
The Mandan City Commission met in regular session at 5:30 p.m. on September 1, 2015 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Braun and Laber. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Planning & Engineering Director Froseth, Planner Decker, Assessor Shaw and Building Official Lalim. Absent: Business Development Communications Director Huber and City Attorney Brown.

B. APPROVAL OF AGENDA: Commissioner Laber moved to approve the Agenda. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

C. PUBLIC COMMUNICATIONS: Mayor Van Beek invited anyone interested to speak for or against any items on the Agenda to come forward. A second announcement was made to come forward to speak. Hearing none, this portion of the Public Communications was closed.

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission August 18, 2015 regular meeting.* Commissioner Tibke moved to approve the minutes as presented. Commissioner Laber seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

1. *Conduct public hearing to consider rezoning for Lakewood 9th Addition.* Planner Decker stated this is a 58 acre parcel of land that is located south of 19th Street Southeast and west of 40th Avenue Southeast. The proposal is to have a mixed use development. It will combine residential and commercial zoning for a special nursing facility. The plan for the nursing facility is that it will be developed over the next year and ready for use by January 2017. Other matters pertaining to this development will be presented at a later time. One highlight for this request is that there will be smaller lots that will allow for single family units and these units have been successfully marketed in Bismarck and Lincoln. This is a good opportunity to expand in the community.

Mayor Van Beek invited anyone interested to speak for or against the rezoning for Lakewood 9th Addition to come forward and do so. A second announcement was made by Mayor Van Beek to come forward to speak for or against this request. Hearing none, this portion of the Public Hearing was closed.

F. BIDS:

G. CONSENT AGENDA

1. *Consider approval for N.D. Tourism Division marketing grant application.*
2. *Consider approval of Abatements/Valuation Changes for 2015 Assessment Year 2015.*

3. *Consider for approval final plat for Lakewood 9th Addition.*
4. *Consider for approval replat of Lot 1, Block 2, Mandan Industrial Park 7th Addition.*
5. *Consider approval of Beer Garden application for Spirit of Life Church on September 12, 2015.*
6. *Consider transferring Capital Outlay funds from the 2015 General fund contingency budget to Building Inspection Department Budget for capital outlay to purchase used Department vehicle.*
7. *Consider amendment to agreements for cost-share reimbursement Mandan New Water Intake Project and Mandan Water Treatment Plant Improvements Project.*

Commissioner Laber moved to approve the Consent Agenda as presented. Commissioner Braun seconded the motion. Commissioner Laber commented on the approval of the abatements and valuation changes for 2015 noting that she struggled with whether or not to pull the item for discussion. She said that Shirley Shaw put together a comprehensive package that explained that if the valuations were changed. There are a lot of details provided within the materials in the documentation. Commissioner Rohr concurred that it is valuable information to have available. 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. *Consider the Morton Mandan Public Library's 2016 Budget.* Kelly Steckler, Director of the Morton Mandan Public Library presented the proposed 2016 budget pointing out that there has been an increase in the travel and education for staff development. The Materials Budget was also increased due to needs in that area.

The Morton Mandan Public Library serves all citizens of Morton County and the City of Mandan, and is governed by a Board of Trustees which is appointed by the County Commission and the City Commission. The Library is fiscally dependent upon the County and the City because the County Commission and the City Commission consider the Library's budget, levies taxes, and must approve any debt issuances. The Library is reported as a component unit in the City of Mandan's audited financial statements.

The Library's Board of Trustees approved the 2016 Budget on July 27, 2015. The City's Budget and Finance Committee met with the Library Director on July 28, 2015 to review and discuss the Library's 2016 Budget. The Board of Trustees revised the 2016 Budget on August 24, 2015. The Director presented the Library's 2016 Budget to the Morton County Commission on August 25, 2015.

The City of Mandan has included the following revenues for the Morton Mandan Public Library in the City's 2016 Budget:

Property Taxes (7 Mills) = \$459,850

Delinquent Taxes = \$7,850

Electric Taxes = \$400
Mobile Home Taxes = \$5,700
State Grants = \$25,592
State Aid Distribution = \$10,650
Disabled Veterans Credit = \$3, 100
Homestead Credit = \$8, 150
Total = \$521,292

Proposed 2016 Budget:

General Fund Operating Revenues = \$778,567
General Fund Operating Expenditures = \$748,567
Capital Reserve Fund Expenditures = \$20,000

Ms. Steckler stated that it was a busy year with some strategic planning. They had various people from their Board of Trustees, staff and library patrons who served on a Strategic Planning Committee. A copy of their report has been provided to the City Commissioners in their packets. Keeping up with technology has been challenging but they have hired a company that helps manage their server and deals with making public access computers more functional. She provided an overview of the changes being made within the library areas wherein the Capital Outlay Fund will be needed. The overall reading program for 10 and under had 100 more kids this year than last year. There is also a teen program that is growing too.

Commissioner Rohr inquired about staff travel and training line item increasing from \$2,500 to \$10,000 and also if CEU's are required for their jobs. Ms. Steckler explained that CEU's are not required. She explained that local training events don't usually offer CEU tracks. Rather, they are given at events held at state. She would like to allow at least one national training be done annually. Commissioner Rohr indicated this is one area to be cognizant of in light of a tight budget. Ms. Steckler stated that there are also online opportunities offered by the ALA (American Library Association) which may be considered in lieu of attending an event in-person. Commissioner Laber commented on the SWOT and Strategic Planning process used by Ms. Steckler due to the changing roles of technology today. Ms. Steckler stated that she attends national conferences basically related to computer technology. But there has never been any further consideration to expanding the budget in this area until the Board put more emphasis on allowing more library staff to attend the conferences. Commissioner Tibke stated that the Board of Trustees instructed the Director to increase the education line item because they felt it was important that the Library employees have access to continuing education in their professional field.

Commissioner Braun moved to consider the Morton Mandan Public Library's 2016 Budget. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

Finance Director Welch explained that since the Library is a joint Library between the City and the County, the Library has a Board of Trustees so it is their recommendation to the City Commission; and likewise, the Trustees will be providing the recommendation to the Morton County Commissioners to consider the recommended budget for the joint library.

2. *Presentation by Eide Bailly for the City's 2014 Audit.* Katie Moch, CPA, Eide Bailly presented the 2014 Audit of the City's Financial Statements on Internal Controls, and Federal Awards. She stated that the City of Mandan has received an unmodified, ("clean"), opinion for 2014. No deficiencies were found. The City also received an unmodified, ("clean"), audit opinion on compliance with major federal award programs which is commonly referred to as a "Single Audit". An Executive Summary was provided to the Board. A copy of the 2014 audited financial statements is also available on the City's website. Ms. Moch commented that the City of Mandan's Finance Office provides timely and appropriate documentation as required which allows for a smooth and clean auditing process.

Commissioner Rohr moved to approve the City of Mandan's 2014 Audit as performed by Eide Bailly. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider allowing City Staff and Attorney Brown to negotiate the Recycling Contract and lease to use the Transfer Station with Dakota Sanitation, Inc.* Public Works Director Wright stated that the Commission approved the single curbside recycling program for the preliminary 2016 budget at the meeting on August 18, 2015, with a unanimous "yes" vote. He said that the proposed recycling program will include a 96 gallon tote to be delivered to each residence that will be picked up curbside every other week. There will be no other drop off sites and there will be no "opt out" for residents. Apartment buildings will be considered with larger containers if there is enough interest and the site can accommodate a recycling container. The request tonight is for City Attorney Brown and Administrator Neubauer to negotiate a contract and lease to use the Transfer Station with Dakota Sanitation. He said the costs incurred will be a base rate of \$5.50 per month per unit for costs and fees and that will affect all the residents using the service.

If accepted tonight, a tentative schedule of events for the program will be implemented starting now until January 1, 2016. At the Sept. 15th City Commission meeting the advertising plan, which would go out to the public, will be presented to you for approval and we will have the contracts completed and in place. The deadline for all the information, (including the brochure to be presented to the City for review prior to being in the Newsletter that will be printed October 26th), will be October 1st. The information will be in the utility bills going out November 1st throughout the end of November. The contractor will start delivering the totes December 15th to each residence and the recycling program will start on Jan. 2nd due to the New Year's Day holiday.

Commissioner Rohr questioned whether the totes will be the same size as the totes that

are currently offered for garbage pickup? Director Wright stated that they are the same size, although the totes for garbage collection are not mandatory.

Rick Anderson, Dakota Sanitation reiterated the importance of getting the totes out ahead of time. Therefore, the delivery date for the containers is set ahead of time so people will have the recyclables ready for pickup by January 1, 2016. So the actual delivery date of the totes will be between December 1st and December 15th.

Commissioner Laber moved to approve allowing City staff and Attorney Brown to negotiate a recycling contract and lease to use the Transfer Station with Dakota Sanitation for the proposed 5 years expiring December 31, 2020. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Consider semiannual meetings between City Commission & Park Board.*

Commissioner Laber stated that since the Park Board is an independent body and the City Commission is an independent body and we do not always share all of our plans and land use ideas; that in order to keep the line of communication open between the City and the Park Board, a meeting was held with Cole Higlin, Jason Arenz, Administrator Neubauer and herself. As a result, it was agreed to hold a formal City Commission meeting with the Park Board to have a comprehensive view of plans for the City. Commissioner Laber said that the dates agreed upon for these meetings are the 3rd Tuesday in November and the 3rd Tuesday in May as that coincides with finishing up construction or seasonal activities and the beginning of the budget season. The Park Board will be presented this request at their next meeting. She recommended approval of this request.

Commissioner Rohr moved to approve the request that semiannual meetings between the City Commission and the Park Board will be held the 3rd Tuesday in November and the 3rd Tuesday in May. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

J. RESOLUTIONS AND ORDINANCES:

1. *First consideration of Ordinance 1216 creating zoning for Lakewood 9th Addition*
Commissioner Braun moved to approve the First consideration of Ordinance 1216 creating zoning for Lakewood 9th Addition. 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.

2. *Second consideration and final passage of Ordinance 1214 rezoning Lot 19 of Twin City Industrial Sites.* Commissioner Tibke moved to approve the Second consideration and final passage of Ordinance 1214 rezoning Lot 19 of Twin City Industrial Sites. 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. *Second consideration and final passage of Ordinance 1217 rezoning land along Old Red Trail (sports complex site).* Commissioner Laber moved to approve the Second consideration and final passage of Ordinance 1217 rezoning land along Old Red Trail (sports complex site). 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.

4. *Introduction and First Consideration of Ordinance 1218 – An Ordinance to Amend and Re-enact Section 9-02-11 of the Mandan Code of Ordinances Relating to Meters – Repair and Control.* Finance Director Welch stated that the recommended language in this Ordinance states that meters must be installed according to the instructions provided by the Mandan Water Department. So, therefore, when a plumber or contractor comes in to pick up a permit or a water meter they will be handed specific instructions for installation of those meters for the Water Meter Department. The Building Inspection Department will also have a copy of those instructions as they come in to their office to pick up the permit. This will clarify how a meter is to be placed in a home or business. A copy of the instructions was provided to the Board.

Commissioner Rohr moved to approve the Introduction and First Consideration of Ordinance 1218 – An Ordinance to Amend and Re-enact Section 9-02-11 of the Mandan Code of Ordinances Relating to Meters – Repair and Control. 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.

K. OTHER BUSINESS:

Commissioner Laber extended a thank you to City Staff and the Mandan Community for a job well done hosting the Slide the City event in Mandan on August 29, 2015. She extended a thank you to the University of Mary Wrestling Team who were very pleasant to work with and for their efforts and assistance in making the event a success.

There being no further actions to come before the Board of City Commissioners, Commissioner Tibke moved to adjourn the meeting at 6:17 p.m. Commissioner Laber seconded the motion. The motion received unanimous approval of the members present. The motion passed.

/s/ James Neubauer

James Neubauer,
City Administrator

/s/ Arlyn Van Beek

Arlyn Van Beek,
President, Board of City
Commissioners