

The Mandan City Commission met in regular session at 5:30 PM on August 6, 2024 in the Ed “Bosh” Froehlich Meeting Room at City Hall, Mandan, North Dakota. Mayor Froelich called the meeting to order.

A. ROLL CALL

1. *Roll call of all City Commissioners.* Those present were Dennis Rohr, Mike Braun, James Froelich, Craig Sjoberg, Ryan Heinsohn. 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, Airport Manager Gerhardt, Library Director Sandstrom, and Attorney Sand.

B. THE PLEDGE OF ALLEGIANCE

C. ANNOUNCEMENTS

D. APPROVAL OF AGENDA Commissioner Sjoberg moved and Commissioner Rohr seconded to approve as presented. Roll Call vote: Aye 5, Nay 0, Absent 0. The motion passed.

E. MINUTES

1. *Consider approval of the minutes from the July 16, 2024 Board of City Commission regular meeting.* Commissioner Sjoberg moved and Commissioner Rohr seconded to approve the minutes as presented. Roll Call vote: Aye 5, Nay 0. The motion passed.

F. PUBLIC HEARING

1. *Consider Right of Way Vacation related to minor plat for Helblings 6th Addition.* Planner Stromme presented the right-of-way vacation related to a minor plat for Helbling's 6th Addition. Mayor Froelich 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 Sjoberg moved and Commissioner Heinsohn seconded to approve the minor plat. Roll Call vote: Aye 5, Nay 0. The motion passed.

G. BIDS

1. *Consider allowing fire department staff to advertise for bids for source capture exhaust systems.* Chief Bitz presented the request for the Fire Department to advertise for bids for source capture exhaust systems. Commissioner Braun moved and Commissioner Sjoberg seconded to allow fire department staff to advertise bids for source capture exhaust systems for fire stations Roll Call vote: Aye 5, Nay 0. The motion passed.

H. CONSENT AGENDA

1. *Consider approval of a gaming site authorization for Fort Abraham Lincoln Foundation at Big Stick Cigar Lounge from Aug. 7, 2024 to June 30, 2025.*
2. *Consider approval of an update to the Media Guidelines regarding ballot measures.*
3. *Consider Use of the City of Mandan Utility Fund for up-sizing costs related to Street Improvement District 227 .*
4. *Consider amending Street Improvement District 229 to include additional parcels .*

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5. *Consider Cost Participation and Maintenance agreement for Old Red Trail Path mill and overlay.*
 6. *Consider submitting a sole source request to the North Dakota Department of Transportation for Memorial Highway utility items.*
 7. *Consider approval to close 27th Street to accommodate a storm sewer connection.*
 8. *Consider approval of the raffle permit for Mandan Braves Volleyball Booster Club.*
 9. *Consider Minor Plat for Helblings 5th Addition.*
 10. *Consider allowing the fire department to apply for a 50/50 North Dakota Game and Fish grant.*
 11. *Consider a request from the fire department to accept the FY (2023) Assistance to Firefighters Grant and amend the 2024 fire department budget by \$20,000.* Engineer Wigness answered funding questions on consent agenda items 3, 5 and 7. Commissioner Rohr moved and Commissioner Braun seconded to approve consent agenda items 1-11 as presented. Roll Call vote: Aye 5, Nay 0. The motion passed.

I. OLD BUSINESS

J. NEW BUSINESS

1. *Consider commissioner portfolio and committee assignments.* Administrator Neubauer presented the item. Commissioner Heinsohn moved and Commissioner Sjoberg seconded to approve the portfolio and committee assignments as presented. Roll Call vote: Aye 5, Nay 0. The motion passed.
2. *Consider the Morton Mandan Public Library 2025 Budget.* Library Director Sandstrom presented an update on the Morton Mandan Public Library (MMPL) and its 2025 budget. Commissioner Sjoberg moved and Commissioner Heinsohn seconded to approve the MMPL 2025 budget as recommended by the Library Board of Trustees. Roll Call vote: Aye 5, Nay 0. The motion passed.
3. *Consider the Mandan Airport Authority 2025 Budget.* Airport Manager Lindsay Gerhardt gave an update on the Mandan Regional Airport and its 2025 budget. Commissioner Braun moved and Commissioner Sjoberg seconded to approve the 2025 Mandan Airport Authority Budget as recommended by the Airport Authority board. Roll Call vote: Aye 5, Nay 0. The motion passed.
4. *Consider appeal from TRX Developers regarding use of City of Mandan Right-of-Way for irrigation crossings.* Planner Stromme presented the appeal, giving the history and staff's concerns about the item. Art Goldhammer, president of TRX Developers, gave a statement in support of his appeal. Commissioner Sjoberg moved and Commissioner Heinsohn seconded to deny the request. Roll Call vote: Aye 5, Nay 0. The motion passed.
5. *Consider Change Order 3 for Street Improvement District 224.* Engineer Wigness presented the item. Commissioner Rohr moved and Commissioner Braun seconded to approve the change order as presented. Roll Call vote: Aye 5, Nay 0. The motion passed.
6. *Consider Raw Water Intake project change orders.* Engineer Wigness presented the item. The Raw Water intake project is nearing completion. Commissioner Rohr moved and Commissioner Braun seconded to approve the change orders as presented. Roll Call vote: Aye 5, Nay 0. The motion passed.
7. *Consider the 2025 Street Reconstruction project Pavement Condition Report and district creation resolutions.* Engineer Wigness presented recommendations for a street reconstruction project in 2025. There were a few areas of town evaluated, as far as pavement conditions. The Engineering

Department recommends moving forward with area 2b, an area around Roosevelt Elementary school, for 2025. There are cast iron water lines in this area that are 50-60 years old and need replacing. The City could seek State Water Commission funds for assistance with the cost of the water main replacement in the project, and then would seek a 20% buy down for the street reconstruction from Municipal Infrastructure Funds. Commissioner Sjoberg moved and Commissioner Braun seconded to approve the resolution creating the district, approve the engineer's report, approve the feasibility report and approve the resolution of necessity for Street Improvement District No. 238. Project No. 2025-01, as well as dedicating Prairie Dog funds to the project at a rate of 20% of reconstruction work. Roll Call vote: Aye 5, Nay 0. The motion passed.

8. *Consider engineering services amendment for Street Improvement District No. 224.* Engineer Wigness presented the item. Commissioner Heinsohn moved and Commissioner Braun seconded to approve the engineering service amendment as presented. Roll Call vote: Aye 5, Nay 0. The motion passed.

9. *Consider sale of 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.* Planner Stromme presented a purchase agreement for the sale of 1.5 acres of a City-owned lot. Commissioner Rohr moved and Commissioner Sjoberg seconded to approve the purchase agreement, contingent upon the completion of future platting to describe the lot prior to closing. Roll Call vote: Aye 5, Nay 0. The motion passed.

10. *Consider a request from the Mandan Progress Organization for funding for Holiday Display and Streetlight Pole displays..* Administrator Neubauer presented the request for use of funds from the Visitors Fund. Mandan Progress Organization (MPO) Executive Director Matt Schanandore provided details of the request to get new street pole lights for the Holiday Light display. The existing street pole lights are old and hard to maintain. Due to the upcoming Memorial Highway reconstruction project, the focus of this request is only on the street pole lights along Main Street, about 60 poles. The new lights would be tinsel free and easy to maintain. The request also includes a decorated entrance for the west side of the Morton Mandan Public Library, along with additional trim lighting for the south side of the library and depot building, and the addition of some signature pieces into the Holiday Lights display in the park. Commissioner Braun moved and Commissioner Sjoberg seconded to approve funding up to \$300,000 as requested by the MPO for Streetlight Pole Displays and a Holiday Lights signature piece from the Visitors Fund. Roll Call vote: Aye 5, Nay 0 None, Absent . The motion passed.

K. RESOLUTIONS AND ORDINANCES

1. *Second and Final Consideration of Ordinance 1451 to amend the Mandan Code of Ordinances Section 2-3-3 Groups created by ordinance, related to word changes to the Mandan Architectural Review Commission.* Building Official Singer shared that there have been no changes or comments on the ordinance since the first consideration. Commissioner Braun moved and Commissioner Rohr seconded to approve Ordinance 1451. Roll Call vote: Aye 5, Nay 0. The motion passed.

2. *First consideration of Ordinance 1453, an ordinance to amend and re-enact Article 2 of the Mandan Code of Ordinances, relating to city sales, use and gross receipts tax under the Home Rule Charter of the City of Mandan..* Administrator Neubauer presented the codification of the results of the vote of the June 11 election for the half-cent sales tax. Commissioner Braun moved and Commissioner Sjoberg seconded to approve the first consideration of Ordinance 1453. Roll Call vote: Aye 5, Nay 0. The motion passed.

3. *Consider the introduction and first consideration, and call for a public budget hearing of*

Ordinance No. 1452 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2025, and ending December 31, 2025, and making the annual tax levy for the year 2024.. Finance Director Welch presented the item.

Commissioner Sjoberg moved and Commissioner Braun seconded to approve the introduction and first consideration and call for a public hearing of Ordinance 1452 making the annual appropriations for expenditures or expenses of the City of Mandan for the fiscal year commencing Jan. 1, 2025, and ending Dec. 31, 2025 and making the annual tax levy for the year 2024. Roll Call vote: Aye 5, Nay 0. The motion passed.

4. *Consider Right of Way Vacation related to minor plat for Helblings 6th Addition.*

Commissioner Sjoberg moved and Commissioner Rohr seconded to approve the resolution vacating the right-of-way associated with Helblings 6th Addition. Roll Call vote: Aye 5, Nay 0. The motion passed.

L. OTHER BUSINESS

M. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS

August 20, 2024 at 5:30 p.m..

September 3, 2024 at 5:00 p.m..

September 17, 2024 at 5:30 p.m..

N. ADJOURN There being no other business to come before the Board, Commissioner Braun moved and Commissioner Rohr seconded to adjourn at 07:42 p.m. Roll Call vote: Aye 5, Nay 0. The motion received unanimous approval of all the members present.

/s/James Neubauer

James Neubauer
City Administrator

/s/James Froelich

James Froelich
President, Board of City Commissioners