

The Mandan City Commission met in regular session at 5:30 p.m. on May 16, 2023 in the Ed “Bosh” Froehlich Meeting Room at City Hall, Mandan, North Dakota. Mayor Helbling called the meeting to order.

A. ROLL CALL

1. *Roll Call of all City Commissioner.* Those present were Mayor Helbling and Commissioners Braun, Camisa, Olson, and Rohr. Department heads present were City Administrator Neubauer, Planner Stromme, Building Official Singer, Public Works Director Bitz, Engineering Director Froseth, Human Resource Director Cullen, Police Chief Zeigler, Business Development & Communications Director Cermak, Fire Chief Nardello and City Attorney Oster. Absent: Finance Director Welch and Assessor Markley.

B. ARRROVAL OF AGENDA

C. MINUTES

1. *Consider approval of the minutes from the May 5, 2023 Board of City Commission Regular Meeting.* Commissioner Camisa moved and Commissioner Rohr seconded to approve the minutes as presented. Roll Call vote: Aye 5, Nay 0, Absent 0. The motion passed.

D. PUBLIC HEARING

1. *Consider Variance Request from Sec. 105-4-2 (b) of the City Code of Ordinances related to permitted uses in the DF – Downtown Fringe district for Lots 11-12, Blk 62, First Northern Pacific Addition.* Planner Stromme presented the variance request. Mayor Helbling opened the public hearing and invited the public to come forward to comment. A second and third invitation for comment was given. Hearing none, the public hearing was closed. Commissioner Braun moved and Commissioner Rohr seconded to deny the variance request. Roll Call vote: Helbling: No, Camisa: Yes, Braun: Yes, Olson: Yes, Rohr: Yes. The motion passed.

2. *Consider Public Hearing for MPO Variance Request.* Planner Stromme gave a brief overview of the request. Mayor Helbling opened the public hearing and invited the public to come forward to comment. A second and third invitation for comment was given. Hearing none, the public hearing was closed. Commissioner Rohr moved and Commissioner Camisa seconded to approve a temporary variance request though November 1, 2023. Roll Call vote: Aye 5, No 0, Absent 0. The motion passed.

3. *Consider Public Hearing related to request to vacate right-of-way of Viewpoint Lane NW. (postponed from 4/18/23 CC to 5/16/23 and subsequently withdrawn by applicant).* Planner Stromme present the variance request and explained the applicant withdrew their application. Mayor Helbling opened the public hearing and invited the public to come forward to comment. A second and third invitation for comment was given. Hearing none, the public hearing was closed. No action was needed.

E. BIDS

1. *Consider approval of low bid for the 2023 Municipal Concrete Contract.* Director Froseth presented the bid. Commissioner Camisa moved and Commissioner Braun seconded to approve award of the Municipal Concrete project to Nuss Construction in the amount of \$262,337.75, and approve the Resolution Approving Contract and Contractor’s Bond. Roll Call vote: Aye 5, No 0, Absent 0. The motion passed.

2. Consider approval of low bid for the Water Treatment Facility Roof Replacement project. Director Froseth presented the bid. Commissioner Braun moved and Commissioner Camisa seconded to approve award of the Water Treatment Plant Roof Replacement project to Twin City Roofing in the amount of \$114,579.00 and approve the Resolution Approving Contract and Contractor's Bond. Roll Call vote: Aye 5, No 0, Absent 0. The motion passed.

F. CONSENT AGENDA

1. Consider approval of monthly bills
2. Consider approval of the following gaming site authorizations from July 1, 2023 to June 30, 2024:
 - i. Abate of North Dakota at Hideaway
 - ii. Cystic Fibrosis Association at Station West
 - iii. Cystic Fibrosis Association at Stage Stop
 - iv. Dakota Leathernecks Detachment #1419 at Silver Dollar Bar
 - v. Mandan Eagles at Mandan Eagles
 - vi. Prairie Public Broadcasting at Strawberry Bar
 - vii. Mandan Hockey Club at Central Station
 - viii. Mandan Hockey Club at Blackstone Tavern
 - ix. Mandan Hockey Club at Old 10 Bar & Grill
 - x. Mandan Hockey Club at Vicky's Sports Bar
 - xi. Matpac Wrestling at Last Call Bar
 - xii. Matpac Wrestling at Scapegoat Bar
 - xiii. Matpac Wrestling at Old Town Tavern
 - xiv. Matpac Wrestling at Black Lions
 - xv. Mandan Baseball Club at Powerhouse and 501
 - xvi. Mandan Baseball Club at Broken Oar
 - xvii. Mandan Baseball Club at the Drink
 - xviii. Mandan Baseball Club at Seven Seas
 - xix. New Salem Civic Club at Bennigan's
3. Consider approval of the following gaming site authorizations:
 - i. Matpac Wrestling at The Scapegoat Bar from May 17, 2023 to June 30, 2023
 - ii. Mandan Hockey Club at Central Station June 1, 2023 to June 30, 2023
4. Consider approval of a Local Gaming Permit for Kim Barnhardt Benefit for a raffle on June 10, 2023
5. Consider Minor Plat for Borden Harbor West 2nd Addition
6. Consider Final Plat for Cove at Lakewood
7. Consider approval of a Special Event Permit for Buggies and Blues from June 10 to June 11, 2023.
8. Consider approval of an ad for bid for the LED Lights Replacement project.
9. Consider entering into an agreement with the North Dakota Office of State Tax Commissioner for the administration of Mandan's local sales, use and gross receipts taxes for the 2023-2025 biennium
10. Consider approval of leave without pay

11. Consider approval of 2022 Record Disposal for the following departments:

- i. Auditor
- ii. Fire
- iii. Engineering
- iv. Planning
- v. Library
- vi. Assessing

12. Consider approval of a Class E Liquor License for La Cantina ND LLC

Commissioner Rohr moved and Commissioner Camisa seconded to remove Item 2iv from the consent agenda and to approve the Consent Agenda item 1 through 12 including all sub items except 2iv as presented. Roll Call vote: Aye 5, No 0, Absent 0. The motion passed.

Commissioner Camisa moved and Commissioner Rohr seconded to approve Item 2iv subject to and contingent upon the approval and final administration of the liquor license for that location. Roll Call vote: Aye 5, No 0, Absent 0. The motion passed

G. OLD BUSINESS

H. NEW BUSINESS

1. Consider launch of City of Mandan and Gate City Bank “Neighborhood Revitalization Initiative” program. Planner Stromme gave a brief overview of the program. Commissioner Rohr moved and Commissioner Camisa seconded to accept and launch this program in Mandan. Roll Call vote: Aye 5, No 0, Absent 0. The motion passed.

2. Consider Acceptance of Sunset Drive Corridor Study. Wade Klein, KLJ Engineering, gave a presentation on the study. Commissioner Olson moved and Commissioner Rohr seconded to accept the final report for the sunset drive corridor study. Roll Call vote: Aye 5, No 0, Absent 0. The motion passed.

3. Consider a request for a road closure of 6th Avenue SE (1806 South) for a defined time period to allow the installation of a BNSF fuel line. Director Froseth gave a brief explanation of the request. Commissioner Camisa moved and Commissioner Braun seconded to approve of the closure of 6th Avenue SE as described and as conditioned with this agenda document. Roll Call vote: Aye 5, No 0, Absent 0. The motion passed.

4. Consider conditional approval of a three-way agreement for the Big Sky Estates 7th Addition Infrastructure project. Director Froseth presented the agreement. Commissioner Camisa moved and Commissioner Olson seconded to approve the execution of the three-way agreement conditioned on the receipt of the recorded plat and a valid letter of credit. Roll Call vote: Aye 5, No 0, Absent 0. The motion passed.

I. RESOLUTIONS AND ORDINANCES

1. Introduction and first consideration of Ordinance No. 1425 relating to Alcoholic Beverages. Director Cermak presented the Ordinance and amendments. Commissioner Rohr moved and Commissioner Camisa seconded to approve the amendments as proposed. Roll Call vote: Aye 5, No 0, Absent 0. The motion passed.

2. ~~First consideration of Ordinance No. 1426 relating to Alcoholic Beverage Issuance and Fees (included in Ord. 1425)~~ Removed from agenda.

3. *Consider approval of a resolution to transfer Real Property by Nonexclusive Listing Agreement.* Planner Stromme presented the agreement. Commissioner Camisa moved and Commissioner Rohr seconded to approve the resolution as presented in Exhibit 1 and enter into the contract as presented in Exhibit 3. Roll Call vote: Aye 5, No 0, Absent 0. The motion passed.

J. OTHER BUSINESS

1. *Public Works Open House May 25th, 2023*

K. ADJOURNMENT

There being no other business to come before the Board, Commissioner Camisa motioned and Commissioner Rohr seconded to adjourn the meeting at 6:52 p.m. The motion received unanimous approval of the members present.

/s/ James Neubauer

James Neubauer
City Administrator

/s/ Timothy Helbling

Timothy Helbling
Board of City Commissioners