; Mayor Helbling: Yes. The motion passed.

2. *First Consideration of Ordinance 1349 related to a zoning map amendment from RM Residential to Planned Unit Development (PUD). (see Public Hearing No. 1).*

Commissioner Rohr moved to approve the First Consideration of Ordinance 1349 related to a zoning map amendment from RM Residential to Planned Unit Development (PUD). (see Public Hearing No. 1). Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Camisa: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

J. OTHER BUSINESS:

K. ADJOURNMENT:

There being no other business to come before the Board, Commissioner Braun motioned to adjourn the meeting at 6:30 pm. Commissioner Camisa 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