
The Mandan City Commission met in regular session at 5:30 p.m. on November 3, 2015 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Braun and Laber. 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 & Communications Director Huber, Planning & Engineering Director Froseth, Planner Decker, Assessor Shaw, and Building Official Lalim.

2. *Presentation of retirement award to Police Chief Dennis Bullinger:* Mayor Van Beek presented a Biography of Chief Bullinger, (who was born in Mandan, North Dakota), throughout his career until his retirement at the end of this year as the Chief of Police for the City of Mandan. On behalf of the City of Mandan employees and residents, Mayor Van Beek extended a thank you to Chief Bullinger for his 42 years of service to the City of Mandan.

B. APPROVAL OF AGENDA: Commissioner Braun moved to approve the Agenda. Commissioner Laber 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 October 13, 2015 Joint Meeting with Bismarck City Commission and the October 20, 2015 regular board meeting.* Commissioner Tibke 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:

G. CONSENT AGENDA

1. *Consider Contract from Eide Bailly for auditing services.*
2. *Consider closing CDBG/CDLF Projects Bank Account at Wells Fargo.*
3. *Consider Consulting and Services Agreement for payroll and human resource services with Central Billing, Inc.*
4. *Consider replat of Lot 2, Block 2, North Prairie Second Subdivision.*
5. *Consider closing Administrative offices the day after Thanksgiving.*
6. *Consider approval of N.D. Tourism marketing grant agreement.*
7. *Consider proclaiming Nov. 28 as Small Business Saturday in Mandan.*

8. *Consider Municipal Advisor Agreement with Dougherty & Company LLC for financial consulting services.*
9. *Consider Out-of-State Travel & Training for Sergeant Haug - Nov. 15-20, 2015.*
10. *Consider plat of Heart Ridge Twinhome Addition.*
11. *Consider for approval Partial Payment # 5 – FINAL, to Thirkettle Corporation for the Water Meter Improvements Project.*
12. *Consider replat of Blocks 1 and 3, West Hills Estates Fourth Addition.*

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:

1. *Update from Advanced Engineering and Environmental Services regarding the Water Meter Improvements Project.* Brian Viall, EIT, Project Engineer for AE2S provided an update on the project. He stated that the primary goals of the project are to update old water meters, standardize reading methods across accounts, and ensure accurate billing to users. The City was transitioned to a fixed network which operates by means of radio based stations. The two radio based stations in Mandan operate on a leased spectrum. This allows the City to have direct readings from anywhere within the City of Mandan. This will also allow reading capabilities of reads on demand, consumption history, leak detection, high flow or pipe break, and tamper detection. Account information was reviewed pointing out that there are over 7,000 water meters in the data base that the City oversees. There are about 200 water meter accounts that still need to be completed. The goal is to get that number to zero. After that it would be regular maintenance. Currently 99.9% meters are being read by the radio based stations. He reviewed the four master meter vaults that were added to existing mobile home parks and some improvements to the master meters that feed Missouri West Water Systems, (MWWS). These allow the City to read, monitor, and bill MWWS directly all while maintaining the reading capabilities if MWWS so it wouldn't interfere with their operations. The funding for the project was through an SRF Loan of \$2,400,000.00. The total expenses came to \$1,665,836.39, which is 30.5% under budget.

Commissioner Laber questioned whether we need to keep a certain amount of the budget open for the 200 meters that remain outstanding, (if those meters are included within the project expenses)? Finance Director Welch stated that when we increased the rates we set the rates at \$2.4 million budget so through our current rate structure, we would generate enough revenue to complete the 200 meters that are left to install.

I. NEW BUSINESS:

1. *Consider Combined Communications Center Agreement.* Fire Chief Nardello presented a report on the progress of the Combined Communications Center Agreement with the City of Bismarck, the City of Mandan and Burleigh County. Mayor Van Beek, Commissioner Tibke, Chief Bullinger, Administrator Neubauer, and himself have met with Bismarck-Burleigh County several times to come up with an agreeable document.

The proposed agreement for Joint Exercise of Governmental Powers contains operational and capital funding considerations of which Mandan will be responsible for 20% of the operational budget. The 20% proposal will leave the City of Mandan approximately \$34,500 short of the 2016 Budget allowance. However, the equipment relocation cost is projected to be (lower) closer to \$50,000 to provide adequate funding for 2016. However, there are funds in the Alarm Fund to cover any shortfall, if needed. He stated that if the Board approves this proposal, there will need to be an appointment of a Commissioner to serve on the Board of Directors of the new Communications Center. The Director of the Combined Communications Center of Bismarck-Burleigh was available to answer questions.

Mayor Van Beek stated that at the State of the City Speech today, this Communications Center was part of Mayor Seminary's speech which was very favorable in that Bismarck and Burleigh County are looking towards working with Mandan by adding us to the Combined Communications Center. He concurred with Mayor Seminary's points on making Bismarck-Mandan a safer place for both communities. Commissioner Rohr requested periodic reports on the progress of the joint efforts of the Communications Center.

Commissioner Laber questioned item #15 of the contract in that the term of the agreement does not contain language for a renewal. When there is a long term situation, such as this is, when it comes to computer hardware, software, personnel training, etc., she would like to see a renewal clause. She would like there to be a renewal clause within the contract in order to avoid coming back to the table to renegotiate at every term, unless that is not a normal standard way of doing business on behalf of the City. Attorney Brown stated that he was not involved with the drafting of the agreement; however he has looked it over and it appears to be in order. He said that a fixed term of 30 years is a long time. However, it can be amended from time to time between the three entities and that is a normal way of handling contracts.

Commissioner Laber stated that the Board of Directors will include a commissioner from Bismarck and Mandan and Burleigh County. In other Boards there is an alternate named and she would like to see Mandan City Commission have an alternate on the Board of Directors because there are only two meetings set per year. For Mandan not to have a vote when you have two meetings per year would not be ideal. She recommended having an alternate named for the City of Mandan on the Board of Directors so as to avoid any situation that may occur, such as a health event, so that the City of Mandan will have a representative at the Board of Directors meeting.

Commissioner Laber moved to approve the proposed agreement for the Joint Exercise of Governmental Powers with the City of Bismarck and County of Burleigh for a combined communications center with a new center name to be determined at a later date. 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.

Mayor Van Beek volunteered to be the Board representative for the City of Mandan.

Commissioner Tibke moved to recommend the appointment of Mayor Van Beek to be the Board of Directors representative for the City of Mandan and that Commissioner Rohr be appointed as the alternate to Board of Directors representative to act in the capacity in the absence of the Board of Directors representative, Mayor Van Beek.

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.

2. *Removed.*

3. *Consider Wastewater Treatment Facility Change Order No. G-2.* Planning & Engineering Director Froseth stated this change request is to cover what has already been completed in the field. It is for the plugging of a pipe that was discovered when a valve was removed and opened. There was a situation wherein the wastewater was exiting the pipe and it had to be addressed in the field while the project was in process in order to prevent further damage. The change order is for \$59,067 and is consistent with the Change Order Policy in that anything over \$50,000 has to be brought before the Commission for approval. He said that the City of Mandan is looking into the possibility of recouping any costs because it is possible the plugging was in place in prior drawings. Director Froseth recommended approval of the change order of \$59,067 to the contract with Swanberg Construction.

Commissioner Laber moved to approve Change Order G-2 for Wastewater Treatment Facility Optimization Project. Commissioner Tibke 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.

4. *Consider deadline for bid opening for Street Improvement District projects requesting funding by special assessment method.* Planning & Engineering Director Froseth stated the Street Improvement Projects have substantially been completed before the end of construction season. For the past two construction seasons the City Commission has set a deadline for bid openings of Street Improvement Districts by Special Assessments in 2014 by July 1st and for 2015 it was June 1st. Considering the success of that bid opening deadline over the last two years it was recommended to set that same bid opening deadline by June 1, 2016 for street improvement district projects requesting funding by special assessment method. Plans and specifications must be approved on or before the May 3, 2016, City Commission Meeting in order to make that bid opening deadline and to satisfy advertising requirements. The developers will always have the option to build their streets outside of a lot assessed street improvement district if they so choose and would not be bound by this deadline. That would be a similar process to the 3-way agreement and the Engineer's Office recommends that option for developers.

Commissioner Braun moved to approve the administering of a bid opening deadline of June 1, 2016, for special assessed Street Improvement District projects for new developments. 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.

J. RESOLUTIONS AND ORDINANCES:

1. *First consideration of Ordinance No. 1224 renaming street in Lakewood Commercial Park Fourth Addition.* Planner Decker stated that a numbering discrepancy was discovered in this area explaining that Shoal Loop starts out as a north-south street and then loops around and goes east-west. The street west of 40th was changed to 24th Street in Lakewood 8th Addition. However, there is a small section of that street which was part of Lakewood Commercial Park Fourth Addition that also needs to be renamed to 24th. This request is that the small section of what is now called Shoal Loop be renamed 24th. This street has not been developed yet.

Commissioner Rohr moved to approve the First consideration of Ordinance No. 1224 renaming street in Lakewood Commercial Park Fourth Addition. 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.

2. *First consideration of Ordinance No. 1225 amending Section 105-4-4 of the municipal code relating to floodplains.* Planner Decker stated that when re-writing and updating the Code there was discussion as to who should be the Flood Administrator. FEMA requires that a position be designated in the ordinance. For the time being, this responsibility will stay with the Building Official.

Commissioner Tibke moved to approve the First consideration of Ordinance No. 1225 amending Section 105-4-4 of the municipal code relating to floodplains. 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.

3. *Second consideration and final passage of Ordinance No. 1222 making additions to city code related to snow removal and use of streets.* Commissioner Tibke moved to approve the Second consideration and final passage of Ordinance No. 1222 making additions to city code related to snow removal and use of streets. 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. *Second consideration and final passage of Ordinance 1223 amending Chapters 101 and 105 of the Mandan Municipal Code.* Commissioner Laber moved to approve the Second consideration and final passage of Ordinance 1223 amending Chapters 101 and 105 of the Mandan Municipal Code.

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.

K. OTHER BUSINESS:

There being no further actions to come before the Board of City Commissioners, Commissioner Tibke moved to adjourn the meeting at 6:15 p.m. Commissioner Laber 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