
The Mandan City Commission met in regular session at 5:30 p.m. on April 2, 2019 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, Davis, Larson and Rohr. Department Heads present were Finance Director Welch, City Administrator Neubauer, Fire Chief Nardello, Building Official Ouradnik, Business Development and Communications Director Huber, Assessor Markley, Director of Public Works Bitz, Police Chief Ziegler, Project Engineer Fettig and Assistant City Attorney Oster. Absent: Planning & Engineering Director Froseth and Principal Planner Van Dyke.

On behalf of the City of Mandan, Mayor Helbling extended condolences to the families of Robert Falkner, Lois Cobb, William Cobb and Adam Fuehrer and to the RJR Maintenance and Management owners, employees and customers. He announced that information regarding the tragic event will be released accordingly by the Police Department and other investigative agencies.

B. APPROVAL OF AGENDA:

C. MINUTES:

1. *Consider approval of the minutes from the March 19, 2019 Board of City Commission regular meeting.* Commissioner Larson moved to approve the minutes 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.

D. PUBLIC HEARING:

E. BIDS:

1. *Consider the award of bids for Municipal Sidewalk Improvement Project 2019-03 and approving the Resolution approving the contract and contractor's bond.* Engineering Project Manager Fettig presented a request to award a contract for the 2019 Municipal Sidewalk repairs throughout the City. She reported that on March 26, 2019, three bids were received on the project. The Engineer’s Estimate was \$49,027.50. Bids were submitted by: (i) Brandoz Concrete Inc. \$59,632.00; (ii) Dirk Concrete \$64,360.00; (iii) Knife River Corporation \$75,000.00. The low bid was from Brandoz Concrete Inc. in the amount of \$59,632.00 and it was 21.6% higher than the engineer’s estimate. The project costs may be special assessed to benefitting properties. She recommended awarding the bid to Brandoz Concrete Inc. in the amount of \$59,632.00.

Commissioner Rohr moved to approve awarding the bid for the Municipal Sidewalk Improvement Project 2019-03 to Brandoz Concrete Inc. in the amount of \$59,632.00 and approve the Resolution approving contract and contractor’s bond. 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.

F. CONSENT AGENDA

1. *Consider for approval the special assessments for Weed Cutting of 2018, Sidewalks of 2018, and Health & Safety of 2018.*
2. *Consider approval of the following proclamations: (i) Proclaiming April 8-14, 2019 as National Public Safety Telecommunications Week in the City of Mandan. (ii) Proclaiming April 2, 2019 Mayors Day of Recognition for National Service in the City of Mandan.*
3. *Consider Amendment #1 to our agreement with KLJ for final design of the sanitary sewer related to the 1806 north reconstruction project.*
4. *Consider approval of site authorization for Fort Abraham Lincoln Foundation at Station West Bar and Grill from 4/15/2019-6/30/2019.*
5. *Consider approval of annual site authorization for ABATE of North Dakota at Hide-a-way Bar from 7/1/2019 to 6/30/2020.*
6. *Consider approval of annual liquor license for Bis-Man Stock Car Association at Dacotah Speedway for May – October.*
7. *Consider approval of Special B Liquor Permit for Bis-Man Stock Car Association at Dacotah Speedway for July 2, 3, 4, 2019.*
8. *Consider approval of Miles of Love Dog Rescue games of chance at Shop No. 11 April 1 - August 3, 2019.*
9. *Consider approval of the 2019 Fire Hydrant Painting agreement with HIT Inc.*
10. *Request for permission from the Public Works Department to purchase a roll off truck chassis off state bid, and allow for necessary budget amendment.*

Commissioner Rohr moved to approve the Consent Agenda items 1 through 10 as presented. 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. *Consider re-appointments of Fire Chief Steve Nardello and Mitch Bitz, Public Works Director to the Mandan Weed Board. Joe Camisa, Chairperson of the Mandan Weed Board presented a request for consideration for the reappointments to the Mandan Weed Board. He explained the Mandan Weed Board is tasked with enforcing regulations on noxious weeds and uncontrolled weed and lawn growth by notifying property owners, and, if necessary, contracting for weed control or mowing with the cost assessed to the impacted property. The Board consists of 5 voting members and 2 non-voting members. There are two positions due for consideration. On March 5, 2019, the Board voted in favor to reappoint Fire Chief, Steve Nardello and Mitch Bitz, Public Works Director, to another three year term expiring in 2021. In other action the Weed Board re-elected Joseph Camisa as Chairperson and Mitch Bitz as the Vice-Chairperson pending Mitch Bitz' reappointment to the Board. The remaining members on the Mandan City Weed Board and their terms of office are: Joseph Camisa, City Weed Control Officer, 2016-2020; Justin Froseth, Engineering and Planning Director, 2016-2020; Dustin Fleck, Parks and Recreation, 2017-2021.*

The Weed Board recommended approval of reappointing Fire Chief Steve Nardello and Mitch Bitz, Public Works Director to the Mandan City Weed Board for the length of term indicated.

Commissioner Braun moved to approve the reappointments of Steve Nardello and Mitch Bitz for another 3-year term to the Mandan Weed Board, expiring 2021. 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 re-appointment of Carl Jacobsen to the Mandan Special Assessment Commission.* Engineering Project Manager Fettig presented a request to consider the appointment of Carl Jacobsen for a 6-year term on the Mandan Special Assessment Commission. She said that in December 2019, a notice published seeking letters of interest for the open seat on the Special Assessment Commission (SAC) due to member Carl Jacobsen's term being up in April. Two letters of interest were received. One of the two has since withdrawn his Letter of Interest leaving only Carl Jacobsen's Letter of Interest for consideration. She recommended the reappointment of Carl Jacobson for the 6-year term to the Mandan Special Assessment Commission.

Commissioner Davis moved to approve the appointment of Carl Jacobson for the 6-year term on the Mandan Special Assessment Commission. 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.

3. *Consider Growth Fund Committee recommendation to remove restaurants from the Retail Incentive Program and other updates.* Business Development & Communications Director Huber presented an update to the Retail Incentive Program Guidelines. At the March 26, 2019 meeting of the MGF Committee a review of the guidelines for the Retail and Restaurant Incentive Program was conducted. This program was first approved in Mandan in 2010 with modifications approved to the program in 2011 and 2016. The program provided a stipend of up to \$5 per square foot of operating space during the first year of operation for qualified retail and restaurant businesses that filled a gap in the community's market profile. They had to be approved for the program before expanding. The program was capped at \$20,000 per project and so inherently was most fitting to relatively small, independent business enterprises. There have been eight recipients of the stipend - two in the foodservice category and six retailers of other merchandise. Further, with seven restaurants opened and three more scheduled to open under the Restaurant Rewards sales tax rebate program, set to expire March 31, 2019, the MGF agreed that restaurants should be removed from the Retail Incentive Program guidelines as an eligible type of business. The only other substantive updates are to add tobacco or vape shops to the list of explicit ineligible uses and to remove bookstores selling new books from the list of retail preferences from Exhibit A in the guidelines. The proposed changes have no direct fiscal impact, but could reduce the number of businesses that would be eligible. The Mandan Growth Fund Committee voted unanimously to recommend adoption of the updated Retail Incentive Program Guidelines.

Mayor Helbling extended a thank you to the MGF Committee and Director Huber for the success of this program because it has enhanced some of the business gaps in Mandan.

Commissioner Larson moved to approve the updated Retail Incentive Program Guidelines. 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.

4. *2019 Legislative Update #6:* Administrator Neubauer presented an update on the 2019 Legislative Bills pertinent to the City of Mandan. Regarding HB 1066, the Prairie Dog bill has been approved by both the House and the Senate and has been signed by Governor Burgum. The soonest funds would be available would be the fall of 2020. He said that \$1.5 million has been allotted towards the south side street project. Further action included, the southwest water Board of Directors, of which there were two bills, one to make it a permanent mill levy and the second was to the carve Mandan out of that because Mandan has its own water plant to support. Both bills failed to pass. Thus the mill levy will expire in 2020. The goal was accomplished and this mill levy will go away. HB 1474 was one bill brought for cities to add a street maintenance fee and that was turned into a study and will most likely be looked at during the interim. The SB 2275 is regarding a loan pool of legacy funds, wherein loans would be available at a 2% interest rate. That bill did fail, however, there is indication that it will find its way back via another bill. Mayor Helbling extended a thank you to Senators Cook and Porter, Commissioner Davis and Administrator Neubauer for their work and testimony thus far in the legislative session representing the City of Mandan.

I. RESOLUTIONS AND ORDINANCES

1. First Consideration of Ordinance 1308 relating to payback of unused sick leave.

HR Director Cullen presented a request for approval of the First Consideration of Ordinance 1308 relating to the payback of unused sick leave. This item was initially presented in 2015 with Ordinance 1199 and was passed by the City Commission with an effective date of January 1, 2015. This Ordinance created a grandfathered bank for employees hired before December 31, 2014, that did not receive any additional accruals. In the discussion of drafting this Ordinance, it was discussed to include a payback option of unused sick leave for current employees. This payback option would allow for 40% payout of the unused sick leave at the end of the calendar year, once 960 hours for employees or 1,320 hours for career firefighters that accumulated. It was established as a way to provide a benefit for promoting healthy life styles by paying out a portion of unused sick leave while reducing the city's liability for sick leave banks with large unused balances. It was discovered that the payback option was excluded from the update to the Ordinance of the Mandan Code of Ordinances, but it was included in the agenda documentation when presented to the Board. The exclusion from the Code has not affected anyone as it would take 10 years for someone to accrue the maximum before the payout would be available. Thus, this is being brought back to the City Commission for the first consideration. Director Cullen recommended approving Ordinance 1308 as presented related to payback of unused sick leave.

Commissioner Davis inquired if taxation of the payback was taken into consideration. Finance Director Welch explained this is similar to a situation when an employee would resign from the City and they would be paid for accumulated vacation benefits. He said that those dollars would

be subject to the normal taxes and withholdings so, yes, taxation was considered and will have no impact on this.

Commissioner Davis moved to approve the First consideration of Ordinance 1308 related to payback of unused sick leave in Attachment No. 1. 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.

J. OTHER BUSINESS:

Mayor Helbling announced that the Brave the Shave event will be held on April 9, 2019 from 6 to 9 pm at Midway Lanes. He said that Police Chief Ziegler and Fire Chief Nardello will go first to kick off the event. There will be a bowling roll off at 7 pm and food will be served. 100% of the proceeds will go to kids battling cancer. Additional information can be found at www.bravetheshave.net and click on go bald for kids event. Police Chief Zielger reported that Kupper Chevrolet has already donated \$2,500 towards event. Mandan residents were encouraged to attend and support this event.

K. ADJOURNMENT:

There being no further actions to come before the Board of City Commissioners, Commissioner Davis moved to adjourn the meeting at 6:07 p.m. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

s/s Jim Neubauer

James Neubauer
City Administrator

s/s Tim Helbling

Tim Helbling
President, Board of City Commissioners

CITY BOARD OF EQUALIZATION

The Mandan City Commission City Board of Equalization met on April 2, 2019 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Mayor Helbling called the meeting to order at 6:07 p.m.

Roll Call: Present were Mayor Helbling and Commissioners present were Braun, Davis, Larson and Rohr.

A. NEW BUSINESS

1. *Recess the City Board of Equalization until April 16, 2019 at 7:00 p.m. in the Ed “Bosh” Froehlich Meeting Room at Mandan City Hall, 205 2nd Ave NW, Mandan, ND.*

Commissioner Davis moved to recess the City Board of Equalization until April 16, 2019, at 7:00 p.m. in the Ed “Bosh” Froehlich Meeting Room at Mandan City Hall, 205 2nd Ave NW, Mandan, ND. The motion was seconded by Commissioner Braun. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Larson: Yes; Commissioner Braun: Yes; Mayor Helbling: Yes. The motion passed.

B. ADOURNMENT

There being no further actions to come before the Board of City Commissioners, Commissioner Braun moved to adjourn the meeting at 6:10 p.m. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.