
The Mandan City Commission met in regular session at 5:30 p.m. on October 6, 2009 in the Ed “Bosh” Froehlich Room at City Hall. Commissioner Tibke called the meeting to order in the absence of Mayor Helbling. Commissioners present were Tibke, Jackson, Gangl and Serhienko. Department Heads present were Finance Director Welch, Police Chief Bullinger, 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: Mayor Helbling.

MINUTES:

PUBLIC HEARING:

BIDS:

CONSENT AGENDA:

1. *Consider for approval the special assessments for Weed Cutting of 2009, Sidewalks of 2009, and Health and Safety of 2009.* The Board approved the special assessments for Weed Cutting of 2009, Sidewalks of 2009, and Health and Safety of 2009. (A copy of the special assessments for Weed Cutting, Sidewalks and Health & Safety 2009 are on file open for public inspection during regular working hours in the Office of the City Administrator.)
2. *Consider approval of Rychlik abatement for Blind Exemption.* The Board approved of the Rychlik abatement for Blind Exemption.
3. *Consider approval of Castle Parktown Addition Final Plat.* The Board approved of the Castle Parktown Addition Final Plat.
4. *Consider approval of Towner Addition Final Plat.* The Board approved of the Towner Addition Final Plat.
5. *Consider for approval the plans and specifications for and the execution of a 3-way agreement for the installation of water in Big Sky 2nd Addition.* The Board approved of the plans and specifications for and the execution of a 3-way agreement for the installation of water in Big Sky 2nd Addition.
6. *Consider the acceptance of Edward Byrne Justice Assistance Grant for the Police Department.* The Board approved of the Edward Byrne Justice Assistance Grant for the Police Department.
7. *Consider closing Administrative offices the day after Thanksgiving.* The Board approved closing Administrative offices the day after Thanksgiving.
8. *Consider assessing the 2009 delinquent water accounts to the respective properties.* The Board approved assessing the 2009 delinquent water accounts to the respective properties. (A copy of the special assessments for the 2009 delinquent water accounts is on file open for public inspection during regular working hours in the Office of the City Administrator.)

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

OLD BUSINESS:

NEW BUSINESS:

1. Consider information from Bismarck Mandan Board of Realtors relative to selling prices of homes in Mandan in 2009. Commissioner Tibke presented for consideration to include the following information received from the Bismarck Mandan Board of Realtors in response to statements made at the September 1, 2009 City Commission meeting as follows:

Background/Alternatives: *At the September 1, 2009, City Commission meeting, Wayne Papke, commented that “Home values are declining and are at where they were in 2008, and we can end up with home levels prior to 2008.” On September 29, 5:42 p.m. Mary Splichal, President of the Bismarck Mandan Board of Realtors, responded in an email addressed to the Mandan City Commissioners: “The Bismarck Mandan Board of Realtors would like to respond to recent comments made about property values in Mandan. Previous comments have suggested that statistics reflect a decline in Mandan’s Property values, however, the Bismarck Mandan Board of Realtors Data tells a different story. Our information shows that through September 28, 2009, the average sale price of a residential property in Mandan increased 5% over the same period in 2008 (from \$140,058 in 2008 to \$147,226 in 2009). The following information may be of interest as well: 2007 Average sale price: \$137,667; 2008 average sale price: \$142,134; YTD 2009 Average sale price \$147,336. I used single family, condos, twin homes and duplexes when generating this info.”*

Commissioner Serhienko moved to approve the entering of the above information from the Bismarck Mandan Board of Realtors relative to selling prices of homes in Mandan in 2009 in the official minutes. Commissioner Gangl seconded the motion. Commissioner Serhienko commented that it is important to use the most accurate facts and figures available and that no one would know that better than the realtors who sell the properties. The motion received unanimous approval of the members present.

2. Consider request regarding arrangements for Twin City Estates and Wildwood Mobile Home Park water services. Administrator Neubauer presented a request for the approval of special arrangements proposed for Twin City Estates and Wildwood Mobile Home Park with regard to the installation of individual water meters and individual monthly billing statements for each mobile home unit for their actual water usage based on the established rates allowed for such services. Administrator Neubauer explained that these two mobile parks have a master water meter. Any water that flows into the park is the responsibility of the park owner and they in turn include that in the lot rent or bill individually within their park. He stated that the city will continue to bill the mobile home parks as they have in the past and they (the park owner) will bill the tenant. The mobile home park owners will do their own billing and collection. There will be no changes in what the City currently does; the billing will still be done on the master meter. Neubauer stated that each tenant will be responsible for his/her own water bill. City Attorney Brown said that it will not be necessary to draft an ordinance to accommodate this request. The City Code states “special arrangement” of which this request falls under which can be accomplished by way of a motion.

Commissioner Serhienko moved to approve the request regarding arrangements for water services for the Twin City Estates and Wildwood Mobile Home Parks. Commissioner Gangl seconded the motion. Administrator Neubauer suggested that the motion include the established rates allowed. Commissioner Serhienko moved to amend the Motion to approve the request regarding arrangements for water services for the Twin City Estates and Wildwood Mobile Home Parks to include the established city rates allowed for such services currently and in the future. Commissioner Gangl seconded the Amended Motion. The motion received unanimous approval of the members present.

3. *Update on Heart River Bank Stabilization Project and consider moving forward with the project.* Director of Public Works Wright presented an update on the progress of the *Heart River Bank Stabilization Project*. Wright reviewed the cost breakdown for the areas. Area 1 is along the Hwy 6 Bridge, which was a washout of private utilities. The City of Mandan is not involved in these utilities. Areas 2 and 3 are located west of the Prairie West Golf Course. Wright provided details of the location of the washout in this area which is about 100 ft. in depth. South of the washout is where the two force main and utility mains are located. He stated that these areas will need repair before the spring 2010 runoff. Wright stated that he has recently met with the Corp of Engineers regarding the project and they agreed on the cost of the construction project in the amount of \$303,846.80. He stated that the plans and specs will be forwarded to the State Water Commission which may result in additional funding assistance of 50% of the local share of the project. Wright stated there is a 75% grant from the Natural Resources Conservation District with the balance of 25% as the local share. The State Water Commission may also take care of the 25% and also the NRCS funding will fund 7.75% of the engineering costs for the construction of the project. Wright stated that after taking into consideration the funds applied towards the project, the balance the City would have to come up with would be approximately \$41,000. He commented that if the project runs as proposed, the City would not be expending those funds.

Commissioner Serhienko moved to approve the Heart River Bank Stabilization Project. Commissioner Jackson seconded the motion. Finance Director stated that the funds (approximately \$40,000) would come from the Water and Sewer Utility Fund. The motion received unanimous approval of the members present.

RESOLUTIONS & ORDINANCES:

1. *Consider second and final reading of Ordinance 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 Jackson moved to approve the second and final reading of Ordinance 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 Serhienko seconded the Amended Motion. The motion received unanimous approval of the members present.

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.**

BE IT ORDAINED By the Board of City Commissioners of the City of Mandan, North Dakota, as follows:

SECTION 1. Amendment. Subsection 1 of Section 21-01-06 of the Mandan Municipal Code is amended to read as follows:

1. All regular monthly and annual meetings will be held at the Mandan Commission Room in City Hall. The commission will meet on the fourth Monday of each month, at 5:15 p.m. unless the meeting falls on a designated city holiday; then the meeting will be determined by the commission. On the first meeting of August the commission will elect its officers for the coming year and conduct other business as is necessary.

SECTION 2. Effective Date. This ordinance will be in full force and effect from and after its date of final passage.

By: /s/ Sandra Tibke
Vice President, Board of City Commissioners

Attest:

/s/ Jim Neubauer
City Administrator

First Reading: September 29, 2009
Second Reading and Final Passage: October 6, 2009

OTHER BUSINESS:

1. *New Fire Station Grand Opening.* Fire Chief Nardello reminded the Commissioners that the Fire Department holds an annual Fire Safety event which includes visiting the schools, daycares, etc. When those are all completed the Fire Department sponsors an Open House Fire Prevention Night. The event is set for Tuesday, October 13, 2009 from 7:00 pm to 9:00 pm with events at both stations. The parade will start at 6:30 pm. Several child safety events will be available.

2. *Noise Committee Status Update.* Commissioner Jackson stated that the meeting for the Noise Committee was postponed (from last week) to Thursday, October 8, 2009, 5:30 p.m. He stated that public notices have been sent. The meeting will be held in the Ed “Bosh” Froehlich Room at City Hall.

There being no further actions to come before the Board, Commissioner Serhienko moved to adjourn the meeting at 5:50 p.m. Commissioner Jackson 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/ Sandra Tibke

Sandra Tibke,
Vice President, Board of City
Commissioners