
The Mandan City Commission met in regular session at 5:00 p.m. on September 18, 2012 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Frank, 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, and Engineering Project Manager Bechtel. Absent: City Assessor Barta.

MINUTES: *Consider approval of the minutes for September 4, 2012 regular meeting minutes.* Commissioner Tibke moved to approve the minutes of the September 4, 2012 regular meeting minutes. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

PUBLIC HEARING:

1. *Public Hearing scheduled at 6:00 p.m. to review and discuss the Preliminary 2013 Budget. (See Ordinances and Resolutions #1 thru #3).* Finance Director Welch stated that since this is a public hearing, he doesn't have a presentation. This is an opportunity for those in the public to address the Commission if they wish regarding the 2013 Budget.

Mayor Van Beek announced that this is a public hearing and invited anyone from the audience to come forward to speak for or against the Preliminary 2013 Budget. A second invitation was extended by Mayor Van Beek for any comments from the public. Hearing none, this portion of the public hearing was closed.

BIDS:

1. *Consider bids for the purchase of the former water reservoir property and demolition of the structure off 8th Avenue NW.* Business Development and Communications Director Huber presented a request to consider the award of bids for the sale and demolition of the former water reservoir property. The invitation for bids was approved at the July 17, 2012 meeting with a deadline for sealed bids by August 22, 2012. Two bids were received by the deadline: Bid No. 1) Leslie Volochenko at \$1,000. He additionally submitted a written offer on 9/11/12 to purchase the property and retain the reservoir for use as a shop and storage building. He indicated that he does not wish to demolish the structure, which is required under the bid document. Bid No. 2) Harmony Properties at \$5,000 would include demolition of the structure. Harmony requested there be no landfill charge. Public Works estimated the demolition of the reservoir will be approximately 989 tons of material for disposal at the landfill. Huber stated that the recommendation is to award the bid to the high bidder, Harmony Properties, LLC in the amount of \$5,000 that would include demolition of the structure as required by the bid document and to waive the landfill fees. Commissioner Frank requested the bid acceptance incorporate language that would include a requirement that they would in good faith remove the rebar and metal from the cement since the City will be waiving the cost at the landfill. City Administrator Neubauer commented that discussions have occurred at department head meetings about separating rebar from the cement and the costs to do that would be extraordinarily high, if even possible, but he stated that request

can be made. Director of Public Works Wright stated that any good cement that could be salvaged would be crushed and recycled. Commissioner Braun inquired if the project could be re-bid in order to attract any contractors that would include the removal costs within the bid. Huber replied that this was the second time the project was put out on bids. The first was in May with a deadline in June and there were no respondents. She explained the \$19,600 in soft costs was an estimate of costs put together by Director of Public Works Wright, Engineering Project Manager Bechtel and Water Treatment Plant Superintendent Duane Friesz, based on dimensions they thought would be generated in terms of concrete, metal and piping. Huber stated that an alternative for the city to put out bids would be to demolish the structure or issue a request for bids for the demolition and estimates to do that would cost anywhere from \$50,000 to \$100,000. City Attorney Brown stated that if the Commission follows the recommendation of Commissioner Braun to re-bid the project, the Commission would have to reject all the bids presented.

Commissioner Frank motioned to approve awarding the bid for the sale of the city owned property to include demolition of the former water reservoir to the high bidder of Harmony Properties, LLC to include the waiver of landfill fees. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider bids for the Outfall Rehabilitation.* Steve Himmelspach, Wastewater Treatment Plant (WWTP) Superintendent reviewed with the Board a request to award the bid contract for the WWTP Outfall Rehabilitation Project. Bids were opened on 9/6/12 and five bids were received by the closing date. He gave a short background on the matter stating that as the elevation of the Missouri River increases, the WWTP discharge does not function properly. Currently the WWTP outfall normally flows under gravity conditions. He said that AE2S completed the Wastewater Collection System Master Plan in December 2011 but during the 2011 flood the improvements were emphasized when the existing pump facility could not perform as intended because of the condition of the existing outfall pipeline and manholes. To correct the issues, the outfall pipeline and manholes will be sealed to perform during high river level events that occur. The lined outfall pipe will prevent further structural degradation of the existing pipe and will also increase the hydraulic capacity of the pipeline to allow for future flow increases.

Himmelspach stated that funding for the project is through an infrastructure grant and is a 50% local match. The estimated project construction cost is \$1,134,359 and the \$672,938 of the legal, administration, and engineering costs has been funded by grant money. In March 2012 the City Commission approved \$1,000,000 local funding match for the City's 50% match through an SRF loan. The City's portion of the project will be \$664,679 and that has been included in the 2013 Water and Sewer Utility base rate. Himmelspach recommended awarding the bid contract to Swanberg Construction, Inc. in the total amount of \$986,399.10 for the WWTP Outfall Rehabilitation project, contingent on approval of the ND Department of Health.

Commissioner Frank motioned to approve the bid award to Swanberg Construction, Inc. for a total amount of \$986,399.10 for the WWTP Outfall Rehabilitation project, contingent on approval of the ND Department of Health. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

CONSENT AGENDA:

1. *Consider approval of monthly bills.* The Board approved of the monthly bills. ALLIANCE AG BISMARCK AGR - 320.00; AMERIPRIDE LINEN & APPAR - 135.24; AUCH/DAVID J. - 22.27; BAR BEE CARPET CLEANING - 100.00; BIS-MAN CONV TN & VISITOR - 5,541.49; BOWERS EXCAVATING, LLC - 12,354.00; BROWN/MALCOLM H. - 130.00; BULLINGER TREE SERVICE - 45.00; CITY AIR MECHANICAL INC - 440.00; CITY OF BISMARCK - 1,672.82; D & E SUPPLY COMPANY INC - 85.50; DAKOTA STAFFING SOLUTION - 196.95; DAKOTA SUPPLY GROUP - 169.17; DIAMOND VOGEL PAINT CENT - 212.40; ELECTRO WATCHMAN, INC - 136.00; ELECTRONIC COMMUNICATION - 1,805.00; ENVIRONMENTAL RESOURCE A - 275.77; ETHANOL PRODUCTS - 1,942.01; EVIDENT CRIME SCENE PROD - 117.00; FERGUSON ENTERPRISES, IN - 18.38; FLEET SERVICE INC. - 43.20; GALLS, AN ARAMARK COMPAN - 18.48; GEIGER SMALL ENGINE - 43.00; GRAY OIL COMPANY - 2,458.25; GRAYMONT CAPITAL INC - 12,076.02; HACH COMPANY - 1,130.30; HAWKINS INC - 1,120.00; HIRSCH FLORIST INC. - 50.00; HIT, INC. - 438.90; HOBBS INC - 7,597.00; HOGE/TIMOTHY JOE - 57,017.46; INFORMATION TECHNOLOGY D - 307.90; JOHN HENRY FOSTER MN INC - 159.07; K & L INVESTMENTS INC - 56,237.59; KLESALEK EXCAVATING - 2,452.92; KNIFE RIVER - 1,206.59; LECH/EDWARD - 144.99; MANDAN MUNICIPAL COURT - 700.00; MANDAN PARK BOARD - 1,100.00; MANDAN PROGRESS ORGANIZATION - 500.00; MARINER CONSTRUCTION INC - 4,055.88; MARSHALL & SWIFT PUBLISH - 263.95; MATTHEW BENDER CO - 56.94; MIDCONTINENT COMMUNICATIONS - 52.30; MIDWEST TESTING LAB INC - 2,807.00; MISSOURI VALLEY PETROLEUM - 20,408.44; MORTON COUNTY AUDITOR - 420.42; MVTL LABORATORIES, INC - 56.00; ND FIREMENS ASSOCIATION - 20.00; ND LEAGUE OF CITIES - 66.49; NDSU - 863.50; NDSWRA - 120.00; PARKTOWN PROPERTIES - 2,000.00; POUR MOR INC. - 2,030.00; PRAXAIR - 273.57; PREBLE MEDICAL SERVICES - 85.00; RENNER'S LAWN SPRINKLING - 1,602.00; RIGGING & TOOLS INC - 349.40; STEIN'S INC - 116.52; SWANSTON EQUIPMENT CORP - 147.39; TOMAN ENGINEERING CO - 1,593.15; TRANSTRASH - 150.00; VERIZON WIRELESS SERVICE - 254.76; WASTE MANAGEMENT OF ND, - 27,004.79; WE-SHIP-ETC. INC - 10.38; WEST DAKOTA UTILITY SERVICE - 5,996.85; WINGERTER/JOE - 30.00; WITMER PUBLIC SAFETY GROUP - 320.88; HARVEST LLC - 1,666.00; MONTANA-DAKOTA UTILITIES - 47,631.83; AT & T - 643.85; CENTURYLINK - 5,880.50; SPARTAN ERV - 193,886.00; ADVANCED ENGINEERING SVC - 33,956.44; AT & T MOBILITY - 448.41; BALABAN LAW OFFICE - 1,500.00; BISMARCK TRIBUNE/THE - 294.00; CENTURYLINK - 147.47; COMPANION LIFE - 10.00; DAKOTA MEDIA ACCESS - 6,302.17; DENNIS'S BOBCAT SERVICE - 2,800.00; DYNATEST CONSULTING INC. - 1,686.15; FORT DEARBORN LIFE - 419.21; GLASS/THOMAS J. - 1,500.00; HAGEMEYER NORTH AMERICA, - 50.04; HARLIN'S ALTERNATOR & ST - 164.00; ISAKSON/CHARLES - 60.00; KELSCH KELSCH RUFF & KRA - 4,000.00; MEDCENTER ONE INC - 24.70; MJM ENTERPRISES - 2,225.05; MORTON COUNTY AUDITOR - 6,742.68; ND PERS - 79,831.04; ND STATE TAX COMMISSIONER - 0.00; ND WATER & POLLUTION CONTROL - 900.00; NDACO RESOURCES GROUP - 984.14; POSTMASTER - 2,300.00; SEVERIN, RINGSAK & MORRO - 210.00; TARGET BANK - 21.75; TOMAN ENGINEERING CO - 75,879.05; MANDAN MUNICIPAL COURT - 250.00; STAN PUKLICH CHEVROLET I - 8,650.00; MONTANA-DAKOTA UTILITIES - 4,942.28; MANDAN MUNICIPAL COURT - 106.00; ACME ELECTRIC - 1,520.02; ADVANCED ENGINEERING SVC

- 38,430.07; ASSOCIATED SUPPLY CO., I - 191.80; BIS-MAN CONV'TN & VISITOR - 6,782.26; BISMARCK POLICE DEPARTME - 85.29; BOWERS EXCAVATING, LLC - 520.00; BURLEIGH COUNTY SHERIFF - 2,498.08; CAPITAL CITY RESTAURANT - 34.25; CENTRAL MECHANICAL INC - 39,204.22; COLE PAPERS INC - 267.33; DACOTAH PAPER COMPANY - 117.50; DAKOTA FIRE STATION INC - 625.95; DAKOTA SUPPLY GROUP - 117.12; EDLING ELECTRIC INC - 15,770.00; EIDE BAILLY - 2,500.00; ETHANOL PRODUCTS - 2,292.29; EVIDENT CRIME SCENE PROD - 167.00; FARGO WATER EQUIPMENT CO - 13,935.00; FETZER ELECTRIC, LLC - 345.00; GARDINER/LUKE R. - 48.00; GOVERNMENT FINANCE OFCRS - 50.00; GRAND CENTRAL, INC. - 77.70; GREAT PLAINS TECHN'L SVCS - 1,331.00; HIRSCH FLORIST INC. - 43.00; HIT, INC. - 126.35; INLAND TRUCK PARTS - 1,571.43; INTERSTATE ALL BATTERY C - 299.34; JOHN T. JONES CONSTRUCTI - 9,711.00; KNIFE RIVER - 6,340.38; LACAL EQUIPMENT INC - 332.04; MANDAN PARK BOARD - 400.00; MCLEIGH/NATHAN - 48.00; MIDWEST TESTING LAB INC - 10,008.75; MORTON COUNTY AUDITOR - 32.00; MORTON COUNTY SHERIFF - 1,827.84; NAPA AUTO PARTS - 249.11; ND BUILDING OFFICIALS AS - 30.00; NDACO RESOURCES GROUP - 939.50; NORTHERN IMPROVEMENT CO - 1,081,935.01; NSC MINERALS - 7,383.38; OLSON/DUSTIN - 48.00; PAHLKE STEEL, INC. - 124.49; POST BOARD - 140.00; POUR MOR INC. - 2,860.00; PRAXAIR - 37.65; R K ELECTRIC - 130.00; RUNNING'S SUPPLY INC - 564.85; SENSUS METERING SYSTEMS - 531.25; STARION - 686,994.42; THOMAS SCIENTIFIC - 1,098.37; UNDERWRITERS LABORATORIE - 1,175.00; WARREN'S LOCKS AND KEYS - 3.30; WOODMANSEES INC - 322.02; ZANDER BODY SHOP INC - 50.00; A & B PIZZA INC. - 41.50; A-1 TREE SERVICE - 21,400.00; ABC SEPTIC - 390.00; ADVANCED BUSINESS METHOD - 173.66; AIRE MASTER OF ND - 70.00; ALERT-ALL CORP - 4,085.00; AMERICAN WELDING SUPPLIE - 21.70; AMERIPRIDE LINEN & APPAR - 156.22; ARMSTRONG SANIT & ROLL O - 37,675.94; ARROWHEAD CLEANERS & LAU - 603.20; ASSOCIATED SUPPLY CO., I - 137.85; AUDIOVISUAL INC. - 522.00; AVENET WEB SOLUTIONS - 350.00; BILL BARTH FORD INC - 49.68; BIS-MDN TRANSIT BOARD - 623.85; BISMARCK TRIBUNE/THE - 1,286.22; BLACK BOX NETWORK SERVIC - 57.50; BROWN/MALCOLM H. - 4,500.00; BUTLER MACHINERY COMPANY - 7,932.48; CAPITAL TROPHY INC - 195.00; CBI BUSINESS SERVICES - 6,768.75; CENEX- FUOC BISMARCK-MAN - 19.71; CENTRAL MECHANICAL INC - 83.00; CENTURYLINK - 1,709.31; CITY AIR MECHANICAL INC - 310.00; CITY OF BISMARCK - 1,577.95; CITY OF MANDAN - 427.90; COLE PAPERS INC - 134.10; COLLECTION CENTER INC - 33.39; COMPUTER PROFESS UNLIMIT - 80.00; CONNECTING POINT COMPUTE - 42.70; COOLING & HEATING UNLIMI - 29,403.00; CRESCENT PRNT & OFFICE P - 1,748.37; CUSTER DISTRICT HEALTH U - 1,014.17; D & E SUPPLY COMPANY INC - 205.09; DAKOTA FIRE STATION INC - 238.90; DAKOTA STAFFING SOLUTION - 333.30; DAKOTA SUPPLY GROUP - 4,376.26; DAN'S SUPERMARKET - 70.59; DIAMOND VOGEL PAINT CENT - 157.47; DIRECTMED - 46.60; ECOLAB PEST ELIIMINATION - 139.94; ENTERPRISE SOLUTIONS INC - 2,550.00; FACTORY MOTOR PARTS COMP - 113.12; FARGO WATER EQUIPMENT CO - 35,793.75; FASTENAL COMPANY/THE - 145.15; FERGUSON WATERWORKS - 1,437.27; FETZER ELECTRIC, LLC - 4,779.87; FIRESIDE OFFICE PRODUCTS - 34.00; GALLS, AN ARAMARK COMPAN - 149.48; GEORGE STROH TRUCKING IN - 1,760.00; GERDAU AMERISTEEL - 51.92; GRAY OIL COMPANY - 5,096.19; GRAYMONT CAPITAL INC - 12,001.88; HAGEMEYER NORTH AMERICA, - 221.27; HALFTONED APPAREL INC. - 96.00; HARVEST LLC - 1,666.00; HAWKINS INC - 9,127.19; HEDAHLS OF MANDAN INC - 945.48; HOUSTON ENGINEERING, INC - 9,523.50; INFORMATION TECHNOLOGY D - 1,260.58; INFRATECH INC - 12,839.10; INTERGOVERNMENTAL SHOP - 17,039.45; INTERNTL CODE COUNCIL, I - 0.00; INTERSTATE ALL BATTERY C - 134.95; INTERSTATE POWERSYSTEMS - 2,794.44; JERRY'S VACUUM CENTER IN - 24.95; KELLER MACHINE - 106.00; KEMPER CONSTRUCTION - 40,590.00; KO INVESTMENTS, LLC - 83,646.43; KOSTELECKY/EVE - 516.00; KUPPER CHEVROLET INC - 1,196.04; LOCATORS & SUPPLIES - 214.07; LPT IMAGES - 190.00; MANDAN AIRPORT AUTHORITY - 1,247.99; MANDAN FIRE DEPARTMENT - 583.33; MANDAN MUNICIPAL COURT - 565.00; MANDAN NW PIPE FITTINGS - 122.24;

MANDAN PARK BOARD - 700.00; MANDAN TIRE CENTER - 859.58; MARINER CONSTRUCTION INC - 6,015.06; MAROHL/CHUCK - 300.00; MATHIAS/KELLY - 207.50; MATTHEW BENDER CO - 81.88; MET PRO CORPORATION - 4,374.00; MICHAEL TODD AND COMPANY - 3,896.15; MIDCONTINENT COMMUNICATI - 52.30; MIDWEST TESTING LAB INC - 9,911.50; MISSOURI VALLEY PETROLEU - 29,843.17; MISSOURI WEST WATER SYST - 57.51; MITZEL BUILDERS - 250.00; MOR-GRAN-SOU ELECTRIC CO - 10,458.05; MORTON COUNTY SHERIFF - 41,500.00; MORTON MANDAN PUBLIC LIB - 15,526.38; MVTL LABORATORIES, INC - 1,123.00; ND STATE DEPT OF HEALTH - 320.00; ND STATE DEPT OF HEALTH - 5.00; NDSU-RSVP+ - 30.00; NELSON LEASING INC DBA - 1,946.67; NEWMAN TRAFFIC SIGNS - 500.00; NORTH COUNTRY TRUCKS & P - 26.07; NORTHERN IMPROVEMENT CO - 305,020.71; NORTHERN PLAINS EQUIP CO - 443.78; NORTHWEST TIRE AND RETRE - 420.16; O'REILLY AUTOMOTIVE, INC - 59.09; ONE CALL CONCEPT INC - 405.00; PIZZA RANCH - 142.14; PRAXAIR - 26.60; PREBLE MEDICAL SERVICES - 40.00; PRESORT PLUS - 675.85; PRINT ON IT - 320.50; QUALITY SERVICE - 55.00; R K ELECTRIC - 153.70; RAILROAD MANAGEMENT CO I - 1,333.50; RENNER'S LAWN SPRINKLING - 618.00; SANITARY SEPTIC SERVICE - 400.00; SCHANTZ/ERICK - 5.00; SCHAUER/JOHN - 95.20; STAN PUKLICH CHEVROLET I - 104.57; SYLVESTER/FOOTE - 40.00; TITAN MACHINERY INC - 438.08; TRAFFIC SAFETY SERVICES - 1,100.00; UNICOM - 190.00; UNIFORM CENTER & EMBROID - 179.86; VERIZON WIRELESS SERVICE - 1,889.15; VISION TECHNOLOGY INC - 112.50; WASTE MANAGEMENT OF ND, - 26,736.81; WE-SHIP-ETC.INC - 35.28; WEHRI/RADEANNA - 675.00; WELLS FARGO REMITTANCE C - 6,949.05; WESCO DISTRIBUTION INC - 2,145.37; WESTERN STEEL AND PLUMBI - 7.76; WITMER PUBLIC SAFETY GRO - 182.00; ZANDER BODY SHOP INC - 0.00;

2. *Consider approval of street names Wildrye Street and Meadow View Drive changed to Wildrye Circle NW. (First consideration of ordinance 1130).* The Board approved of the street names Wildrye Street and Meadow View Drive changed to Wildrye Circle NW. (First consideration of ordinance 1130).
3. ~~*Consider approval of a site authorization for the ND Cowboy Hall of Fame from October 1, 2012 through July 31, 2013.*~~
4. *Consider approval of out-of-state travel for U.S. Treasury Small Business Credit Initiative Conference.* The Board approved of out-of-state travel for U.S. Treasury Small Business Credit Initiative Conference.
5. *Consider budget amendment to the 2012 Cemetery Fund Budget for the purchase of a used pickup.* The Board approved of the budget amendment to the 2012 Cemetery Fund Budget for the purchase of a used pickup.
6. *Consider Change Orders for Residual Management Facility Project.* The Board approved Change Orders for Residual Management Facility Project.
7. *Consider Change Orders for Southside Pump Station Project.* The Board approved Change Orders for Southside Pump Station Project.
8. *Consider approval of Sunday openings for Mandan Eagles for October 7th and 14th; November 11th and 25th and December 9th and December 16th.* The Board approved of the Sunday openings for Mandan Eagles for October 7th and 14th; November 11th and 25th and December 9th and December 16th.

Commissioner Frank moved to approve the Consent Agenda as presented.

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

OLD BUSINESS:

1. *Vacation of the south 40' of 4th Street NE public right-of-way of the east quadrant of the intersection of 9th Avenue NE and 6th Avenue NE, as platted in Helmsworth-McLean Addition.* City Attorney Brown stated that this matter was discussed at the September 4, 2012, meeting and an attorney for one of the landowners objected to the right of way being vacated. In this case, NDCC Section 40-39-05 provides that a public street can be vacated only on a petition “signed by all of the owners of the property adjoining the plat to be vacated”. In this situation the request was made by Sanela Alagic. Opposition to the vacation was presented by the owner of the property abutting the N. 40' of 4th Street Northeast. Because the owner of the property on the north side of 4th Street Northeast owns to the center of the street, the owner “adjoins” the 40' proposed to be vacated and in the absence of that property owner’s consent, the vacation cannot take place. Attorney Brown recommended that the request to vacate the S. 40' of 4th Street Northeast public right of way, the East quadrant of the intersection of 9th Avenue NE and 6th Avenue Northeast, be denied.

Commissioner Rohr moved to deny the request for the vacation of the south 40' of 4th Street NE public right-of-way of the east quadrant of the intersection of 9th Avenue NE and 6th Avenue NE, as platted in Helmsworth-McLean Addition. Commissioner Frank seconded the motion. Commissioner Braun stated that he was disappointed that a resident who would like to expand their property, (noting that the property most likely would never be used as a street), could not do so because a concession could not be found to resolve the matter between the landowners involved. But it is the law and that law shall be followed. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

NEW BUSINESS:

1. *Consider appointment to the Board of Directors of the Bismarck Mandan Development Association.* City Administrator Neubauer requested the Board appoint one Mandan City Commission representative to the Bismarck-Mandan Development Association (BMDA) Board of Directors as a voting seat on that Board. This appointment would last until the City Commission determines to make another appointment. Commissioner Tibke suggested Commissioner Braun be appointed because he holds the business portfolio; however Commissioner Frank held that portfolio the previous two years. Commissioner Braun commented that commissioner candidates that have held that position before would be a better fit to the appointment of the BMDA Board.

Commissioner Frank motioned to appoint Commissioner Braun as the Mandan City Commission representative to the Board of Directors of the Bismarck Mandan Development Association. Commissioner Tibke seconded the motion. Commissioner Braun declined acceptance of the appointment and suggested amending the motion to appoint Mayor Van Beek to the BMDA position. Commissioner Rohr commented that there should be continuity when commissioners are being appointed to areas they will be overseeing; thus it would be an advantage to the commissioner who has been appointed

that portfolio to accept such an appointment if at all possible. Commissioner Braun reconsidered and accepted the appointment to the Board of Directors of the Bismarck Mandan Development Association. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider making Collins & Main property available for sale and redevelopment.* Business Development and Communications Director Huber reviewed with the Board consideration to make available for sale and redevelopment city owned land parcels at the corner of Collins Avenue and Main Street at 100 Collins, 104 East Main, 106 East Main, and 108 East Main. She stated that the City has received an offer for the property at Collins and Main Street that meets the previous asking price of \$10 per sq. ft. Previous offers occurred in 2008 when 3 proposals were received and Hopfauf Custom Builders was selected and they were never to a point in closing on the purchase of the property. In 2011 the City entered into a real estate agreement with Oaktree Realty to have it listed on the multiple listing services. That agreement expired in 2/2012 and at that time the commission chose not to renew. In order to offer the property for sale it has to be offered formally to the public for potential offers or bids. Options would be a public auction or request for sealed bids, listing with a real estate agent, non-exclusive on a multiple listing service or issuing another request for a redevelopment proposal, all of which have pros and cons to each of the options. Huber has discussed this matter with Commissioner Braun and it is her recommendation that the City issue a Request for Proposals for the purchase and redevelopment of the Collins and Main property within a 45-day deadline for responses.

Commissioner Tibke stated that she is in favor of putting this property back up for proposals. However she recommended using verbiage in the contract that addressed claw backs with the percentage of the project not changing once the 45-day term has closed. Huber replied that the City has the option to set claw backs right up until the closing. Commissioner Tibke clarified that her suggestion is that once a proposal is received that the prospective buyer not deviate from the proposal as submitted.

Commissioner Tibke moved to approve the City issue a Request for Proposals for the purchase and redevelopment of the Collins and Main property with a 45 day deadline for responses. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6th & 7th Additions).* Engineering Project Manager Bechtel reviewed with the Board a request for the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6th & 7th Additions). He stated the developer would like to develop an additional subdivision of the Lakewood area along McKenzie Drive west of 40th Avenue Southeast. He indicated that the

estimated cost including engineering and administration is \$1.1 million. He noted that 50% of the project will affect the new school district in that area and 50% will be assessed to the rest of the property owners in that area. Bechtel informed the Board that the School District is aware of this project and the costs that will be associated with it and did not object to the project. He recommended moving forward with the project.

J.D. Nash from Kadrmas, Lee and Jackson (KLJ) came forward to speak on behalf of the project request from Mitzel Builders. He stated that he confirmed today with Mitzel that the parcels along McKenzie Drive are spoken for and there are three commitments for golf course lots and several pending commitments, depending on what happens at this meeting regarding the costs to be assessed. Commissioner Tibke inquired whether it has been determined what the cost will be per lot with the school district willing to accept their share of the costs. Bechtel replied the numbers provided by KLJ for assessments based on square footage of the front lots show that approximately \$878,000 will be going to the school lot. This is dealing with this New Business Item No. 3 only. New Business Item No. 4 will include the assessment of the utilities with an additional 25% in addition to construction costs, so overall the school will receive approximately \$1.1 million as part of the improvements. Bechtel said that rest of the lots will be approximately \$7,000 to \$30,000. Bechtel stated he had a confirmation from Superintendent Bitz that the School District is aware of the costs for the improvements.

City Attorney Brown indicated that New Business Items 3 and 4 go together. He stated that under No. 4, the sewer and water improvement call for bids has not been done by the City for many years. The property owners cannot protest out the sewer and water district but the School District would have legal authority to protest out the street improvement project. Bechtel explained that since both the school district and the developer's properties will benefit from the project, the City in the past has handled projects such as these in this fashion. He recommended approval that both projects be handled together under the circumstances and explanations as provided.

Commissioner Frank moved to approve the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6th & 7th Additions). Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes;

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

4. *Consider the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Water & Sewer Improvement District No. 60, Project No. 2012-21 (Lakewood 6th & 7th Additions).* Commissioner Frank moved to approve the approval of the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Water & Sewer Improvement District No. 60, Project No. 2012-21 (Lakewood 6th & 7th Additions). Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke:

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

5. *Consider approval for a change order on Project 2010-13 D161 (North Mandan street project).* Engineering Project Manager Bechtel reviewed with the Board a request for a change order on Project 2010-13 D161 (North Mandan street project). He stated that this request came from the School District. They were in the original project boundary for this and had the parking lot portion of the project which benefited the school. When work was being completed on this project there was other work in that area that needed to be done and the City was asked to do it while they were there. The School District authorized the work to be done and agreed to the costs but with any other change order with the City in excess of \$50,000 has to be brought before the Commission for approval. Again, this was work requested by the School District and it will be special assessed back to them. The change order is a formality allowing them to be special assessed for the excess costs. The amount of the change order is \$66,525.92; however, \$1,325.00 of that cost is part of the Northwest Street Project. The School District portion will be \$65,200.92.

Commissioner Rohr moved to approve the change order on Project 2010-13 D161 (North Mandan street project) in the amount of \$66,525.92. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

6. *Consider residential trash collection agreement.* City Administrator Neubauer stated that the City is near the end of the five-year contract of the Residential Trash Collection Agreement with Dakota Sanitation Plus, Inc. who has changed its name to Armstrong Sanitation. The current rate is \$4.25 per month per household that the City is paying to Armstrong Sanitation and the City is looking at what was agreed to 5 years ago; that being the ability to extend this agreement for another 5 year term. Armstrong stated that their rate over the last 10 years has increased \$.05 per month, per household, per year. Neubauer stated that the rate is lower than other competitors. Neubauer stated the current agreement ends on 10/31/12 and the City would like to renew the contract for another 5 year term commencing 11/1/12 with the same option at the end of that term to renew for another 5 years at the same increase of \$.05 per month, per household, per year. Curb side recycling has not been discussed with Armstrong Sanitation. Neubauer projected it would take about a year to review the curb side options and that could be made a part of the contract if directed by the City Commission. Peggy Becker was available for questions.

Peggy Becker, Armstrong Sanitation, came forward and stated that she has had discussions with Bismarck and they are researching curb side recycling. She recommended waiting until Bismarck decides what they will do. Neubauer stated he has had preliminary discussions with Bismarck; however, no determination has been made as to what the fees or charges would be. The problem is finding a market for the material. Commissioner Tibke stated she is interested in curb side recycling in Mandan and she

would be interested in feedback from commissioners and the community to include feedback if there were to be an increase in monthly fees for curbside recycling services. At that, she stated she is hesitant about renewing a 5 year contract unless there is an option to renegotiate the contract to include curbside recycling should that become an option in Mandan. Ms. Becker stated that she would be willing to come back at a time in the future if that is what the City wishes to do. She clarified that it will be a different company, a different truck that will involve the recycling process. Administrator Neubauer indicated that it would probably be in the best interests of both parties to negotiate two separate contracts, one for the trash and one for recycling. He stated that the recycling question was addressed in the Mandan Messenger but there were not many responses because the cost was not determined. He recommended that as things evolve with recycling research, the citizens could be polled as to what amounts they would be willing to pay for the service. Commissioner Frank inquired about the trash tote expense for the residents. Becker replied that she provides totes for residents who request them. There currently about 700 totes currently in use at the rate of \$2.50 per mo. The majority who request them are new residents to the City who had the service where they moved from. She stated that if the City would require residents to have them, she would upgrade to a truck that would have an arm loader on it. She stated that if the city would request residents to have the totes and the City would charge the resident, she would purchase approximately 5000 of them at the cost of \$75 each. Commissioner Frank suggested moving forward with discussion on trash totes. She inquired if that would reduce the manpower resulting in lower cost to the City. Becker stated the process would go a little quicker but two people will still have to be in the truck. However, once the truck would be ordered, it would take about 4-5 trucks to roll the plan out throughout the city.

Neubauer stated that discussion on the totes has taken place at the City Commission level and it has become an issue with billing and it would be easier for the City to add the cost to the water bill. Neubauer would not recommend that the City provide the totes because it would then become a storage problem. Commissioner Frank stated that she would like to see the City provide this service for the residents under the current budget if there are funds available. She pointed out that from the perspective of citizens, that by having the totes in place, the community is a much cleaner environment. She would like to see funding made available to provide this service without increasing utility rates. Becker clarified the \$1.50 would cover her costs to purchase the totes, which would cost her approximately \$800,000 to purchase. Neubauer commented that at \$1.50 per month for 55,664 household accounts that would cost approximately \$8,400 per month additional, or over \$100,000 per year, to offer this service to all homeowners in the city. Greg Welch, Finance Director, requested additional time to review the request and put together a response as to what impact it would have on the Water Utility fund. Neubauer stated that if the Board wishes to add totes to the contract, that would be an additional issue to negotiate but the City would have to deal with how to fund it.

Commissioner Frank motioned to approve an additional five-year term to the residential trash collection agreement with Armstrong Sanitation. Aside from the motion, City staff was directed to research the feasibility of the addition of totes along-side this contract. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes;

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

RESOLUTIONS & ORDINANCES:

1. *Consider the second and final consideration of Ordinance No. 1129 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2013, and ending December 31, 2013, and making the annual tax levy for the year 2012.* Commissioner Frank moved to approve the second and final consideration of Ordinance No. 1129 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2013, and ending December 31, 2013, and making the annual tax levy for the year 2012. Commissioner Tibke seconded the motion. Finance Director Welch stated that there have been no verbal or written opposition to the budget as proposed. Commissioner Tibke extended a thank you to City staff and department heads for their dedication and services to the City of Mandan. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider Resolution establishing rates and charges for services from the Water and Sewer Utility Fund.* Commissioner Tibke moved to approve the Resolution establishing rates and charges for services from the Water and Sewer Utility Fund. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider Resolution establishing rates and charges for services from the Street Light Utility Fund.* Commissioner Tibke moved to approve the Resolution establishing rates and charges for services from the Street Light Utility Fund. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Consider Resolution to vacate the erroneously vacated public right-of-way as platted in Helmsworth-McLean Addition.* City Attorney Brown stated that the motion to vacate that was tabled at the last meeting was erroneously signed. This Resolution is to “vacate the vacation”. Commissioner Tibke moved to approve the Resolution to vacate the vacation of the public right-of-way as platted in Helmsworth-McLean Addition. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

5. *Consider first consideration of Ordinance No. 1130 to change street names Wildrye Street and Meadow View Drive to Wildrye Circle NW. – An Ordinance changing the names of certain streets or parts thereof situated within the City of Mandan, Morton County, North Dakota.* Commissioner Frank moved to approve the first consideration of Ordinance No. 1130 to change street names Wildrye Street and Meadow View Drive to

Wildrye Circle NW. – An Ordinance changing the names of certain streets or parts thereof situated within the City of Mandan, Morton County, North Dakota.

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

6. *Consider a Resolution of Amendment Authorizing the Issuance of Sewer Improvement Interim Certificates of 2008, Series B and Sewer Improvement Revenue Bonds of 2008, Series B, and the State Revolving Fund Program Loan Agreement with the North Dakota Public Finance Authority for Improvements at the Highway 1806 Sanitary Sewer Force Main.* Finance Director Welch stated that this is a formality based on the loan agreement that the city has with the state through the SRF program. The requirement is that once the project is fully funded that the temporary borrowing is then exchanging to permanent financing based upon what the loan agreement requires therefore this resolution will do that. In addition this is not a new loan amount or additional borrowing, the annual debt requirements for financing which this bond is already in existence for the city sewer and water rates.

Commissioner Frank moved to approve a Resolution of Amendment Authorizing the Issuance of Sewer Improvement Interim Certificates of 2008, Series B and Sewer Improvement Revenue Bonds of 2008, Series B, and the State Revolving Fund Program Loan Agreement with the North Dakota Public Finance Authority for Improvements at the Highway 1806 Sanitary Sewer Force Main. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

7. *Consider Resolution establishing new rates for police and fire emergency response to false alarms.* Fire Chief Nardello stated that in 1988 the Mandan Fire Department established fees and false alarm charges in the amount of \$15 registration fee, per alarm, per year and a \$25 false alarm fee. Nardello recommended that the fees be revised as follows: 1-3 false alarms at No Charge; 4-6 False Alarms at \$150; 7-9 False Alarms at \$300; More than 10 False Alarms at \$500. Nardello explained that the intention is to reduce the number of False Alarms the departments have to answer to at those entities that do not maintain their alarm systems adequately. He stated that the police department probably answers more burglary false alarms than the fire department answers to fire or emergency false alarms. Police Chief Bullinger stated that in 2011 the fire and police responded to 301 alarms. Of that 241 were identified as false alarms.

Commissioner Tibke moved to approve the Resolution establishing new rates for police and fire emergency response to false alarms. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

OTHER BUSINESS:

1. Commissioner Frank announced that for anyone interested in increasing the amount of retail/services in the Mandan community, (and if they are curious how businesses are attained), there will be a free Franchising 101 presentation offered on September 27, 2012, in conjunction with the BMDA, the Chamber of Commerce, the Mandan Business Development Office and the Mandan Tomorrow Economic and Prosperity Committee. This information can be found at the bismarckmandan.com website. Click on “events” and you can participate in that franchising presentation.

There being no further actions to come before the Board of City Commissioners, Commissioner Frank moved to adjourn the regular meeting at 6:21 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