

---

The Mandan City Commission met in regular session at 5:30 p.m. on February 17, 2009 in the Ed "Bosh" Froehlich Room at City Hall. Commissioners present were Helbling, Tibke, Gangl, Jackson and Serhienko. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Planner Baehurst, Business Development Director Huber, Engineering Project Manager Bechtel, and City Assessor Barta.

MINUTES:

PUBLIC HEARING:

BIDS:

CONSENT AGENDA:

Mayor Helbling: On the consent tonight are the following items:

Susan Beehler: Mr. Mayor, can I approach?

Mayor Helbling: This is not a public hearing Susan.

Susan Beehler: I would like to make a comment on the Consent Agenda.

Mayor Helbling: At this time, this is not a public hearing. We are not going to allow any public comments.

Susan Beehler: You are not going to allow any public comment?

Mayor Helbling: Not on this, no.

Susan Beehler: Is this a closed meeting?

Mayor Helbling: Commissioners, what are your wishes?

Commissioner Gangl: We will give you one minute Susan.

Susan Beehler: The only comment I have is that the Architectural Review was established in an Ordinance on April 4, 2006, at one of the first readings or second readings and one of things it said that the Commission was established by and appointed by the Board of City Commissioners. In the Agenda packet that you received there was no letter, my letter of asking to be appointed to that Architectural Commission. This must have been decided by the Commission and I was just wondering if the Board of Commissioners have given their full authority to the Architectural Review Commission to appoint and then suggest to you who they want on the Commission or if this is an open and valid way of handling it by the way they handled it by not including my letter to you. I do have background in the plant business. I haven't been in that business for a long time but I did work in a large discount store and was the head of that department. And since I have had issues with the Architectural Review, one of the things that I felt would be better for instead of coming before the Commission and giving my complaints that maybe as a member of the Board of Architectural Review it would be better to hash over some of those things there before they come before you. So I did put in an application seeking a position on the Board and I was just wondering why the authority of this was given in Ordinance, why that's been superseded and the selection was made prior to coming before you.

Mayor Helbling: I don't think the selection has been made prior to coming before us. This is a recommendation from the Committee. It is ultimately the City Commission's

decision. That's why there is a recommendation coming from Architectural Review to appoint Mr. Bullinger. It is ultimately the City Commission's decision.

Mayor Helbling: Commissioners, your wishes on the Consent Agenda?

Commissioner Jackson moved to remove Item No. 1 of the Consent Agenda: to consider the appointment of Leonard Bullinger to the Mandan Architectural Review Commission. Commissioner Gangl seconded the motion. The motion received unanimous approval of the members present.

Mayor Helbling: We will now review Items 2, 3, and 4 of the Consent Agenda as follows:

2. *Consider approval of a Homestead Credit Exemption for Vlasta Wright (2007 & 2008).* The Board approved of the Homestead Credit Exemption for Vlasta Wright (2007 & 2008).
3. *Consider site authorization for Ducks, Unlimited, Inc. at the Seven Seas for March 18, 2009.* The Board approved of the site authorization for Ducks, Unlimited, Inc. at the Seven Seas for March 18, 2009.
4. *Consider approval of monthly bills.* The Board approved of the monthly bills.

Commissioner Tibke moved to approve Items 2, 3, and 4 of the Consent Agenda. Commissioner Serhienko seconded the motion. The motion received unanimous approval of the members present.

Mayor Helbling directed the Commissioners attention to Item No. 1 of the Consent Agenda:

1. *Consider appointment of Leonard Bullinger to the Mandan Architectural Review Commission (MARC).*

Commissioner Jackson: Mr. Barta, how many people applied for or sent in letters of interest?

City Assessor Barta: Just two people.

Commissioner Jackson: Would those be Mr. Bullinger and Ms. Beehler?

City Assessor Barta: Yes.

Commissioner Jackson: Was there discussion about recommending appointment for Mr. Bullinger versus Ms. Beehler? If you recall.

City Assessor Barta: Ms. Beehler had indicated in her letter to us that she did not have any past experience, so that is when we looked at Mr. Bullinger's past experience.

Commissioner Jackson: Mr. Bullinger has how many years of experience? He owns Bullinger's Tree Service?

City Assessor Barta: Yes.

Commissioner Jackson: Here in Mandan?

City Assessor Barta: Yes.

Commissioner Jackson: How many years of experience does he have? Do you know?

City Assessor Barta: No, I don't but I would assume his father started the business and he probably took it over 15 to 20 years ago.

Commissioner Jackson: Your letter of recommendation says he has 20 years experience working with landscaping, tree removal.

City Assessor Barta: I did not write the letter. The Chairman of the Board did.

Commissioner Jackson: Okay. I guess that is all the questions I have for you.

Mayor Helbling: Are there any other questions for Mr. Barta? Thank you Richard.

Commissioner Jackson: Mr. Mayor, can I ask Ms. Beehler a couple questions?

Mayor Helbling: Yes.

Commissioner Jackson: Ms. Beehler, how many years of experience do you have?

Susan Beehler: Well, what I did was that I worked at a major discount store and I was the associate manager. One of my departments was the Lawn and Garden Center. I have about a year working directly in a Lawn and Garden Center. But one of the criteria also was that I also put in what else I could bring to the Board. One of them that I have a downtown location and there is no retail representation and when you ran into that one little bump in the road with the sign ordinance I felt that it was maybe a good idea if I would apply to be appointed. Also in talking with you personally Mr. Jackson, you had said to me, well why didn't you apply for the Architectural Review Board and I have brought this issue up that I felt that the Architectural Review Board in the ordinance should be some safeguards such as conflict of interest and different things like that to insure that there is an appropriate perception by the public. Meaning that the people are chosen not just on who knows who but maybe on something they can bring to the Board. When this Board was first formed, I asked to have a presence as part of the historical aspect of it because I have had training in the preservation through the National Trust in Washington DC and usually they do have a preservation officer that does serve on the Architectural Review Boards in other cities.

Commissioner Jackson: That's good. I just asked how many years of experience you have had. What I would ask Mr. Mayor is that... I would make a motion to approve Mr. Bullinger be appointed to the Architectural Review Board although I appreciate Ms. Beehler applying and I applaud her for doing so. It appears that the recommendation by the Review Commission. I'm sorry; I'm now getting into comments.

Commissioner Jackson moved to approve the appointment of Leonard Bullinger to the Mandan Architectural Review Commission (MARC). Commissioner Gangl seconded the motion.

Discussion: Commissioner Jackson stated that based on Leonard Bullinger's experience and in fact that is what the Architectural Review Committee is looking for. Again, I applaud you Ms. Beehler for applying and certainly would not discourage you from doing so in the future but I think based on his experience he obviously is a business owner in Mandan that we approve Mr. Bullinger.

Mayor Helbling asked for any further comments. There were no more comments. Based on the motion and the second, the vote was taken. The motion received unanimous approval of the members present.

OLD BUSINSS:

---

NEW BUSINESS:

1. *Update by North Dakota Department of Transportation on plans for Longfellow Park.* City Administrator Jim Neubauer reviewed with the Commission plans for the Interpretative Panel for Richard Longfellow Veterans Park. The photo is one that depicts Mandan as it is today. This has been reviewed with Mr. Neubauer and Ms. Huber, Development Director and Ulteig Engineers. Neubauer stated that the Commission is being asked to approve the Interpretative Panel. The timeline for the construction of the Park would commence tonight upon approval of the Plan and it would end with the construction completion in the Spring of 2010. Mayor Helbling noted that Ben Kubishta of the North Dakota DOT was available for questions. Mr. Kubishta came forward to clarify on the snapshot. He stated that it will be located in the plaza where the 13 spires are along with the construction aspects panel of the new Liberty Memorial Bridge. This panel will be in the area of the plaza top, the park area down below will have the old 1920's. The Bismarck side will have the Bismarck scenes with the three interpretative panels. Commissioner Jackson moved to approve the Interpretative Panel as presented. Commissioner Gangl seconded the motion. The motion received unanimous approval of the members present.

2. *Consider recommendation from Renaissance Zone Committee for lease at 103 Second Avenue by Karla Gunderson (dba Archstone Bookkeeping).* Business Development Director Huber reviewed with the Commission a request from Karla Gunderson, dba Archstone Bookkeeping. Huber stated that the Renaissance Zone Commission (RZC) met on February 11, 2009, to consider RZ Project #32 by Gunderson dba Archstone Bookkeeping for a lease at 103 Second Avenue NW, a property being rehabilitated as Renaissance Zone Project #26. This space was previously occupied by Pay Day Loans. Ms. Gunderson has submitted a Business Plan that supports her request and she anticipates growing her business to additional staff within the next couple years. The RZC recommends approval of this lease application. Huber stated that this building is part of the Storefront Improvement Plan for which an extension was requested in December 2008 and a contingency of that extension was the installation of automatic doors on the property. The owner has agreed to the improvements. Huber stated that the RZC recommends approval of the lease agreement conditioned on the installation of the automatic door.

Commissioner Serhienko moved to approve the recommendation from Renaissance Zone Committee for lease at 103 Second Avenue by Karla Gunderson (dba Archstone Bookkeeping). Commissioner Jackson seconded the motion. The motion received unanimous approval of the members present.

3. *Update regarding water and waste water treatment plant and distribution systems stimulus possibilities.* Russ Sorenson, PE Operations Manager, Advanced Engineering and Environmental Services, Inc. presented information regarding the water and waste treatment plant. He stated that a meeting was held last week to discuss the list of projects that have a good chance of being included or considered for the stimulus money. A list is included in your packet that includes 13 projects along with the estimate of costs. These projects have a high ranking at the State level. Sorenson stated that the

stimulus plan outlines two programs that will receive money for water. One is the Drinking Water State Revolving Loan Fund. To be included for that plan, you have to be on that list. The other plan is the Clean Water State Revolving Loan Fund. The money coming down from the federal government amounts to \$20 million given to the state for distribution. As a result of last week's meeting, it was recommended by the Commission that we compile our information and forward the information to the State Water Commissioner, the proprietor of those programs. Once the stimulus package is signed by President Obama, within 180 days there has to be contracts to contractors signed and ready to go for the high priorities. At this point the State is unsure how the money will be distributed. Each project is submitted separately on the Intended Use Plan (IUP) and will be ranked accordingly. Sorensen requested the Commission approve the Intended Use Plans. He stated that an estimated fee of \$15,000 will be needed to complete the submittals for all the projects explaining that this will cover the preliminary costs.

Commissioner Serhienko moved to approve the payment of \$15,000 to Advanced Engineering and Environmental Services, Inc. to complete the SRF questionnaires, project descriptions, and environmental letters for the 13 plans related to the Drinking Water State Revolving Loan Fund (DWSRF) and the Clean Water State Revolving Loan Fund (CWSRF). Commissioner Tibke seconded the motion.

Commissioner Jackson inquired if the fee would be less if only some of the projects were submitted. Sorensen replied that based on the initial letters written, it's not that much more to do all of them at the same time. He stated that it is unknown which ones the State will accept or how much money will be available or how it will be distributed. Sorensen explained that the goal is to try to make the selection easier for them by laying out the projects in this fashion. The State will rank them accordingly. Mayor Helbling stated that the City of Mandan had entered into an agreement with AES several months ago to work on this project.

Based on the motion and the second, the vote was taken. The motion received unanimous approval of the members present.

#### RESOLUTIONS AND ORDINANCES:

*1. Consider first reading of Ordinance No. 1048 An Ordinance to Repeal an Initiated Ordinance to the Mandan City Code Relating to Electric Handicap Accessible Doors As Adopted by the Electorate on November 4, 2008, and To Enact a New Ordinance Relating to Handicap Accessibility for Buildings that Accept Public Funds.*

Commissioner Jackson stated that this Ordinance has been revised from the first time it had been introduced in that Use Groups have been included under Section 2, Subsection C. This is less expansive than passed when voted on by the citizens in November 2008. Jackson inquired of Gangl if he would rather insert dollar amounts rather than Use Groups similar to what the State did, however, the State did not pass that portion of the Bill. Jackson commented that by putting the dollar amount in there would work better from different perspectives instead of getting into a Use Group argument.

---

Commissioner Gangl: We can discuss that. It is a good idea. If we would take an outline of what the State was thinking of doing. Is that what you are referring to? They were talking about \$100,000 for funding.

Commissioner Jackson: They were talking about \$100,000 which is a little high considering we are a city and they are the state. Very few projects will hit that \$100,000 mark especially for alteration. I was thinking more on the line of \$25,000.

Commissioner Gangl: Are you talking \$25,000 for assistance or the total project?

Commissioner Jackson: The total project cost. I still think this needs to pass in its current form because the old form is too ambiguous and does not provide enough clarity for those in the City that need to enforce it. I would ask the other Commissioners that if we pass this tonight to think about the possibility instead of doing it as a dollar amount. Again, I think it should pass but I don't know if I like the use group language and instead do something similar like the State did and do a dollar amount versus the use groups because that limits what the citizens of Mandan passed. It seems that is a good compromise between limiting it to certain businesses. It will then affect all businesses versus only certain businesses.

Attorney Brown: Just a clarification Commissioner Jackson. The HB 1453 which was defeated, the \$100,000 was the business incentive. It was not the value of the project, it was the business incentive itself.

Mayor Helbling: Commissioners, any other comments or thoughts?

Commissioner Gangl: I think it is something that would be a good compromise if the dollar amount does not include every little project. Would that include a new building or just renovations?

Commissioner Jackson: I guess as I understand it, it would include a new building, renovations, everything. That would be beneficial for any one who is doing a small renovation or something like that. We don't do a whole lot of store improvement projects and so that way it saves those particular businesses from adding in. If you were putting up a \$2 million dollar building to add in four \$10,000 electronic doors is not going to dent the pocket book so much. But if you are doing a \$10,000 store front improvement project and you have to put in a \$4,000 door, percentage wise, that's a much greater percentage of the storefront improvement project. So it seems more realistic. I was not aware that it was a \$100,000 worth of incentive versus a \$100,000 worth of project. That is something that we will have to ask Ellen to look at as to how many businesses that would affect. I don't know how many people get a \$100,000 incentive. I'm guessing through the City, not very many.

Business Development Director Huber: You are right Commissioner Jackson; there probably would not be very many projects that would reach that particular threshold although that is something we could research. If you are, however, considering this path, I would urge you to consider the amount of incentive rather than the project cost. One rationale for that would be that we are always encouraging as much private match or

---

trying to leverage private funds with any sort of public assistance so I do not think we would want to discourage that for somebody that maybe has their funds coming from private sources for example. That would be one reason to look at the amount of assistance provided. Sometimes the forms of assistance might be anything from an interest buy down rate to a tax exemption. It can take many forms and so focusing on the amount of assistance I do think if you are going to go down this path would be the most beneficial.

Commissioner Jackson: In the interest of full disclosure, this was not my idea, Deb Holter, who I think helped draft the initial ordinance, is actually her idea. I don't know exactly what she had in mind. It makes sense and it makes more sense what the state is doing and what Huber is urging as well to encourage that private match. It would seem that the incentive way would be the way to go versus the total construction.

Mayor Helbling: One problem I would see with the incentive way is you would still be requiring industrial facilities and any warehouse or any type of facility like that that does not have retail traffic to install electronic doors. I thought that was one of the arguments we had with the Ordinance as it was passed.

Attorney Brown: You could combine the two.

Mayor Helbling: To expand on what Commissioner Gangl was getting at – if we expanded this a little we need to include other groups in this if we do it in order to stay within the intent of the Ordinance. One would be Retail Group B which is auto truck implements, farm implements, feed & grain stores, trailer sales. That's one that the public would use quite a bit and should be required to have a door. Another one would be a commercial recreation Group A which consists of bowling allies, dance halls, taverns and theatres, is another one of which the general public would have a lot of use. The other one would be Education Group A which would be colleges, high schools, grade schools, kindergartens, student dormitories, stadiums. If we added them back in and added service groups we would be staying within the intent of the ordinances and we would still be excluding some of the other service groups such as auto, auto repair, laundry, commercial parking lot, steam bath, etc. but we would still be staying well within the intent of the Ordinance but we would be taking a lot of the industrial facilities out in the wholesale type buildings. We would cover everything else if we added those three categories.

Commissioner Jackson: We spoke about this originally but one of the things that I have always understood as far as the industrial portion of the ordinance – many of those would not qualify under the public use definition and so I hesitate to have it industrial because you can have something that is zoned industrial and yet it still be open for public use so I hesitate to have that included where there are specific groups. Again, I prefer to have more of the public use exception or the public use definition would get rid of many of the industrial places in town. Those that are open to the public, they should be open to the public and they should have to have automatic doors. That's my argument against having the specific use groups.

Mayor Helbling: I agree with your arguments but I think in the spirit of cooperation and moving this another step forward we can come back and amend the Ordinance again to be more restrictive as we see fit and as we go through the different service groups but I think to not include at least these three groups if we are going to go down the service groups or the group category would be a big mistake and it would not be going with the wishes of the voters.

Commissioner Gangl: Commissioner Jackson if we add the ones that the mayor just talked about would you still think of putting a limit on as a combination?

Commissioner Jackson: I actually wouldn't. I think when you add in use groups it's making the Ordinance more restrictive. The original Ordinance was specifically stated on the record prior, very broad and intended to be very broad so if we put in Use Groups, that restricts it more. If we put in a dollar amount, that restricts it even more. So to put in two restrictions versus one, I would rather see it either / or instead of two restrictions on it rather than just the one. That's my preference.

Commissioner Tibke: I would prefer using the Use Groups as opposed to assigning say \$25,000 for a total project cost. What concerns me about the \$25,000 is that a lot of the store front improvements or the projects downtown may not go into that price range and really the intent and the concerns of the disabled and the community that passed this was to go into these retail establishments and to me that's a concern.

Mayor Helbling: Commissioners, any other comments before we open it up to the floor? Mrs. Huber or Mr. Neubauer, do you have any comments, questions about what we are talking about here? Do you see any problem areas that may arise or any concerns that you may have?

Business Development Director Huber: As you contemplate as to whether or not to implement a dollar amount minimum or not, one number that I had suggested for your consideration back in November was \$10,000 because some of the money for storefront improvement projects then would not be expected to be put in such an additional cost. So far the two storefront improvement projects approved since the ordinance went into place in November, the costs for the doors have been about \$1,700 in one case and \$2,000 in the other so if you look at that in relation to a \$10,000 incentive, I think that if you were to consider that path that \$10,000 might be an appropriate amount.

Mayor Helbling: If we were to stay within the service groups as listed and add these three other categories do you think there would be a big problem or hindrance?

Huber: From an implementation standpoint I think it would be more clear cut to implement with a dollar amount as compared to use groups simply because we do not know what a property today might be used for tomorrow and it may trigger in the future where the dollar amount of the public assistance being provided can be quantified and known.

Commissioner Jackson: Maybe what we should do, this is still the first reading, we should pass it as it is this evening and we can have Ellen look into some dollar amounts that may be okay. I was bringing it up for the Commission's consideration, but again, obviously something has to be done.

Commissioner Gangl: It is a great idea and if we do go with the dollar amount I would like to see it high enough so it does not include every little project.

Mayor Helbling; With that, this matter is now open to the floor.

Francis Herauf: I was just going to tell you that if you are going to put an amount on this to bring it down to \$10,000. This way, every building can do this. It won't be limited to just one building, every building will be able to do this.

Mayor Helbling: So you would like to see a dollar amount put on it?

Francis Herauf: Yes. Put a \$10,000 dollar amount on this.

Mayor Helbling: Okay. Do you think that would be more fair than adopting the service groups?

Francis Herauf: Yes it would.

Mayor Helbling: And that would still include warehouses and those types of things where we had the concerns before.

Francis Herauf: And you know what? There are farmers that are disabled. And I am really sad that the State did not pass this. Because when I wrote that letter to them I asked them, are you going to turn down our vets? Veterans when they come home. Some of them are not going to be normal. What's this going to do with our veterans? Are we going to refuse them? Are we going to do this with the Vietnam veterans? Push them aside. Oh, good job, I'm glad you fought this war. Now that they're home, we don't hear anything about them. Are we going to do the same with the veterans we got now? That are coming back. Let's be reasonable here. I'm not just fighting for myself. I'm fighting for everybody that's out there.

Mayor Helbling: Thank you and I wish that it would have passed through the state. It would have put us on the same playing field as every other community in the state but we have to deal with what was passed and we will make the best out of it for everybody.

Francis Herauf: And the state did tell me that those two new buildings are non compliance to ADA so if somebody wanted to sue them, they could.

Mayor Helbling: Do you have any other comments?

Francis Herauf: No, that's all I have.

Mayor Helbling: Are there any other comments from the audience?

Susan Beehler: A Mandan City resident came forward to speak. First off I would like to apologize to Mr. Barta. I was kind of quick on the gun there and I did not mean to interrupt you, although I did. I am sorry. That was not appropriate and I apologize. One of the things I am disappointed in was at the last Commission meeting, I did give a packet for each of you and I don't know if you received that. It wasn't in the Agenda packet but when you were looking at the uses one of the things that the ADA law...you got it then, good, because it was not in my packet so I was afraid that you did not get it. One of the things that is in there, instead of referring in the Ordinance the reference to public use could maybe be public accommodation would be a more clearer term in the ADA world. What this has been, this Ordinance and also at the State level, it's really an education process in bringing people that are able bodied and disabled together in a learning process and I was hoping that you had read that if you did feel that you did need to have criteria to call it a public accommodation rather than a zoning type thing. As Francis has said and Ms. Huber has stated the \$10,000 dollars as being a trigger for a business incentive, I think that would be palatable to the people that initiated the Ordinance although it was voted on by the public I still feel that the wording could be adjusted a little bit but to keep it broad as the scope that was voted on. Also, since this is a first reading I have not heard the reading of the Ordinance and for the public it might be wise to read that.

Mayor Helbling: Thank you.

---

Attorney Brown: Do you want to have a motion and a second before I read it? Because if I read it and you don't do anything - that would be redundant.

Commissioner Jackson motioned to approve the first reading of Ordinance No. 1048. Commissioner Gangl seconded the motion.

Commissioner Jackson motioned to Amend Section 2, Subsection C to include Retail Group B, Commercial Recreation Group A and Education Group A. Commissioner Gangl seconded the motion. The motion received unanimous approval of the members present.

Mayor Helbling asked for further discussion. Hearing none, Attorney Brown was called up to read the Ordinance.

Ordinance No. 1048: An Ordinance to Repeal an Initiated Ordinance to the Mandan City Code Relating to Electric Handicap Accessible Doors As Adopted by the Electorate on November 4, 2008, and To Enact a New Ordinance Relating to Handicap Accessibility for Buildings that Accept Public Funds. Be it ordained by the Board of City Commissioners as follows:

SECTION 1. The initiated Ordinance as adopted on November 4, 2008 and stated below is hereby repealed:

Installation of electric handicap accessible entrance doors are required on every building open to the public that has received public funds in any form whatsoever, failure to do so may result in denial of public funding and declare it an emergency.

SECTION 2. A new Section 14-02-12 of the Mandan Municipal Code is hereby enacted as follows:

- A. Restatement: Every building open to public use that has received the benefit of public funds from the City of Mandan shall provide for the installation of an automatic door for at least one main entrance to the building.
- B. Definitions:
  - “Automatic door” means a door equipped with a power-operated mechanism and controls that open and close the door automatically, upon receipt of a momentary actuating signal. The switch that begins the automatic cycle may be a photoelectric device, floor mat, or manual switch.
  - “Public use” means interior or exterior rooms or spaces that are regularly made available to the general public.
  - “Public funds” means as defined in Section 21-04-01(5) NDCC.
- C. Use Groups: This Ordinance shall only apply to buildings or businesses

---

that are used for the purposes described in the following Sections of 21-03-07 of the Mandan Municipal Code: Retail Group A; Retail Group B; Service Group A; Office Bank Group; Health Medical Group; Commercial Recreation Group and Education Group.

- D. Waiver: Automatic doors are not required if the installation of an automatic door would be technically infeasible, if there exists other pre-existing accessibility barriers that cannot be reasonably remedied or readily achievable at reasonable cost, or if the installation of an automatic door would create an undue burden on the applicant as defined in 28CFR Section 36.104.
- E. Noncompliance: In the event it is determined by the City that business or building has received public funds, as defined herein, and has not complied with this Ordinance, the City may revoke or rescind the granting of or receipt of the public funds or take such further action as may be necessary to insure compliance with this Ordinance.
- F. Application: This Ordinance shall apply to building projects or renovations that have applied for and received public funds subsequent to November 14, 2008.

SECTION 3. The provisions of this Ordinance shall be in full force and effect from and after the second reading and final passage.

Mayor Helbling: Thank you Attorney Brown. Is there any further discussion? We do have a motion and a second.

Commissioner Serhienko: Yes. This thing has been thrown back and forth at us many times. And trying to take into consideration all the groups and the groups that presented it to us and trying to get the business point of view addressed I think we are finally getting some place with a motion that probably most everybody can live with. It comes down to this, sooner or later you got to fish or cut bait. This is the first reading. Once this is passed it can still be amended if there is something that we missed or if there is something that needs to be directed I think we can still address it. And I think we are getting something that most of us can agree on here.

Mayor Helbling: And I, too, feel it's a good compromise. I think it is staying with the intent of what was voted on by the voters and I think it will be good for everybody in the end. There is a motion and a second. Please call the roll: Commissioners Gangl: yes; Tibke: yes; Jackson: yes; Serhienko: yes; Helbling: yes.

Mayor Helbling: A thank you to Attorney Brown for all the work on this matter. Also to Administrator Neubauer, Business Development Director Huber, Francis Herauf and Mrs. Beehler. We did come up with a good compromise as a result of many meetings and hard work.

---

There will be a second reading of this Ordinance at the next meeting.

Francis Herauf: Mayor, I want to say thank you for all your help.

OTHER BUSINESS:

1. Mandan Water Park: Mayor Helbling stated that he has been fielding many questions about the Water Park. He stated that the Water Park was not a City Commission decision. It is a Park Board decision. They are a Board and they have the power to do what they need to do and they can issue revenue bonds. If you have any questions you are to call Cole Higlin, the Park District Director at the Community Center.

The Park Board has a meeting scheduled on March 9, 2009, 5:30 pm at the Community Center which is their regular Park Board meeting. City Administrator Neubauer and Mayor Helbling have been contacted regarding this matter; however, they have no say in what they are doing.

There being no further actions to come before the Board, Commissioner Jackson moved to adjourn the meeting at 6:26 p.m. Commissioner Tibke 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