

The Mandan City Commission met in regular session at 5:00 p.m. on April 6, 2010 in the Ed “Bosh” Froehlich Room at City Hall. Commissioners present were Helbling, Tibke, Gangl, Serhienko, and Jackson. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development Director Huber, Engineering Project Manager Bechtel, and City Assessor Barta. Absent: City Attorney Brown.

MINUTES: *Consider approval of the minutes for March 16, 2010 meeting of the Board of City Commissioners.* Commissioner Jackson moved to approve the minutes as presented. Commissioner Serhienko seconded the motion. The motion received unanimous approval of the members present.

PUBLIC HEARING:

1. A Public Hearing concerning the Justice Assistance Grant awarded to the Mandan Police Department in purchasing a Records Management System. Police Chief Bullinger presented the Board with information regarding a public hearing concerning an opportunity for the public to comment to the Board in support of or opposition of Justice Assistance Grant 2007-DJ-BX-0950. Bullinger stated that on July 18, 2007, the police department received information there was grant money available through the Bureau of Justice Assistance (BJA). The police department made an on-line request and submitted the application. The funding requested will be used in the purchase of a Records Management System upgrade for the Sheriff’s Department, 911 Communications Center and the Police Department. On August 30, 2007, the City of Mandan was awarded \$20,899 from the Bureau of Justice Assistance. As part of the application process, the following items are required: Memorandum of Understanding and a Justice Assistance Grant (JAG) and all but the JAG have been completed. The Board is to review the application no less than 30 days before submission to the BIA. Due to time constraints, it was impractical to make the application available for review. The grant program technician requested that a public hearing be held in order to satisfy the JAG notification requirement. Bullinger stated that he is ready to answer any questions regarding the grant award.

Mayor Helbling announced that this is a public hearing and asked for questions or comments. Hearing none, this part of the public hearing was closed. Mayor Helbling announced that the City will accept the Justice Assistance Grant awarded to the Mandan PD in purchasing a Records Management System.

BIDS:

1. *Consider award of the Municipal Sidewalk Improvement Project*
Engineering Project Manager Bechtel reviewed with the Board the award of bids for Sidewalk Improvement Project 2010-08. He stated the bids were received on March 26th. There were three bids received, and KO Construction was the low bidder in the amount of \$269,226 which is below the engineer’s estimate of \$285,130.

Commissioner Serhienko moved to approve the bid award of the Municipal Sidewalk Improvement Project to KO Construction in the amount of \$269,226. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present.

CONSENT AGENDA:

1. *Consider approval of expenditure budget amendments for fiscal year 2009.* The Board approved the expenditure budget amendments for the fiscal year 2009.
2. *Consider approval of HIT First Addition final plat.* The Board approved of the HIT First Addition final plat.
3. *Consider approval of Lakewood Harbor 4th final replat.* The Board approved of the Lakewood Harbor 4th final replat.
4. *Consider a proclamation designating May 6, 2010 as St. Alexius Medical Center 125th Anniversary Recognition Day in the City of Mandan.* The Board approved a proclamation designating May 6, 2010 as St. Alexius Medical Center 125th Anniversary Recognition Day in the City of Mandan.
5. *Consider for approval a change order related to the South Side Reservoir.* The Board approved a change order related to the South Side Reservoir.
6. *Consider for approval a change order related to the 20-inch water Main Line.* The Board approved a change order related to the 20-inch water Main Line.
7. *Consider approval of raffle for Medcenter One Mandan Living Center for March 24, 2010 to November 8, 2010.* The Board approved a raffle for Medcenter One Mandan Living Center for March 24, 2010 to November 8, 2010.
8. *Consider the request from residents to remove parking from the south side of 3rd Street NW.* The Board approved the request from residents to remove parking from the south side of 3rd Street NW.
9. *Consider approval of the following site authorizations:*
 - i. *American Foundation for Wildlife at The Lakewood Bar & Grill from July 1, 2010 through June 30, 2011.* The Board approved the site authorization for the American Foundation for Wildlife at The Lakewood Bar & Grill from July 1, 2010 through June 30, 2011.
 - ii. *American Foundation for Wildlife at the Last Call Bar from July 1, 2010 through June 30, 2011.* The Board approved the site authorization for the American Foundation for Wildlife at the Last Call Bar from July 1, 2010 through June 30, 2011.
10. *Consider approval of the following abatements:*
 - i. *Margy & Larry Froelich - Homestead Credit exemption*
 - ii. *Kandace McLaughlin – Homestead Credit exemption*The Board approved the abatements for Homestead Credit exemptions for Margy & Larry Froelich and Kandace McLaughlin.
11. *Consider Acceptance of Agreement with the City of Bismarck as it pertains to the Interoperability Communications Project.* The Board approved the Acceptance of Agreement with the City of Bismarck as it pertains to the Interoperability Communications Project.
12. *Consider approval of an application for rural water service within the 1 mile extraterritorial jurisdiction.* The Board approved of an application for rural water service within the 1 mile extraterritorial jurisdiction.

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

OLD BUSINESS:

1. Consider resolution approving Modified Urban Renewal Plan for expansion of boundaries. Mayor Helbling read into the record the “**Resolution Approving Modification of the Urban Renewal Plan of the City of Mandan.**” The Resolution was adopted March 16, 2010 by the City of Mandan. Copies were available for distribution. Mayor Helbling stated that a public hearing was held at the last meeting which was sufficient to allow the approval of the Resolution to modify Urban Renewal Plan for expansion of boundaries.

**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/ James Neubauer
City Administrator

NEW BUSINESS:

1. *Consider recommendation from the Visitors Committee regarding funding assistance for the Sitting Bull Bridge and proposed Dog Park areas.* City Administrator Neubauer presented a request on behalf of the Mandan Visitor's Committee to consider funding assistance for the construction of a dog park in the Sitting Bull Bridge area. The project would include fencing, irrigation, and tree plantings to improve the entrance into Mandan. Neubauer stated that \$15,000 would be provided by the Visitor's Committee provided an equal match is provided by the Mandan Park District.

Commissioner Jackson moved to approve \$15,000 funding assistance from the Mandan Visitor's Committee provided the Mandan Park District matches the \$15,000. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present.

2. *Consider the approval of the plans and specifications, approve the Engineers report and authorize the call for bids for Water Improvement Project #2010-11 (high school area\11th St NW).* Engineering Project Manager Bechtel provided an overview map of the 2-area project. He reviewed the areas included in the project, one behind the high school that has a 12" transmission line break of which a new 12" main will be installed. The second area is from 11th Street NW from Collins Avenue to 6th Avenue NW and 4th Street NW from 11th Street NW to 13th Street NW. This area has cast iron mains with many breaks and needs to be replaced. He stated the cost is estimated at \$750,000 and would be paid out of the water utility fund. Bechtel stated that it is a 12 inch transmission line and could accommodate some future growth should that occur.

Commissioner Tibke moved to approve the plans and specifications, approve the Engineers report and authorize the call for bids for Water Improvement Project #2010-11 (high school area\11th St NW). Commissioner Serhienko seconded the motion. The motion received unanimous approval of the members present.

3. *Consider the creation of, approve the feasibility report for, approve the plans & specifications for, and authorize the call for bids on Street Improvement District No. 162, Project No. 2010- 10 (HIT 1st Addition).* Engineering Project Manager Bechtel reviewed with the Board the creation of a special assessment district and to authorize the necessary paperwork for the project. He stated that the project will provide for new street construction along the HIT Inc. development area. He said that the Commission previously approved advertising for water and sewer construction and this is the next step in the process to move forward. He stated that all the homeowners in the area will be notified by letter of the costs involved with this project and each will have 31 days to protest. If no protest is received the project will move forward.

Commissioner Serhienko moved to approve the creation of, approve the feasibility report for, approve the plans & specifications for, and authorize the call for bids on Street Improvement District No. 162, Project No. 2010-10 (HIT 1st Addition). Commissioner Gangl seconded the motion. The motion received unanimous approval of the members present.

4. *Consider the creation of, approve the feasibility report for, and authorize the advertisement of the Resolution of Necessity for, Street Improvement District No. 31, Project No. 2009-05 (Diane’s Drainage Storm Sewer).* Engineering Project Manager Bechtel reviewed with the Board the creation of a special assessment district and to authorize the advertisement of the required protest period for the project. He stated that this project will improve the draining conditions on 6th Street NE and improve the drainage and downstream effects from large rain events from the district area to 4th Avenue Northeast to Main Street sewer system. This project will provide better drainage in the areas south of 6th Street NE. Bechtel stated there is a possibility of receiving approximately \$31,000 from the US Forest Service to offset the costs of the project if “green techniques” are used in the project. He said that is currently being researched. He said that when homeowners are notified of the costs of the project, they will be notified of the possible offset of funds at that time.

Commissioner Serhienko moved to approve the creation of, approve the feasibility report for, and authorize the advertisement of the Resolution of Necessity for, Street Improvement District No. 31, Project No. 2009-05 (Diane’s Drainage Storm Sewer). Commissioner Jackson seconded the motion. Mayor Helbling commented that this scenario is similar to the Terra Valley project. He stated that the homeowners are encouraged to review the project and if they feel strongly about protesting, then they should come forward and let their wishes be known to the City Commission as to what they wish to do. The motion received unanimous approval of the members present.

5. *Consider the creation of, approve the feasibility report for, approve the plans and specifications for, and authorize the advertisement of the Resolution of Necessity for Street Improvement District No. 158 Areas Project # 2010-01. (3rd Street SE).*

Engineering Project Manager Bechtel reviewed with the Board a proposal to create a special assessment district and to authorize the necessary paperwork for the project. This project will involve 3rd St. SW from 10th Avenue SW to Memorial Highway. The project will include crack sealing, curb and gutter repair, valley gutter replacement, asphalt patching and overlay and chip seal. Also included will be the western portion of 3rd Street and from 10th Ave SW to one-half block east of 2nd Ave SW. From 2nd Avenue SW to Memorial Highway, the road will be patched, crack sealed and chip sealed. Bechtel stated that 80% of the costs will be in federal aid due to using the Urban Roads program for this project. The total project cost is \$821,234.70 of which \$165,000 is the approximate share for the City of Mandan. There will be relatively low costs to the homeowners, anywhere from \$43 to \$2,440, depending on the size of the parcel. Parcel owners will be notified of the estimated costs and the protest period. Finance Director Welch stated that because this is an urban project the city will be contributing to this, city property and sales taxes, will be reducing the assessments in half.

Commissioner Serhienko commented that 3rd Street SW is badly in need of repair. His concern for repair is that there is a grade school in the area. The intersection aspect of the project should be reviewed to improve the conditions to make them smooth transitions. Serhienko requested that Bechtel discuss this further with the engineers to look at the possibility of “hardening” the intersections in the area of the grade school related to this project. Bechtel stated that the repairs that will be made to the street will last approximately 10-15 years with regular maintenance in between.

Leo Volk, a Mandan resident came forward to speak. He stated that he has observed school buses parking on the streets which are not safe for the school children. He inquired if the street could be made so there is an area for pick up and drop off of students and that there be a place for the buses to park rather than stopping on the street. Mayor Helbling commented that there have been discussions by the School District to get the buses off the major roadways. Bechtel concurred that he has been working with the School District to develop a bus turnaround around area.

Commissioner Jackson moved to approve the feasibility report for, approve the plans and specifications for, and authorize the advertisement of the Resolution of Necessity for Street Improvement District No. 158 Areas Project # 2010-01. (3rd Street SE).

Commissioner Serhienko seconded the motion. The motion received unanimous approval of the members present.

6. *Consider issuing a Request for Qualifications for redevelopment of the former junior high school property and formation of a developer selection committee.* Business Development Director Huber reviewed with the Board the following with regard to the former Junior High School property:

i. To consider a RFQ (Request for Qualifications) for the redevelopment of the property. This would be the first step in the sale of the property to determine who is interested in redeveloping the property and what they plan to do with the property. Huber reviewed the proposed time line of events for this process:

- 04/06/10 City Commission consider approval to issue RFQ; the School Board would also consider to issue an RFQ
- 04/09/10 Publication of RFQ
- 05/07/10 RFQs due
- 05/07/10 – 05/21/10 The Selection Committee would review RFQs and provide a recommendation to the City Commission and School Board
- 06/01/10 City Commission consider recommendation regarding RFQs
- 06/07/10 School Board consider recommendation regarding RFQs
- 06/08/10 Issue request for Proposals (RFP); Price; Project; Timeline
- 07/09/10 RFPs due

ii. To form a joint Selection Committee to assist in reviewing responses from interested parties and in offering recommendations to the City Commission and the School Board. The suggested Selection Committee:

- 2 City Commission members (Suggested: Mayor Helbling and Commissioner Jackson)
- 2 School Board members (Board member Dr. Tim Rector and Karen Johner, Chair and Vice-Chair respectively of the Facility Needs and Utilization Committee)
- 1 Community representative appointed by the City Commission (Suggested: Norm Clark, Mandan resident, bank manager and co-chair of Mandan Tomorrow)
- 2 Community representatives appointed by the School Board (Suggested: Wayne Papke, Mandan resident, an interested party; and a resident of the neighborhood surrounding the property)
- Non-voting liaisons: School Superintendent Wolsky, School District Business Manager Lukach, School District Attorney Bair, City Administrator Neubauer, City Business Development Director Huber and City Attorney Brown

Commissioner Jackson inquired: What if the timeline was delayed by approximately 30 days and what impact would that have on any construction or redevelopment of the property? Huber replied that it would be dependent upon what the actual project will consist of for the redevelopment as to when any construction might begin. Huber stated that in order to make a determination as to when redevelopment could/would start, letters of interest will need to be gathered from interested parties to see what plans or ideas might be forthcoming from any prospective buyer. Huber stated that the RFQs notice will be published in the Mandan News (twice) and in addition posting on both the City website and the School District website. People who have been or will be notified are real estate agencies, architects, developers and builders both within and outside the area. A press release will be done to capture interest. To date, there has been an article in City Magazine that indicates the School District and City Commission are looking for interested parties. Two-thirds of the contacts are within the Bismarck-Mandan area and the other one-third outside the community.

Commissioner Jackson asked if there is any reason to not slow down the process? Will there be adequate time if the RFQ deadline is set for May 7th? He stated he is concerned that this matter is moving too fast. He also stated he would like to see the process slowed

down in order to get as many people interested as possible. Huber deferred the questions to School Board President Baesler or Superintendent Volesky for answers to these questions.

Commissioner Serhienko concurred with Commissioner Jackson that the timeline as set out is way too early. He would like to see the project pushed back six months. He stated he is opposed to anything happening with this property any earlier than six months.

Volesky stated that a timeline of a 30 day push back would pose no issue. He mentioned that he feels six months is too long. He gave examples such as paying heating bills while no one is occupying the building and the possibility of vandalism in a vacant building would be another concern the district would have to deal with.

Commissioner Jackson inquired of Mr. Volesky regarding the RFQ: We do give an estimated value. Is that not setting the price - setting the market - versus allowing the free market to put bids out on the property? On page 9, could the estimated value be removed and allow the RFQs and RFPs to come in to see if anyone actually goes over the \$110,000. Huber replied that she requested Assessor Barta to provide a base value in order to determine a property tax on the property.

Commissioner Jackson inquired of Mr. Barta what cities were used for comparables? Barta replied that it is hard to put a value on because of encapsulation and things like that. It just depends on what is done with the building.

Jackson inquired if the wording in the RFQ could be: taxable or the possible taxed value versus the assessed value. Huber stated that “true and full value” would be the correct verbiage and that can be changed for tax purposes.

Barta stated that the zoning is RM. Huber stated that the zoning is defined in the RFQ. Commissioner Serhienko inquired of Mr. Volesky: The 6 month delay was suggested because there is a gymnasium attached to the building. He is concerned that the Community Center will no longer have a venue to hold larger events and that there is no place in town to hold events. Perhaps this building could be used as a place of venue for larger events for the community. Volesky replied that there have been discussions for over a year. Those conversations at public meetings have been held. Holding on to the building will cost the district money. Serhienko commented that it is the uncertainty that what was happening along the way and now within the last 30-60 days we are at the point of addressing what to do with the former Junior High Building.

Mayor Helbling commented that it is his understanding that the School District did offer this property to the Park District. The Park District looked at the property and made a determination that it was not feasible for the Park District to take over this property and use it for recreational purposes. There have been many discussions between the School District and Park District regarding this property and the Community Center.

Mayor Helbling addressed the appointment of the “Selection Committee”: He stated that the recommendation was to appoint two City Commission members: himself, Mayor Helbling and Commissioner Jackson and to appoint one Community representative appointed by the City Commission and that Norm Clark, a Mandan resident, bank manager and co-chair of Mandan Tomorrow, was recommended.

Bob Wetsch, a Mandan resident came forward to comment. He stated he is concerned that the district gets a full and fair value for that property to offset any future taxes to that district. He inquired if the property had an assessed value and if it would be possible to place a “For Sale” sign in front of the building. Mayor Helbling replied “Yes” and that the School District made a decision to look at all options available out there in the best interests of the community. Mr. Barta has talked to several appraisers throughout the state to come up with an appraised value and has stated that it has been difficult to come up with a comparable value. Commissioner Jackson clarified that the School District is setting the market on the property by setting a value on the property. Wetsch stated he does not understand why the City is taking such a position on the sale of the property, stating that he would encourage that the property be placed up for sale, without a value attached, in order to get the best that can be got for the property. Jackson clarified that the City has a vested interest in the property so that it does not become an eyesore to the community and also that the City and the school district does have some control on what goes with the redevelopment of the property. Wetsch reiterated his concern stating that from a taxpayer standpoint we get the maximum and best value possible out of that asset.

Mayor Helbling stated that the John Iverson building is a possible comparable to this property. He stated that the community will benefit from not allowing what happened as did with the Iverson building and to move the sale of the property forward in a reasonable timeframe.

Wayne Papke, a Mandan resident, came forward to speak. He stated that he agreed with Commissioner Serhienko’s recommendation on the timeline delay. He further explained that the decision on the Community Center was only made a few months ago and that it was the process of them deciding on the Community Center that took four years. However, the decision was not made until three years ago. He also mentioned he would like to remind the School Board of that. He concurred that 30 days is not a favorable time frame for anyone to submit a bid of this dollar amount. He agreed that the process should be slowed down; however, he did not have a preference time frame to recommend. He also reminded the Commission of his previous recommendation to obtain a professional commercial / multi-family appraisal, a full-fledged appraisal. That (appraisal) will assist the Selection Committee with a basis for determining a value of the building. Lastly, Papke turned the Board’s attention for clarification of the wording on Page 3 of the RFQ, under Purpose of the RFQ, at paragraph one “The School District and City intend to invite a selected list of qualified entities, *no more than three*, to respond...

Business Development Director Huber came forward to provide the following clarification: Anyone and anybody can submit an RFQ. Those RFQs will be submitted to the School District and City Commission, with no more than three finalists. Then those

finalists would be invited to respond with more information to a more detailed request proposal to be submitted by July 9th as proposed and then participate in an interview and presentation with the Selection Committee.

Mayor Helbling recommended that he and Commissioner Jackson and Norm Clark be appointed to the Selection Committee. He stated that once the School District has determined their selections that the Selection Committee meet as soon as possible to discuss the issues, including an appraisal, surrounding the sale of the property.

Commissioner Jackson moved to approve the appointment of Mayor Helbling, Commissioner Jackson, and community member Norm Clark to the Selection Committee. Commissioner Tibke seconded the motion.

Roll Call Vote: Commissioner Gangl: Yes; Commissioner Tibke: Yes; Commissioner Jackson: Yes; Commissioner Serhienko: No; Commissioner Helbling: Yes. The motion passed.

Commissioner Tibke commented that there has been concern raised by a citizen regarding long-term best-use for the taxpayers, which she stated is always a concern of the Commission. That is why the Iverson Building had been brought up as an example.

Increased long-term best-use for the taxpayer is to have taxes and increased sales within the community. When looking at long-term investment, the City wants to get the tax dollars contributed by everyone within the community and for long-term investment, RFQs are necessary especially when Mandan competes with area communities so we can attract more business opportunities. That happens when all these steps are put into place. Tibke stated that a Selection Committee will play an important part in determining what is in the best interests of the community with this project.

Mayor Helbling commented that it will be important to consider other aspects regarding the sale of the building other than for monetary purposes. He stated that the School District has requested assistance from the City and to move the project forward. Commissioner Serhienko again stated that he feels the project should slow down and it should be set back for a period of time to take a closer look at the big picture.

Commissioner Jackson clarified that he previously requested an additional 30 days in order for interested parties to have enough time to submit an RFQ. By moving it back 30 days, it would give the city additional time to consider RFPs. Commissioner Gangl agreed with Commissioner Jackson on a 30-day push back. He has a problem with TIF financing with that project. It is a 15 year tax exemption area and since this will not be commercial, it is not appropriate. Mayor Helbling stated that it will be voted on at a later time. Commissioner Jackson commented that at this time, it would probably be beneficial to leave any possibility of tax incremental financing as an option until there is a determination of what parties are interested in the building. Mayor Helbling reiterated that those decisions will be voted on at a later time, thus there is no need to make that determination at this time.

Commissioner Jackson motioned to approve the Request for Qualifications (RFQs) with the amendment that Page 9 be amended to remove the estimated value of the property and that pages 10, 11, and 12 be amended to push all deadlines back approximately 30 days. Commissioner Tibke seconded the motion.

Neubauer asked for clarifications: Are you requesting that we move the due date from the RFQ back 30 days to June, but the rest of the dates stay in line? Commissioner Jackson replied that is correct, that the date on page 10 be moved to the beginning of June 2010, and that on Page 11 the date be amended to August 2010 and on Page 12, those respective dates listed be moved back approximately 30 days. Neubauer stated that we have to be officially 60 days from the date we issue the RFQ for anyone to put in their RFQ. And then from the time the RFQs are selected, it will remain 30 days for those entities to submit an RFP. Business Development Director Huber stated that the timeframes will work for her office within that timeline.

Karmen Siirtola, a Mandan resident came forward to ask questions. She inquired if the school owns the junior high building? Mayor Helbling replied that yes, the School District owns the junior high building. Siirtola inquired if the City is going to take control of the junior high and then control the process? Mayor Helbling commented that the School Board owns the facility and the City does not have anything to do with it. The City of Mandan owned the Community Center. Mayor Helbling requested Administrator Neubauer provide further clarification of the questions from Siirtola.

Administrator Neubauer clarified that the School Board will consider the RFQ later this evening and each step along the way, the School Board will be involved including the potential Request for Qualifications (RFQs). It depends on who is meeting first, as to who will take first action. The City will meet and discuss and the School Board will meet and discuss. There is nothing solely being done by the City and the City has no intention of owning that facility. The timeline presented has a City component for approval and the School Board has a component for approval. As part of the Joint Powers Agreement, both entities are talking to each other all the time to make sure what is being done is in the best interest of the City. The Selection Committee will include members from both the School Board and City Commission. There will be community members on the Selection Committee also. There has been an Attorney General's opinion deeming the legality of the Joint Powers Agreement between the City of Mandan and the School Board.

Mayor Helbling stated that there is a motion and second on the table to approve the Request for Qualifications (RFQs) with the values taken out and also to extend the timeline by another 30 days.

Commissioner Serhienko commented that if anyone is unhappy with what is happening regarding this matter, that citizens can contact the School Board, who has the ultimate decision in this action.

Mayor Helbling called for a roll call vote (on the motion made by Commissioner Jackson to approve the Request for Qualifications with the amendment that Page 9 be amended to remove the estimated value and that the date on page 10 be moved to the beginning of June 2010, and that on Page 11 the date be amended to August 2010 and on Page 12, those respective dates listed be moved back approximately 30 days). Roll Call Vote: Commissioner Gangl: No; Commissioner Tibke: Yes; Commissioner Jackson: Yes; Commissioner Serhienko: No; Commissioner Helbling: Yes. The motion passed.

7. *Introduction of new Water Plant employee – Ryan Morel, Water Plant Operator.* Water Treatment Plant Superintendent Gary Zander introduced Ryan Morel, as the newly hired Water Plant Operator I. Mr. Morel was previously employed as the maintenance swimming pool operator at the Country Inn and Suites in Bismarck. He is enrolled at Bismarck State College in the Process Plant Technology Program. On behalf of the City Commission, Mayor Helbling extended a welcome to Ryan Morel.

RESOLUTIONS AND ORDINANCES:

1. *Second and final readings for the following ordinances:*
 - i. *Consider second reading of Ordinance No. 1072 Zone Change for Meadows 2nd Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Municipal Code relating to District Boundaries and Zoning Map.* Commissioner Tibke moved to approve the second reading of Ordinance No. 1072 Zone Change for Meadows 2nd Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Municipal Code relating to District Boundaries and Zoning Map. 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.

ORDINANCE NO. 1072

AN ORDINANCE TO AMEND AND REENACT SECTION 21-03-02 OF THE MANDAN MUNICIPAL CODE RELATING TO DISTRICT BOUNDARIES AND ZONING MAP.

BE IT ORDAINED By the Board of City Commissioners of the City of Mandan, North Dakota, as follows:

SECTION 1. AMENDMENT. Section 21-03-02 of the Mandan Municipal Code is amended to read as follows:

The following described property located in Meadows 2nd Addition, within the City of Mandan shall be excluded from the CB (Heavy Commercial) zoning and shall be included in the RMH (Residential Mobile Homes) and R7 (Single Family) namely,

A portion of the SW ¼ of Section 8, Township 139N, Range 81W, to the City of Mandan, Morton County North Dakota, located north of Meadows 1st Addition, also north of 34th Ave NW and Old Red Trail

Lots 2A, 3 & 4, Block 2 of Meadows 1st Addition in Section 8, Township 139N, Range 81W. Located on Lewis Road between 34th and 36th Avenues NW

and as so amended said section is hereby reenacted. The purpose of the zone change is the construction of condominiums. The city administrator is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

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

Attest:

/s/ James Neubauer
City Administrator

Publication Dates: February 24th and March 3rd, 2006
Public Hearing: March 7th, 2006
First Reading: March 16th, 2010
Second Reading: April 6th, 2010
Publication Date: April 30, 2010
Recording Date: _____

2. Consider second and final 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 Seven Seas Addition. Commissioner Serhienko moved to approve the second and final 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 Seven Seas Addition. Commissioner Gangl seconded the motion. Roll Call Vote: Commissioner Gangl: Yes; Commissioner Tibke: Yes; Commissioner Jackson: Yes; Commissioner Serhienko: Yes; Commissioner Helbling: Yes. The motion passed.

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.

BE IT ORDAINED By the Board of City Commissioners of the City of Mandan, North Dakota, as follows:

SECTION 1. AMENDMENT. Section 21-03-02 of the Mandan Municipal Code is amended to read as follows:

2. Leo Volk, a Mandan resident, came before the Board and stated that he has been before this Board previously regarding the condition of the street in front of his property on 8th Street. He complained about the potholes in the street. He stated he is concerned the damages are caused by the big trucks that use that street. Mayor Helbling suggested that Director of Public Works Wright make contact with Mr. Volk and to assist in resolving this matter. Commissioner Tibke stated that she has visited with Mr. Volk, Mr. Wright, and Engineering Project Manager Bechtel. Commissioner Tibke stated that there appears to be a disagreement with the next step. She encouraged Volk to get the petitions that he is referring to. Mayor Helbling stated that Mr. Wright will look into the situation and if potholes need fixing, they will be fixed as necessary.

There being no further actions to come before the Board, Commissioner Jackson moved to adjourn the meeting at 6:54 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