
The Mandan City Commission met in regular session at 5:30 p.m. on August 18, 2009 in the Ed “Bosh” Froehlich Room at City Hall. Commissioners present were Helbling, Jackson, Gangl and Serhienko. Department Heads present were Finance Director Welch, 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 Tibke, Police Chief Bullinger.

MINUTES: *Consider approval of the minutes from the August 4, 2009 meeting of the Board of City Commission.* Commissioner Jackson moved to approve the minutes from the August 4, 2009 Board of City Commission meeting as presented. Commissioner Serhienko seconded the motion. The motion received unanimous approval of the members present.

PUBLIC HEARING:

1. *Public Hearing to Consider 5-Year Ad Valorem Tax Exemption for New Discovery Montessori Pre-School.* City Assessor Barta presented a request to consider 5-Year Ad Valorem Tax Exemption for New Discovery Montessori Pre-School. Barta stated the Montessori Pre-School is requesting an exemption for the construction of a new commercial structure. The Notice to competitors was published on July 30th and August 6th in the Mandan News. There has been no opposition received.

Mayor Helbling announced that this is a public hearing and asked for comments from the public audience or the members of the Commission. Hearing none, this portion of the public hearing was closed.

Commissioner Jackson moved to approve the 5-Year Ad Valorem Tax Exemption for New Discovery Montessori Pre-School. Commissioner Serhienko seconded the motion. The motion received unanimous approval of the members present.

2. *Public Hearing to Consider for approval the resolution to vacate the utility easement located on the east 170’ of the west 200’ of Lot 1, Block 1, Lakewood Commercial Park 3rd Addition.* Engineering Project Manager Bechtel presented a request for approval of the resolution to vacate the utility easement located on the east 170’ of the west 200’ of Lot 1, Block 1, Lakewood Commercial Park 3rd Addition. He stated that this property is owned by MDU, and is a 10 ft. wide utility easement that is not being used. It is their wish to vacate it so they can install a power substation on that lot.

Mayor Helbling announced that this is a public hearing and asked for comments from the public audience or the members of the Commission. Hearing none, this portion of the public hearing was closed.

Commissioner Serhienko moved to approve a resolution to vacate the utility easement located on the east 170’ of the west 200’ of Lot 1, Block 1, Lakewood Commercial Park 3rd Addition. Commissioner Gangl seconded the motion. The motion received unanimous approval of the members present.

BIDS:

CONSENT AGENDA:

1. *Consider approval of monthly bills.* The Board approved of the monthly bills a listing of which is attached as an addendum to these minutes.
2. *Consider for approval the following abatement: i. Brenda Mayer – Disabled Veteran.* The Board approved the abatement for Brenda Mayer – Disabled Veteran.
3. *Consider approval of a 2009 Justice Assistance Grant (JAG) provided by the American Recovery and Reinvestment Act for the Mandan Law Enforcement.* The Board approved of a 2009 Justice Assistance Grant (JAG) provided by the American Recovery and Reinvestment Act for the Mandan Law Enforcement.
4. *Consider for final acceptance, Street Improvement Project #2007-11 District #145 (Collins Avenue).* The Board approved final acceptance of Street Improvement Project #2007-11 District #145 (Collins Avenue).

Commissioner Jackson moved to approve the Consent Agenda as presented. Commissioner Serhienko seconded the motion. The motion received unanimous approval of the members present.

OLD BUSINESS:

1. *Update on Southeast Public Safety Communications Tower.* Fire Chief Nardello presented before the Commission an update as to the status of the Emergency Radio Communications System project that has been ongoing for about 3 years. He stated that one issue has surfaced, which is the construction of an additional tower in the Plainview Heights area, near the new water reservoir. He stated that the Police and Fire Departments currently operate from one radio tower located on Crying Hill. The Bismarck Police Department has received an Interoperability Communications Grant to study the Bismarck/Mandan current emergency communications. As a result, a consultant for the interoperability project has recommended a simulcast system using two towers, one in the southeast section and another in the northwest section of Mandan. Mandan Fire and Police Departments are advertising for bids for the southeast tower. Nardello provided a photograph that depicted the location of the tower near the new water treatment plant. He stated that the proposal is to get the power from the pumping station and the emergency power from the generator which would save a considerable amount of money with this type of setup. He stated that they are hoping for a completion date of October, but because of weather conditions, December is more realistic. Operation of the tower is set for the spring of 2010. Two grants are in operation for this project and the funding is there, including the match for the funding which is in place in the 2009 budget. The homeowners in the area of the new southeast tower have been notified and informed of what will transpire with the tower. The tower has been cleared with the FAA. He stated this is merely an update and no action is required of the Commission at this time.

2. *Consider the State Historical Society Foundation of North Dakota request for funds relating to the expansion of the ND Heritage Center.* Claudia Berg, Expansion Coordinator for the North Dakota Heritage Center presented a request for funds relating to the expansion of the ND Heritage Center. Previous to the meeting, a packet of information for review was provided to each of the Commissioners. Mayor Helbling commented that he has received several calls from City residents in opposition of supporting this request. In addition, Helbling commented that the City of Mandan has many other local funding projects that are supported annually. He pointed out that the legislature did provide an adequate amount of funds for completing this project. Berg clarified that when this project initially started, there was no intent to go to the communities to look for funding. She explained that the project is viewed as everyone being a partner and the Foundation wanted to allow an opportunity for communities to participate should they wish to do so. Commissioner Serhienko stated he is in favor of the project and if funds are available, that Mandan contribute to the funding. He inquired of Finance Director if there are funds available to support this project. Finance Director Welsch replied that, no, not every fund is “tapped out” but continued to state that projects in the Visitor’s Fund will be utilized next year for needs within the Mandan Community. Welch stated that the Budget Committee would need to look further into this matter to make a determination as to what kind, if any, funds could be allotted towards this project. Commissioner Jackson commented that he has received a few calls from city residents who are strongly against Mandan contributing funds to the project. He concurred with Mayor Helbling that Mandan has many local projects to support that come before supporting this expansion of the ND Heritage Center project. Commissioner Gangl agreed with Mayor Helbling and Commissioner Jackson that the City of Mandan is not in a position to contribute to the Heritage Center project; however, he did encourage city residents to use their own funds to contribute as they wish.

Susan Beehler, Mandan City resident, came forward and spoke in favor of supporting the ND Heritage Center Project. She inquired if the Commission would consider matching funds with organizations that deal with heritage and tourism? If they would come up with funds, would the City match those funds? Or in the alternative, look at this as an opportunity to bring groups that come to the Heritage Center, the possibility of shuttling them over to Mandan facilities such as Ft. Lincoln and the Heritage Plaza.

Virginia Nelsen, Director of the State Historical Society Foundation came forward to speak in support of the Heritage Center funding project. She explained the “History Hero’s Program” wherein individuals are being recognized as History Hero’s for donating \$10,000 to the foundation. She reviewed the infrastructure layout of the history that lies within Mandan, not in Bismarck. She reiterated that the Heritage Center promotes the historical facts of Mandan and will continue to do so in the future.

Wayne Papke, a representative of the Citizens for Responsible Government Mandan Chapter, came forward to speak in opposition. He stated that he concurs with Commissioner Gangl in that the 2009 ND Legislative Act was that they would provide matching private donations. He stated that he interpreted that to mean not going to other

government entities for funding. Based on that, he asked the Commission to vote against the request for funding for this project from the City of Mandan.

Commissioner Jackson motioned to deny the request by the ND Heritage Society for \$300,000 over six years (for funds relating to the expansion of the ND Heritage Center). Commissioner Gangl seconded the motion. Commissioner Jackson commented that if there were some kind of busing route back to the Mandan side of the river, it may be more palatable to have a plan in place that would justify this project. Mayor Helbling called for a roll call vote. Commissioner Gangl: Yes; Commissioner Tibke: Absent; Commissioner Jackson: Yes; Commissioner Serhienko: No; Commissioner Helbling: Yes. The motion passed by the majority of the votes in favor.

3. *Reconsider Irwin & Marci Silrum abatement regarding 2008 True & Full Value.* The Silrum's were not present. It was requested that this matter be tabled until a later date. City Assessor Barta stated that the Silrum's have approached the County Commission and that their presence is not required at this meeting. He stated that the City recommends to the County and the County takes final action. Barta recommended denial of Silrum's request for abatement and that the City assesses a value of their home in the amount of \$326,000. Mayor Helbling commented that Barta has contacted the State Tax Commissioner regarding this matter. Since the City Assessor's office has assessed the marked value of the home at \$326,000, this Commission has no legal recourse to lower the value of the home.

Commissioner Serhienko motioned to deny the abatement request of Irwin & Marci Silrum abatement regarding 2008 True & Full Value on their home at 1701 River Drive NE, Mandan, North Dakota. Commissioner Gangl seconded the motion. Commissioner Serhienko commented that the Commission is aware that the homes in Mandan need to be reassessed and if this request were to be granted at this time, it would set precedence for other residents coming forward with similar requests to have abatements done on their homes. Mayor Helbling commented that the City Assessor's office has a plan in place to reassess the homes in Mandan.

Wayne Papke, city resident, came forward to contest a comment that was made with regard to "problems" surrounding the assessing of all the homes in Mandan. Papke stated that it is his opinion that this sole request for abatement is to be acted upon as this is the statutory process outlined to address matters, abatements, such as these. He clarified that the abatement process does not provide for a "lumping" together of a community problem of home reassessments.

Susan Beehler, city resident, came forward to speak stating that the public perceives there is something wrong with the way the City Assessor office handles matters. She stated that she would like these types of matters addressed with due process and procedure.

Mayor Helbling asked for a roll call vote: Commissioner Gangl: Yes; Commissioner Tibke: Absent; Commissioner Jackson: Yes; Commissioner Serhienko: Yes; Commissioner Helbling: Yes. The motion passed.

NEW BUSINESS:

1. This item was removed from the Agenda: *Consider approval for a change order on construction engineering services provided by Ulteig Engineering for the Division Street Improvement project.*

2. *Consider to review and approve the Morton Mandan Public Library's 2010 Budget.* Kelly Steckler, Director of Morton Mandan Public Library presented an update on the activities of the Library and a budget request for the 2010 year. Steckler provided the following information:

- Service Success (Outreach Services; Programming Services; etc.)
- Planning for Continued Success (New materials implemented or installed such as Internet, email, wireless Internet, meeting rooms and study space, etc.)
- Annual Book Sale information
- Budget for 2010

Commissioner Serhienko moved to approve the Morton Mandan Public Library's 2010 Budget. Commissioner Gangl seconded the motion. The motion received unanimous approval of the members present. The county/city split is one-third/two-thirds. Finance Director Welch stated that it is 7 mills for the city and 4 for the county. The motion received unanimous approval of the members present.

3. *Consider to review and accept the Mandan Airport Authority's 2010 Budget.* Airport Manager Lawler presented a request for the *Mandan Airport Authority's 2010 Budget.* Information presented:

- Businesses served – Airmotive Services; Sprayers, Inc.; Behrens Ag; Mandan Airport; medical, trucking, etc.
- Guest book of guests from all over the nation
- Project completed at Hangar #5
- Future improvements
- An aerial view of the airport pointing out future improvements that will need to be made
- The 2010 Subsidy is \$193,350

Commissioner Serhienko moved to approve the Mandan Airport Authority's 2010 Budget. Commissioner Gangl seconded the motion. The motion received unanimous approval of the members present.

4. *Consider a request for extension to commence construction at 200 W Main Street.* Business Development Director Huber provided a request for extension to commence construction at 200 W Main Street from September 1st to November 1st. Huber stated that the property was sold by the city to CRT Investments and a condition of the sale was that construction was to begin by September 1st, or the property would revert back to the City. CRT Investments plans to break ground on the project as soon as possible. But they have requested an extension to allow for remaining steps and approval processes of actions such as: surveying and soil borings; development of a plan for relocation and

abandonment costs, etc; plans review by the ND Department of Health; review by the Architectural Review Commission; and consideration of a TIF tax exemption. Huber stated there is a public hearing scheduled for September 1, 2009 on this matter regarding tax increment financing on the project as well as other review and approval processes. CRT indicated 60 days would be the maximum time needed to get the project started.

Commissioner Jackson moved to approve the request for extension to commence construction at 200 W Main Street. Commissioner Serhienko seconded the motion. The motion received unanimous approval of the members present.

5. *Consider Growth Fund Committee recommendations on Storefront Improvement applications: (i) Ohm's Café – 800 W Main Street; (ii) RJR Maintenance – 208 E Main Street.* Business Development Director Huber presented recommendations for Storefront Improvement applications for:

(i) Ohm's Café at 800 West Main Street. The total cost of the project investment is estimated at \$25,332. The amount requested is \$10,000 in matching funds. This was previously approved as a Renaissance Zone Project. The total investment meets the requirements for both programs. Tony and Cathy Leier, the owners of Ohm's Café, are available for questions if needed.

Commissioner Serhienko moved to approve Growth Fund Committee recommendation on Storefront Improvement application for Ohm's Café – 800 W Main Street. Commissioner Jackson seconded the motion. The motion received unanimous approval of the members present.

(ii) RJR Maintenance and Management at 208 East Main Street. The total cost of the project investment is estimated at \$22,897. The amount requested is \$10,000 in matching funds. RJR purchased the building for their business operations and have leased space to a Nodak Mutual Insurance office. Richard and Marlys Readel, the owners of RJR Maintenance, are available for questions if needed.

Commissioner Jackson moved to approve Growth Fund Committee recommendation on Storefront Improvement application for *RJR Maintenance – 208 E Main Street*. Commissioner Serhienko seconded the motion. The motion received unanimous approval of the members present.

Huber stated that if these applications are approved, the recommended matching funds in the amount of \$20,000 will be drawn from a sum of \$57,000. Huber recommended approval of the two requests to provide \$10,000 in matching funds for these projects. She also requested approval of the Growth Fund recommendation to establish a November 1, 2009 deadline for applications for the Storefront Improvement Program using the balance of the funds. Huber recommended \$30,000 of the \$250,000 be budgeted for in the 2010 Economic Development budget for continuation of this program.

Mayor Helbling requested the budget item requests be brought before the Commission at the next meeting in order to allow for public input on the requests.

6. This item was removed from the Agenda. ~~*Consider entering into an Engineering Services Agreement with Houston Engineering for the 2010 Sunset Drive Reconstruction Project.*~~

7. *Consider request from the Assessing Department to amend the 2009 Budget*
City Assessor Barta presented a request to amend the 2009 City Assessor's Department Budget to be increased by \$6,000 for the hiring of a part time employee to collect data in regards to the reassessment project. Barta reviewed a breakdown of how the \$6,000 figure was arrived at. Finance Director Welch stated that there are funds available in the 2009 General Fund to cover the request. Mayor Helbling commented that he has received many calls regarding this matter. He stated that the project will need to be completed in a 2-year maximum time frame (not in 4 years as originally proposed). Barta replied that additional staff will need to be brought on to complete the project in 2 years. Mayor Helbling directed Barta to review this matter and bring information to a future meeting as to how the reassessment can be accomplished over a 2 year period.

Commissioner Serhienko moved to approve the request from the City Assessor's Department to amend the 2009 Budget for an additional \$6,000 to hire a part time employee to collect data. Commissioner Jackson seconded the motion. Commissioner Gangl recommended that before this process is started there should be a plan in place as to a timeframe for implementation. Commissioner Jackson replied that it is his understanding that according to the statute referred to in the letter received from Dickerson at the State Tax Commission, the full and true value will be implemented once the appraisal is done. Barta stated that in 1978 and 1979 when reassessments were done, it took 4 people to complete the process. Mayor Helbling called for a roll call vote: Commissioner Gangl: No; Commissioner Tibke: Absent; Commissioner Jackson: Yes; Commissioner Serhienko: Yes; Commissioner Helbling: Yes. The motion passed by the majority of the votes in favor. Mayor Helbling commented that he believes the county should consider reassessing properties within the county in light of the fact that some properties within the county seem to be questionable as to their true and full taxable value(s).

RESOLUTIONS & ORDINANCES:

OTHER BUSINESS:

1. *Announcement - Public Info Meeting - Future of Mandan Community Center, 5:30 p.m. August 19, 2009 in the Ed "Bosh" Froehlich Meeting Room at City Hall.*

2. *Consider a request from Community Works North Dakota to close the west bound lane from Collins Ave to 1st Ave NW along 1st Street, for Library Square II Grand opening from 3:30 p.m. to 5:00 p.m. on August 21, 2009. Administrator Neubauer stated that a Grand Opening event is planned for the Library Square II on August 21, 2009,*

from 3:30 to 5:00 p.m. The Police and Fire Departments have been notified and will be available during that time.

Commissioner Serhienko moved to approve a request from Community Works North Dakota to close the west bound lane from Collins Ave to 1st Ave NW along 1st Street, for Library Square II Grand opening from 3:30 p.m. to 5:00 p.m. on August 21, 2009.

3. *Consider land lease agreement with Morton County regarding the Radio Tower on Old Red Trail.* Fire Chief Nardello stated that this request is in conjunction with his previous request regarding the radio communications. Presently Morton County has a radio tower on Old Red Trail near the reservoir. He explained that to make the radio towers operable, two units need to be available, one in south Mandan and one in northwest Mandan. Because of the age of the tower, the equipment cannot be placed there unless a new tower is constructed which will be done by Morton County. However they have requested an official statement before they will construct a new tower on that site. The old one will be removed and the new one will be the same height. City Attorney Brown stated that he has reviewed the lease and did not find any discrepancies within. There will be no cost to the city.

Commissioner Serhienko moved to approve the land lease agreement with Morton County regarding the Radio Tower on Old Red Trail. Commissioner Jackson seconded the motion. The motion received unanimous approval of the members present.

4. *Special Meeting of the City Commission.* Administrator Neubauer stated that the Board of City Commissioners has requested that a Special Meeting be set for Thursday, September 17, 2009, at 5:30 p.m. at the Mandan Middle School at 2901 12 Ave NW, Mandan, ND. This will be a joint Meeting with the Mandan Park Board, Mandan Public School District and Morton County Commission.

Commissioner Jackson moved to approve the Special Meeting of the City Commission for Thursday, September 17, 2009, at 5:30 p.m. Commissioner Gangl seconded the motion. The motion received unanimous approval of the members present.

There being no further actions to come before the Board, Commissioner Serhienko moved to adjourn the meeting at 6:50 p.m. Commissioner Jackson 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