
The Mandan City Commission met in regular session at 5:30 p.m. on December 15, 2015 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Braun and Laber, (via teleconference call). Department Heads present were Finance Director Welch, Deputy Police Chief Leingang, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development & Communications Director Huber, Planning & Engineering Director Froseth, Planner Decker, Assessor Shaw, and Building Official Lalim.

B. APPROVAL OF AGENDA: Commissioner Braun moved to approve the Agenda. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

C. PUBLIC COMMUNICATIONS: Mayor Van Beek invited anyone interested to speak for or against any items on the Agenda to come forward. A second announcement was made for anyone to come forward to speak on the Agenda. Hearing none, this portion of the Public Communications was closed.

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission of December 1, 2015 Regular Meeting.* Commissioner Braun moved to approve the minutes as presented. Commissioner Laber seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

F. BIDS:

1. Consider award of fire truck bid. (See Res. & Ord. No. 8). Fire Chief Nardello stated that the Fire Department advertised and opened bids for a new fire truck on November 23, 2015. There were five (5) bids received and the bid tabulations were provided within the documentation for review. After initially reviewing the five (5) bids, they went back and thoroughly reviewed them again. The two lowest bids were from Toyne with a base bid in the amount of \$519,000 and from Pierce Manufacturing with a base bid in the amount of \$530,437. It was determined that there were several allowable deductions from Pierce’s base bid and that there were no deductions from Toyne. There was a deduction of \$7,557 on the Pierce bid for a 50% prepayment of the truck chassis for a total of \$505,554. They also had a deduct because they added a foam system that we did not request. Thus, Pierce became the low bidder. Chief Nardello stated that there were some options added back on the truck bringing the truck total to \$516,343. The recommended option is to lease purchase the fire truck with a down payment due at contract signing of \$240,000. The funds will come out of the equipment reserves which have sufficient funds for the down payment. It will also have sufficient funds for the payment(s) over the five (5) year period. The Leasing Company also requires that a resolution is passed for the lease option.

Chief Nardello explained that the truck is somewhat higher in cost than anticipated because it was felt necessary to add extra equipment to fully equip this truck. With the talks of a Fire Station No. 3, the Fire Department is now going to need a reserve engine. So we have equipment specs within this truck. We also elected not to trade the 1993 Pierce that we were originally going to trade because of the anticipated addition of Station No. 3 because the department may need that as a reserve engine. Chief Nardello stated that the National Fire Protection Association (NFPA) periodically changes its recommendations on the useable life span of a fire truck. In the past it was thought to be 10-20 years, depending on use. Chief Nardello's rule-of-thumb for life expectancy of a new fire truck is approximately 20 years. However, the NFPA changed that based on the use of the vehicle to approximately 10 years. He said he still believes that 20 years is an approximate life expectancy of a new fire truck.

Commissioner Laber mentioned that both lease and lease-purchase were included in the documentation. She asked for a clarification as to whether this would be a lease-purchase where at the end of the lease period, the City will have an option to purchase it when making the final payment? Chief Nardello stated that is correct. It will be a lease-purchase. The lease terminology is used in case we decide to trade it in. They will then guarantee us a value at the end of the trade, if it is traded in. But the City will not be doing that, so we will own the truck at the end of the five (5) years.

Commissioner Braun moved to approve the following:

- (1) Award the bid for a new fire truck to Pierce Manufacturing for a total amount of \$516,343, with a down payment due at contract signing of \$240,000 with the balance to be in the form of a five year lease and to amend the 2015 fire equipment reserve to include a \$240,000 down payment.
- (2) Approve a five year annual \$57,289 payment lease agreement with PNC Equipment Finance, LLC for a new fire truck.
- (3) Approve a resolution establishing lease agreement terms with PNC Equipment Finance LLC, for a new fire truck.

Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

G. CONSENT AGENDA

1. *Consider approval of monthly bills.* MONTANA-DAKOTA UTILITIES - 15,582.53; ADVANCED ENGINEERING SVC - 7,856.75; ALPHA CONSTRUCTION - 124.58; ARMSTRONG SANIT & ROLL O - 80,368.05; BIS-MAN CONVTN & VISITOR - 5,210.75; BNSF RAILWAY COMPANY - 180.00; COAST TO COAST OFFICE MA - 10,700.00; CROWLEY FLECK PLLP - 485.00; ETHANOL PRODUCTS - 722.37; FOUR SQUARE CONCRETE LLC - 14,858.43; HDR ENGINEERING, INC - 2,037.72; ILD CORP. - 7.77; INFORMATION TECHNOLOGY D - 572.65; JESSE SMITH SPEICAL RESC - 157.50; KADRMAS, LEE & JACKSON, - 3,785.79; KEY'S CRANE SERVICE - 180.00; LEAVING IMPRESSIONS, INC - 150.00; MANDAN PARK BOARD - 1,500.00; MARKS HEATING & COOLING - 235.39;

MILDENBERGER/RANDY - 11,998.80; MISSOURI VALLEY PETROLEU - 20,876.23; MISSOURI WEST WATER SYST - 118.81; MORTON COUNTY AUDITOR - 5,224.15; MUNICIPAL GOVERNMENT ACA - 25.00; ND DEPT OF TRANSPORTATIO - 3,706.35; ND LEAGUE OF CITIES - 120.00; PRESORT PLUS - 2,424.68; ROTO-ROOTER SEWER & DRAI - 225.00; SWANBERG CONSTRUCTION IN - 418,361.78; TERRACON - 1,547.00; TOMAN ENGINEERING CO - 8,756.40; WILLIAM E. YOUNG CO., IN - 1,704.53; 2507 MICHAEL LANE CONDO - 24.95; POST BOARD - 25.00; MONTANA-DAKOTA UTILITIES - 30,387.70; VETTER/BRENT - 82.33; AT & T - 793.82; BALABAN LAW OFFICE - 1,500.00; COMPANION LIFE - 10.00; DAKOTA MEDIA ACCESS - 8,055.00; FORT DEARBORN LIFE - 1,736.57; GLASS/THOMAS J. - 1,500.00; KELSCH KELSCH RUFF & KRA - 4,000.00; ND PERS - 112,237.33; ND STATE BD OF REGISTRAT - 380.00; SCHWEITZER/TRENT - 1,600.00; WELLS FARGO COMMERCIAL C - 147,895.28; ADVANCED ENGINEERING SVC - 76,859.96; ARMSTRONG SANIT & ROLL O - 46,902.48; BIS-MDN TRANSIT BOARD - 799.52; BORDER STATES ELECTRIC - 41.84; CBI BUSINESS SERVICES - 7,240.20; CENTRAL MECHANICAL INC - 95,535.00; COMPUTER PROFESS UNLIMIT - 89.00; CONNER/SCOTT - 1,246.45; CROWLEY FLECK PLLP - 4,500.00; CUSTER DISTRICT HEALTH U - 1,075.00; DAKOTA MEDIA ACCESS - 1.75; DAKOTA WEST CONTRACTING - 19,121.33; FETZER ELECTRIC, LLC - 3,641.39; FLECK & SONS CONCRETE IN - 2,463.45; FROSETH/JUSTIN - 500.00; GEOSERV, INC. - 472.00; HEPPEL OLSON ARCHITETS - 4,892.50; HIT, INC. - 304.50; HOBBS INC - 9,015.88; INFORMATION TECHNOLOGY D - 1,949.45; INTERGOVERNMENTAL SHOP - 6,521.14; INTERSTATE ENGINEERING - 1,017.50; KADRMAS, LEE & JACKSON, - 70,400.68; LARSON/SHIRLEY - 250.00; MANDAN AIRPORT AUTHORITY - 1,599.15; MANDAN MUNICIPAL COURT - 4,008.63; MANDAN PARK BOARD - 1,500.00; MANDAN PROGRESS ORGANIZA - 4,040.00; MARINER CONSTRUCTION INC - 160,585.12; MISSOURI WEST WATER SYST - 182.95; MONTANA-DAKOTA UTILITIES - 3,152.22; MORTON COUNTY RECORDER - 16.00; MORTON MANDAN PUBLIC LIB - 17,798.51; MY GOV, LLC - 1,050.00; ND DEPT OF TRANSPORTATIO - 30,948.17; ND STATE DEPT OF HEALTH - 320.00; NORTHERN IMPROVEMENT CO - 48,124.62; ONE CALL CONCEPT INC - 174.90; PETTY CASH - 196.52; PRESORT PLUS - 2,797.13; RAZOR TRACKING - 100.00; RENNER'S LAWN SPRINKLING - 4,095.00; SMITH RANCH HAY AND STRA - 123.00; STANTEC CONSULTING SERVI - 15,143.37; STOUT/SUSAN - 5.49; TRI R AG SUPPLY - 475.41; VAULT1440, LLC - 1,875.00; WEHRI/RADEANNA - 300.00; ZANDER BODY SHOP INC - 589.97; CITY OF MANDAN - 111.71; MONTANA-DAKOTA UTILITIES - 19,958.11; ACS/XEROX BUSINESS SER. - 4,624.81; ADVANCED ENGINEERING SVC - 39,065.60; ARMSTRONG SANIT & ROLL O - 38,433.45; BANK OF NORTH DAKOTA - 136,491.92; BIS-MAN CONVTVN & VISITOR - 7,202.44; BISMARCK POLICE DEPARTME - 3,370.45; BJORND AHL/DAVID - 138.42; BOERGER, LLC - 4,923.49; BURLEIGH COUNTY - 7,392.19; CENTRAL DAKOTA FORENSIC - 80.00; CROWLEY FLECK PLLP - 80.00; DOUGHERTY & COMPANY LLC - 21,000.00; EDLING ELECTRIC INC - 95,405.30; ETHANOL PRODUCTS - 1,254.75; GRAYMONT CAPITAL INC - 12,186.50; HDR ENGINEERING, INC - 1,800.32; HIT,

INC. - 145.00; HUBER/ELLEN - 86.25; ILD CORP. - 7.77; IPREO LLC - 1,500.00; KADRMAS, LEE & JACKSON, - 65,915.34; LEINGANG/KAYLA - 500.00; MANDAN PARK BOARD - 1,500.00; MARC MENGE - 30,000.00; MARINER CONSTRUCTION INC - 160,399.44; MATERIAL RESOURCES, INC - 19,400.00; MILLER/CASEY - 890.03; MORTON COUNTY AUDITOR - 10,469.11; MUNICIPAL CODE CORPORATI - 2,026.00; ND DEPT OF TRANSPORTATIO - 56,121.88; ND RURAL WATER SYSTEM AS - 225.00; ND SURPLUS PROPERTY - 9.00; ND WEED CONTROL ASSOCIAT - 125.00; ND YOUTH CORRECTIONAL CE - 1,284.00; NORTH DAKOTA WATER USERS - 1,000.00; OLSON/EDDY - 13.45; PHAT BROTHERS BAKERY INC - 5,061.29; PIERCE MANUFACTURING INC - 240,000.00; POPPE/DAN - 25.00; PRESORT PLUS - 1,388.52; RICOH PRODUCTION PRINT S - 92.09; STARION BOND SERVICES - 900.00; SWANBERG CONSTRUCTION IN - 284,298.00; TOMAN ENGINEERING CO - 2,889.60; WATER SMITH, INC - 19,696.60.

2. *Consider approval of the City of Mandan Voting Locations for the June 14, 2016 Election.*
3. *Consider for approval plat for Old Red Trail Commercial Addition (Sports Complex site).*
4. *Consider Change Order #4 for SID #199.*
5. *Consider for approval the assessment of Delinquent Alarm Fees for 2015.*
6. *Consider CPM agreement for Main Street ADA project.*
7. *Consider Engineering Service Agreement with Toman Engineering for design and pre-bid services for Big Sky Street Improvement District.*
8. *Consider lease of home at Water Treatment Plant.*
9. *Consider contract for engineering and design services for wayfinding signage with Berberich Designs and KLJ.*
10. *Consider 2015 budget amendments for various departments within Public Works.*
11. *Consider replat of Lot 3, Block 5, Meadows Fifth Addition.*
12. *Consider approval of games of chance for First Lutheran Church Mandan on January 9, 2016 at Mandan Middle School.*
13. *Consider approval of Special Sunday openings for Lukes Bar LLC dba Silver Dollar Bar – January through March, 2016.*

Commissioner Laber moved to approve the Consent Agenda as presented. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

H. OLD BUSINESS:

I. NEW BUSINESS:

1. ~~*Presentation, Native American Development Center, Lorraine Davis.*~~
2. *Presentation by Mike Manstrom, Dougherty & Company LLC, regarding the sale of \$9,025,000 Refunding Improvement Bonds of 2015, Series B. (See Resolutions #4i, #4ii, #4iii). Mike Manstrom, Dougherty & Company LLC presented the results of the*

public sale that occurred at their offices on December 15, 2015, at 10:30 a.m. for the \$9,025,000 Refunding Improvement Bonds of 2015, Series B for the City of Mandan. This consists of a number of street improvement districts throughout the city. Mr. Manstrom shared the results of the bond sale with the Commission members. He indicated that the City's bond rating was reaffirmed as A1 by Moody's. This is a very good rating which is needed to continue in getting the aggressive competitive bond sales. These aggressive competitive bonds in turn result in low interest rates. The lower the interest rate, the lower the impact on the taxpayers and the lower the assessments rates will be. He said that three (3) bids were received: (i) FTN Financial Capital Markets out of New York submitted a 2.69 NIC for a 15 year issue; (ii) Robert W. Baird & Co. Inc. out of Milwaukee submitted a 2.70 NIC; (iii) Hutchinson, Shockey, Erley & Co. from Chicago submitted a 3.16 NIC. Mr. Manstrom recommended the City of Mandan approve the resolutions prepared by bond counsel for FTN's Capital Markets bid of 2.698 NIC. When approved, the interest rates will be locked in and the money will be transferred in on December 30, 2015. Mr. Manstrom explained that once the resolutions are passed these rates are firm.

3. *Consider approval of RFQ for engineering services for Water Treatment Facility and Water Distribution System work.* Planning & Engineering Director Froseth stated the City of Mandan was successful in getting State Water Commission grant money to start construction on three projects during the 2015-2017 biennium. Those projects are (i) Water Treatment Plant high service pump optimization, Phase 1; (ii) Sunset Booster Station Pump Improvements; and (iii) Distribution system Instrumentation and Control Improvements. All these projects are part of the City's Capital Improvement Plan (CIP) and have been included in the planning process for many years. In order to follow the State Water Commission cost share policies to accept the grant money, the City must do several things including advertising for engineering services, establish methods for evaluation of respondents, conduct interview processes, and select an engineering company to hire as the systems consultant. A draft of an advertisement for the request for qualifications has been prepared for the advertisement with plans to publish on December 25, 2015. The proposal deadline would be scheduled for January 22, 2016.

Commissioner Rohr moved to approve the RFQ for engineering services for Water Treatment Facility and Water Distribution System work. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Consider approving the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 202, Project No. 2015-13 (Lakewood 8th Addition).* Planning & Engineering Director Froseth stated these are all the necessary resolutions to advertise for bids, for the development of Lakewood 8th Addition. The engineer's estimate of costs is \$1.25 million dollars for the construction and with the engineering and administration costs of \$439,013.75 for a total

approximate cost of \$1.7 million for this project. Opening bid would be set for January 26, 2016 so the bids will be in the spring of 2016. The School District is located within Lakewood 8th as indicated on the project map. Director Froseth noted that the majority of the land owners in this district signed a waiver of protest. There was one property that didn't sign, but that would be less than 10% of the property area. So the project will move forward without a protest period.

Commissioner Tibke moved to approve the Resolution creating district, approving Resolution approving Engineer's Report, approving Resolution of Plans and Specifications, approving Resolution determining sufficiency of petition, approving feasibility report and Resolution directing advertisement for bids for Street Improvement District No. 202, Project No. 2015-13 (Lakewood 8th Addition). Commissioner Laber seconded the motion. Commissioner Braun commented that in the past this Board has discussed passing the costs on to the developers. He recommended discussing that again and that the Board make decisions on how to handle these requests in the future. Commissioner Rohr concurred with Commissioner Braun and recommended that the Board develop a feasibility plan for the developers to follow. Mayor Van Beek requested this matter be put on the schedule for future discussion and resolution.

Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

5. *Consider Growth Fund Committee recommendations:* Business Development Communications Director Huber presented on behalf of the MGF Committee:
(i) *Appointment of 3 committee members for 2016-2018 terms:* This is a recommendation from the MGF Committee for the appointments for three positions with terms expiring at the end of December 2015. The positions were held by Don Boehm, Tim Spilman and Mike Schaff. Committee openings were advertised for in November and Letters of Interest were due by December 4th or until the positions were filled. There were four (4) Letters of Interest by that date from Don Boehm who was seeking reappointment and from new potential appointments for Mike Evans, Dave Lehman and Lee Weisbeck. The MGF Committee recommended the reappointment of Don Boehm to a second term and for the appointments of Dave Lehman and Lee Weisbeck for the three year period from 2016-2018.

Commissioner Tibke moved to approve the reappointment of Don Boehm and the appointments of Dave Lehman and Lee Weisbeck to the Mandan Growth Fund Committee for three-year terms from 2016 through 2018. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

On behalf of the City Commission, Mayor Van Beek extended a thank you to all the individuals who serve on the various Boards and Committees for the City of Mandan.

(ii) Application for Flex PACE interest buy-down by Gramma Braun's Stores, Inc. (dba Classic Rock Coffee): This is a request for local share of interest buy-down through the Bank of North Dakota Flex PACE program. The application is from Gramma Braun's Stores, Inc., (dba Classic Rock Coffee). They plan to open in the Memorial Square Shopping Center on the east end of the strip. They are seeking an interest buy-down from the City of Mandan that would be no greater than \$9,448.20 for a total buy-down of approximately \$27,000. The Bank of North Dakota will provide the other 65%. This is an interest buy down towards the principal amount of no greater than \$225,000, a loan through Choice Financial with participation by the Bank of North Dakota. The total project will include lease-hold improvements and equipment for Classic Rock Coffee for a total investment of \$310,000.

The business owners are Kim Ressler and Steve Fergel. Steve Fergel was available to answer questions about the application. The business anticipates employing between 13 and 15 people, primarily part-time. There will be both indoor and outdoor seating areas, a meeting room and a drive-through. There is a possibility that they will apply with the City Commission at a later date for a beer and wine license. The Growth Fund Committee recommended approval of the local match in the amount of \$9,448.20 to be structured as an unsecured loan. The loan is for a 44-month time period and would then be repayable within 4 years thereafter. Interest is at 2% and would begin accruing at the start of the loan period of the buy-down and all loan origination and filing fees would need to be paid by the borrower.

Commissioner Laber moved to approve the interest buy-down for Gramma Braun's Stores Inc. dba Classic Rock Coffee with a local match of up to \$9,448.20 to be structured as a loan with the terms and rate as recommended. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

(iii) Updates to interest buy-down policy: These are updates to the interest buy-down policy through the Bank of North Dakota programs. The Bank of North Dakota changed its PACE Loan Program that was approved by the ND Industrial Commission in July 2015 that said "On the community's share of the interest buy-down, if the community does a side note for repayment of this amount, interest may accrue; however, repayment cannot begin until the PACE buy down has been fully expended". Previously the interest could not begin accruing until after the buy-down period ended. The Mandan Growth Fund Committee has been considering the commencement of the interest accrual on a case-by-case basis since that change was made. They voted to recommend that the interest does begin accruing with commencement of the buy-down period and they wish to formalize the practice with an updated policy. The second item was loan security provisions. The Mandan Growth Fund Committee and the City of Mandan had not done many interest buy-downs with the Bank of North Dakota prior to this past year and those done previously were generally structured as grants. The committee is now recommending use of the program more frequently and those buy-downs generally are structured as loans. Discussion ensued if there should be a flat policy for requirement of

security provisions. In discussing the dynamics, the Committee recommended that the policy security requirements be considered on a case-by-case basis for each applicant. Director Huber stated that those are the two policy change recommendations from the Mandan Growth Fund.

Commissioner Braun moved to approve the proposed updates to the Mandan Growth Fund interest buy-down policy. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

6. *Consider the letter of intent and Rule G-17 letter from Dougherty & Company LLC, as the Underwriter for the Sales Tax Revenue Bonds of 2016.* Mike Manstrom, Dougherty & Company LLC, explained the purpose of the Rule G-17 and the letter of intent. As a result of the 2008-2009 financial meltdown, a bill was passed in 2010 called the Dodd-Frank Bill. That bill's purpose is to increase regulations in the securities industry. Because of the Dodd-Frank Bill and the new regulations all we are required to do is present the letter of intent to the issuer and in this case it would be the City of Mandan. Dougherty would not be acting as financial advisors to the City for this specific issue because we would be the underwriter. Rather Dougherty & Company would be the firm buying the bonds. The G-17 letter outlines the responsibilities of myself (Mike Manstrom) and Dougherty & Company when we underwrite the bonds to the City. He explained that as an underwriter, Dougherty & Company may provide advice to the City on the structure, timing, terms and other similar matters concerning bonds. The City's intention is that Dougherty & Company underwrite the bonds, subject to satisfaction of applicable laws, formal approval by the City finalizing the structure of the bonds and the executive of a mutually agreed upon purchase agreement.

While the City presently engages Dougherty & Company as the underwriter for bonds, this engagement letter is preliminary and does not restrict the City from entering into the proposed or any other municipal security transactions with other underwriters or selecting an underwriting syndicate that does not include Dougherty & Company. Due to the long standing working relationship between the City and Dougherty & Company, the City should consider waiving the competitive bidding requirement. He said that the approval of the letter of intent and the Rule G-17 letter is necessary before Dougherty & Company can further communicate with the City regarding the bond financing proposal. Manstrom stated that in the past no documentation was necessary and this is a result of an increase in regulations. Dougherty will buy the bonds and will find a market for the bonds. He said that this is the method used for the majority of the wellness centers in North Dakota. Manstrom provided the necessary documents to the Board that outlined the proposal from Dougherty and Company LLC.

Finance Director Welch explained that upon approval of this matter the next step would be for the City to work with Dougherty and Company to develop a financial package proposal for the bond sale. The proposal will then be submitted to the City's Budget and Finance Committee for their review and then a recommendation will come back to the

Board at a date in the near future for consideration and approval. This matter will come back to the Board as far as the actual bond sale.

Commissioner Braun moved to waive the competitive bidding requirement and approve the letter of intent and Rule G-17 letter from Dougherty & Company LLC, as the Underwriter for the Sales Tax Revenue Bonds of 2016. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

7. *Consider Community Beautification Committee recommendation for committee appointment.* City Administrator Neubauer stated that the Beautification Committee has two openings. Advertisements were posted in November with a closing date of December 4, 2015. We did not receive any letters of interest. However, at the meeting on December 10th, Brian Dehnert, a current member of the Committee agreed to submit his name for reconsideration for reappointment. The recommendation from the Beautification Committee is to reappoint Brian Dehnert to a 3-year term through 12/31/18. The other position will remain open and will be advertised until it is filled.

Commissioner Laber moved to approve the re-appointment of Brian Dehnert to the Beautification Committee for another 3-year term through 12/31/18. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

J. RESOLUTIONS AND ORDINANCES:

1. *First consideration of Ordinance 1228 related to animal waste.*

Planner Decker stated that in working with Joe Camisa, our Code Enforcement Officer, they discovered there was an issue identified with the Nuisance Ordinance whereby there was no specific language identifying animal waste. So a new section was created to address animal waste on a private property that would allow the Code Enforcement Officer to work with the property owner to clean up the property. The second issue would address when a pet owner is walking an animal in a public area and does not properly clean up the animal waste. This will allow the officer to get the owner to clean up the animal waste in a proper manner. Commissioner Laber moved to approve the First consideration of Ordinance 1228 related to animal waste. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *First consideration of Ordinance 1229 related to noxious weeds and tall grass.*

Director of Public Works Wright stated that the North Dakota Century Code authorizes the Board of City Commissioners to establish a Noxious Weed Control Program overseen by a City Weed Board. It also sets the criteria for the Weed Board. The state maintains a list of noxious weeds that are subject to control. The duties of the weed control officer were transferred from the Fire Chief to the Code Enforcement officer. On 10/29/15 a meeting was held to reorganize the Weed Board. Attending were Joe Camisa, Weed

Control Officer, Jeff Wright, Steve Nardello, Mike Zerr, Nancy Moser and Justin Froseth who recently became a member of the Weed Board. NDCC 4.1-47-18 sets the criteria for the Weed Board. He said that language was added to allow the Weed Board to hear appeals by the Weed Control Officer. Several changes were presented by Director Wright that will update the wording and clarify requirements. The Community Beautification Committee recommends approval of the changes. The staff recommended adoption of the ordinance and the appointment of Weed Board members with the designated terms of office: Joe Camisa, 4 years; Jeff Wright-Chairman, 3 years; Steve Nardello, 2 years; Mike Zerr-Vice Chair, 1 year; and Justin Froseth, 1 year.

Commissioner Tibke moved to approve the appointment of members to the Weed Board with the terms of office as presented and moved to approve the First consideration of Ordinance 1229 amending and reenacting Chapter 16, Article 5, of the Mandan Code of Ordinances. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider for adoption resolution setting fees for alarm systems.* Planner Decker stated that the alarm system technology has been changing over the last several years because of different types of alarms now being used. This is a proposal to update the resolution language to recognize the different types of alarms, such as the health/safety emergency alarms. These are now with the person rather than the actual property. The fee amounts will remain the same. We are just recognizing the changes in the industry.

Commissioner Tibke moved to approve the adoption of the resolution setting fees for alarm systems. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Consider Resolutions for Refunding Improvement Bonds of 2015, Series B:*
i. Resolution Awarding Sale of Warrants and Bonds for \$9,025,000 Refunding Improvement Bonds of 2015, Series B. Commissioner Laber moved to approve the Resolution Awarding Sale of Warrants and Bonds for \$9,025,000 Refunding Improvement Bonds of 2015, Series B. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

ii. Financing Resolution for Street Improvement Districts #176, #177, #178, #179, #181, #182, #185, #186, #189, #190, #191, #192, #193, #195 Definitive Improvement Warrants. Commissioner Laber moved to approve Financing Resolution for Street Improvement Districts #176, #177, #178, #179, #181, #182, #185, #186, #189, #190, #191, #192, #193, #195 Definitive Improvement Warrants. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

iii. *Resolution Authorizing Issuance of \$9,025,000 Refunding Improvement Bonds of 2015, Series B.* Commissioner Laber moved to approve the Resolution Authorizing Issuance of \$9,025,000 Refunding Improvement Bonds of 2015, Series B. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

5. *First consideration of Ordinance 1230 related to storm water management penalties.* Planner Decker summarized this matter as a previous issue on storm water management on a property. When they looked at the way the Code was written, it was quite a cumbersome effort to initiate a mitigation effort so this draft language modifies that. The current code says that the City Attorney must initiate and the City Commission authorizes. Most of the actions that come up that address compliance are initiated by City Staff. This is a recommendation to change this to be more consistent with our normal administrative process. He reviewed the three options that would be available. The City would be able to issue a citation in Municipal Court for a Class B misdemeanor. We could take action to correct the problem and bill the property owner or assess the property. The City also has the option to seek injunctive action and a court order to cease and desist. The revision is to allow City Staff to initiate the action so corrective action can be taken. City Attorney Brown commented that if injunctive action or court order were to be taken; the matter would still come before the City Commission first. The intent here is to clean up other parts of the Code that can be done more efficiently by staff. It is intended that the offense is a Class B Misdemeanor for a violation related to the storm water management chapter.

Commissioner Braun moved to approve the First consideration of Ordinance 1230 amending and reenacting Sections 107-2-1, 107-2-3 and 107-2-6 of the Mandan Code of Ordinances. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

6. ~~*First consideration of Ordinance 1231 related to solid waste.*~~

7. ~~*First consideration of Ordinance 1232 related to refuse, rubbish and outdoor storage.*~~

8. *Consider approval of lease and Resolution for leasing agency for award of fire truck bid. (See Bids No. 1).* Commissioner Braun moved to approve the following (See Bids No.1):

(1) Award the bid for a new fire truck to Pierce Manufacturing for a total amount of \$516,343, with a down payment due at contract signing of \$240,000 with the balance to be in the form of a five year lease and to amend the 2015 fire equipment reserve to include a \$240,000 down payment.

(2) Approve a five year annual \$57,289 payment lease agreement with PNC Equipment Finance, LLC for a new fire truck.

(3) Approve a resolution establishing lease agreement terms with PNC Equipment Finance LLC, for a new fire truck.

Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS:

1. *Consider the call for a Public Hearing on Special Assessment Policy on January 19, 2016 at 5 p.m.* Planning & Engineering Director Froseth provided a brief explanation of this proposed hearing. During the 2015 legislative session the legislature added a new section to the NDCC that requires the governing body of each city with a population of 10,000 or more to adopt written assessment policies. City Staff have been working on a Special Assessment Policy to present at the public hearing for comment on January 19, 2016. Public hearings on policies are required with the adoption of the policies only after that public hearing is held.

Commissioner Laber moved to approve the call for a Public Hearing on Special Assessment Policy on January 19, 2016 at 5 p.m. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Recycling Program:* Commissioner Rohr commented that the new recycling bins have been distributed and some people are very pleased with the implementation of the program. There were also some people that are not as pleased. He encouraged residents to try to adjust and work with the program so we can see what's working and what's fair at this time and look at that as we go in the future. Managing waste isn't an easy task. There are long term considerations that affect the landfills and also the cost of handling wastes. (As well as there being environmental issues.) There are long term things that we are looking at that affect the city. We're asking for patience and we'll try to work through and see if we can make it work and address any difficulties.

There being no further actions to come before the Board of City Commissioners, Commissioner Rohr moved to adjourn the meeting at 6:35 p.m. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

/s/ James Neubauer

James Neubauer,
City Administrator

/s/ Arlyn Van Beek

Arlyn Van Beek,
President, Board of City
Commissioners