
The Mandan City Commission met in regular session at 5:00 p.m. on July 5, 2011 in the Ed “Bosh” Froehlich Room at City Hall. Commissioners present were Helbling, Tibke, Rohr, Jackson (via conference call), and Frank. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Administrator Neubauer, Fire Chief Nardello, Business Development and Communications Director Huber, and Engineering Project Manager Bechtel. Absent: City Attorney Brown, Director of Public Works Wright and City Assessor Barta.

Mayor Helbling stated that the de-watering matter will not be discussed at this meeting. He stated there is no new information at this time.

MINUTES: *Consider approval of the minutes for June 21, 2011, regular meeting.* Commissioner Tibke moved to approve the minutes of June 21, 2011, Commissioner Jackson seconded the motion. The motion received unanimous approval of the members present.

PUBLIC HEARING:

BIDS:

CONSENT AGENDA:

1. *Consider Special Sunday opening for Bismarck-Mandan Stock Car Association, Inc. for July 10, 2011.* The Board approved of the Special Sunday opening for Bismarck-Mandan Stock Car Association, Inc. for July 10, 2011.

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:

1. *Consider the creation of Water & Sewer Improvement District No. 58, Project 2011-07 (Shoal Loop Extension).* Engineering Project Manager Bechtel reviewed with the Board a request received from Shannon Schlosser and Mike Wachter to create a special assessment district for the costs of the water and sewer to be assessed to their properties. Bechtel stated that this request is a little different because it’s going to be an over depth installation of the water and sewer because that water and sewer does reach farther to the west to serve that Mitzel property and as part of the ordinances that over depth portion of those trunk mains is typically picked up by the City per our ordinance. There are some costs that should be considered as part of this project. They are requesting that the costs of this project be special assessed to their two properties. There would be some benefit to the Mitzel property to the west because of the over depth because those mains will be used to utilize his property in the future. Commissioner Rohr commented that the Board is moving in the direction of handling these projects to collect funds through a pre-paid arrangement up front rather than special assessments

later. He encouraged the Board to consider this option and stated that this action may lead in the direction of handling these matters in a similar fashion as Bismarck does. Bechtel stated that the total cost of this project including the over depth items, engineering, legal and administrative costs contingencies is just below \$80,000. Estimated costs of assessments would be @ \$34,000 plus the engineering and contingency of @ \$16,000 for a total of @ \$50,000 so that would be the portion of the amount assessed to those lots. The parties would have to work out details with Mitzel before the project would go forward because the improvement would affect Mitzel in the future. Bechtel stated that the matter before the Board tonight is only to create the district and the assessment plan would be addressed at a later time. Mayor Helbling suggested that Bechtel, Administrator Neubauer and Finance Director Welch meet to come up with a formula and then submit a proposal at a future meeting.

Commissioner Rohr moved to approve the creation of a Water and Sewer Improvement District No. 58, Project 2011-07 (Shoal Loop Extension) excluding the Mitzel properties. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: No; Commissioner Jackson: Yes; Commissioner Helbling: No. The motion passed.

2. *Consider the advertisement of the Resolution of Necessity for Flood Improvement District No. 1, Project No. 2011-06.* Administrator Neubauer stated that at the Special Meeting of the Commission on June 28, 2011, the district for this project was adopted and it was suggested that there be a protest period per typical projects for this project district.

Commissioner Tibke moved to approve the advertisement of the Resolution of Necessity for Flood Improvement District No. 1, Project No. 2011-06. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

3. *Consider a proclamation to extend the State of Emergency within the City of Mandan pursuant to Section 06-03-07 of Mandan Code of Ordinances.* Administrator Neubauer stated that this proclamation was passed at a recent meeting and that the proclamation is to be renewed every 30 days. This is an extension of what has been passed as the City continues to deal with related issues.

Commissioner Rohr moved to approve to extend the State of Emergency within the City of Mandan pursuant to Section 06-03-07 of Mandan Code of Ordinances. Commissioner Jackson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

RESOLUTIONS & ORDINANCES:

1. *Consider first consideration of Ordinance No. 1098 an ordinance to create a new Chapter to Title 17, Public Nuisances, of the Mandan Code of Ordinances.* Administrator

Neubauer stated that this is the first consideration of Ordinance No. 1098 and that it was presented to the voters earlier this year verbatim by this Board. We are just renumbering that ordinance that was passed so that we can adopt it into our code of ordinances. This was not done at the time because the City did not want there to be any questions from the community on what was being passed. For clarification, what was being passed by the Commission at that time was exactly how it was written by the parties that initiated the measure. This Ordinance is codifying and putting into form that Ordinance. Neubauer stated that the parties that initiated the Ordinance were contacted last week and informed that this matter would be addressed at this forum tonight and they were fine with that. No feedback or comments were received.

Commissioner Tibke moved to approve the first consideration of Ordinance No. 1098 an ordinance to create a new Chapter to Title 17, Public Nuisances, of the Mandan Code of Ordinances. Commissioner Jackson seconded the motion. Roll call vote: Commissioner Rohr: No; Commissioner Tibke: Yes; Commissioner Frank: No; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

OTHER BUSINESS:

1. On behalf of Del Wetsch, President of the Mandan Progress Organization, Administrator Neubauer extended a thank you to the Board of City Commissioners and all city staff, the police and fire departments and all the volunteers for another successful 4th of July Celebration in Mandan. It was noted that there were no incidents with regard to the burn ban in effect within the flooded areas of the city.

2. FEMA will be holding a public information meeting on Wednesday, July 6, 2011, 6:30 p.m. at the Mandan High School Auditorium, 905 - 8th Avenue Northwest. The meetings will cover assistance programs available to property owners who have suffered losses due to the flooding. There will be presentations as well as question and answer periods. All Morton County residents who experienced flooding are invited to attend.

3. The Bismarck-Mandan Chamber of Commerce is holding a get-together for the businesses in the flood affected areas to discuss the issues involved on Wednesday, July 6, 2011, 11:30 a.m. to 1:00 p.m. at the Chamber Building. Information can be obtained from the Bismarck-Mandan Chamber of Commerce website.

There being no further actions to come before the Board, Commissioner Rohr moved to adjourn the meeting at 5:17 p.m. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present.

/s/ James Neubauer

James Neubauer,
City Administrator

/s/ Timothy A. Helbling

Timothy A. Helbling,
President, Board of City
Commissioners