

The Mandan City Commission met in regular session at 5:30 p.m. on September 29, 2009 in the Ed “Bosh” Froehlich Room at City Hall. Commissioners present were Helbling, Tibke, Jackson, Gangl and Serhienko. Department Heads present were Finance Director Welch, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development Director Huber, Engineering Project Manager Bechtel and City Assessor Barta. Absent: Police Chief Bullinger.

MINUTES: Consider approval of the minutes for the following meetings:

(1) September 15, 2009 Board of City Commissioners and (2) September 17, 2009 Joint Special meeting of the Mandan City Commission, Park District, School Board, and Morton County Commissioners. Commissioner Tibke moved to approve the minutes as presented. Commissioner Serhienko seconded the motion. The motion received unanimous approval of the members present.

PUBLIC HEARING:

1. *Public Hearing to review and discuss the Preliminary 2010 Budget.* (See Ordinances #1 and Resolutions #2 and #3). Finance Director Welch reported that there were no comments received in opposition to the Preliminary 2010 Budget except for the list of questions presented by Wayne Papke. Commissioner Tibke inquired about increased health care costs. She said that in the beginning, the total amount of healthcare costs paid for by the City was \$319,772.50. As of 2008, we are at \$657,441.63. She explained that due to rising costs she requested what amounts and percentages have been paid in the past by the city for employees. Mayor Helbling replied that the Commission has had lengthy discussions regarding rising healthcare costs and that next year there will be consideration given as to whether or not the city should continue to pick up the entire expense for the employees. Mayor Helbling stated this is a public hearing and asked for comments from the public.

Wayne Papke, a Mandan City resident, came forward to speak. He requested a summary of the differences between the first draft and second draft 2010 Budget proposals. Finance Director Welch responded that the total General Fund expenditures remained the same. There were some minor adjustments made in the Water and Sewer Utility Fund and also in the Solid Waste Utility Fund of which the Funds were reduced in those expenditures. The Mandan Parking Authority budget has been removed because those expenditures will take place in the General Fund and will be absorbed within the original Preliminary Budget estimate on September 1, 2009. Those were the major changes that took place – the reduction in the capital outlay expenditures in the Water and Sewer Utility Fund and also in the Solid Waste Utility Fund. The rest of the Budget remains the same as was published on September 1, 2009. Papke inquired about the postponement of the Division Street Project stating that Commissioner Jackson said it was put off. Commissioner Jackson replied that there are two different projects. Engineering Project Manager Bechtel commented that the one he (Papke) is referring to showed up in the Urban Roads Project, Division Street Project, of which the Commission has moved to remove that project some time ago. That would not occur in 2010.

Papke stated that he is in opposition to the Utility Fund rate increase. He stated the overall Utility Fund runs in the black. He stated the Utility Fund rate increase serves in his opinion, as an increase in taxes without direct taxation. He stated that he would like to see that this is targeted towards the new \$4.1 million project. He would like to see a Resolution from the Commission stating that that is what the increase is benchmarked for.

Finance Director Welch explained that the Water Utility rate increases are not tied to any one expenditure. The Water Utility rates are based upon the City's Water Utility Rate Analysis Study that took place during the summer of this year. The recommendations from that Study would be rate increases from now through FY 2013; that included the rate increase for the FY 2010 Budget. In reference to the \$4.1 million project, that project will be discussed by the Board in the future if it so chooses to move in that direction. It will be funded through State Revolving Fund program dollars. And yes, the City will have to have a rate mechanism in place to repay those bonds but the Board will have to approve entering into that debt arrangement before the debt would go any further. Mayor Helbling stated that the bulk of the 2010 budget is going for debt repayment of that debt. Papke then requested a comparison of water rates. Commissioner Jackson stated that the water rate increases were approved some time ago based on a long term study that was conducted in hopes of stabilizing rates for years to come. Jackson recalls from the study that was conducted that other cities were also considering rate increases in comparison to Mandan's. Commissioner Tibke commented that the public has voiced concern. They do not like surprises but rather would like a planned approach in increments that make sense that can be used towards water improvements within the community. The rate increase follows the projects that are part of the long term planning. In summary, the Commission is doing long term planning with sensible rate increases. The goal is to be mid range with the rates. Mayor Helbling commented that Mandan is within mid range of comparable sized cities in North Dakota.

Mayor Helbling asked for further comments regarding this matter. Hearing none, this portion of the public hearing was closed.

Commissioner Tibke requested Finance Director Welch to address Papke's concerns about using the funds for various projects that are not water related. Finance Director Welch replied that the net revenues from the Water and Sewer Utility Fund are not used to offset property taxes. The City does not discriminate transfer cash out of the Water and Sewer Utility Fund into the General Fund for the sake of finding a reason to raise Water Utility rates. As far as infrastructure projects, the City, by Ordinance, is required to offset any over sizing of water and sewer infrastructure. If the Board deems it necessary to offset some assessments because the project costs have come in too high, the City has taken some flexibility in using some Water and Sewer Utility Funds to help buy down some assessment costs. However, it does not do so without considering whether it can financially afford to do that.

BIDS:

CONSENT AGENDA:

1. Consider approval of the following abatements:
 - i. Brandon Brandt – 2-year exemption for New Construction
 - ii. Wm. Braxmeyer – Homestead Credit exemption
 - iii. Margie Duppong – Homestead Credit exemption
 - iv. Lisa Grabar – 2-year exemption for New Construction
 - v. Duane Kitzan – Disabled Veteran exemption
 - vi. Devin Hutton – 2-year exemption for New Construction

The Board approved of the abatements as listed above.

2. Consider acceptance of Jail Contract FY 2010. The Board approved of the Jail Contract FY 2010.

3. Consider approval of change order for South Side Reservoir time extension.

The Board approved of the change order for South Side Reservoir time extension.

4. Consider approval of change order for 20-inch transmission line time extension.

The Board approved of the change order for 20-inch transmission line time extension.

Commissioner Tibke moved to approve the Consent Agenda as presented. Commissioner Gangl seconded the motion. The motion received unanimous approval of the members present.

OLD BUSINESS:

NEW BUSINESS:

1. Update regarding noise issues. Commissioner Jackson reported that he is in the process of finalizing the Noise Committee. He reported that the following have agreed to be on the Committee: Richard Haman, Victoria Johnson, Mike Wachtner, a representative from Captain Freddy's (Todd Kranda), and a representative from the Broken Oar (Attorney Richard Baer). Jackson is in the process of recruiting one more person to sit on the Committee. The first meeting is schedule for Thursday, October 1, 2009, 5:30 in the Ed "Bosh" Froehlich Meeting Room. Public notices will go out on September 30, 2009. Commissioner Jackson requested that any one interested in filling a position on the Noise Committee call City Hall or contact him via email. This matter will be discussed at a future Commission meeting.

2. Receive and include in minutes, 111th Congress, 1st Session Senate Resolution 132 and House Resolution 415 Commending the heroic efforts of the people fighting the floods in North Dakota. Commissioner Jackson moved to include in the minutes, 111th Congress, 1st Session Senate Resolution 132 and House Resolution 415 Commending the heroic efforts of the people fighting the floods in North Dakota. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present.

111th CONGRESS

1st Session

S . RES . 132

Commending the heroic efforts of the people fighting the floods in North Dakota.

IN THE SENATE OF THE UNITED STATES

May 6, 2009

Mr. DORGAN (for himself and Mr. CONRAD) submitted the following resolution; which was considered and agreed to

RESOLUTION

Commending the heroic efforts of the people fighting the floods in North Dakota.

Whereas 47 of the 53 counties in North Dakota have been declared Federal disaster areas;

Whereas wide swaths of North Dakota have faced unprecedented flooding crises, including cities along the Des Lacs, Heart, James, Knife, Missouri, Little Missouri, Park, Pembina, Red, Sheyenne, Souris, and Wild Rice Rivers and Beaver Creek;

Whereas the people of North Dakota have suffered tremendous damage to their homes, livelihoods, and communities;

Whereas the ranchers of North Dakota are estimated to have lost nearly 100,000 head of livestock;

Whereas many of the roads and bridges, and much of the other infrastructure, in North Dakota are in need of repair;

Whereas, despite terrible conditions, the people of North Dakota have shown the strength of their shared bond, coming together in large numbers to save their cities, towns, businesses, farms, and ranches;

Whereas stories of exceptional efforts abound, from people filling millions of sandbags on short notice, to people saving lives and effecting rapid emergency evacuations;

Whereas Federal, State, and local officials have provided outstanding leadership and effective service throughout the crisis in North Dakota; and

Whereas the response of the people of North Dakota to the disaster has shown the world how communities can unite, fight, and win in a crisis: Now, therefore, be it

Resolved, That the Senate--

- (1) commends the people of North Dakota for their heroic efforts in fighting the floods in North Dakota;
- (2) commends the many people from around the United States who assisted the people of North Dakota during this time of need;

(3) expresses appreciation to the officials of the numerous Federal agencies working on the ground in North Dakota for their consistently rapid, efficient, and effective response to the disaster; and
(4) continues to stand with the communities of North Dakota in the efforts to recover from the flooding during 2009, and to improve protections against flooding in the future.

HRES 415 EH

H. Res. 415
In the House of Representatives, U. S.,
May 12, 2009.

Whereas 47 of the 53 counties in North Dakota and 28 of the 87 counties in Minnesota have been declared Federal disaster areas;

Whereas wide swaths of North Dakota and Minnesota have faced unprecedented flooding crises, including cities along the Des Lacs, Heart, James, Knife, Missouri, Little Missouri, Park, Pembina, Red, Sheyenne, Souris, and Wild Rice Rivers and Beaver Creek;

Whereas the people of North Dakota and Minnesota have suffered tremendous damage to their homes, livelihoods, and communities;

Whereas the ranchers of North Dakota and Minnesota are estimated to have lost nearly 100,000 head of livestock;

Whereas many of the roads and bridges, and much of the other infrastructure, in North Dakota and Minnesota are in need of repair;

Whereas, despite terrible conditions, the people of North Dakota and Minnesota have shown the strength of their shared bond, coming together in large numbers to save their cities, towns, businesses, farms, and ranches;

Whereas stories of exceptional efforts abound, from people filling millions of sandbags on short notice, to people saving lives and effecting rapid emergency evacuations;

Whereas Federal, State, and local officials have provided outstanding leadership and effective service throughout the crisis in North Dakota and Minnesota; and

Whereas the response of the people of North Dakota and Minnesota to the disaster has shown the world how communities can unite, fight, and win in a crisis: Now, therefore, be it

Resolved, That the House of Representatives--

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- (1) commends the people of North Dakota and Minnesota for their heroic efforts in fighting the floods in North Dakota and Minnesota;
 - (2) commends the many people from around the United States who assisted the people of North Dakota and Minnesota during this time of need;
 - (3) expresses appreciation to the officials of the numerous Federal agencies, including the Federal Emergency Management Agency, working on the ground in North Dakota and Minnesota for their consistently rapid, efficient, and effective response to the disaster; and
 - (4) continues to stand with the communities of North Dakota and Minnesota in the efforts to recover from the flooding during 2009, and to improve protections against flooding in the future.

Attest:

Clerk.

3. ~~Removed from Agenda: Update on Heart River Bank Stabilization Project.~~

RESOLUTIONS & ORDINANCES:

1. Consider the second and final reading of Ordinance No. 1061 making the annual appropriations for expenditures/expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2010, and ending December 31, 2010, and making the annual tax levy for the year 2009. Commissioner Serhienko moved to approve the second and final reading of Ordinance No. 1061 making the annual appropriations for expenditures/expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2010, and ending December 31, 2010, and making the annual tax levy for the year 2009. Commissioner Jackson seconded the motion. Mayor Helbling requested a roll call vote: Commissioner Gangl: Yes; Commissioner Tibke: Yes; Commissioner Serhienko: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed unanimously.

ORDINANCE NO. 1061

AN ORDINANCE MAKING THE ANNUAL APPROPRIATIONS FOR EXPENDITURES/EXPENSES OF THE CITY OF MANDAN, NORTH DAKOTA, FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2010, AND ENDING DECEMBER 31, 2010, AND MAKING THE ANNUAL TAX LEVY FOR THE YEAR 2009.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA:

Section 1. There are hereby appropriated the following sums of money for so much thereof that may be necessary for the purpose of paying

expenditures/expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2010, and ending December 31, 2010.

General Fund	\$7,261,350
Highway Distribution Fund	862,200
City's Share of Special Assessments Fund	146,350
Cemetery Fund	136,300
City Visitors' Promotion Fund	41,500
Alarm-Equipment Reserve Fund	2,000
City Sales Tax Fund	1,922,050
Public Transportation System Fund	100,000
Job Development Authority Fund	100,000
Narcotics Task Force Grant Fund	16,100
Police Equipment Reserve Fund	223,450
Metropolitan Planning Organization Grant Fund	62,000
Traffic Safety Grants Fund	20,400
Under-age Drinking Enforcement Grant Fund	500
Narcotics Task Force Grant Fund-HIDTA	90,950
SAFER Grant Fund	152,150
Justice Assistance Grant Fund	107,300
BNSF Settlement Fund	13,000
Downtown Redevelopment Fund	95,650
Health and Safety Fund	62,200
Mandan Community Center Revenue Bonds of 2005 Fund	139,000
CVP Capital Construction Revenue Bonds of 1994 Fund	48,400
Liberty Memorial Bridge General Obligations Bonds Fund	63,450
Refunding Improvement Bonds Fund	6,473,800
City Visitors' Promotion Capital Construction Fund	12,450
Mandan Growth Fund	193,750
Water and Sewer Utility Fund	10,217,750
Solid Waste Utility Fund	1,544,000
Street Light Utility Fund	320,850
City Shop Fund	293,650
Morton Mandan Public Library Fund	666,017

Section 2. There are hereby levied the following sums of money on all taxable property in the City of Mandan, North Dakota, for the year 2009 for the purpose of paying expenditures/expenses of the City of Mandan, North Dakota.

General Fund	\$3,211,518
City's Share of Special Assessments Fund	35,229
Cemetery Fund	59,297
Public Transportation System Fund	80,268
Refunding Improvement Bonds Fund:	
Street Improvement District #145	33,508

Street Improvement District #148	7,348
General Obligation Bonds Fund:	
Liberty Memorial Bridge	68,541
Mandan Airport Authority	160,536
Morton Mandan Public Library	280,938

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Taking Effect. This ordinance shall be in full force and effect from and after its final passage and adoption.

By: /s/ Timothy A. Helbling
President, Board of City
Commissioners

Attest:

/s/ James Neubauer
City Administrator
First Reading: September 1, 2009
Second Reading: September 29, 2009
Final Passage and Adoption: September 29, 2009

2. *Consider Resolution for increased levies.* Commissioner Serhienko moved to approve the Resolution for increased levies. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present. Mayor Helbling requested a roll call vote: Commissioner Gangl: Yes; Commissioner Tibke: Yes; Commissioner Serhienko: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed unanimously.

RESOLUTION FOR INCREASED LEVIES

WHEREAS, the governing body of the City of Mandan has approved a budget for the operation of the functions of government; and

WHEREAS, the budget results in an increase in the dollar amount to be levied as an ad valorem tax over the pervious year; and

WHEREAS, the North Dakota Century Code 57-15-01.1 requires the governing body to pass a resolution specifically approving such an additional levy;

THEREFORE, BE IT RESOLVED, that the governing body of the City of Mandan specifically approves an increase or additional ad valorem levy in the following funds:

General
Public Transportation System
Street Improvement District #148
Mandan Airport Authority
Morton Mandan Public Library

Dated this 29th day of September, 2009.

By: /s/ Timothy A. Helbling
President, Board of City Commissioners

Attest:

/s/ James Neubauer
City Administrator

3. Consider Resolution establishing rates and charges for services from the Water and Sewer Utility Fund. Commissioner Serhienko moved to approve the Resolution establishing rates and charges for services from the Water and Sewer Utility Fund. Mayor Helbling requested a roll call vote: Commissioner Gangl: Yes; Commissioner Tibke: Yes; Commissioner Serhienko: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed unanimously.

**RESOLUTION ESTABLISHING RATES AND CHARGES FOR SERVICES
FROM THE
WATER AND SEWER UTILITY FUND**

BE IT RESOLVED by the Board of City Commissioners of the City of Mandan, North Dakota, pursuant to the provisions of the Mandan Municipal Code, that the following monthly rates and charges are hereby established for services from the Water and Sewer Utility Fund:

- a) Water and Wastewater Base Charge Per Meter
- 1) ~~\$10.42~~ \$11.42 for each single family dwelling
 - Water - ~~\$5.00~~ \$6.00
 - Wastewater - \$5.42
 - 2) ~~\$10.42~~ \$11.42 for each mobile home
 - Water - ~~\$5.00~~ \$6.00
 - Wastewater - \$5.42
 - 3) ~~\$20.84~~ \$22.84 for each duplex unit
 - Water - ~~\$10.00~~ \$12.00
 - Wastewater - \$10.84
 - 4) ~~\$31.26~~ \$34.26 for all other multiple family units
 - Water - ~~\$15.00~~ \$18.00
 - Wastewater - \$16.26

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- 5) ~~\$20.84~~ \$22.84 for all commercial and industrial enterprises
- Water - ~~\$10.00~~ \$12.00
 - Wastewater - \$10.84
- 6) ~~\$31.26~~ \$34.26 for all apartment and commercial/apartment combination
- Water - ~~\$15.00~~ \$18.00
 - Wastewater - \$16.26
- b) Water Usage Charge Per Meter
- 1) Plus a water consumption charge shall be added at the rate of ~~\$2.60~~ \$2.70 per one hundred cubic feet on each month's consumption as registered on each meter during the preceding monthly billing period.
 - 2) The Missouri West Water System shall be charged at the rate of ~~\$1.68~~ \$1.75 per one thousand gallons of water used as registered on each meter.
- c) Wastewater Usage
- 1) For wastewater disposal service there shall be a charge of \$1.55 per one hundred cubic feet of water used except that for the billing statements prepared during the months of May through October the charge for residential wastewater disposal service shall not exceed the charge based upon the average water usage used during the months of December through March.
 - 2) Industrial users will be levied a volume charge of \$1.55 per one hundred cubic feet of water used. Industrial users will also be levied a charge of \$.06 per pound of suspended solids and \$.10 per pound of five-day, twenty-degree Centigrade BOD.
- d) Stormwater Base Charge Per Meter or Structure
- 1) ~~\$1.00~~ \$2.00 for each meter or structure.

BE IT FURTHER RESOLVED that the rates and charges for services from the Water and Sewer Utility Fund shall be effective as of the first billing after January 1, 2010.

Dated this 29th day of September, 2009.

By: /s/ Timothy A. Helbling
President, Board of City Commissioners

Attest:

/s/ James Neubauer
City Administrator

4. *Consider introduction and first reading of Ordinance No. 1062 an ordinance to amend and reenact subsection 1 of section 21-01-06 of the Mandan Municipal Code relating to the time of meetings for the Planning and Zoning Commission.*

Commissioner Tibke moved to approve the introduction and first reading of Ordinance No. 1062 an ordinance to amend and reenact subsection 1 of section 21-01-06 of the Mandan Municipal Code relating to the time of meetings for the Planning and Zoning Commission. Commissioner Gangl seconded the motion. The motion received unanimous approval of the members present.

OTHER BUSINESS:

1. *Discussion regarding truck traffic along 6th Ave NW (per citizen request).*
Commissioner Tibke stated she had a request from a citizen who had concerns about the truck traffic on 6th Avenue Northwest and so this item was placed on the Agenda; however, the citizen is not present at this meeting. The two concerns were (1) The truck traffic along 6th Avenue Northwest, and (2) The weight of the trucks. Mayor Helbling commented that he has also received complaints about the truck traffic on 6th Avenue Northwest. He stated that 6th Avenue Northwest is a main thoroughfare through the City and the City can discourage truck traffic, but there is no provision available to prohibit truck traffic. No further action is required on this matter.

There being no further actions to come before the Board, Commissioner Serhienko moved to adjourn the meeting at 5:52 p.m. Commissioner Tibke seconded the motion. Upon roll call vote, the motion received unanimous approval of the Board and the meeting adjourned.

/s/ James Neubauer
James Neubauer,
City Administrator

/s/ Timothy A. Helbling
Timothy A. Helbling,
President, Board of City
Commissioners