

---

The Mandan City Commission met in regular session at 5:30 p.m. on March 16, 2010 in the Ed “Bosh” Froehlich Room at City Hall. Commissioners present were Helbling, Tibke, Serhienko 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 Director Huber, Engineering Project Manager Bechtel, and City Assessor Barta. Absent: Commissioner Gangl.

MINUTES: *Consider approval of the minutes for March 2, 2010 meeting of the Board of City Commissioners.* Commissioner Tibke moved to approve the minutes as presented. Commissioner Serhienko seconded the motion. The motion received unanimous approval of the members present.

PUBLIC HEARING:

1. *Public hearing regarding Modified Urban Renewal Plan to expand boundaries (See Resolution #5).* City Administrator Neubauer provided a map depicting the area that is the subject of the public hearing meeting of the Urban Renewal Plan to expand the boundaries. Neubauer reviewed the legal description for the proposed change in boundaries as Mandan Proper Blocks 36-41 and 46-57 and Collins Court Park of Block 1, Lot 3. He indicated on the map provided as the area between Collins Avenue to 6<sup>th</sup> Avenue Northwest, South of 5<sup>th</sup> Street. Neubauer recommended expanding the boundaries for the Urban Renewal Plan to include the former Junior High facility and surrounding area.

Commissioner Jackson asked if the particular blocks requested can be removed from the Urban Renewal Plan if they are made a part of the Urban Renewal Plan? Neubauer replied that they could. Commissioner Serhienko inquired as to what actually will be covered under the Urban Renewal Plan zoning pattern? He inquired if there would be a possibility that the City of Mandan could assist with grants in that area to upgrade the properties located there if the properties would qualify? Neubauer replied that he is not aware of that possibility. However, he stated that it would not do any harm to include it within the request. He did state that if you do not have the property listed within the Urban Renewal Plan, you would be able to add it at a later time (with these types of applications). Commissioner Jackson recapped that at the last meeting one of the reasons for this action is so that whoever buys the former Junior High facility may want to apply for Tax Increment Financing (TIF). Neubauer clarified that tonight’s action is only to expand the boundaries of that area if the Board so chooses. However, for future purposes, if applicable, TIF Financing may be an option.

Mayor Helbling opened the floor to the public for questions regarding the Modified Urban Renewal Plan.

Wayne Papke, Mandan resident, came forward to speak. He cited that NDCC, Chapter 40-58 Urban Renewal Law, provides for the Urban Renewal of slum or blighted areas existing in municipalities of the state. Papke stated that it is his belief that all parties living in the proposed zone be notified in writing of this stigma. He also stated that he is

---

opposed to the whole project due to his belief that the former Junior High facility should be put up for public sale for at least one year before the need for this action exists. If that fails, then act on the Urban Renewal Plan.

Ron Barth, Mandan resident, came forward to speak. He stated that he agreed with Mr. Papke. He said he believes the Urban Renewal Plan would be a step in the direction of giving away valuable taxpayer owned property to a select entity with long-term tax abatements. He stated that he is a Mandan apartment owner and has seen his tax dollars given away to subsidize competition in the past. He also mentioned that he would like to see tax benefits that would apply to a majority of the taxpayers.

Mike Sweeney, Mandan resident, came forward to speak. He voiced concern that he understands that this matter is being addressed because the school was condemned and because it was dangerous for the students. However, he did not understand why the school was condemned and is now being considered being made into apartments.

Commissioner Jackson inquired if there is any evidence available that would show that any urban zoned designation would diminish the value of the housing in the area or the former Junior High facility? Neubauer replied that he is not aware of any such evidence. He referred to the map of the area once again and noted that certain areas of the City have been under the Urban Renewal Plan since 1984. It is his understanding that those areas have gone up in value in the same fashion as other properties throughout the city commenting that some properties have increased significantly.

Commissioner Serhienko stated that he has been contacted by property owners from that area of the city as well who have stated they do not want to see denigration of their homes happen. He inquired if the area could be reduced to include only the Junior High facility property area. Neubauer clarified that this public hearing is open for discussion as to what the public and Board wishes to do and that resetting the boundaries is an option at this time.

Mayor Helbling commented that the landowners in the area wouldn't be penalized in any way if an Urban Renewal Plan was set up in this area. But it would in essence open up opportunities for including funding assistance from other government programs and it could improve the whole neighborhood. There is no real downside to the Urban Renewal Plan. He stated he does not see any benefit in singling out the Junior High facility.

Neubauer stated that he has had discussions with the Lewis and Clark Regional Development Council which has offices nearby. They have commented that they are familiar with the properties in the area and that there may be assistance for improvement programs available.

Wayne Papke came forward to reiterate that Chapter 40-58 provides for the Urban Renewal Law of slum or blighted areas existing in municipalities of the state. He also stated that it is clear by law that an Urban Renewal Plan *is* stating that it is slighting or degrading the property.

Tom Bair, Mandan resident came forward to speak. He stated that he believes urban renewal areas are a positive factor for the city. He spoke of when he resided in Grand Forks, wherein the south side of the railroad tracks was an urban renewal area and that area has attained the same value of other properties in the city. He stated that he currently lives in Mandan on 6<sup>th</sup> Street, across the street from the proposed Urban Renewal Plan area and that he is in favor of the Plan.

Mayor Helbling asked for further comments from the public. Hearing none, this portion of the public hearing was closed.

Commissioner Serhienko moved to approve the Modified Urban Renewal Plan to expand the boundaries as presented with the understanding that there will be an option to revisit this matter in the future to include or remove certain properties from the plan, if warranted. Commissioner Jackson seconded the motion.

Commissioner Tibke inquired if the Lewis and Clark Regional office could put together a meeting for the neighborhood wherein the homeowners could be educated on the different programs that they may qualify for? Neubauer replied that it is possible and arrangements will be made to do so.

Mayor Helbling called for a roll call vote on the motion: Roll Call Vote: Commissioner Gangl: Absent; Commissioner Tibke: Yes; Commissioner Jackson: Yes; Commissioner Serhienko: Yes; Commissioner Helbling: Yes. The motion passed.

#### BIDS:

#### CONSENT AGENDA:

1. *Consider approval of the monthly bills.* The Board approved of the monthly bills as presented.
3. *Consider request from Business Development Office to transfer funds from 2009 to 2010 budget.* The Board approved the request from the Business Development Office to transfer funds from 2009 to 2010 budget.
4. *Consider approval of the following abatements:*
  - i. Mitchell Kostek - Disabled Veteran Exemption
  - ii. Jason Zahn – New Construction Exemption

The Board approved of the abatement requests presented by: Mitchell Kostek - Disabled Veteran Exemption and Jason Zahn – New Construction Exemption.

Commissioner Serhienko moved to approve the Consent Agenda items No. 1, 3, 4 as presented. Commissioner Jackson seconded the motion. The motion received unanimous approval of the members present.

Commissioner Tibke requested the following item be removed from the Consent Agenda for discussion:

2. *Consider approval of Seven Seas Addition Zone Change. (First reading of ordinance 1076).* Commissioner Tibke inquired of Engineering Project Manager Bechtel

---

if he has received all the proper information and filings for this matter? Bechtel provided a map of the requested change and stated that everything has been received and is as presented. (See Resolution No. 4.)

Commissioner Tibke moved to approve the request for a change of zoning from CB (Heavy Commercial) to CC (Heavy Commercial) for Auditor's Lot A of Lot 5, Block 1 of Seven Seas 1<sup>st</sup> Addition. Commissioner Jackson seconded the motion. Bryan Giese came forward to speak. He stated that he is the attorney representing MT Storage, LLP, the co-owners Terry Morton, Rick Barnhardt, and Dusty Padilla who have presented their request to the Zoning and Planning Commission where the request was approved. Giese said that he has information available if there were any questions from the Board. He stated that he supports the request for the zone change.

Mayor Helbling called for a roll call vote on the motion: Roll Call Vote: Commissioner Gangl: Absent; Commissioner Tibke: Yes; Commissioner Jackson: Yes; Commissioner Serhienko: Yes; Commissioner Helbling: Yes. The motion passed.

OLD BUSINESS:

NEW BUSINESS:

1. *Update on flood preparedness – Tammy Lapp-Harris, Morton County Emergency Manager.* Tammy Lapp-Harris reviewed with the Board a manual that has been developed specifically for “Flood Emergency Plan”. She stated that a task force was assigned to assist in the flood plan development project. She said that meetings were held from September 24, 2009 through February 25, 2010 to put the plan together. The Agencies involved included Morton County Emergency Management, Mandan Public Works, Morton County Sheriff's Department, Mandan Utilities, Mandan Engineering, Morton County GIS, Lower Heart Water Resource, Mandan Police Department, Morton County Highway Department, Mandan Waste Water Treatment Plant and Mandan Fire Department. The Plan includes: Contacts, Purpose, Area covered by the Plan, Agencies involved, Responsibilities, Flood Information and Local Resources, Sandbag filling areas, Marina Bay Area, Missouri River Flood levels, City Watch Reverse Notification, Media Releases, Volunteers, Shelters, Security Passes and Residency Security Passes. Several attachments were provided depicting forms and sample copies of badges, etc. Harris stated that at this time it does not appear that there will be flood concerns this year with the river. Information regarding flooding can be found at [www.co.morton.nd.us](http://www.co.morton.nd.us) under “2010 Flood Information”. There is also a link to this information on the City of Mandan website at [www.cityofmandan.com](http://www.cityofmandan.com).

Mayor Helbling thanked Ms. Harris for the work she and her staff and the task force put into the preparation and development of this Flood Emergency Plan.

2. *Bismarck-Mandan Development Association Progress Report.*
  - i. *2009 Business Retention and Expansion Report*
  - ii. *2009 Report on Retail and Service Industry Visits*

---

Mayor Helbling introduced members of the Bismarck-Mandan Development Association who were present to provide a status update of matters related to the City of Mandan.

Russ Staiger, President of the Bismarck-Mandan Development Association presented an overview of their 2009 Annual Report. He summarized the presentation by saying that it will provide reports on economic development progress for 2009 including: (1) Business Retention and Expansion visits to primary sector businesses in the metro area, and (2) Retail and Service sector business visits in Mandan. He stated that the State of ND has done well coming out of the national economy problems and that Bismarck-Mandan is doing well and staying ahead of difficulties that other parts of the country are seeing. We have jobs available especially in the energy field. The current unemployment rate in Bismarck-Mandan is 4.9% as of January. The State of ND had a 5% unemployment rate wherein the whole US is at 10.6%. Some areas are up to 15%-30%. We have been impacted by businesses on a national-wide level, such as Bobcat in which 475 people were displaced. However, existing businesses have been adding jobs to make up for that deficit. Some of those include NISC, Leingang Siding, Executive Air, Aetna, etc. of which over 350 new permanent jobs were created in 2009. Of those jobs, 250 are being outsourced to communities outside Bismarck-Mandan that are benefiting by people doing telecommuting out of their homes. Bismarck-Mandan is responsible for that spread of jobs which goes from Belfield to Fargo. BMDA will continue to work with the primary sector in adding jobs to the communities. Bismarck-Mandan is also looking at new primary sector events.

Brian Ritter, Director of Development for the BMDA presented the following: He stated that he will be reviewing data regarding the Business Retention Expansion Program (BRE) which is now in its 7<sup>th</sup> year. Ritter stated that the BMDA began conducting its BRE Program in 2004 as part of its efforts to help retain and expand area businesses by identifying issues and opportunities that may require assistance or otherwise need to be addressed. The retail and service sector component was added last year in 2009, and included visits to 25 Mandan businesses with 50 planned in 2010. Ritter stated that the BMDA is committed to focusing on the Three “R”s: Recruit, Relocate and Retain top businesses with equality employment for the community. The BMDA addresses the recruitment and relocation of top businesses all the time and that the retention of those quality businesses already in Bismarck-Mandan is specifically addressed through the BRE Program.

Ritter briefly reviewed the following points and how the City of Mandan fits in each category:

- Product/Service Life Cycle
- Emerging Technology
- Total Company Sales
- Market Share
- Production Capacity
- Expansion in the next 3 years
- Workforce (Little to no concerns with Bismarck-Mandan)
- Community Services (Consistent with Bismarck-Mandan)
- Strengths

- 
- Positive Business Climate
  - Redevelopment of Downtown Mandan
  - Weaknesses
    - Property taxes too high
    - Lack of retail

In closing, Ritter commented that he has observed over the course of the past year that there have always been two or three common issues for discussion. However, this year was different as there seemed to only be one issue that most participating companies wanted to discuss, and that was the economy.

Ritter stated that the 2010 Goals of BMDA are as follows:

- Increase the number of primary and service sector, Mandan visits from 25 to 30
- Provide 2010 Summary of visits during Q1 of 2011
- Continued cooperation and communication with city staff

Richard Mower, VP of Special Projects for BMDA, reviewed with the Board that in 2009 the City of Mandan requested BMDA to expand the existing BRE Program to include the retail and service sector businesses in Mandan. The new visitation program is a partnership between BMDA and Mandan's Business Development Office. Mower reviewed the following points and how they pertain to the City of Mandan:

- Approximate Trade Area (Ranging from Belfield, ND to Fargo, ND)
- Total Sales as compared to those nationally
- Workforce (Availability 4.08%, Quality 3.96%, Stability 4.79%, Productivity 4.95%)
- Strengths
  - Customer Loyalty
  - Positive Business Climate
  - Satisfaction with the quality of life in the Community
- Weaknesses
  - Property taxes
  - Retail
  - Restaurants
  - Public Transportation

Mower reviewed the BMDA 2010 Goals:

- Increase the number of primary and service sector, Mandan visits from 25 to 50
- Provide 2010 Summary of visits during Q1 of 2011
- Continued cooperation and communication with city staff

3. *Consider Lakewood Village, LP request for non-profit exemption.*

Richard Barta, City Assessor, presented a request for consideration to change from an existing exemption (Ad Valorem) to a new exemption (Non-Profit) which will reduce the taxable amount within the City. City Attorney Brown stated that after receipt of an Attorney General Opinion, it was determined that a tax exemption could be claimed pursuant to NDCC Chapter 57-02-08(8) of property owned by an institution of public charity and used for the charitable purposes for which it was organized.

John Petrik, an attorney with the Vogel Law Firm, came forward to speak. He stated he represents Lakewood Village and could answer questions, if any, regarding this matter.

---

Commissioner Jackson moved to approve the request for non-profit exemption for Lakewood Village, LP. Commissioner Serhienko seconded the motion. Roll Call Vote: Commissioner Gangl: Yes; Commissioner Tibke: Yes; Commissioner Jackson: Yes; Commissioner Serhienko: Yes; Commissioner Helbling: Yes. The motion passed.

Mayor Helbling stated that he has been working with staff and City Attorney Brown doing research to pinpoint the tax exempt properties in the City and also attempting to look for taxation alternatives for fire and police protection. He stated that as the community grows, there is more tax exempt property and that is a burden on homeowners. He said that the City staff is putting information together to be discussed at a later time.

4. ——— ~~Consider Basin Electric request for tax exemption status.~~ This item was removed from the Agenda.

5. *Update on reassessment progress.* Richard Barta, City Assessor, reported that about 300 homes have been revalued. The results for those 300 are: 50 are street appraisals at 37% and others are about 15% in increases due to basements having been finished. The average increase is about 10%. There have been about 600 notices sent out so far where sketching has been started; however, the reassessment will not be finalized until the entire area has been sketched. Barta stated that there are about 25% of the people not allowing the assessors to go into homes. Barta reported that otherwise the process is going well. Barta inquired as to what the Board would designate as a time table to implement the reassessments that have been finalized.

Mayor Helbling stated that he has been receiving calls from people who are saying they are happy we are reassessing the community. He commented that the people would like to see fair assessments throughout the city. Does the Board have suggestions to give Richard as far as guidelines as to when to implement?

Commissioner Jackson commented that one of the things being looked at is that there are two different databases the Assessing Office is dealing with while doing this project. This is adding time on to the process. He commented that if we limit it to just one database, we would reassess them as we go and that will limit the time. Another issue of concern and which is noted in the agenda documentation: We did meet with the State Board of Equalization and they concede that the law on this issue is ambiguous. Jackson stated that it appears that once we re-assess the property, that amount has to be recorded as the value. The value is what it is now and one of the problems is that if we wait too many years it could go up or it could go down. The sketching issue that Barta referred to previously is something that is straightforward. However, it is time consuming. We are aware that the time involved is taking more than what is needed – originally one hour per home was allotted and it is taking up to 2 hours. The State Board of Equalization expressed concern about how long this will take us. We may have to hire additional people to do the sketching to move it along quicker.

Commissioner Serhienko inquired as to how much of the project is done. Barta stated that he figures there are roughly 5200 parcels of property yet to be done and about 600 that have been done so far, with 250 of those completely finished. Barta explained that the project has been going on for about six months and that the programming has taken up a lot of time. Barta estimated that there should be 1200 to 1500 parcels completed by the end of the year, or approximately 33%.

City Attorney Brown said that the date of February 1<sup>st</sup> is the critical assessment date that needs to be taken into consideration if the Board is considering an implementation date for the increased tax valuations. He explained that if the new assessed value is scheduled to take place on February 1, 2011, the new taxation value will be sent out in December 2011, due by February 1, 2012. The reassessment done by the City Assessor's Office this year will have to be accepted and assessed by February 1, 2011 since it is too late for 2010.

Mayor Helbling stated that a reasonable number of assessments should be completed in order to be fair to the people who have not been reassessed. Commissioner Jackson reiterated that the State Board of Equalization's concern was the length of time that it will take to get all the reassessments completed. He stated that it is his understanding that the City needs to reassess the values as soon as possible. The goal is to do this as quickly and as efficiently as possible. Commissioner Jackson pointed out that a number of the reassessments that have been done were basement remodels and there were no permits obtained.

Commissioner Serhienko reiterated to Barta that if additional staff is needed to complete the project, he needs to let the Commission know so that the job gets done in a timely manner. Barta stated that he would like to hire someone who would be assigned to drafting. Mayor Helbling commented that he would recommend that at least 25% of the reassessments be completed before implementation of the reassessed values and that it is done by February 1, 2011. He stated that he would like to see a plan for getting that done and if additional employees need to be hired, it needs to be done within 30 days.

Greg Welch, Finance Director, questioned how often the City would go back and do reassessments on a regular basis. He commented that that may determine the number of staff needed in the City Assessing office (which is what the State Equalization Board recommended). Barta was asked to bring a recommendation back to the Board within 30 days.

Barta inquired what he needs to do with the 300 reassessments that have been done so far? City Attorney Brown stated that technically there were no reassessments done by February 1, 2010, so the next date will be February 1, 2011. Commissioner Jackson clarified for Barta that every assessment that has been done so far in 2010 and the rest of the reassessments completed in 2010 will go into the new 2011 database program.

6. *Consider the creation, approve the feasibility report, approve the plans and specifications, and authorize the call for bids for Water & Sewer Improvement District No. 57, Project 2010-09(7<sup>th</sup> Avenue SE).* Engineering Project Manager Bechtel presented a request to create a special assessment district and authorize paperwork for the requested water and sewer project. Bechtel stated that HIT Inc. has requested this project for the construction of a group home facility on the west side of 7<sup>th</sup> Avenue Southeast and currently there are no utilities in place to facilitate the construction project. The owners of the property, Chad Wachter, Trademark Realty, has been notified of this and there is no opposition to the project.

Commissioner Jackson moved to approve the creation, approve the feasibility report, approve the plans and specifications, and authorize the call for bids for Water & Sewer Improvement District No. 57, Project 2010-09(7<sup>th</sup> Avenue SE). Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present.

#### RESOLUTIONS AND ORDINANCES:

1. *Consider a proclamation designating April 19<sup>th</sup> – 24<sup>th</sup> as “Spring Clean-Up Week” in the City of Mandan.* Commissioner Jackson moved to approve the request to issue a proclamation designating April 19<sup>th</sup> – 24<sup>th</sup> as “Spring Clean-Up Week” in the City of Mandan. Commissioner Serhienko seconded the motion. The motion received unanimous approval of the members present.

2. *First readings for the following ordinances and a resolution. Passed in previous meetings.*

- i. *Consider first reading of Ordinance No. 1072 Zone Change for Meadows 2<sup>nd</sup> Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Municipal Code relating to District Boundaries and Zoning Map.*
- ii. *Consider first reading of Ordinance No. 1073 Zone Change for Lakewood 5<sup>th</sup> Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Municipal Code relating to District Boundaries and Zoning Map.*
- iii. *Consider first reading of Ordinance No. 1074 Zone Change for Meadows 1<sup>st</sup> Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Municipal Code relating to District Boundaries and Zoning Map.*
- iv. *Consider for approval the resolution to vacate the cul-de-sac on Goldfinch Circle, as platted in Borden Harbor West Addition.*

Engineering Project Manager Bechtel briefly reviewed each of the zone change requests with the Board. Commissioner Serhienko moved to approve the first reading of Ordinance No. 1072, No. 1073, No. 1074 and to vacate the cul-de-sac on Goldfinch Circle and the resolutions thereof. Commissioner Jackson seconded the motion. Mayor Helbling called for a roll call vote on the motion: Roll Call Vote: Commissioner Gangl: Absent; Commissioner Tibke: Yes; Commissioner Jackson: Yes; Commissioner Serhienko: Yes; Commissioner Helbling: Yes. The motion passed. Commissioner Tibke on behalf of the Board extended a thank you to developer Steve Thilmony for the donation of the property of Goldfinch Circle to be used for parklands within the City of Mandan.

---

RESOLUTION OF VACATION  
Board of City Commissioners  
City of Mandan, North Dakota

WHEREAS, the Mandan Park District has submitted to the Board of City Commissioners of the City of Mandan a verified petition asking to vacate a street all of that public right of way of Goldfinch Circle from 34.89' north of the intersection of Goldfinch Circle and Sandpiper Trail to the cul-de-sac on Goldfinch Circle, as platted in Borden Harbor West Addition, lying in the NW ¼, Section 7, Township 138N, Range 80W of the 5<sup>th</sup> Principal Meridian, City of Mandan, Morton County, North Dakota. Said tract of land having a nominal width of 66 feet, 33 feet on both sides of the center line and the cul-de-sac having a radius of 60 feet, more fully described as follows:

Beginning at the northeast corner of the intersection of Goldfinch Circle and Sandpiper Trail; thence N 0d55'13" E a distance of 34.89 feet to the true point of beginning; thence N 0d55'13" E a distance of 124.00 feet; thence on a curve to the right with radius of 60.00 feet an arc distance of 307.11 feet; thence S 0d55'13" W a distance of 124.00 feet to the southeast corner of Lot 13, Block 1 of said subdivision; thence S 89d04'47" E a distance of 66.00 feet to the true point of beginning. Said tract of land containing 18,252 SF (0.42), more or less.

WHEREAS, The Board having deemed it expedient to consider such petition and having ordered that said petition be heard by the Board at its regular meeting held at City Hall in the City of Mandan, North Dakota, on Tuesday, May 3<sup>rd</sup>, 2005, at 5:30 o'clock p.m., CT, and the City Administrator having published notice of the filing of the petition and the object therein in the official newspaper once each week for four (4) consecutive weeks, as required by law, which notice stated that the petition would be heard and considered on the date and time aforesaid, at which time any persons interested might appear and be heard, and proof of such publication of the notice having been made and filed; and

WHEREAS, on the 3<sup>rd</sup> day of May, 2006, at 5:30 o'clock p.m., CT, being not less than thirty days after the first publication of the notice aforesaid, the Board of City Commissioners proceeded to hear the testimony and evidence of persons interested and no one having appeared against said petition of vacation, and it appearing to the satisfaction of the Board of City Commissioners that said petitioners are the owners in fee simple of the property adjoining the street to be vacated; that no objections by the immediately adjoining landowner to the requested vacation were raised at the public hearing, that said petition was accompanied by a map of the area proposed to be vacated; which map is on file in the office of the City Administrator of Mandan; and the facts and reason for the vacation of such area as established by the petition and the testimony and evidence are good and sufficient to justify the vacation of such area;

NOW, THEREFORE, BE IT RESOLVED By the Board of City Commissioners of the City of Mandan, North Dakota, that the above described street of that public right-of-way of Goldfinch Circle from 34.89' north of the intersection of Goldfinch Circle and

Sandpiper Trail to the cul-de-sac on Goldfinch Circle, as platted in Borden Harbor West Addition in the City of Mandan, Morton County, North Dakota be and the same are hereby vacated.

BE IT FURTHER RESOLVED, That the within and foregoing Resolution shall become effective from the time of its passage and publication.

Approved and passed May 3<sup>rd</sup>, 2005, by at least two-thirds vote of all the members of the Board of City Commissioners.

/s/ Timothy A. Helbling

President, Board of City Commissioners

ATTEST:

/s/ Jim Neubauer

City Administrator

Public Notice Dates: April 7, 14, 21 and 28, 2005

Public Hearing: May 3, 2005

Final Passage: March 16, 2010

Publication Date: April 16, 2010

3. Consider second and final reading of Ordinance No. 1075 – An ordinance to amend and re-enact Section 20-14-31 of the Mandan Code of Ordinances relating to Parking Citations. Commissioner Jackson moved to approve the second and final reading of Ordinance No. 1075 – An ordinance to amend and re-enact Section 20-14-31 of the Mandan Code of Ordinances relating to Parking Citations. Commissioner Tibke seconded the motion. Roll Call Vote: Commissioner Gangl: Absent; Commissioner Tibke: Yes; Commissioner Jackson: Yes; Commissioner Serhienko: Yes; Commissioner Helbling: Yes. The motion passed.

**ORDINANCE NO. 1075**

An Ordinance to Amend and Re-enact  
Section 20-14-31 of the Mandan Code of Ordinances  
Relating to Parking Citations

Be it Ordained by the Board of City Commissioners as follows:

1. Section 20-14-31 of the Mandan Code of Ordinances is hereby amended and re-enacted to read as follows:

Section 20-14-31. Failure to Obey Parking Citation-Penalty.

Any person who fails to answer to a parking citation or to pay the fee specified within the time period provided on the citation not to exceed thirty days is guilty of an infraction, ~~the penalty for which is a fine not to exceed fifty dollars.~~ Failure to answer to a parking citation ~~without just~~

~~cause~~ within the time provided on the citation ~~must also be deemed~~ is an admission of the commission of the parking violation charged.

By: /s/ Timothy A. Helbling  
President, Board of City  
Commissioners

Attest:

/s/ Jim Neubauer  
City Administrator

First Reading: March 2, 2010  
Second Reading and Final Passage: March 16, 2010  
Publication Date: March 26, 2010

4. *Consider introduction and first reading of Ordinance No. 1076 – An ordinance to amend and reenact section 21-03-02 of the Mandan Municipal Code relating to District Boundaries and Zoning Map. (See Consent No. 2 – Seven Seas Addition).* Commissioner Jackson moved to approve the introduction and first reading of Ordinance No. 1076 – An ordinance to amend and reenact section 21-03-02 of the Mandan Municipal Code relating to District Boundaries and Zoning Map. (See Consent No. 2 – Seven Seas Addition). Commissioner Tibke seconded the motion. Roll Call Vote: Commissioner Gangl: Absent; Commissioner Tibke: Yes; Commissioner Jackson: Yes; Commissioner Serhienko: Yes; Commissioner Helbling: Yes. The motion passed.
5. *Consider resolution approving Modified Urban Renewal Plan for expansion of boundaries.* Commissioner Jackson motioned to approve the Modified Urban Renewal Plan for expansion of boundaries to include the Junior High facility and surrounding properties as presented. Commissioner Serhienko seconded the motion. Roll Call Vote: Commissioner Gangl: Absent; Commissioner Tibke: Yes; Commissioner Jackson: Yes; Commissioner Serhienko: Yes; Commissioner Helbling: Yes. The motion passed.

**RESOLUTION APPROVING MODIFICATION  
OF THE URBAN RENEWAL PLAN OF THE  
CITY OF MANDAN**

WHEREAS, North Dakota Century Code, Chapter 40-58 (the “Urban Renewal Law”), provides for the urban renewal of slum or blighted areas existing in municipalities of the state; and

WHEREAS, The Board of City Commissioners hereby declares and has determined that the following area of the City (hereinafter referred to as the “Urban Renewal Area”) consists of a blighted area as defined by NDCC § 40-58-01.1(2), and by such resolution designates such area as appropriate for an urban renewal project and hereby adds such area to the current Urban Renewal Area:

---

Mandan Proper Blocks 36-41 and 46-57, and Collins Court Park of Block 1, Lot 3.

WHEREAS, the rehabilitation, conservation or redevelopment, or combination thereof, of the Urban Renewal Area is necessary in the interest of the health, safety, morals and welfare of the residents of the City; and

WHEREAS, the Board of City Commissioners has previously approved an Urban Renewal Plan by resolutions adopted at previous dates (the “Urban Renewal Plan”); and

WHEREAS, it is deemed necessary at this time to modify the Urban Renewal Plan by adopting and including the area described above to provide for (i) the rehabilitation, conservation and redevelopment of the Urban Renewal Area, (ii) certain urban renewal projects to be undertaken in the Urban Renewal Area, and (iii) the potential financing of urban renewal projects through the use of tax increment financing and tax exemptions as provided by North Dakota law.

NOW, THEREFORE, BE IT RESOLVED by the Board of City Commissioners of the City of Mandan, North Dakota, and said Board, by this resolution, DOES DECLARE AND FIND as follows:

1. The Urban Renewal Plan, as modified, to include the area described above conforms to the general plan of the City as a whole, and will afford maximum opportunity with the sound needs of the City as a whole, for the rehabilitation or redevelopment of the Urban Renewal Area by private enterprise.

2. The Urban Renewal Plan, as modified, is hereby approved.

Adopted: March 16, 2010

CITY OF MANDAN

By: /s/ Timothy A. Helbling  
President, Board of City  
Commissioners

Attest:

By: /s/ Jim Neubauer  
City Administrator

OTHER BUSINESS:

1. Consider request from Western Edge Developments to extend development agreement dates for Collins and Main parcels. Geris Hopfauf, Managing Partner of Western Edge Developments, LLP, presented a request to move the closing date on the development agreement dates to on or before December 31, 2010, with construction starting on or before July 1, 2011. Hopfauf explained that Western Edge Developments has been negotiating with a service sector business that has signed a letter of intent to

occupy 10,317 sq. ft. of the building. However, recently the business requested additional time to consider possibly purchasing more square footage and wants to move methodically through all options before making a final decision on how much of the building they are going to occupy. Hopfauf stated that Western Edge Developments is confident that the business is a solid business and will bring significant opportunities to the City of Mandan. City Attorney Brown stated that he has visited with Ms. Hopfauf, the City Administrator, and the prospective business personnel and stated that he is more confident now than he was previously that this business venture will be an enhancement to the City of Mandan. He stated that given all the efforts the City and Western Edge Developments have put into this project thus far; it would be to everyone's benefit to consider the request to extend the closing date as presented by Western Edge Developments. Business Development Director Huber concurred with City Attorney Brown.

Commissioner Serhienko moved to approve the request from Western Edge Developments to extend the development agreement dates for Collins and Main parcels to on or before December 31, 2009. Commissioner Jackson seconded the motion. Commissioner Serhienko seconded the motion. Roll Call Vote: Commissioner Gangl: Absent; Commissioner Tibke: Yes; Commissioner Jackson: Yes; Commissioner Serhienko: Yes; Commissioner Helbling: Yes. The motion passed.

2. *Consider approval of 2010 Fire Department Budget Amendment.* Fire Chief Nardello stated that the Mandan Fire Department has received notification of a grant award from the ND Department of Emergency Services to purchase equipment for response to Weapons of Mass Destruction (decontamination materials). Nardello explained that the project must be completed within sixty days and requires no local share. Nardello requested approval of using \$3,619.74 of the reserve fund monies and upon purchase, 100% of the cost will be reimbursed by the DES. Commissioner Jackson moved to approve the 2010 Fire Department Budget Amendment. Commissioner Serhienko seconded the motion. The motion received unanimous approval of the members present.

There being no further actions to come before the Board, Commissioner Tibke moved to adjourn the meeting at 7:23 p.m. Commissioner Serhienko seconded the motion. Upon roll call vote, the motion received unanimous approval of the Board and the meeting adjourned.

/s/ James Neubauer  
James Neubauer,  
City Administrator

/s/ Timothy A. Helbling  
Timothy A. Helbling,  
President, Board of City  
Commissioners