
The Mandan City Commission met in regular session at 5:30 p.m. on October 4, 2016 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Helbling, Braun, Davis, Laber, and Commissioner Rohr was present via teleconference call. Department Heads present were Finance Director Welch, Police Chief Ziegler, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development and Communications Director Huber, Planning & Engineering Director Froseth, Principal Planner Decker, and Building Official Lalim. Absent: Assessor Shaw.

B. APPROVAL OF AGENDA:

C. MINUTES:

1. *Consider for approval of the minutes from the September 20, 2016, regular City Commission meeting.* Commissioner Braun moved to approve the minutes as presented. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

D. PUBLIC HEARING:

1. *Public Hearing scheduled at 6:00 p.m. to review and discuss the final 2017 Budget. (See Ordinances and Resolutions #1 – #2).* Mayor Helbling opened the Public Hearing on this matter at 6:00 p.m. Finance Director Welch stated that the Finance Department had not received any oral or written objections to the City’s preliminary 2017 budget.

On September 6, 2016 the Board of City Commissioners passed the introduction and first consideration of Ordinance No. 1249 adopting the 2017 Budget. On September 16, 2016 the City published a Notice of Public Hearing of Ordinance No. 1249 adopting the 2017 Budget on October 4, 2016. On September 20, 2016 the Budget and Finance Committee presented the preliminary 2017 Budget to the Board of City Commissioners. On October 5, 2016 the City will certify a copy of the Levy as adopted and the final 2017 Budget to the Morton County Auditor. The final 2017 Budget will be posted on the City's website at cityofmandan.com.

The annual cost for City services for an existing \$250,000 residential property with a valuation increase of 12.7% and using 8 units of water per month, excluding special assessments:

Property Taxes:

- 2017 Budget = \$750
- 2016 Budget = \$750
- Annual increase = \$0

Utility Bill:

- 2017 Budget = \$1,012
- 2016 Budget = \$995
- Annual increase = \$17

Total:

- 2017 Budget = \$1,762
- 2016 Budget = \$1,745
- Annual increase = \$17

Mayor Helbling announced that this is the time, date and place that was set by the Board to conduct a Public Hearing to review and discuss the final 2017 Budget. He invited anyone to come forward to comment. A second announcement was made by Mayor Helbling to come forward to comment. Hearing none, the Public Hearing was closed.

E. BIDS:

F. CONSENT AGENDA

1. *Consider approval of minor plat for Replat of Lots 4 & 5, Block 81, First Northern Pacific Addition*
2. *Consider the letter of intent and Rule G-17 letter from Dougherty & Company LLC as the Underwriter for the Refunding Improvement Bonds of 2016, Series B.*
3. *Consider contract with Brindlee Mountain Fire Apparatus, LLC*
4. *Consider approving the following proclamations: i. Proclaiming October 7, 2016 as Cajun Cowboy Fais Do Do Day in the City of Mandan. ii. Proclaiming October, 2016 as National Disability Employment Awareness Month in the City of Mandan.*
5. *Consider approval of Cost Participation and Maintenance (CPM) agreement with the NDDOT for Highway 6 and 19th Street turn lane improvements.*
6. *Consider approving Mandan Special Olympics games of chance at Midway Lanes from October 4-Oct. 7, 2016.*
7. *Consider 2016 budget amendment for Forestry Department for Dutch Elm Disease removal.*
8. *Consider approval of request to advertise for sale the boom assembly from the 2005 bucket truck.*
9. *Consider actions related to human resources and payroll processing.*
10. *Consider approval of minor plat for Humane Society Subdivision.*

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

G. OLD BUSINESS:

H. NEW BUSINESS:

1. *Discussion regarding property issue Mr. Chris Geck.* City Attorney Brown provided a brief history of this matter with the following information. He said that Collins Avenue north was re-done by the City in 2006/2007. As a result of the survey of the right of way of Collins Avenue, it was determined that there was an area of land comprised of parts of four different subdivisions located west of Collins Avenue and the actual west right of way of Collins Avenue. This area extended from the north line of Division Street to the south line of 14th Street. The

City platted the area Collins West Addition. In order to determine ownership of the area in question the City began a quiet title action naming potential owners of the area that could be determined from records filed with the County Recorder's office. A portion of the area was claimed by the heirs of Harry and Catherine Zachmeier consisting of two lots adjacent to the east of Lot 20, Block 3 of Zachmeier First Addition. A portion of the lot to the north of that area was claimed by Leo Bauer. No other parties made any claim to these lands and by a stipulated judgment, title was quieted in the City with an agreement to deed the areas claimed accordingly. No appearance or claim was made by the owners of Lot 20, Block 3, who at that time was the Cody family. There was nothing of record to indicate that the Cody's had a claim to these lots. At some point the lots to the east of the Cody property were sold to a developer. At that time it was discovered that the home built on the Cody property was within a few inches of the west lot line of the Collins West Addition. It is not clear what happened with that construction project but later there was a dispute between the new owner of the Cody property and the developer that purchased the Collins West Addition lots from the Zachmeiers. It appears the home on Lot 20, Block 3 was built within a few inches of its east lot line, but that issue did not surface until the reconstruction of Collins Avenue. He said that a dispute over that property line is not something the City can resolve. The Geck house property was built too close to the property line. It is unknown why that was not discovered in previous actions.

Mayor Helbling stated that he and other Commissioners have discussed this with Mr. Geck and he concurred with Attorney Brown that there is nothing the City can do to resolve the situation.

Christopher Geck, 100 Division Street, Mandan, came forward to speak. He clarified that the Cody's names were missing from the legal action of February, 2010, but that Leo and Marie Bauer and Kenneth M Siegel were notified. Mr. Geck presented City Commission Meeting Minutes from a meeting held in 2012, in-part: *That she accepted the 7 feet that was offered to her but she understood that it was written somewhere that she refused it. Attempts were made to purchase the empty lots throughout the years and the City repeatedly said they were not available, and then all of a sudden they were available.* Mr. Geck also provided a copy to the Commissioners of a copy of a letter from James Cody, (now deceased), and Geri Cody explaining all the events from 2009 until the time when Mr. Geck purchased the house in May 2012, which should not have been allowed to have happened. Mr. Geck also provided a note from Ms. Cody's attorney stating that no matter how that was written, Ms. Cody is not bound by the judgment of the quiet title which, Mr. Geck stated, is the reason why he is present today. Mr. Geck provided history of the case going back to, and including, 2012 City Commission meeting minutes when the property was owned by Mr. Kilen. The house was built in 1959. When Mr. Geck bought the house in 2013 he was surprised there was a previous property dispute that didn't affect the sale of the home. After the fact, Mr. Geck was told he had to move the fence off the 10 feet lot, which Mr. Geck complied with. In 2014, Mr. Geck retained a survey after the sale of his house was stopped by Mr. Kilen accusing the house of being on his property. Mr. Geck gave examples of Mr. Kilen's claims. Mr. Geck has tried to work these issues out with Mr. Kilen who has been offered an easement option. But the question still remains as to how this could have happened. Mr. Geck stated: "How can a house that has been here for over 50 years, (now) be out of code, and on someone else's property?" The answer he received from City officials "We knew, but there is nothing we can do about it."

Mr. Geck requested that the City Commission do something about this problem today. An oversight back in the 1950's that could have been corrected in 2012 at the time the Quit Claim Deeds were being done with the ease of moving pins that should have and still could be done to rectify the problem. He requested that the pins be moved 3 feet to the east of Mr. Geck's property provided Mr. Kilen is in agreement with the Quit Claim Deed to that 3'. Without this, Mr. Geck said he is unable to maintain his home and cannot sell the house. He said that at this point the only 2 options he has are: (1) To continue paying on a mortgage on a home that is falling apart. He cannot get on the east side because the foundation is cracked and every time it rains it leaks into the basement; he is unable to fix the rain gutters; (2) He would let the property go into foreclosure and he will face losing his VA benefits. He requested assistance from the City to correct this problem and reiterated that he never should have been able to purchase this home under the circumstances outlined.

Mayor Helbling stated that the City is unable to move property pins on to another land owner's property. It went through all the legal processes. The property notices were sent out. He said he recalls some of the previous conversations between the owners of the houses and the City Commission at that time. Mayor Helbling deferred to City Attorney Brown for advice as to a response to Mr. Geck's questions and request.

City Attorney Brown said that the Quiet Title was done in accordance with North Dakota law. He said he was not informed of the problems outlined. The Bauer's hired an attorney and intervened and made their allegations and that's why they are named in the Judgment. The Bauer's were not part of the original action just like the Cody's were not part of the original action. There is nothing in the record that would show any claim to that property. It is unclear why the Bauer's responded and the Cody's did not. The process went on for several months. City Attorney Brown stated that he does not believe there is anything the City can do about this situation.

Mayor Helbling stated that it is his understanding that when he (Mr. Geck) purchased the home it was a matter between the realtor and the Title Insurance Company. Mr. Geck stated that the Title Insurance Company said that it is the City Commission's responsibility. Mayor Helbling explained that the Title Insurance Company should never have signed off on the title since Mr. Geck's property was not on the lot correctly. The title company or the realtor should have caught that and should have rectified it at that time.

Mr. Geck questioned why, if the City cannot be involved on this side to rectify an error that happened in the 1950's, then how can the City get involved in a situation like today's, (another agenda item about a driveway and not being on a property line). It seems like it is the same issue – relocating a driveway. What is the difference of having to fix an error that happened many years ago? Mayor Helbling explained that (the driveway) matter involves the same property owner asking for that request to move the property line within his 2 parcels of property and that it is at his request. Commissioner Braun commented that the City followed the law with the Quiet Title Action. The fact that the previous owner was not in town or did not respond to a situation wherein they should have responded was part of the problem.

City Attorney Brown commented that Mr. Geck can opt to respond by calling the attorney that started the lawsuit. He also said if she had contacted the City, he finds it hard to believe that the staff would not have notified him (City Attorney Brown). Mayor Helbling stated that he will attempt to contact Mr. Geck's neighbor regarding this matter. Mr. Geck indicated that he had received an appraisal for the property and it is appraised at \$2,000 for that 10 foot parcel. He said his realtor wrote his neighbor an offer, legally, and offered him \$5,000 for that \$2,000 parcel.

Commissioner Rohr stated that this matter appears to be a negotiation between Mr. Geck and his neighbor, Mr. Kilen, in hopes they can work it out between them.

2. *Consider Code Enforcement Appeals Board Appointments.* Joseph Camisa, Code Enforcement Officer stated that on July 19, 2016, the City approved the second consideration of Ordinance No. 1248 creating Chapter 26 of the Mandan Municipal Code related to code enforcement. A part of that code requires that an Appeals Board be appointed. He said City Administrator Neubauer, Police Chief Ziegler, Deputy Chief Leingang, Building Official Lalim and himself met to review the 7 letters of interest that were received. After review and discussion these 5 candidates were selected for recommendation: Catherine Watkins, 3-year term; Don Boehm, 3-year term; Craig Selby, 2-year term; Konrad Crockford, 2-year term; Victoria Vayda, 1-year term. He recommended approval that these 5 individuals be appointed by the Commission to the Appeals Board.

City Attorney Brown commented that when this Board of Appeals was initially introduced, there was discussion as to what this Board of Appeals would do. He explained that this Board will allow those who may be aggrieved by the Code Enforcement Officer's directives to come before the City Commission, which will act as a neutral body to reconsider those directives. The City Commission is the final decision maker.

Commissioner Laber moved to approve Catherine Watkins for a three-year appointment, Don Boehm for a three-year appointment, Craig Selby for a two-year appointment, Konrad Crockford for a two-year appointment, and Victoria Vayda for a one-year appointment to the Code Enforcement Appeals Board with terms beginning January 1st, 2017. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

3. *Consider recommendation from Visitors Committee regarding Bismarck Mandan Stock Car Association.* City Administrator Neubauer stated that a request was received on August 1, 2016, (which was later Amended on August 12, 2016), by the Mandan Visitor's Committee from the Bismarck Mandan Stock Car Association (BMSCA) asking for funding assistance to install additional electrical, sanitary sewer, and water to several camp sites at Dacotah Centennial Park. The Visitor's Committee is requesting approval of the electrical portion of the project. The total improvements being made to the park total approximately \$77,000. Of that amount, the Stock Car Association will fund \$25,000 with the balance of \$52,000 pursuant to their amended request. The Visitors Committee recommends approval of the request for assistance up to \$32,000 to assist with this project. The improvements and maintenance will be the responsibility

of the Bismarck Mandan Stock Car Association via their contract with the Mandan Park Board who maintains the infrastructure for that property. He explained that if funding assistance is approved by the City Commission, the funds will be payable to the Mandan Park District because their improvements are made on their property and in turn the Park District will then reimburse the Stock Car Association.

Commissioner Laber moved to approve the Visitors Committee recommendation for funding assistance for up to \$32,000 to the Mandan Park District as it adds additional RV hook up space in Mandan, with water/sewer and electrical for visitors to their property. The Park District would in turn provide reimbursement to the BMSCA in such amount up to \$32,000. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

4. *Engineering Amendment with AE2S for Construction Engineering of the Water Treatment Facility High Service Pump project.* Planning and Engineering Director Froseth stated that the Water Treatment Facility High Service Pumps and Facility Upgrades project bid opening was held on September 13, 2016 and that the award of the project was approved at the last meeting. This item is brought forward now for consideration to amend the agreement with AE2S to include Construction Engineering, (also known as Project Inspection and Management), during the construction phase of the project. He said that the City usually only enters into an Engineering Service Agreement (ESA) with a firm for the design of the project at the onset as long as the design phase goes well and the bids come in favorable for the project. Staff will then recommend amending the ESA to include construction engineering and construction management. Since the last commission meeting, AE2S provided the City with an ESA amendment proposal. However, the proposal concerned staff because it was higher than the construction was estimated to be when the project application was sent into the State Water Commission (SWC).

Subsequently, City staff including Jim Neubauer, Greg Welch, Duane Friesz, and myself (Justin Froseth) met with AE2S staff to discuss the increase. AE2S explained that the majority of the difference comes from moving the instrumentation and controls programming from the construction budget, reflected in the SWC application, to the engineer's responsibilities for the ESA, as reflected now. The City requested that AE2S further explain how this project will stay within the total project budget and they provided additional documentation for discussion.

Director Froseth stated that the City agrees that it makes more sense to include the programming in the ESA scope to keep it within the design of the project and the programming should be in sync with operations of the plant outside of the new equipment being installed. Therefore, City Staff recommended approval of this amendment. Director Froseth provided a summary of the project stating that the City was successful in receiving SWC grant money to start construction on this needed project during the 2015-2017 biennium. This project has been part of the City's Capital Improvements Plan (CIP) and has been needed for years. For this project, the City applied for and received State Water Commissions grant money. For the design engineering and pre-bid services, the City is to receive a 35% match from the SWC. For the construction phase engineering, the City is to receive a 60% match (after bid).

Commissioner Braun moved to approve the Amendment #1 for Engineering Services with AE2S to include the phases 060, 070, 080, and 121 as outlined on the amendment. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

5. *Update on assistance to Morton County.*

Police Chief Ziegler, along with the Morton County Sheriff, wish to thank the citizens for their overwhelming support and confidence in the state and local law enforcement agencies during this event. Chief Ziegler provided the Commission with an update on the assistance the Mandan Police Department has given to Morton County during the State of Emergency. They have been providing support from Administrative Officers and also Police Officers in the field. From August 10, 2016 through September 25, 2016, officers have provided approximately 1,200 manpower hours which includes almost every officer in the department. An itemized invoice of \$48,000 to cover wages will be submitted to the sheriff so it can be reviewed and then forwarded to the Department of Emergency Services for reimbursement. This process will start tomorrow (October 5th) with Deputy Chief Jason Bier going over to the County to review the invoice so that we can recover that money. This amounts to approximately \$40 per hour per officer.

As of the last pay period, the Police Department has 2 exempt employees that are well over the normal 60 hour comp time cap. These employees are still continuing to accrue comp time. With minimal vacation time being allowed during this time, officers are also accruing vacation time over the annual cap of 120 hours which will currently affect approximately 13 officers as they have anniversary dates coming due within the next several months. There is currently no end date predicted for the current emergency situation.

Chief Ziegler recommended allowing exempt employees accrue comp time over the 60 hour cap and to allow Police Officers to accrue and carry over vacation hours above 120 hours past their anniversary dates. He reviewed the plan for upcoming schedules that will be monitored by the deputy chiefs within their divisions. He will continue to keep Administrator Neubauer updated and he encouraged the Mayor and Commissioners to contact him at any time regarding this matter.

Mayor Helbling commended the Police Department for going above and beyond their duty expectations. On behalf of the Commission he stated that they fully support the actions of the Police Department in hopes of a swift resolution to the matter.

Commissioner Davis agreed with Mayor Helbling regarding the Police officers dedication, the partnership with the County, and the State resources that have come to mutual aid in this event. He values the communication regarding the police officers' overtime, time away from their families, and the occasional heated circumstances where they have kept their professional temperament with their officers.

Commissioner Laber moved to keep the caps that are on the comp time and the vacation time for the officers lifted, and to maintain that until such time as the state of emergency is lifted. When lifted, (within 30 days), the Police Chief is requested to present a plan to the City Commission of

the total aggregate number of hours and how that is utilized with the Police Department.

Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes;

Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes;

Commissioner Helbling: Yes. The motion passed.

I. RESOLUTIONS AND ORDINANCES:

1. *Consider the second and final consideration of Ordinance No. 1249 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2017, and ending December 31, 2017, and making the annual tax levy for the year 2016.* Commissioner Laber moved to approve the second and final

consideration of Ordinance No. 1249 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2017, and ending December 31, 2017, and making the annual tax levy for the year 2016.

Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes;

Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes;

Commissioner Helbling: Yes. The motion passed.

2. *Resolution Establishing Rates and Charges for Services from the Water and Sewer Utility Fund.* Commissioner Laber moved to approve the Rates and Charges for Services from the

Water and Sewer Utility Fund. Commissioner Davis seconded the motion. Roll call vote:

Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner

Braun: Yes; Commissioner Helbling: Yes. The motion passed.

3. *Resolution Establishing Rates and Charges for Services from the Solid Waste Utility*

Fund. Director of Public Works Wright presented a proposed resolution showing the rate

changes to the solid waste material taken to the transfer station, which in turn is hauled by the

City of Mandan to the Bismarck Landfill. Currently Mandan is at the same rate as Bismarck and,

to maintain a \$3.00/ton margin to cover operational costs, we are proposing \$48.00/ton. Some of

the highlights of the resolution are: Garbage collection and disposal will go from \$10.90/month

to \$10.95/month as per contract with Armstrong Sanitation. Curb side recycling collection and

disposal will go from \$5.50/month to \$5.65/month as per contract with Dakota Sanitation. For

inert materials there will be an increase per ton for Mandan residents from \$30 to \$35 per ton.

These rates will go into effect after 1/1/17.

Commissioner Rohr moved to approve the Resolution Establishing Rates and Charges for

Services from the Solid Waste Utility Fund. Commissioner Laber seconded the motion. Roll call

vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes;

Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

4. *Resolution Establishing Rates and Charges for Services from the Engineering and*

Planning Department. Planning and Engineering Director Froseth presented a request to

increase fees to a comparable fee charged in Bismarck. He said that the City of Mandan has

gradually been increasing fees that have been out of date for some time. He provided a

comparison table showing the difference between Mandan's current fee and Bismarck's fee for

like services.

Commissioner Braun moved to approve the Resolution Establishing Rates and Charges for Services from the Engineering and Planning Department. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

5. *Resolution Establishing License and Permit Fees from the Finance Department.*

Finance Director Welch stated that the license and permit fees from the Finance Department have not been increased since 2001. Based on the comparison with the City of Bismarck's departmental fees and charges for similar licenses and permits, the Finance Department is recommending an increase in the City's license and permit fees at this time.

Commissioner Braun moved to approve the Resolution Establishing License and Permit Fees from the Finance Department. Commissioner Davis seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

6. *Resolution Establishing Beer, Liquor or Alcoholic Beverage License Fees.*

Finance Director Welch stated that the City's beer, liquor or alcoholic beverage annual renewal license fees have not been increased since 2009. Based on the comparison with the City of Bismarck's departmental fees and charges for similar licenses, the Finance Department is recommending an increase in the City's beer, liquor or alcoholic beverage license annual renewal fees at this time, as amended. Class E and Class F annual renewal license fees will not increase.

Commissioner Davis moved to approve the Resolution Establishing Beer, Liquor or Alcoholic Beverage License Fees, as amended; in particular, that Class E and Class F will not increase. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

7. *Resolution Establishing Water Meter Prices from the Utility Maintenance Department.*

Finance Director Welch stated that the City's water meter prices from the Utility Maintenance Department were updated last year. Based on the City's current costs for the purchase of water meters, transceivers, parts, assembly, including sales tax and labor, the Finance Department is not recommending an increase in the City's water meter prices at this time. Instead, the Finance Department is recommending to establish the City's water meter prices in Resolution form.

Commissioner Laber moved to approve the Resolution Establishing Water Meter Prices from the Utility Maintenance Department. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

8. *Consider for approval the Resolution amending fees and charges administered by the Public Works Department.* Director of Public Works Wright stated that the resolution before you includes minor changes and some cleanup of verbiage. There is a request to increase the hydrant meter rental to \$50 per month, plus the water usage. There is also a change in the

deposit fee for the hydrant meter from \$350 to \$450 which will cover the cost of replacement of the water meter in the event of damages.

Commissioner Davis moved to approve the Resolution amending fees and charges administered by the Public Works Department. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Davis: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Helbling: Yes. The motion passed.

J. OTHER BUSINESS:

1. Fire Chief Nardello invited the Commission and the audience to the upcoming Fire Prevention Open House and Parade scheduled for next Tuesday, October, 11, 2016. The parade starts at 6:30 pm at the Cloverdale factory & traveling down Sunset. That will be followed by an Open House from 7–9 pm at the Fire Station.

2. Mayor Helbling requested Planning and Engineering Director Froseth provide an update on Old Red Trail because he has been getting calls on the progress of the project. Director Froseth stated the project is behind schedule. The interim deadline was to have it paved to 37th Avenue by the time school started. He reported that at their weekly Construction Progress meeting today, the contractor for that project did provide information that the plan is to open the paved road on Thursday or Friday, depending on the temporary striping and some of the Avenue connections to Old Red Trail. If that happens as planned, it should open up to 37th Avenue on Thursday. For the rest of the project west of 37th, they have the first major pour planned for the end of this week. Following that, they plan to do the north and south lanes for the remaining portion west of 37th. They are saying it will be done by October 12th or 13th. They are under penalty now because they did not hit to 37th Avenue and the substantial completion after that was October 15th (or possibly October 31st). Penalties will be coming into play.

L. ADJOURNMENT:

There being no further actions to come before the Board of City Commissioners, Commissioner Braun moved to adjourn the meeting at 6:35 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/ Timothy A. Helbling

Timothy A. Helbling,
President, Board of City Commissioners