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The Mandan City Commission met in regular session at 5:30 p.m. on October 16, 2012 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Rohr, Frank, and Braun. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Fire Chief Nardello, Business Development and Communications Director Huber, Engineering Project Manager Kim Fettig and City Assessor Barta. Absent: Commissioner Tibke and Director of Public Works Wright.

MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission meetings: October 2, 2012 – Regular meeting and October 4, 2012 – Special Meeting.* Commissioner Frank moved to approve the minutes of the October 2, 2012 Regular meeting and the October 4, 2012 Special Meeting. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

PUBLIC HEARING:

BIDS:

CONSENT AGENDA:

1. *Consider approval of monthly bills.* The Board approved of the monthly bills. MONTANA-DAKOTA UTILITIES - 42,486.64; CENTURYLINK - 5,877.01; POST BOARD - 45.00; AT & T - 643.69; AT & T MOBILITY - 450.12; BALABAN LAW OFFICE - 1,500.00; BARTA/RICHARD - 99.00; CENTURYLINK - 147.12; COMPANION LIFE - 10.00; COOMBS/EDWARD - 1,338.00; DAKOTA MEDIA ACCESS - 6,302.17; FORT DEARBORN LIFE - 406.01; GLASS/THOMAS J. - 1,500.00; HOLTER/DEBORAH - 35.00; JACOBSEN/CARL - 35.00; KELSCH KELSCH RUFF & KRA - 4,000.00; MORTON COUNTY AUDITOR - 527.94; ND PERS - 78,291.53; PARK CONSTRUCTION COMPAN - 11,795.92; POSTMASTER - 2,300.00; RACHEL CONTRACTING, INC. - 51,620.56; RICOH PRODUCTION PRINT S - 69.19; SCHEELS OF BISMARCK - 659.98; SWANBERG CONSTRUCTION IN - 119,002.00; TARGET BANK - 130.51; WINKS/LOREN K - 35.00; ND FIRE PREVENTION ASSOC - 225.00; POST BOARD - 60.00; A & B PIZZA INC. - 185.50; ACME ELECTRIC - 159.97; ADVANCED BUSINESS METHOD - 209.41; ADVANCED ENGINEERING SVC - 19,396.38; ADVANCED WEIGHING SYSTEM - 1,450.00; AIRE MASTER OF ND - 70.00; AMERICAN WELDING SUPPLIE - 21.00; AMERIPRIDE LINEN & APPAR - 66.33; AMITY TECHNOLOGY, LLC - 181.00; ARMSTRONG SANIT & ROLL O - 37,770.52; ARROWHEAD CLEANERS & LAU - 546.05; BAILEY CRANE SERVICE & S - 485.00; BERG'S 24 HOUR TOWING - 322.50; BIS-MAN TRACTORS & EQUIP - 55.13; BISMARCK TRIBUNE/THE - 15,997.07; BOBCAT OF MANDAN INC - 16.63; BRAUN/LUDWINA - 35.00; BROWN/MALCOLM H. - 4,500.00; BULLINGER TREE SERVICE - 27.95; BUTCHER BLOCK MEATS - 168.06; BUTLER MACHINERY COMPANY - 12,817.73; CBI BUSINESS SERVICES - 6,715.75; CENEX- FUOC BISMARCK-MAN - 27.23; CENTURYLINK - 1,709.67; CHESAK SEED HOUSE -

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171.00; CITY OF BISMARCK - 1,778.78; CITY OF MANDAN - 351.40; COMPUTER PROFESS UNLIMIT - 80.00; CRESCENT PRNT & OFFICE P - 1,493.05; CUSTER DISTRICT HEALTH U - 1,014.17; D & E SUPPLY COMPANY INC - 105.84; DAKOTA FIRE STATION INC - 81.00; DAKOTA STAFFING SOLUTION - 435.26; DAKOTA TOWING - 185.00; DAN'S SUPERMARKET - 25.80; DIRECTMED - 38.62; DIRK PLUMBING & HEATING - 77.00; DITCH WITCH OF NORTH DAK - 6,000.00; DOLL/TOM - 194.50; ENTERPRISE SOLUTIONS INC - 2,592.50; EVIDENT CRIME SCENE PROD - 210.00; FARGO WATER EQUIPMENT CO - 25,530.00; FASTENAL COMPANY/THE - 555.67; FERGUSON WATERWORKS - 2,353.43; FETZER ELECTRIC, LLC - 2,242.85; FLEXIBLE PIPE TOOL COMPA - 438.50; FORCE AMERICA - 42.16; FUSION INTEGRATED TECHNO - 799.72; GALLS, AN ARAMARK COMPAN - 93.50; GENERAL TRAFFIC CONTROLS - 1,063.04; GERDAU AMERISTEEL - 60.60; GRAND CENTRAL, INC. - 124.67; GRAY OIL COMPANY - 5,912.68; GRAYMONT CAPITAL INC - 12,009.92; HACH COMPANY - 287.12; HALFTONED APPAREL INC. - 1,031.00; HARVEST LLC - 1,674.00; HAWKINS INC - 6,915.31; HEDAHL'S OF MANDAN INC - 524.88; HIGH PLAINS APACHE - 6.21; HIRSCH FLORIST INC. - 100.00; HOUSTON ENGINEERING, INC - 2,185.75; HUB INTERNATIONAL OF ND - 9,443.00; HUBER/ELLEN - 142.00; INFORMATION TECHNOLOGY D - 1,243.20; INFRATECH INC - 294.72; INTERGOVERNMENTAL SHOP - 16,057.65; INTERSTATE ALL BATTERY C - 187.15; INTERSTATE ENGINEERING - 7,150.00; INTERSTATE POWERSYSTEMS - 299.68; ISAKSON/CHARLES - 180.00; JOHN'S UPHOLSTERY - 480.93; KNIFE RIVER - 19,092.94; KO INVESTMENTS, LLC - 50,652.48; KOSTELECKY/EVE - 516.00; KUPPER CHEVROLET INC - 111.50; LEINGANG/BEN - 34.34; LILLIS ELECTRIC INC. - 209.40; LOCATORS & SUPPLIES - 179.43; MACS INC - 39.40; MANDAN FIRE DEPARTMENT - 583.33; MANDAN MUNICIPAL COURT - 970.00; MANDAN NW PIPE FITTINGS - 19.77; MANDAN PARK BOARD - 2,400.00; MANDAN TIRE CENTER - 243.39; MARINER CONSTRUCTION INC - 6,071.41; MARKS HEATING & COOLING - 106.21; MET PRO CORPORATION - 7,167.69; MIDWAY MACHINING, INC. - 85.00; MIDWEST TESTING LAB INC - 5,823.50; MISSOURI VALLEY PETROLEU - 1,166.80; MISSOURI WEST WATER SYST - 51.29; MOR-GRAN-SOU ELECTRIC CO - 10,845.03; MORTON COUNTY AUDITOR - 4,777.20; MORTON COUNTY RECORDER - 35.00; MORTON DISTRICT COURT - 20.00; MORTON MANDAN PUBLIC LIB - 2,800.00; MVTL LABORATORIES, INC - 2,428.00; NALCO CHEMICAL CO - 119.50; ND BUILDING OFFICIALS AS - 200.00; ND FIREMENS ASSOCIATION - 65.00; ND STATE DEPT OF HEALTH - 320.00; NELSON LEASING INC DBA - 1,936.44; NORTHERN IMPROVEMENT CO - 2,001,969.26; NORTHERN PLAINS EQUIP CO - 2,398.73; NORTHERN TROPHY & SILK S - 20.00; NORTHWEST INDUSTRIAL SUPPL - 345.15; NORTHWEST IRON FIREMAN, - 75.00; NORTHWESTERN EQUIPMENT I - 1,624.52; NUHN INDUSTRIES - 1,291.36; OHMS CAFE - 51.31; ONE CALL CONCEPT INC - 435.00; PAHLKE STEEL, INC. - 65.84; POST BOARD - 110.00; PRAXAIR - 26.60; PREBLE MEDICAL SERVICES - 165.00; PRESORT PLUS - 682.18; PRINT ON IT - 341.78; QUALITY SERVICE - 36.00; R AND F LDSCPNG & HAULIN - 950.00; RDJ SPECIALTIES INC - 268.52; RENNER'S LAWN SPRINKLING - 368.22; ROHR/DENNIS - 718.86; ROUGH RIDER

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INDUSTRIES - 787.59; SAFARILAND LLC - 111.79; SANFORD BISMARCK - 616.20; SKINNER'S ROLL-OFF SERVI - 3,700.00; SM INC. - 3,652.78; SPIFFY BIFFS - 204.00; STAN PUKLICH CHEVROLET I - 50.00; STEIN'S INC - 219.52; SWANSTON EQUIPMENT CORPO - 517.92; TITAN MACHINERY INC - 1,412.27; TRAFFIC SAFETY SERVICES - 525.00; UNICOM - 190.00; UNIFORM CENTER & EMBROID - 106.97; URS CORPORATION - 165.70; VERIZON WIRELESS SERVICE - 1,301.94; W.W. WALLWORK INC - 8,904.59; WASTE MANAGEMENT OF ND, - 27,773.21; WE-SHIP-ETC.INC - 3.48; WEHRI/RADEANNA - 630.00; WELLS FARGO REMITTANCE C - 9,135.48; WESCO DISTRIBUTION INC - 2,125.00; WEST DAKOTA UTILITY SERV - 72.45; WESTERN EDGE ELECTRIC IN - 170.00; WOODMANSEES INC - 279.59;

2. *Consider for approval the special assessments for Weed Cutting of 2012, Sidewalks of 2012 and, Health and Safety of 2012.* The Board approved of the special assessments for Weed Cutting of 2012, Sidewalks of 2012; Health and Safety of 2012.

3. *Consider for approval the assessment of delinquent accounts for 2012.* The Board approved of the assessment of delinquent accounts for 2012.

4. *Consider appointment of Phyllis Hager as Special Assessment Analyst, a temporary part-time position in the Engineering Department.* Commissioner Rohr extended a thank-you to Phyllis Hager for assisting with the Special Assessment project. He stated that her expertise in City government from her past employment with the City will be very beneficial. The Board approved of the appointment of Phyllis Hager as a Special Assessment Analyst, a temporary part-time position in the Engineering Department.

5. *Consider for Approval Acceptance of a State Lottery Grant Program Funds for Calendar Year 2013.* The Board approved of the State Lottery Grant Program Funds for Calendar Year 2013.

6. *Consider approval of Meadows 6<sup>th</sup> Addition zone change. (First consideration of ordinance #1133).* The Board approved of Meadows 6<sup>th</sup> Addition zone change. (First consideration of ordinance #1133).

7. *Consider the annexation of Plainview Heights 13<sup>th</sup> Addition, in Section 2, Township 138N, Range 81W. (First consideration of ordinance #1131).* The Board approved of the annexation of Plainview Heights 13<sup>th</sup> Addition, in Section 2, Township 138N, Range 81W.

8. *Consider entering into a Cost Participation and Maintenance Agreement with the North Dakota Department of Transportation (NDDOT) for the Federal Aid Highway Program.* The Board approved of entering into a Cost Participation and Maintenance Agreement with the North Dakota Department of Transportation (NDDOT) for the Federal Aid Highway Program.

9. *Consider entering into a Cost Participation Agreement (CPM) with the NDDOT Memorial Highway Micro Surfacing Main St – 46<sup>th</sup> Ave.* The Board approved of entering into a Cost Participation Agreement (CPM) with the NDDOT Memorial Highway Micro Surfacing Main St – 46<sup>th</sup> Ave.

Commissioner Rohr moved to approve the Consent Agenda as presented. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner

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Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

OLD BUSINESS:

NEW BUSINESS:

1. *Introduction of new employees:*

(i) *Police Department: Larrie Cherrey, Police Officer:* Police Chief Bullinger introduced new Police Officer Larrie Cherrey who recently joined the Police Department. Officer Cherrey worked for the Cass County Sheriff's Department from 2007 to 2009. From there he went to the Law Enforcement Academy in Devils Lake, ND. He completed that training and moved to Washington State where he obtained his Bachelor's degree in Criminal Justice at Ashford University. He has served with the ND National Guard since March 2006 to March 2012.

(ii) *Assessing & Building Inspections: (1) Roberta (Bobbie) Olson, Assessing and Inspection Technician:* City Assessor Barta introduced Bobbie Olson who was an abstractor with the Clay County Abstract Office and the Burleigh County Recorder's Office, and (2) *Rachel Hastings, Administrative Assistant:* City Assessor Barta introduced Rachel Hastings who previously worked at the Morton County Tax Director's office.

2. *Consider recommendations for appointments to the Mandan Youth Commission.* City Administrator Neubauer reviewed with the Board applicants who came forward to serve on the Mandan Youth Commission. He stated that there were 18 applications received. The Liaison Group recommended appointments to the Youth Commission as follows: (5) Mandan Senior High students: Cole Garman, Colton Justice, Ashley Doll, Conner Leingang, Tayler Mikkelson; (3) Mandan Middle School students: Kiara Aman, Casey Beck, Kaycee Fry; and (3) At-Large 18-20 year old members: Hannah Fishbeck, Taylor Glass, Courtney Goetz. The next step will be to organize a meeting and discuss what the Youth Commission would like to see accomplished within the City.

Commissioner Frank moved to approve the appointment of Cole Garman, Colton Justice, Ashley Doll, Conner Leingang, Tayler Mikkelson, Kiara Aman, Casey Beck, Kaycee Fry; Hannah Fishbeck, Taylor Glass, Courtney Goetz to the Mandan Youth Commission. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

RESOLUTIONS & ORDINANCES:

1. *Consider a Resolution of Amendment Authorizing the Issuance of Water Improvement Interim Certificates of 2008, Series A and Water Improvement Revenue Bonds of 2008, Series A, and the State Revolving Fund Program Loan Agreement with the North Dakota Public Finance Authority for Optimization Improvements at the Water Treatment Plant.* Finance Director Welch stated the purpose for this amendment is to convert interim financing to permanent financing for the improvements of the Water Treatment Plant. This Board did a similar action for the Sanitary Sewer System recently. This is the same kind of resolution, different project.

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Commissioner Frank moved to approve a Resolution of Amendment Authorizing the Issuance of Water Improvement Interim Certificates of 2008, Series A and Water Improvement Revenue Bonds of 2008, Series A, and the State Revolving Fund Program Loan Agreement with the North Dakota Public Finance Authority for Optimization Improvements at the Water Treatment Plant.

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

2. *Consider first consideration of Ordinance No.1133 Zone Change for Meadows 6<sup>th</sup> Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.* Commissioner Frank moved to approve the first consideration of Ordinance No.1133 Zone Change for Meadows 6<sup>th</sup> Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.

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

3. *Consider first consideration of Ordinance 1131, An ordinance annexing certain adjoining lands to the City of Mandan, North Dakota, and extending the corporate boundaries thereof (tract of land being a part of 2-138N-81W).* Commissioner Rohr moved to approve the first consideration of Ordinance 1131, An ordinance annexing certain adjoining lands to the City of Mandan, North Dakota, and extending the corporate boundaries thereof (tract of land being a part of 2-138N-81W).

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

OTHER BUSINESS:

1. A Special Meeting date of Wednesday, October 31, 2012, at 12 Noon was scheduled to review and approve a bond sale. Finance Director Welch will contact bond counsel to be present. City Administrator Neubauer will prepare the proper notices and provide reminders to Board members.

2. Mayor Van Beek will be addressing the accomplishments of the City of Mandan over the last year and what they propose to accomplish for the upcoming year at the annual State-of-the-City Address to be held in collaboration with the City of Bismarck on Tuesday, October 30, 2012, 7:30 a.m. at the Radisson Hotel. Register by calling 223-5660. This event is hosted by the Bismarck-Mandan Chamber of Commerce.

There being no further actions to come before the Board of City Commissioners, Commissioner Frank moved to adjourn the regular meeting at 5:47 p.m. Commissioner

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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