

---

The Mandan City Commission met in regular session at 5:30 p.m. on October 5, 2010 in the Ed “Bosh” Froehlich Room at City Hall. Commissioners present were Helbling, Tibke, Rohr, Frank, and Jackson. 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.

MINUTES: *Consider approval of the minutes for September 21, 2010 meeting of the Board of City Commissioners.* Commissioner Jackson moved to approve the minutes as presented. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present.

PUBLIC HEARING:

1. *Public Hearing on Community Development Block Grant, Force Panels.* City Administrator Neubauer reported that Force Panels had received a loan through the Community Development Block Grant Program. They did not meet the requirements of that loan but have since repaid the loan in full, with interest, and so this public hearing is being held to close out the program. Mayor Helbling announced that this is a public hearing and anyone wishing to comment on this matter was invited to do so at this time. Hearing no comments, this portion of the public hearing was closed.

2. *Public Hearing to review and discuss the Preliminary 2011 Budget. (See Ordinances #1 and Resolutions #2, and #3).* Finance Director Welch stated that the matter before the Board is the second and final reading of Ordinance No. 1085. This action will adopt the City of Mandan’s 2011 Budget. Secondly, a Resolution for increased levies – this Resolution pertains to the increase in the property taxes for the specific funds. Welch stated that this is not an increase in the mill levy, but addresses the total taxes collected for the city. This is also a Resolution establishing the rates and charges for the services for the water and sewer utility fund for 2011. (A copy of the ordinance and resolutions are on file open for public inspection during regular working hours in the Office of the City Administrator.)

Mayor Helbling announced that this is a public hearing to review and discuss the preliminary 2011 Budget. Hearing no comments and no one came forward to speak, Mayor Helbling closed the public hearing.

3. *Consider 5-Year Ad Valorem Tax Exemption for 3C Construction, LLC.* Richard Barta, City Assessor, presented a request for a 5-year Ad Valorem Tax Exemption for 3C Construction, LLC. They are located next to the Railroad Museum. The new building they will be constructing will be north of their existing building.

Notices have been published and there has been no opposition to the request. Barta noted that the employment projection shown could double if suitable people are found for the job. Mr. Joe Schulte was in attendance to provide any answers to questions regarding this request. The Mandan Growth Fund recommended approval of the 5-year tax

---

exemption request. Mayor Helbling commented that the Growth Fund Committee did discuss this matter and they felt it was an appropriate exemption request.

Mayor Helbling announced that this is a public hearing to review and discuss the 5-year Ad Valorem Tax Exemption for 3C Construction, LLC. Hearing no comments, Mayor Helbling closed the public hearing.

Commissioner Tibke moved to approve the request for the 5-year Ad Valorem Tax Exemption for 3C Construction, LLC for a newly constructed building due to meeting all the criteria under the NDCC 40-57.1. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Jackson: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes. The motion passed.

#### BIDS:

1. *Consider award of bids for South Side Water Pumping Station.* Engineering Project Manager Bechtel presented a request to award the bid for the South Side Water Pumping Station. Bechtel stated that at a previous meeting on August 17, 2010, this Board approved the advertisement of bids for the construction of the south side water pumping station and the demolition of the Collins Reservoir. The bid opening was set for September 27<sup>th</sup> which resulted in 4 recommended low bidders. Bechtel stated the bid was divided in four parts: General Construction, mechanical construction, electrical construction and combined construction. Bechtel provided the following information:

- General Construction: Five bids submitted; low bidder was John T. Jones (Fargo) @ \$906,700 for base bid and alternate
- Mechanical Construction: Three bids submitted; low bidder was Central Mechanical (Bismarck) @ \$44,100
- Electrical Construction: Two bids submitted; low bidder was Edling Electric (Bismarck) @ \$315,400
- Combined Construction (General, Mechanical, Electrical) Two bids were submitted – no low bidder as separate contracts amounted to lower price.
- Demolition of Collins Reservoir: Two bidders submitted bids with Weisz and Sons (Bismarck) as low bidder in the amount of \$69,900.

Advanced Engineering provided an engineer's estimate of \$1,700,000 for the South Side Water Pumping Station. The combined bids of the lowest bidders are \$1,266,200. The engineer's estimate for the demolition of the Collins Reservoir was \$80,000. The lowest bidder for the demolition was \$69,900. In summary, the combined engineer's estimates for these projects are \$1,780,000 and the low bid totals are at \$1,336,100. Bechtel explained that in cases where change orders may be requested, he is authorized to approve any change orders up to \$25,000. If a change order goes over the \$25,000, City Administrator Neubauer will need to review and approve the request for change order; and, subsequently, the Board will have to approve the change order request. Finance Director Welch commented that the best time to look at cost savings or cost over-expenditures would be when all the projects are done. At that time, consideration could be given to reduce or increase rate structures as appropriate.

---

Commissioner Rohr moved to approve the award of bids for the South Side Water Pumping Station and demolition of the Collins Reservoir to the low bidders as presented. Commissioner Jackson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Jackson: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes. The motion passed.

CONSENT AGENDA:

1. *Consider for approval establishing an updated rate schedule for services at the Mandan Union Cemetery. (See Resolution #4)* The Board approved of an updated rate schedule for services at the Mandan Union Cemetery.
2. *Consider for approval the special assessments for Weed Cutting of 2010, Sidewalks of 2010, and Health and Safety of 2010.* The Board approved of the special assessments for Weed Cutting of 2010, Sidewalks of 2010, Health and Safety of 2010.
3. *Consider a proclamation designating the month of November, 2010 as Pancreatic Cancer Awareness Month in the City of Mandan.* The Board approved of a Proclamation designating the month of November 2010 as Pancreatic Cancer Awareness Month in the City of Mandan.
4. *Consider Acceptance of Traffic Safety Contract for October 1, 2010 thru September 30, 2011, from the NDDOT.* The Board approved of the acceptance of a Traffic Safety Contract for October 1, 2010 thru September 30, 2011, from the NDDOT.
5. *Consider for approval the assessment of delinquent Utility Billing accounts for 2010.* The Board approved of the assessment of delinquent Utility Billing accounts for 2010.
6. *Consider approval of abatement for Jamie Dutchak – Re-assessment.* The Board approved of the abatement for Jamie Dutchak – Re-assessment.
7. *Consider approval of the final plat of Highland 3<sup>rd</sup> Addition.* The Board approved of the final plat of Highland 3<sup>rd</sup> Addition.
8. *Consider approval of the final plat of MVP Industrial Park.* The Board approved of the final plat of MVP Industrial Park.
9. *Consider for approval Special Sunday opening for November 28, 2010 for Mandan Eagles.* The Board approved a Special Sunday opening for November 28, 2010 for the Mandan Eagles.
10. *Consider advertisement for the sale of a city owned parcel 65-34423000.* The Board approved of the advertisement for the sale of a city owned parcel 65-34423000.
11. *Consider site authorization for Ducks, Unlimited, Inc. at the Seven Seas for October 14, 2010.* The Board approved of the site authorization for Ducks Unlimited, Inc. at the Seven Seas for October 14, 2010.

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

OLD BUSINESS:

NEW BUSINESS:

---

RESOLUTIONS & ORDINANCES:

1. *Consider the second and final reading of Ordinance No. 1085 making the annual appropriations for expenditures/expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2011, and ending December 31, 2011, and making the annual tax levy for the year 2010.* Commissioner Jackson moved to approve the second and final reading of Ordinance No. 1085 making the annual appropriations for expenditures/expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2011, and ending December 31, 2011, and making the annual tax levy for the year 2010. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Jackson: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes. The motion passed. *(A copy of the ordinance is on file open for public inspection during regular working hours in the Office of the City Administrator.)*

2. *Consider Resolution for Increased Levies.* Commissioner Jackson moved to approve the Resolution for Increased Levies. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Jackson: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes. The motion passed. *(A copy of the resolution is on file open for public inspection during regular working hours in the Office of the City Administrator.)*

3. *Consider Resolution establishing rates and charges for services from the Water and Sewer Utility Fund.* Commissioner Jackson moved to approve the Resolution establishing rates and charges for services from the Water and Sewer Utility Fund. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Jackson: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes. The motion passed. *(A copy of the resolution is on file open for public inspection during regular working hours in the Office of the City Administrator.)*

4. *Consider Resolution establishing rates and charges for services from the Cemetery Fund.* Commissioner Jackson moved to approve the Resolution establishing rates and charges for services from the Cemetery Fund. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Jackson: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes. The motion passed. *(A copy of the resolution is on file open for public inspection during regular working hours in the Office of the City Administrator.)*

5. *Consider resolution permitting the advertisement for sale of city owned property at 304 6<sup>th</sup> St NW.* City Administrator Neubauer said this matter is related to Consent Agenda Item No. 10 wherein the City of Mandan has received the piece of property back because of back taxes owed on the property. An adjacent property owner may be interested in purchasing the property. The property is to be offered for sale to the general public under legal process. It is anticipated that an offer will be forthcoming in a short period of time from the adjacent property owner. Neubauer stated that the City has been

---

the owner of the property for quite some time so there currently are no taxes owed on the property. The buyer normally assumes the special assessments on the property.

**RESOLUTION**

BE IT RESOLVED, by the City Commission of the City of Mandan that the following described real property owned by the City of Mandan shall, pursuant to the provisions of Section 40-11-04.2, N.D.C.C., and the Mandan Municipal Code, the City sell the following described real property:

The West 50' of Lot 6, Block 86, Northern Pacific First Addition to the City of Mandan, Morton County, North Dakota

and engage a licensed real estate broker to sell the above described property by way of a non-exclusive listing agreement with a maximum commission of \_\_\_\_% of the gross selling price.

Dated this 5th day of October, 2010.

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

Attest:

/s/ James Neubauer, City Administrator  
James Neubauer, City Administrator

Commissioner Jackson moved to approve the resolution permitting the advertisement for the sale of city owned property at 304 6<sup>th</sup> St NW described as the West 50' of Lot 6, Block 86, Northern Pacific First Addition to the City of Mandan, Morton County, North Dakota. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Jackson: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes. The motion passed.

**OTHER BUSINESS:**

1. *Update on annual Fire Prevention Open House.* Fire Chief Nardello provided the Board with a reminder that the Mandan Fire Department will host the Annual Open House on Tuesday, October 12, 2010, at 6:30 p.m. There will be a parade from Station No. 2, the Mandan Rural Fire Department on 48<sup>th</sup> Avenue Southeast to Station No. 1 located on Collins Avenue. The Open House will be held at both fire stations. Fire truck rides and safety tips will be provided and refreshments will be available. Chief Nardello encouraged the Commission members and the public to attend the event.

---

There being no further actions to come before the Board, Commissioner Tibke moved to adjourn the meeting at 5:55 p.m. Commissioner Frank seconded the motion. The motion received unanimous approval of the Board members present and the meeting adjourned.

/s/ James Neubauer

James Neubauer,  
City Administrator

/s/ Timothy A. Helbling

Timothy A. Helbling,  
President, Board of City  
Commissioners