
The Mandan City Commission met in regular session at 5:00 p.m. on September 6, 2011 in the Ed “Bosh” Froehlich Room at City Hall. Commissioners present were Helbling, Tibke, Rohr, Frank, and Jackson. 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. Note: Mayor Helbling left the meeting at 6:30 p.m. at which time Commissioner Tibke, Vice-President, presided over the remainder of the meeting.

MINUTES: Consider approval of the minutes for August 16, 2011, regular meeting. Commissioner Tibke moved to approve the minutes of August 16, 2011, Commissioner Frank seconded the motion. The motion received unanimous approval of the members present.

PUBLIC HEARING:

1. *Public Hearing scheduled at 6:00 p.m. to review and discuss the Preliminary 2012 Budget. (See Ordinances and Resolutions #1 thru #3).* Greg Welch, Finance Director, reported that the Finance Office has not received any protest letters or calls regarding the 2012 Preliminary Budget.

At approximately 6:00 p.m. Mayor Helbling announced that this is a public hearing and invited anyone to come forward to comment. A second invitation was extended to come forward to comment. Hearing none, this portion of the public hearing was closed.

2. *A Public Hearing to consider for approval the resolution to vacate a non-access control line that follows the east property line of Lot 1, Block 1, West River 1st Addition.* Engineering Project Manager Bechtel presented a request to vacate a non-access control line. He stated that there are not very many non-access control lines in existence. To depict the concern, Bechtel provided an overhead view of the property area of concern. It is a corner lot more commonly referred to as Lot 1, Block 1 West River 1st Addition. The non-access control line is located on the east side of the property line of the lot. The line does continue on to the west on Old Red Trail and extends to the north as well. Non-access control lines control egress and ingress what are more materially considered as arterial-type streets. In this instance it was meant to keep driveways from interfering with traffic on 37th Street. Bechtel stated there is no problem with vacating the non-access control line for this lot. The reason for the request for vacating the non-access control line is that the owner of the property contacted the City of Mandan due to their re-financing and due to the violation of that non-access control line. It was caught in the documentation therefore the individuals could not get a loan. Bechtel stated that all property owners within 300 feet of the area were contacted and there were a lot of calls regarding the reasoning for doing the vacation and what the whole situation involves.

Mayor Helbling stated that this is a public hearing and opened the floor for questions or discussion regarding the resolution to vacate a non-access control line that follows the east property line of Lot 1, Block 1, West River 1st Addition. Mayor Helbling once again

invited anyone to come forward to comment. Hearing none, this portion of the public hearing was closed.

Commissioner Tibke motioned to approve the resolution to vacate a non-access control line that follows the east property line of Lot 1, Block 1, West River 1st Addition.

Commissioner Jackson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: No; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

BIDS:

1. *Consider award of bids for Water & Sewer Improvement District #58, Project # 2011-07.* Engineering Project Manager Bechtel presented a request to reject the only bid submitted for this project. He stated that the bid received was for \$320,000 and was substantially higher than the engineer's bid of \$63,000. It would be prudent, not only to the landowners within the district, but to the City, to reject the bid as over depth excavation and dewatering would cost the City as part of this project. Bechtel stated that if the bid were to be rejected now there would be no major concerns at this time and it can be re-bid next spring.

Commissioner Frank motioned to reject the bid received from Basaraba Excavating for Water & Sewer Improvement District #58, Project # 2011-07. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

2. *Consider award of bids for Flood Improvement District #1, Project 2011-06.* Mayor Helbling stated that the River Bend project is not included in this project. He announced that the River Bend package bids for flood protection removal will go out tomorrow, September 7, 2011, and are to be returned by September 16, 2011.

City Administrator Neubauer indicated that the River Bend project will be bid at a later date. For this project, he stated that four bid packages were received. Brent Erickson, Project Engineer for Kadrmas, Lee & Jackson, stated that he is the project engineer for this project. He reviewed the four bid packages that were prepared. Kadrmas, Lee and Jackson will oversee the project.

1. Flood Protection Removal Bid package #1 is for the removal, disposal and restoration of NDDOT, USACE and City earth levees and jersey barriers located on the expressway. A total of four bids were received and the low bidder is Weisz and Sons @ \$865,750. The engineer's estimate was \$1,242,746. Commissioner Frank asked whether there is any way to recuperate any of these costs from entities benefiting from this removal. Erickson stated that the City needs to remove those barriers. The NDDOT doesn't have the forces in place to do so. Eventually it is expected that FEMA will provide reimbursement for these costs. Mayor Helbling stated that given all the help to the City from the DOT details, if any, can be worked out later stating that all paperwork has been submitted to FEMA for reimbursement of costs involved.

The four contracts will be addressed separately. Erickson stated that Weisz and Sons was the lowest bidder and recommended awarding the bid to them for Flood Improvement District #1, Project 2011-06 at the cost of \$865,750. The engineer's bid for the project was \$1,242,746. The other bids submitted were: Tom's Backhoe Service @ \$898,375; Quam Construction \$1,957,950. One bid was rejected.

Commissioner Frank moved to approve the award of bids for Flood Improvement District #1, Project 2011-06, Package #1 for the removal, disposal and restoration of NDDOT, USACE and City earth levees and jersey barriers located on the expressway to the low bidder Weisz and Sons for \$865,750. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

2. Flood Protection Removal Bid package #2 is for the removal, disposal, and restoration of USACE and Hesco barriers and sandbag barriers constructed by the City or USACE contract. This contract will remove the interior Hesco's and sandbags around Marina Bay, Borden Harbor and Lakeview and a few to the north of this area. The plan is to leave the Hesco's and sandbags that are immediately adjacent to the river in place this fall. This is a unit price contract and can be changed as needed. Four bids were received. The engineer's estimate was \$695,631 and the low bid came from Tom's Backhoe Service @\$447,000. The other bids submitted were in the amounts of \$2,047,000 and \$2,982,000. One bid was rejected.

Erickson stated that FEMA guidelines will be followed as to what can be restored on the properties. Erickson confirmed that he spoke with Tom's Backhoe Service regarding their bid submitted for this package wherein he commented that Tom's Backhoe Service expressed interest in doing this work. Any sandbags that were part of the USACE primary flood protection are included to be removed within this project.

Commissioner Tibke moved to approve Flood Protection Removal Bid package #2 for the removal, disposal, and restoration of USACE and City Hesco sandbag barriers and sandbag barriers constructed by the City or USACE contract to low bidder Tom's Backhoe Service for \$447,000. Commissioner Jackson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

3. Flood Protection Removal Bid Package #3 is for the collection, handling and disposal of private sandbags. This will be the collection of sandbags at collection sites; removal of the sand from the sandbags, disposal of the sandbags at the landfill and disposal of the sand fill material at the designated disposal area. Two bids were received and the low bidder was Knife River @ \$1,214,000. The engineer's estimate was \$890,126. The other bid submitted was in the amount of \$2,220,000. This will be cleanup of the private sandbag collection at collection sites and the debagging of the sandbag collection site on 40th Avenue (Lakewood, Mitzel farm). The homeowners are to bring their sandbags to the right of way for pick up and they will be taken to the

collection site for disposal. This contract includes the collection of stock pile sandbag sites also where property owners have already taken their sandbags to.

Mayor Helbling recommended that this package be awarded the contract to the low bidder but requested that we be allowed to negotiate or remove the mobilization charges. Erickson will approach Weisz and Sons with this question.

Commissioner Jackson motioned to approve the award of the low bid to Knife River for \$1,214,000 for the Flood Protection Removal Bid Package #3 with instructions to the engineer to attempt to re-negotiate the mobilization contract and also request to remove the line item of collecting the sandbags at \$35 unit price for a total of \$175,000.

Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

4. Flood Protection Removal Bid Package #4 is for Sandbag Central cleanup and restoration for the stockpiles of sand located at the Sandbag Central collection site. The bags will be collected and taken to the Public Works yard for salvage. The bags on pallets will be taken there and debagged. Attempts will be made to restore the area to its normal condition pre-flood. There were six bids received and the engineer's bid was \$132,380. The low bidder was Basaraba Excavation @ \$98,375. The other bids received were \$318,875; \$339,912; \$1,278,800. Two bids were rejected.

Commissioner Jackson moved to approve the award of the low bid to Basaraba Excavation for \$98,375 for the Flood Protection Removal Bid Package #4 for Sandbag Central cleanup and restoration. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

Mayor Helbling announced that the River Bend package bids for flood protection removal will go out tomorrow, September 7, 2011; to be returned by September 16, 2011. He stated that for anything that was adjacent to the river that was placed so far, the City plans to leave them in place and see what happens with the Heart River and the Missouri River in the spring of 2012. Under FEMA rules, a six-month extension will be requested to allow the city to keep those dikes in place. Brent Erickson, Kadrmas, Lee and Jackson said that it was recommended to bid this area separately in order to do an adequate job within this project. He stated that the project completion date is October 15th with a payment date of November 1st.

CONSENT AGENDA:

1. *Consider approval of abatement for Pride, Inc. – non-profit exemption.* The Board approved of the abatement for Pride, Inc. – non-profit exemption.
2. *Consider approval of the final plat of Acteva Living Center Addition.* The Board approved of the final plat of Acteva Living Center Addition.
3. *Consider personnel actions.* This item was removed for discussion at the request of Commissioner Frank.

Commissioner Jackson moved to approve the Consent Agenda Items No. 1 and No. 2. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

Commissioner Frank requested removal of Consent Agenda Item #3, specifically the battalion fire chief portion for discussion. Commissioner Frank inquired of the full time position for a battalion fire chief. She stated she discussed the matter with Administrator Neubauer and Fire Chief Nardello. Commissioner Frank posed the following questions: What would the position “Battalion Fire Chief” entail? Chief Nardello replied that it would be an assistant to the Fire Chief. He explained that when he started with the department there were 30 firefighters and the staff has now grown to 52. This position would assist the chief in full time shifts and would rotate. It would be an exempt position so that employee can work flexible hours and that person could respond to emergency situations. Commissioner Frank said she was concerned that a full time position such as this being requested as an additional position when it was determined during the budget process that for the third consecutive year, no merit pay could be given, only the COLA 2.5% being allowed. Secondly, residents have voiced concern that Station No. 2 is not fully staffed at this time. Chief Nardello replied: The position will be approximately a \$2,500 increase, depending on who fills the position. There is some funding available in the part-time position because funding was put there to staff Station No. 2 with part-timers and it is not always possible to get part-timers to staff that station. A battalion chief would be desirable because there are part-timers at the other station that do not receive enough of the chief’s time and proper supervision and that would be one of the duties of the battalion chief. Another concern raised by Commissioner Frank is - if there are too many in command at one time within a smaller community of this size? Chief Nardello replied that the chain of control is five people for every supervisor. There are 52 firefighters and ten officers, including the chief. Chief Nardello outlined the chain of command when responding to a fire in action.

Mayor Helbling commented that this is a reasonable request and it allows someone to step up in the fire department and to provide cross-coverage in the event Chief Nardello would either voluntarily or involuntarily be away from the office for any length of time. Chief Nardello clarified that this is not a new position that is being requested, it is a promotion within the department.

Commissioner Tibke moved to approve Consent Agenda Item No. 3. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: No; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

OLD BUSINESS:

1. *Consider an extension of the purchase and business incentive agreements for 116 E Main Street.* Business Development and Communications Director Huber reviewed with the Board a request for extension of the deadline for closing on the sale of the 116 East Main in purchase and business incentives. A previous extension was approved until

August 31, 2011. The owners are now requesting an additional extension to on or before October 4, 2011, in order to finalize financing. City Attorney Brown has prepared an Addendum with terms for completion by October 4, 2011 with completion of the project Renovations by July 1, 2012.

Mayor Helbling commented that this is a reasonable request to grant the extension as requested. Commissioner Rohr expressed concern about financing to keep the business going once it is up and running giving consideration to the requests for these extensions to secure financing for the business. Huber replied that the business owners themselves have contributed cash reserves to get the operation up and running, somewhere in the neighborhood of \$50,000 to \$60,000. The overall renovation costs are expected to be approximately \$220,000 with an additional \$40,000 plus for equipment purchases. Commissioner Tibke commented that the business plan indicated that the 2012 sales were @ \$1.2 million at their East Grand Forks location, so it is apparent they are successful in operating a business. The long term opportunities for sales tax generated will benefit the community for this project. Commissioner Jackson inquired if the deadline were extended to October 4th, and the owners will not be able to get their financing, the City will not be able to come up with an alternative to get the construction done yet this season? Huber replied that if the current plan falls through the commission could at its October 4th meeting review the other three interested party's offers at that time. Huber said that the roof would be the main issue to be addressed before winter. The other issues of the building are interior projects and they could be worked on through the winter months. Commissioner Jackson stated his concern is just that. Will they or will they not get the financing? If the agreement falls apart and come October 4th and there are no interested parties and the building sets empty through the winter, there will more than likely be additional damage. Come spring there may not be any interested parties anymore. Considering the issues regarding this property, Huber recommended granting this extension to Mama Mia's thereby giving this project every opportunity to work.

Mayor Helbling commented that he believes the owners are making a good faith effort to get this business up and running and they are staying in constant contact with the City in providing everything along the way. Commissioner Frank concurred with Mayor Helbling and Huber that the process for loan financing is a long one. She stated that if this matter comes back to the next meeting, there are options available to consider and that should be done. She reminded the Board members that she previously suggested that the City do the repairs on the roof in order to avoid further deterioration.

Commissioner Frank moved to approve the request for an extension of the purchase and business incentive agreements for 116 E Main Street to on or before October 4, 2011 to DeLanis and Linda Thomas. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: No; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: No; Commissioner Helbling: Yes. The motion passed.

2. *Consider allowing the negotiation of and enter into an Engineering Services Agreement for Street Improvement Project 2010-03 District #161 (North Mandan).* Engineering Project Manager Bechtel reviewed with the Board the terms to negotiate a cost and enter into an agreement for engineering services with Toman/Wenck for this project. Bechtel stated that the project and district have been reviewed with the firm and they in turn have provided a scope of work and project parameters and schedules. They have provided the percentage of 12.5% of the project cost as their fee for the cost of services. Commissioner Jackson commented that under normal conditions the RFP or RFQ process would have been followed in similar projects in which a set amount would be determined at the onset of the project. In this particular instance, it seems this worked out based on what the firm's estimated costs are going to be but that may not be the case in the future.

Commissioner Jackson motioned to enter into an Engineering Services Agreement for Street Improvement Project 2010-03 District #161 (North Mandan) at the rate of 12.5%. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

3. *Consider a proclamation to extend the State of Emergency within the City of Mandan pursuant to Section 06-03-07 of Mandan Code of Ordinances.* Commissioner Rohr motioned to extend the State of Emergency within the City of Mandan pursuant to Section 06-03-07 of Mandan Code of Ordinances. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

NEW BUSINESS:

1. *Report on joint community marketing for 2011 & plans for 2012 by Mandan Tomorrow — Leadership, Pride & Image Committee.* Laurie Leingang, from the Leadership Pride and Image Committee, presented the following annual report on behalf of the Committee:

- The Marketing Plan for Mandan of Year 1 was provided.
- The four standard goals outlined: Opportunity, Community, Achievement and Adventure – for the purpose of retail and business attraction are the key terms utilized as far as what there is to offer as far as tourism attraction.
- The marketing materials are initiated through the Development Office who developed and drafted the marketing materials and those were distributed to the Mandan Tomorrow Committee for comment.
- The following marketing tools were reviewed: Residential Marketing; Facebook presence; website access and the Made in Mandan Theme.
- Year 2 plans and additional projects.

Commissioner Tibke extended a thank you to the Mandan Tomorrow Committee for their time and efforts of promoting Mandan through volunteer committee work.

2. *Consider approval of annual Class E Liquor License application for Harvest LLC from Sept. 6, 2011 through June 30, 2012.* Commissioner Jackson motioned to approve the annual Class E Liquor License application for Harvest LLC from Sept. 6, 2011 through June 30, 2012. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Absent. The motion passed.

3. *Consider the creation of, approve the feasibility report, approve the plans and specifications for Water & Sewer Improvement District No. 58, Project 2011-09 (5th Street NE).* Engineering Project Manager Bechtel presented a request to create a district pursuant to this request. He stated that a request was received from Sam Towner, who owns lots on the north side of the 5th street project as well as Habitat for Humanity who also owns property and would like to build two houses on the lot. These lots do not have water and sewer services. There are some undersized mains in this area that have been identified by the City and this is an opportunity to get both of these completed at the same time.

Bechtel requested approving this request as well as an approval of getting bids out there in order to get the project completed yet this year. Bechtel stated there has been interest from contractors to do this job.

Finance Director Welch commented that the bids cannot exceed 40% of the engineer's estimate and by law there is a cap already in place.

Commissioner Jackson motioned to approve the feasibility report, approve the plans and specifications for Water & Sewer Improvement District No. 59, (not 58), Project 2011-10, (not 09), (5th Street NE) and to receive bids on the project. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Absent. The motion passed.

4. *Consider approval of liquor license transfer from Tissa Hanson-Kay to Sean Hopkins for the Mystique Lounge.* Sean Hopkins, 210 ½ N. Main Street, Mandan, North Dakota, presented a request for the approval of liquor license transfer from Tissa Hanson-Kay to Sean Hopkins for the Mystique Lounge. Hopkins stated that he had entered into an agreement with individuals in May, 2011, and found out about a month later that those individuals were not creditworthy partners. They told him that if he agreed to certain terms of business transactions, that the individuals would “turn the liquor license” over to him. However, that was not the case. Subsequently, Hopkins has found a second individual that is willing to become business partners with him to open up the restaurant and lounge under a new business name. Hopkins requested the City of Mandan reissue or transfer the liquor license back to him in order to proceed with another business plan as outlined.

City Administrator Neubauer stated that a background check has been completed and cleared for Sean Hopkins. If the City Commission deems appropriate, they can re-issue the liquor license to Sean Hopkins. A separate Class A license was available for this establishment that was given back to the City. City Attorney Brown pointed out that the City does not recommend that two licenses be issued for the same premises. Neubauer stated that there is only one license in existence for this property; however, there is no license active at this time. Mr. Hopkins's request would be treated as a "new application" for a liquor license at the premises known as the Mystique Lounge.

Commissioner Jackson motioned to approve the liquor license for Sean Hopkins for the Mystique Lounge. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Absent. The motion passed.

RESOLUTIONS & ORDINANCES:

1. *Consider the second and final consideration of Ordinance No. 1102 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2012, and ending December 31, 2012, and making the annual tax levy for the year 2011.* Commissioner Jackson moved to approve the second and final consideration of Ordinance No. 1102 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2012, and ending December 31, 2012, and making the annual tax levy for the year 2011. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed. *(A copy of the ordinance and resolutions are on file open for public inspection during regular working hours in the Finance Department.)*

2. *Consider Resolution establishing rates and charges for services from the Water and Sewer Utility Fund.* Commissioner Jackson moved to approve establishing rates and charges for services from the Water and Sewer Utility Fund. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed. *(A copy of the resolution is on file open for public inspection during regular working hours in the Finance Department.)*

3. *Consider Resolution establishing rates and charges for services from the Solid Waste Utility Fund.* Commissioner Jackson moved to approve the Resolution establishing rates and charges for services from the Solid Waste Utility Fund. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed. *(A copy of the resolution is on file open for public inspection during regular working hours in the Finance Department.)*

4. *Consider Resolution amending permit fees administered by the Office of the Building Inspector.* Commissioner Jackson moved to approve the Resolution amending

permit fees administered by the Office of the Building Inspector. Commissioner Rohr commented that one of the reasons behind this is not to raise revenue but to maintain equity with Bismarck because the fee process being similar in structure and it will be advantageous at that point. Commissioner Frank seconded the motion. Commissioner Jackson commented that Mandan is still below what Bismarck charges and in some cases, a fairly significant amount. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Absent. The motion passed. *(A copy of the resolution is on file open for public inspection during regular working hours in the Building Inspection Department.)*

5. *Consider Resolution amending fees and charges administered by the Office of Planning and Zoning, and Engineering.* Commissioner Jackson moved to approve the Resolution amending fees and charges administered by the Office of Planning and Zoning, and Engineering. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Absent. The motion passed. *(A copy of the resolution is on file open for public inspection during regular working hours in the Planning and Zoning, and Engineering Department.)*

6. *Consider the second and final consideration of Ordinance No. 1103 related to employee annual leave cutoff date.* Commissioner Jackson moved to approve the second and final consideration of Ordinance No. 1103 related to employee annual leave cutoff date. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Absent. The motion passed. *(A copy of the resolution is on file open for public inspection during regular working hours in the Office of the City Administrator.)*

7. *Consider second and final consideration of Ordinance No. 1104 – An ordinance to amend Chapter 17-04 to the Mandan Code of Ordinances Relating to Noxious Weeds.* Commissioner Jackson moved to approve the second and final consideration of Ordinance No. 1104 – An ordinance to amend Chapter 17-04 to the Mandan Code of Ordinances Relating to Noxious Weeds. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Absent. The motion passed. *(A copy of the resolution is on file open for public inspection during regular working hours in the Office of the City Administrator.)*

There being no further actions to come before the Board, Commissioner Jackson moved to adjourn the meeting at 6:56 p.m. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present.

/s/ James Neubauer

James Neubauer,
City Administrator

/s/ Timothy A. Helbling

Timothy A. Helbling,
President, Board of City
Commissioners

/s/ Sandra Tibke

Sandra Tibke,
Vice President, Board of City
Commissioners