
The Mandan City Commission met in regular session at 5:30 p.m. on September 16, 2014 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Laber, 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 Communications Director Huber, Planning & Engineering Director Froseth, Planner Decker, and Building Official Lalim. Absent: Assessor Shaw.

B. APPROVAL OF AGENDA: Commissioner Rohr motioned to approve the Agenda as presented. 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 to come forward to address items on the Agenda. A second announcement was made to come forward to speak for or against items on the Agenda. Hearing none, this portion of the Public Communications forum was closed.

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission regular meeting held September 2, 2014.* Commissioner Laber moved to approve the minutes as presented. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

1. *Public Hearing scheduled at 6:00 p.m. to review and discuss the final 2015 Budget. (See Ordinances and Resolutions #3 and #4).* Finance Director Welch stated this is the time and place set to conduct a Public Hearing to review and discuss the final 2015 Budget and to consider the Budget and Finance Committee's recommendation to reduce the General Fund Mill Levy by an additional 1.48 Mills for the 2015 Budget with funding from the General Fund Balance to offset the Property Taxes. The City of Mandan is required to prepare the annual Budget in accordance with the Municipal Budget Law (North Dakota Century Code Chapter 40-40) and also with existing City Ordinances, Resolutions, contacts and agreements. In addition to these legal requirements, the City's Significant Budget Policies provide further direction and guidance to the budgeting process. The final 2015 Budget is in compliance with these legal requirements and City Policies. An August 19, 2014, the Board of City Commissioners passed the introduction and first consideration of Ordinance No. 1189 adopting the 2015 Budget. The preliminary Budget has been posted on the City of Mandan website at www.cityofmandan.com.

Director Welch stated that the Finance Department has not received any oral or written comments or oppositions to the final 2015 Budget from taxpayers or citizens.

Mayor Van Beek announced that this is a public hearing and invited anyone to come forward to speak for or against the 2015 Budget. A second announcement was made to

come forward to speak for or against the proposed 2015 Budget. Hearing none, this portion of the public hearing was closed.

F. BIDS:

1. *Consider bids for 2014 Water System Improvements.* Planning and Engineering Director Froseth reviewed with the Board that bids were received until 9 AM on August 29, 2014. The bids were publically opened and read at that time. There were two qualified bidders and the low bid was submitted by Swanberg Construction. Math errors were found with the bid and the bid submitted was \$891,263. That amount was \$181,263 above the Engineer's estimate of \$710,000. After discussion it was determined that the bid prices were not deemed favorable for award. The recommendation is to not award the project at this time. Director Froseth stated that he believes the bid amounts were off such a large amount due to the lateness of the construction season. He also indicated that he does not believe the City of Mandan is in any kind of danger due to not having the work completed on the Water System this year. Thus the project can wait until the spring of 2015. He stated consideration will be given to what components need attention and the project will be put out for bids in 2015. The inspection of Collins Reservoir will also occur in 2015.

Commissioner Rohr moved to reject the low bid of Swanberg Construction for 2014 Mandan Water System Improvements. Commissioner Laber 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. *Consider sale of property at 110 ½ 2nd Ave NW.* City Administrator Neubauer reviewed with the Board a bid award to sell city owned property at 110 ½ Second Avenue Northwest. He explained that this is a small parcel located directly to the east of Vicky's Bar. This parcel was part of the remediation project property. Letters were sent to adjacent property owners for interest in purchasing the property. Two bids were received and an auction was held with the two interested parties or their representative on September 5, 2014. The high bid was \$6,000 and payment has been received in the amount of \$6,000. Administrator Neubauer recommended that the property be sold to Dot Frank for the amount of the bid of \$6,000.

Commissioner Braun moved to approve awarding of the sale of the property at 110 ½ Second Avenue Northwest to Dot Frank in the amount of \$6,000. 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.

G. CONSENT AGENDA

1. *Consider approval of monthly bills.* ADVANCED ENGINEERING SVC - 29,515.60; ARVIG CONSTRUCTION - 350.00; EILER/CHAD J - 7,000.00; FLATEN/LORI - 25.00; GRAYMONT CAPITAL INC - 11,631.24; INLAND POTABLE SERVICES, - 4,240.00; ISAKSON/CHARLES - 150.00; MANDAN PARK BOARD - 2,500.00; MIDWEST TESTING LAB INC - 520.00; ND BUILDING OFFICIALS AS - 200.00; ND WATER & POLLTN CONTRO - 190.00; MONTANA-DAKOTA UTILITIES -

29,112.37; ADVANCED ENGINEERING SVC - 6,587.35; BALABAN LAW OFFICE - 1,500.00; BOERGER, LLC - 670.66; COMPANION LIFE - 10.00; DAKOTA MEDIA ACCESS - 8,332.25; FORT DEARBORN LIFE - 495.21; GLASS/THOMAS J. - 1,500.00; KADRMAS, LEE & JACKSON, - 30,452.89; KELSCH KELSCH RUFF & KRA - 4,000.00; MANDAN PARK BOARD - 3,500.00; MIDWEST TESTING LAB INC - 438.75; MJM ENTERPRISES - 6,549.34; ND PERS - 98,492.89; ND WATER & POLLTN CONTRO - 380.00; RAILROAD MANAGEMENT CO I - 619.04; TAND CONSTRUCTION LLC - 18,693.20; WELLS FARGO COMMERCIAL C - 232,409.40; ABC SEPTIC - 1,370.00; ADVANCED ENGINEERING SVC - 4,866.25; AT & T - 745.39; AVENET LLC - 375.00; BIS-MDN TRANSIT BOARD - 449.59; BULLINGER TREE SERVICE - 385.00; CBI BUSINESS SERVICES - 7,179.20; COMPUTER PROFESS UNLIMIT - 89.00; CROWLEY FLECK PLLP - 4,500.00; CUSTER DISTRICT HEALTH U - 1,060.45; DAKOTA'S BEST COFFEE - 55.00; ECOLAB PEST ELIIMINATION - 149.04; ETHANOL PRODUCTS - 1,880.01; FETZER ELECTRIC, LLC - 2,905.56; FOUR SQUARE CONCRETE LLC - 642.00; HARMON/DANIELA - 5.00; HDR ENGINEERING, INC - 764.32; HIT, INC. - 140.00; HOLTER/DEBORAH - 35.00; INFORMATION TECHNOLOGY D - 1,264.79; INTERGOVERNMENTAL SHOP - 16,111.56; INTERSTATE ENGINEERING - 3,409.00; JACOBSEN/CARL - 35.00; KADRMAS, LEE & JACKSON, - 2,902.34; KAPELLA/LUKE - 285.00; KEY'S CRANE SERVICE - 180.00; KLUG/MIKE - 50.00; KRAFT/BRENDA - 200.00; LANDIS/KASSY - 300.00; MANDAN AIRPORT AUTORITY - 899.27; MANDAN MUNICIPAL COURT - 1,100.00; MANDAN PARK BOARD - 1,000.00; MARCO - 81.86; MISSOURI WEST WATER SYST - 83.51; MOODY'S INVESTORS SVC IN - 9,975.00; MORTON COUNTY AUDITOR - 6,535.78; MORTON COUNTY RECORDER - 26.00; MORTON MANDAN PUBLIC LIB - 14,916.26; MY GOV, LLC - 700.00; ND STATE DEPT OF HEALTH - 320.00; NDACO RESOURCES GROUP - 1,285.86; NORTHERN IMPROVEMENT CO - 131,298.26; NSC MINERALS - 12,632.36; POST BOARD - 110.00; PRESORT PLUS - 3,249.86; QUAM CONSTRUCTION CO INC - 257,504.00; RAILROAD MANAGEMENT CO I - 795.68; RENNER'S LAWN SPRINKLING - 1,373.35; ROSEN/BRANDON - 285.00; SCHUMACHER/JUDY - 200.00; SEEKLANDER/JEREMY - 285.00; SRF CONSULTING GROUP - 263.23; SURE SHRED - 121.50; TAND CONSTRUCTION LLC - 224,977.62; U.S. GEOLOGICAL SURVEY - 2,500.00; WEHRI/RADEANNA - 700.00; WENCK ASSOCIATES, INC - 446.40; WINKS/LOREN K - 35.00;

2. *Consider approval of Fourth Replat of Lakewood Commercial Park 3rd Addition.*
3. *Consider final payment for construction of Longfellow Park.*
4. *Consider proclaiming September 27, 2014 as National Public Lands Day in the City of Mandan.*

5. *Consider closing 3rd Ave in front of the Presbyterian Church - between 2nd St and 3rd St NW, from approximately 3:45 pm to 6:00 p.m. Sunday September 21.*

Commissioner Tibke moved to approve the Consent Agenda as presented. Commissioner Laber 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:

I. NEW BUSINESS:

1. Report on US Treasury Office of Inspector General Audit of the SSBCI Loan Participation Program – removed from the Agenda.

2. *Consider request for proposals for sanitary sewer inspections.* Planning and Engineering Director Froseth reviewed with the Board a request to authorize issuance of a Request for Proposals for Sanitary Sewer Inspection Services. Sections of the public sanitary sewer system need to be inspected to ascertain their condition and to determine whether rehabilitation is needed and in many cases determine what kind of rehabilitation project is needed. Three areas of sanitary sewer inspections were shown as needs in the Capital Improvements Plan, listed as follows:

(1) The two sanitary force main lines from the master lift station to the wastewater treatment plant.

(2) The Crying Hill area sanitary sewer trunk line. The area proposed for inspection begins east of Sunset Dr. on Boundary Rd. NW and continues east to Mandan Ave. and then south to the Master Lift Station located east of 6th Ave. SE on 1st St. SE.

(3) Main alley sanitary sewer main. Portions of the downtown sanitary sewer conveyance system have already been identified as needing rehabilitation. Inspection of the manholes is needed in order to plan for needed manhole repairs when the sewer pipe is rehabilitated.

Director Froseth stated that as funding allows, the plan is to get a company on board for these inspections before we know exactly what they are going to charge for them and for future planning what other projects may be needed.

Commissioner Tibke moved to approve the issuance of Request for Proposals for Sanitary Sewer Inspection Services. Commissioner Laber 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. *Second Consideration and final approval of Ordinance 1191 Plainview Heights Annexation.* Commissioner Tibke moved to approve the Second Consideration and final approval of Ordinance 1191 Plainview Heights Annexation. 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. *Second Consideration and final approval of Ordinance 1187 Lakewood Commercial Park rezoning.* Commissioner Laber moved to approve the Second Consideration and final approval of Ordinance 1187 Lakewood Commercial Park rezoning. 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.

3. *Consider the second and final consideration of Ordinance No. 1189 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2015, and ending December 31, 2015, and making the annual tax levy for the year 2014.*

Commissioner Tibke moved to approve the Budget and Finance Committee's recommendation to reduce the General Fund Mill Levy by an additional 1.48 Mills for the 2015 Budget with funding from the General Fund Balance to offset the Property Taxes. 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.

Commissioner Tibke moved to approve the second and final consideration of Ordinance No. 1189 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2015, and ending December 31, 2015, and making the annual tax levy for the year 2014. Commissioner Laber 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 Resolution establishing rates and charges for services from the Water and Sewer Utility Fund.* Commissioner Rohr moved to approve the Resolution establishing rates and charges for services from the Water and Sewer Utility Fund. 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.

5. *Resolution Establishing Rates and Charges for Services from the Solid Waste Utility Fund.* Director of Public Works Wright reviewed with the Board the request for rate adjustments for solid waste material taken at the transfer station at the landfill and unsecured loads taken to the landfill. He explained that the proposed rate changes to the solid waste material taken to the transfer station, which in turn is hauled by Waste Management from the Mandan Transfer Station for final disposal at Wishek, ND. Waste Management increased their rate for hauling in July to \$39.33/ton. The City of Mandan currently charges \$42/ton for disposal at the transfer station. In order to cover O&M costs for the transfer station the City of Mandan needs to maintain an adequate margin over our hauling costs, the proposed rate change of \$45/ton will generate an approximate increase in revenue of \$20,000. Bismarck currently charges \$45.08/ton for solid waste material. The untarped and unsecured garbage brought to the landfill continues to be an issue because unsecured material falls off trailers and vehicles and litters the roadway and ditches. An increase in the fee for those who do not follow the guidelines is in order. The existing charges do not cover the time and effort for cleaning up and running the magnet on the road to prevent flat tires. The proposal is to charge \$20 for untarped and unsecured garbage which is comparable to the newest Bismarck charges. Notification will be provided at the landfill, on the website, and on Facebook. Rates will increase effective October 1, 2014. Mayor Van Beek recommended that residents be warned in advance by our staff at the landfill from now until the new rate goes into effect. Commissioner Laber suggested looking into increased fees for the commercial/company rates because they frequent the landfill more often.

Tom Hansen, a Mandan resident, came forward to comment. He requested the fines be imposed to “make it hurt” so the residents get the message.

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

6. *Consider for approval the Resolution amending fees and charges administered by the Public Works Department.* Director of Public Works Wright reviewed with the Board the request for the Resolution amending the fees and charges by the Public Works Department. He explained that the list of fees and charges includes the additional equipment charges for the tractor/mower (\$75/HR) and the riding mower (\$45/HR), push mower/trimmer (\$30/HR) administration costs (\$25/HR) and changing prices and description for mowing lots that are not kept up to city standards according to Weed Control policy. The proposed changes include a description change comparable to Bismarck’s language which will correspond to the pricing for the tractor/mower for heavy duty mowing (undeveloped lots) and the riding mower for light duty mowing (developed lots). The proposed \$100/HR charge for heavy duty mowing (undeveloped lots) includes \$75 for tractor/mower and \$25 Administration charge. The proposed \$100/HR charge for light duty mowing (developed lots) includes \$45 for riding mower, \$30 for push mower/trimmer and \$25 Administration charge for residential or developed lots to make them presentable. Charges reflect a minimum charge of \$100 which will handle most lots, but with the potential to charge by the hour if it takes longer than 1 hour. Spraying for noxious weeds is contracted out and there is a separate fee schedule for that. Mayor Van Beek suggested increasing the \$100/HR fee for developed lots to \$150 so if the City has to take care of the property it is worth the city’s time. Director Wright stated that the rates proposed indicate \$100/HR to cover the city’s expenses to provide this service. Mayor Van Beek commented that the property owner should be penalized for not taking care of his own property.

Commissioner Laber moved to approve the Resolution amending fees and charges administered by the Public Works Department with the exception that light duty mowing (developed lots) and heavy duty mowing (undeveloped lots) be \$150/HR, minimum of 1 hour. 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.

K. OTHER BUSINESS

1. Commissioner Tibke announced that the Budget and Finance Committee will now be moving into discussions to develop Special Assessment Policies, Infrastructure and Development Policy and Debt Management Policy with anticipation to be brought before the Board of City of Commissioners in October or November.

There being no further actions to come before the Board of City Commissioners, Commissioner Rohr moved to adjourn the meeting at 6:15 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