

The Mandan City Commission met in regular session at 5:30 PM on May 7, 2024 in the Ed “Bosh” Froehlich Meeting Room at City Hall, Mandan, North Dakota. Vice President, Commissioner Camissa called the meeting to order.

A. ROLL CALL

1. *Roll call of all City Commissioners.* Those present were Joe Camisa, Dennis Rohr, Mike Braun, Brad Olson. Department heads present were City Administrator Neubauer, Finance Director Welch, Assessor Markley, Human Resource Director Berger, Engineering Director Wigness, Police Chief Ziegler, Building Official Singer, Fire Chief/Public Works Director Bitz, Business Development & Communications Director Cermak, Planner Stromme and Attorney Oster. Mayor Helbling was absent.

B. THE PLEDGE OF ALLEGIANCE

C. ANNOUNCEMENTS

1. *Introduction of new employees:.*
  - a. *Shasta Reindl, Building Inspections (Permit Technician).* Building Official Singer introduced Permit Technician Shasta Reindl.
  - b. *Lance Scheid, Public Works (Utilities) .*
  - c. *Jeremy Krein, Public Works (Streets) .*
  - d. *Lance Hagel, Public Works (Streets).* Public Works Director Bitz introduced all three of the new employees in the Public Works department.

D. APPROVAL OF AGENDA

E. MINUTES

1. *Consider approval of the April 16, 2024, minutes for the City Commission meeting.* Commissioner Braun moved and Commissioner Rohr seconded to approve the minutes as presented. Roll Call vote: Aye 4, Nay 0, Absent Mayor Helbling. The motion passed.

F. PUBLIC HEARING

1. *Consider Preliminary Plat and Zone Change from A - Agriculture and R7 - Residential to PUD - Planned Unit Development for Shores at Lakewood Second Addition.* Planner Stromme shared that the applicant requested this item be postponed, however since the item was noticed the public hearing did have to be opened. Staff will notice the item again, and bring it back when it's completed and the developer is ready. The applicant will resubmit an application and the application fee. Commissioner Rohr asked about the combination of public and private streets in the subdivision. Vice President Camisa 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 closed. Commissioner Rohr moved and Commissioner Braun seconded to postpone the consideration of the preliminary plat and zone change for Shores at Lakewood 2nd Addition subject to applicable public noticing requirements and the submission of a new development application in order to cover costs associated with additional review and re-noticing the item. Roll Call vote: Aye 4, Nay 0, Absent Mayor Helbling. The motion passed.
2. *Consider a parking variance for Lot 2 less the south 125', Block 1, Highland 2nd Replat in Section 22, Township 139N, Range 81W.* Planner Stromme presented the parking variance. Vice President Camisa 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 closed. Commissioner Braun moved and Commissioner Olson seconded to approve the variance request. Roll Call vote: Aye 4, Nay 0, Absent Mayor Helbling. The motion passed.

3. *Consider a setback variance for Lot 1, Block 1, Ramblewood 11th Addition.* Planner Stromme presented the setback variance. Vice President Camisa opened the public hearing and invited the public to come forward to comment. The applicant spoke about the business concept and the car stacking concerns. A second and third invitation for comment was given. Hearing none, the public hearing closed. Commissioner Rohr moved and Commissioner Braun seconded to approve the variance request contingent upon a minor plat. Roll Call vote: Aye 3, Nay 1 (Commissioner Olson), Absent Mayor Helbling. The motion passed.

4. *First Consideration of Ordinance 1445, a zone change to RH - Residential for Meadow Park.* Planner Stromme presented the first consideration of Ordinance 1445 related to a zone change for Meadow Park. Vice President Camisa 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 closed.

5. *First consideration of Ordinance 1446, a zone change from CB - Commercial to RH - Residential for Gateway Park.* Planner Stromme presented the first consideration of Ordinance 1446 related to a zone change for Gateway Park. Vice President Camisa 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 closed.

6. *Consider an Appeal of denial of a variance to build a garage without a house for Riverside 2nd Addition.* Planner Stromme presented an appeal of denial of a variance to build a garage without a house for Riverside 2nd Addition. Stromme explained the applicant is seeking approval to construct a garage on a lot that does not have a home. The City Code of Ordinances does not permit the construction of garages or the principal use being storage in R3.2 - Residential zoning without them being an accessory to a home. The Planning & Zoning Commission considered the variance request on April 22 and the Commission did not find any hardship or justification supporting the request. The board expressed a preference to explore alternative proposals, such as vacating an alley right-of-way and combining lots, to prevent establishing a precedent for permitting such a structure on a residential lot. Vice President Camisa opened the public hearing and invited the public to come forward to comment. Scott Weise came forward, explaining his son plans to construct a house on the south lot and he intends to build the shop on the lot to the north. He does not want to combine the two lots, as that would cause an unnecessary burden on his son when it comes to financing and taxes. Vacating the alley right-of-way would cut off access to the alley for his neighbors, so he didn't see that as an option either. A second and third invitation for comment was given. Hearing none, the public hearing closed. Commissioner Braun moved and Commissioner Olson seconded to accept the Planning & Zoning Commission's recommendation and deny the variance request. Roll Call vote: Aye 2, Nay 2 (Commissioner Rohr, Commissioner Camisa), Absent Mayor Helbling. The motion died due to the roll call vote resulting in a tie. Attorney Oster stated since the item tied, the board would need to table the item until the next meeting when all board members are presented. Commissioner Braun moved and Commissioner Olson seconded to table the item. Roll Call vote: Aye 4, Nay 0, Absent Mayor Helbling. The motion passed.

#### G. BIDS

1. *Consider Municipal Concrete Contract bids.* Eningeer Wigness presented the Municipal Concrete Contract bid. Commissioner Rohr moved and Commissioner Olson seconded to award the

Municipal Concrete project contract to Four Square Concrete, as presented. Roll Call vote: Aye 4, Nay 0, Absent Mayor Helbling. The motion passed.

2. *Consider Public Works Solar Panel bids.* Engineer Wigness presented the solar panel bids for the Public Works facility. Commissioner Olson moved and Commissioner Braun seconded to move to award the construction contract for the Mandan Public Works Solar Panel project to Lightspring, LLC, as presented. Roll Call vote: Aye 4, Nay 0, Absent Mayor Helbling. The motion passed.

#### H. CONSENT AGENDA

1. *Consider allowing staff to apply for Marathon Petroleum's Community Investment Program Grant.*
2. *Consider approval of Special Event Permits:.*
  - a. *Touch a Truck, May 18, 2024.*
  - b. *Mac and Cheese Festival, May 11, 2024.*
  - c. *Buggies and Blues, June 8-9 2024.*
3. *Consider approval of the following gaming site authorizations:.*
  - a. *Mandan Hockey Club, Inc. at Blackstone Tavern from July 1, 2024, to June 30, 2025.*
  - b. *Mandan Hockey Club, Inc. at Central Station from July 1, 2024, to June 30, 2025.*
  - c. *Mandan Hockey Club, Inc. at Vicky's Sports Bar from July 1, 2024 to June 30, 2025.*
  - d. *Mandan Hockey Club, Inc. at Old 10 Bar & Grill from July 1, 2024 to June 30, 2025.*
  - e. *Bismarck Cancer Center Foundation at Prairie West Golf Course from May 8 to June 30, 2024.*
  - f. *Prairie Public Broadcasting, Inc. at Strawberry Bar & Grill from July 1, 2024 to June 30, 2025.*
  - g. *Mandan Touchdown Club at Starion Sports Complex from August 1, 2024 to December 1, 2024.*
  - h. *Mandan Touchdown Club at Dickey's BBQ from July 1, 2024 to June 30, 2025.*
4. *Consider Approval to allow the Police Department to apply for a Fiscal Year 2024 Community Orientated Policing Services (COPS) Hiring program grant for 4 police officers .*
5. *Consider Mandan Progress Organization Event Grant Applications.*
6. *Consider Minor Plat for Riverwood Commercial Park 4th Addition.*
7. *Consider proclaiming May 19 to May 25, 2024 as National Public Works Week in the City of Mandan.*
8. *Consider 2022-2023 Veterans Credit Abatements for Tom Tuntland .*
9. *Consider annual highway closure agreement.*
10. *Consider scheduling a public hearing to vacate a portion of right of way in Lakewood 7th addition.* Commissioner Rohr requested item 4 be pulled for discussion. Commissioner Braun moved and Commissioner Rohr seconded to approve consent agenda items 1 through 3 and 5 through 10, including all sub-items, as presented. Roll Call vote: Aye 4, Nay 0, Absent Mayor Helbling. The motion passed. Chief Ziegler presented the COPS hiring program grant application request for four police officers.

Finance Director Welch answered questions related to the impact of the City's budget once the grant expires. Commissioner Braun motioned to table the item, the motion died due to lack of a second. Commissioner Rohr moved and Commissioner Olson seconded to approve allowing the Police Department to apply for a fiscal year 2024 COPS Hiring program grant. Roll Call vote: Aye 3, Nay 1 (Commissioner Braun), Absent Tim Helbling. The motion passed.

I. OLD BUSINESS

J. NEW BUSINESS

1. *Update related to Morton County Senior Center.* Morton County Council on Aging Executive Director Debbie Lafferty and Morton County Commissioner Ray Morrel provided an update on the Morton County Senior Center. This was an update only, no action was requested.

2. *Consider increasing the monthly parking spot rent for city-owned parking spots.* Parking Authority Board Chair Renee Murrish presented the request to increase the monthly parking spot rent for city-owned parking spots. Commissioner Olson moved and Commissioner Rohr seconded to to increase the monthly parking spot rent for city-owned parking from \$20/month to \$30/month effective January 1, 2025. Roll Call vote: Aye 4, Nay 0, Absent Mayor Helbling. The motion passed.

3. *Consider Engineering Service Agreement for 2025 Street Reconstruction project.* Engineer Wigness presented the engineering service agreement for the 2025 street reconstruction project. Commissioner Rohr moved and Commissioner Braun seconded to approve task order 5 for the study phase of the 2025 Street Rehabilitation project. Roll Call vote: Aye 4, Nay 0, Absent Mayor Helbling. The motion passed.

4. *Consider Engineering Service Agreement and budget amendment for Water Meter Replacement project.* Engineer Wigness presented the engineering service agreement and budget amendment for the water meter replacement project. Commissioner Braun moved and Commissioner Rohr seconded to move to enter into the agreement with AE2S, as presented, and authorize the use of \$15,000 out of the City Utility Fund to be used for this application effort. Roll Call vote: Aye 4, Nay 0, Absent Mayor Helbling. The motion passed.

5. *Consider listing a 1.5 acre portion of Lot A of NW 1/4 SE 1/4 & Lot A Of Gov LOT 7 (Less 12.32A Of Lot 7) 44.28 Acres (9001C), a City-owned property, for sale.* Planner Stromme presented the request to list a city-owned property for sale. Commissioner Rohr moved and Commissioner Olson seconded to approve staff working to list the property for public sale/trade. Roll Call vote: Aye 4, Nay 0, Absent Mayor Helbling. The motion passed.

K. RESOLUTIONS AND ORDINANCES

1. *First consideration of Ordinance 1445, a zone change from MHS - Trailer Park District to RH - Residential Mobile Home Park for Meadow Park.* Commissioner Rohr moved and Commissioner Braun seconded to approve. Roll Call vote: Aye 4, Nay 0, Absent Mayor Helbling. The motion passed.

2. *First consideration of Ordinance 1446, a zone change from CB - Commercial District to RH - Residential Mobile Home Park for Gateway Park.* Commissioner Braun moved and Commissioner Rohr seconded to approve. Roll Call vote: Aye 0, Nay 0, Absent Mayor Helbling. The motion passed.

L. OTHER BUSINESS

M. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS

*May 21, 2024 at 5:30 p.m..*

*June 4, 2024 at 5:30 p.m..*

*June 18, 2024 at 5:30 p.m..*

- N. ADJOURN There being no other business to come before the Board, Commissioner Rohr moved and Commissioner Braun seconded to adjourn at 7:41 p.m. Roll Call vote: Aye 4, Nay 0, Absent Tim Helbling. The motion passed.

/s/ James Neubauer

James Neubauer  
City Administrator

/s/ Timothy Helbling

Timothy Helbling  
Board of City Commissioners