
The Mandan City Commission met in regular session at 5:30 p.m. on March 18, 2014 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, and Braun. 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 and Communications Director Huber, Planning & Engineering Director Froseth, Planner Decker, Assessor Shaw, and Building Official Lalim. Absent: Commissioner Frank.

B. APPROVAL OF AGENDA: Commissioner Tibke motioned to approve the Agenda as presented. 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 to come forward to address items on the Agenda. A second announcement was made to speak for or against items 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 regular meeting held March 4, 2014.* Commissioner Tibke moved to approve the minutes as presented. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

E. PUBLIC HEARING:

F. BIDS:

1. *Consider the award of Bids for the Water Meter Improvements Project.* Ken Weber, AE2S reviewed with the Board the bids received for the Water Meter project. There were two bids received. The low bidder was Thirkettle Corporation. The bid included an alternate addition bid for a fixed network automated meter reading system. The first bid was from Thirkettle Corporation for \$1,389,194.59 and the second bid was from Ferguson Enterprises in the amount of \$1,663,873.17. The low bid for the alternate addition was from Thirkettle Corporation for \$131,440.00 and the second alternate addition bid was from Ferguson Enterprises for \$517,430.62. After consulting with City Staff, the recommendation of AE2S is to do Contract 1 which is replacing the meters and putting in new radios so there is a consistent system throughout the city and also doing the addition in the alternate. The total of the two low bids from Thirkettle Corporation is \$1,520,634.59. The engineer’s estimate was at \$2.4 to complete the project. He stated that the recommendation is contingent upon receiving an updated Propagation Study. The Propagation Study basically shows that they are able to pick up the radios at specific locations and that there are a high enough number of meters read without having to expand the system. A new Propagation Study was presented yesterday which met those requirements. The Department of Health has approved the project and

they have approved the loan. However, the contingency is that the Department of Health will need to approve the bid award.

Commissioner Rohr moved to approve the bid award to Thirkettle Corporation in the amount of \$1,520,634.59 for the Water Meter Improvements Project which includes the alternate addition bid for a fixed network automated meter reading system contingent on the Propagation Study covering 98% and contingent upon approval of the bid award by the Department of Health.

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

G. CONSENT AGENDA

1. *Consider approval of monthly bills.* WELLS FARGO REMITTANCE C - 23,471.01; ADVANCED ENGINEERING SVC - 16,609.05; GLENCOE GUN CLUB - 700.00; MONTANA-DAKOTA UTILITIES - 23,558.82; ND BUILDING OFFICIALS AS - 30.00; ND DEPT OF TRANSPORTATIO - 97,753.84; ND WATER & POLLTN CONTRO - 60.00; NDACO RESOURCES GROUP - 1,110.74; PETERSON PROPERTY MGNT - 37.48; PRESORT PLUS - 1,005.95; R8PA - 190.00; SCHLAFMANN/BRENT - 9.46; SHIU PETER WING PING LUK - 28.78; STANTEC CONSULTING SERVI - 2,303.00; WEST DAKOTA UTILITY SERV - 946.96; WESTERN EDGE ELECTRIC IN - 5,271.40; MONTANA-DAKOTA UTILITIES - 35,541.79; ADVANCED ENGINEERING SVC - 47,815.17; BALABAN LAW OFFICE - 1,500.00; BIS MAN DEVELOPMENT ASSO - 35.00; BISMARCK POLICE DEPARTME - 348.84; BURLEIGH COUNTY SHERIFF - 1,517.20; COMPANION LIFE - 10.00; DAKOTA MEDIA ACCESS - 8,332.25; EILER/CHAD J - 1,650.00; ENTERPRISE FLEET MANAGEM - 2,804.53; ETHANOL PRODUCTS - 912.80; FORT DEARBORN LIFE - 463.21; GLASS/THOMAS J. - 1,500.00; GRAYMONT CAPITAL INC - 11,630.65; KELSCH KELSCH RUFF & KRA - 4,000.00; MANDAN MUNICIPAL COURT - 1,650.00; MANDAN PARK BOARD - 400.00; MANDAN PROGRESS ORGANIZA - 25,948.67; MCLEISH/NATHAN - 145.00; MILLER/CASEY - 248.35; MISSOURI WEST WATER SYST - 43.91; MORTON COUNTY AUDITOR - 291.70; MORTON COUNTY RECORDER - 32.00; ND PERS - 95,091.60; NELSON LEASING INC DBA - 82,240.00; OLYMPIC SALES, INC. - 9,900.00; OVERLAND WEST - 34,000.00; PKG CONTRACTING INC - 60,027.62; POST BOARD - 110.00; RAILROAD MANAGEMENT CO I - 546.36; ROSEN/BRANDON - 45.00; SCHLOSSER EXCAVATING INC - 3,360.00; SRF CONSULTING GROUP - 257.13; SWENSON HAGEN AND COMPAN - 0.00; TYLER TECHNOLOGIES, INC - 201.76; URS CORPORATION - 3,406.10; VERIZON WIRELESS - 400.00; WEHRI/RADEANNA - 600.00; WEST DAKOTA SWAT - 5,901.00; WOODMANSEES INC - 113.00; POST BOARD - 25.00; BERGER/SCOTT - 289.75; BIS-MAN CONVTVN & VISITOR - 3,043.71; BIS-MDN TRANSIT BOARD - 29,466.90; BORDER STATES ELECTRIC - 7,860.16; CBI BUSINESS SERVICES - 7,075.00; COMPUTER PROFESS UNLIMIT - 89.00; CROWLEY FLECK PLLP - 4,500.00; CUSTER DISTRICT HEALTH U - 1,060.45; D & F TELEPHONE - 35.00;

DAKOTA'S BEST COFFEE - 55.00; INFORMATION TECHNOLOGY D - 1,198.34; INTERGOVERNMENTAL SHOP - 11,958.60; INTERSTATE ENGINEERING - 35,723.00; MANDAN AIRPORT AUTHORITY - 58,935.03; MANDAN PARK BOARD - 2,000.00; MARINER CONSTRUCTION INC - 3,273.88; MORTON COUNTY AUDITOR - 382.50; MORTON MANDAN PUBLIC LIB - 116,478.53; ND STATE DEPT OF HEALTH - 320.00; NORTHERN IMPROVEMENT CO - 34,373.80; ONE CALL CONCEPT INC - 31.90; PRESORT PLUS - 3,861.81; QUALITY APPLIANCE REPAIR - 166.00; ROYAL SEPTIC & EXCAVATION - 550.00; SCHLOSSER EXCAVATING INC - 700.00; SEVERIN, RINGSACK & MORRO - 100.00; TARGET BANK - 897.78; VANGUARD APPRAISALS, INC - 21,975.00; WELLS FARGO REMITTANCE C - 1,176.73; WORKFORCE SAFETY & INSUR - 25,166.20;

2. *Consider approval of Expenditure Budget amendments for Fiscal Year 2013.*
3. *Consider transfer of funds from the General Fund 2013 Budget to the 2014 Budget.*
4. *Consider approval of the 2014 Fire Hydrant Painting agreement with HIT Inc.*
5. *Consider transfer of funds from the Cemetery and Utility Department's 2013 Budget to the 2014 Budget.*
6. *Consider transfer of funds from the IT Department 2013 Budget to the 2014 Budget.*
7. *Consider nomination of SSBCI loan committee alternate.*
8. *Consider transfer of funds from the Police Department 2013 Budget to the 2014 Budget.*
9. *Consider transfer of funds from the Growth Fund 2013 Budget to the 2014 Budget.*
10. *Consider Approving Engineering Service Agreement with Wenck Associates for Street Improvement District Projects.*
11. *Consider deferred market adjustments resulting from the City's Salary Plan.*
12. *Consider Proclaiming April 1, 2014, as Mayor's Day of Recognition for National Service in Mandan.*

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

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Discussion related to a shared leave policy.* City Administrator Neubauer stated that the City of Mandan is looking at adopting a policy related to shared leave in which an employee that does not have accumulated annual or sick leave to use in the case of illness or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition that has caused or is likely to cause the employee to take leave without pay or terminate employment. Other employees would have an opportunity to donate sick or annual leave to that employee subject to certain rules and conditions. He stated that the draft policy was created from the State of North Dakota's policy/statute. He also indicated that he has reviewed the

City of Bismarck's leave/share policy and that this type of a policy has been adopted by many other entities.

City Administrator Neubauer reviewed some of the suggested conditions of the shared leave policy:

- > Another employee is suffering from or has a relative suffering from a severe injury, impairment, or physical or mental health condition that is likely to take leave without pay or terminate employment;
- > The receiving employee has exhausted or will exhaust all annual leave or compensation because of the medical condition or that of a relative.
- > The donated-to employee would have to be in good standing with the City of Mandan.
- > All donated leave must be given voluntarily.
- > The employee cannot give more than 5% of the employee's accrued leave hours. Leave time must be donated in full hour increments.
- > The mayor may grant a leave of absence not to exceed 20 work days to an employee for the purpose of an organ or bone marrow donation.

Commissioner Braun moved to request that City Attorney Brown draft an ordinance that would allow an employee to share a portion of their accrued sick time benefits with another employee who has exhausted or does not have any accrued sick time.

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

J. RESOLUTIONS AND ORDINANCES:

City Finance Director Greg Welch stated that Resolutions No. 1 and No. 2 relate to the same item but they are separate Resolutions and require separate motions. He stated that in 2013 the City of Mandan was approved by the Industrial Commission of North Dakota for a loan in the amount of \$2.4 million from the North Dakota Public Finance Authority's Clean Water State Revolving Fund Program to finance the water meter replacement project of which the bids were approved today. The City will only borrow what it needs for the projects. However, since the City has been approved for up to \$2.4 million what is now before the Commission are the required Resolutions which finalize the loan agreement between the City and the State.

1. *Consider Resolution Authorizing Undertaking for Municipal Improvement Consisting of Water Meter Improvements.* Commissioner Tibke moved to approve the Resolution Authorizing Undertaking for Municipal Improvement Consisting of Water Meter Improvements. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider Resolution Authorizing the Issuance of Water Improvement Interim Certificates of 2014, Series A and Water Improvement Revenue Bonds of 2014, Series A.* Commissioner Tibke moved to approve the Resolution Authorizing the Issuance of Water Improvement Interim Certificates of 2014, Series A and Water Improvement Revenue

Bonds of 2014, Series A. Commissioner Rohr seconded the motion. Roll call vote:
Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent;
Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS

There being no further actions to come before the Board of City Commissioners,
Commissioner Tibke moved to adjourn the meeting at 5:48 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