

---

The Mandan City Commission met in regular session at 5:30 p.m. on February 1, 2011 in the Ed “Bosh” Froehlich Room at City Hall. In the absence of President Mayor Helbling and Vice President Sandra Tibke, City Attorney Malcolm Brown called the meeting to order. He stated that the first order of business is to elect an Acting President for tonight’s meeting. Commissioner Rohr moved to appoint Commissioner Thomas Jackson as the Acting President. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present.

Commissioners present were Jackson, Rohr, and Frank. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development Director Huber, Engineering Project Manager Bechtel, and City Assessor Barta. Absent were: Commissioners Helbling and Tibke.

MINUTES: *Consider approval of the minutes for January 18, 2011, meeting of the Board of City Commissioners and approval of the minutes for January 28, 2011, Special Meeting Board of City Commissioners.* Commissioner Frank moved to approve the minutes as presented. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present.

PUBLIC HEARING:

1. *The purpose of the hearing is to review the performance of the City in carrying out its Community Development Block Grant Program, particularly regarding Cloverdale Foods Company for which CDBG funds were provided.* City Administrator Neubauer presented a request to hold a public hearing regarding a Community Development Block Grant Program stating that in order to close out this program, a public hearing must be held. The purpose of the hearing is to review the performance of the City in carrying out its CDBG program - in particular Cloverdale Foods Company in which CDBG funds have been provided. Neubauer explained that Cloverdale proposed an additional 8 fulltime positions as a result of the financial package which included funding through the Community Development Block Grant Program. Due to economic conditions and business needs of the company, they were unable to create those additional jobs. In lieu of that, the company has re-paid the loan in full, with interest, and has fulfilled its obligation under the CDBG program. The only action required is to ask the public if they wish to comment on this matter.

Commissioner Jackson opened the floor for public comments. A second opportunity was given to the public to provide comment. Hearing none, this portion of the public hearing was closed.

BIDS:

CONSENT AGENDA:

1. *Consider approval of the pledge of securities reports as required by NDCC 21-04.* The Board approved of the pledge of securities reports as required by NDCC 21-04.

- 
2. *Consider approval of a re-assessment abatement for Paul Everson.* The Board approved of the re-assessment abatement for Paul Everson.
  3. *Consider approval of Waste Management hauling to alternate facilities.* The Board approved of the Waste Management hauling to alternate facilities.
  4. *Consider approval of the employment contract for the Business Development & Communications Director.* The Board approved of the employment contract for the Business Development & Communications Director.

Commissioner Rohr moved to approve the Consent Agenda Items No. 1 through No. 4 as presented. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present.

OLD BUSINESS:

NEW BUSINESS:

1. *Consider Growth Fund Committee recommendations for 2011 Retail and Restaurant Incentive Program.* Business Development Director Huber reviewed with the Board a recommendation from the Mandan Growth Fund Committee for changes to the Retail and Restaurant Incentive Program for 2011. Huber said that in 2010 a pilot program was offered with \$60,000 in funding; however, there were no applications from qualified businesses so that funding remains for 2011. Huber outlined the recommendations signifying major changes:

- Eliminate downtown boundary for the program and offer it citywide
- Associate incentive with operating per square footage rather than rent
- Eliminate the maximum incentive differential between retail and restaurants that was set at \$3 and \$5 per square foot respectively, now at a straight \$5 per sq ft. maximum
- A reduction in the minimum required hours worked per week
- Inclusion of additional language regarding certification, authorization and release of information
- The creation of a scoring system to serve as a guide for committee members when evaluation applications and determining the amount of appropriate incentive

Huber recommended approval of the program stating that the ultimate goal is pursuant to the 2008 residential survey when citizens identified increased retail as the most important factor to improving the community of Mandan. In addition, according to the most recent November 2010 Business Survey conducted by the Economic Opportunity Prosperity Committee implementing the Mandan Tomorrow Strategic Plan wherein those surveyed identified lack of retail as the No. 1 weakness to the Mandan Business Community. That survey indicated that both business and residential citizens would like to see retail and restaurants expansion in the Mandan community.

Commissioner Frank commented that she would encourage prospective people interested in conducting business in the City of Mandan to research the program qualifications and to consider applying for the program if they meet the criteria required.

Commissioner Frank moved to approve the Mandan Growth Fund Committee recommendations for 2011 Retail and Restaurant Incentive Program with the changes as presented. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present.

2. *Consider approval of Liquor License application for Victoria Luchkina at the former location of Sportsman's Lounge.* Victoria Luchkina presented a request for an individual liquor license application at 202 Main Street East, Mandan, ND, the former Sportsman's Lounge. Administrator Neubauer stated that the liquor license is pending approval of the fire, health and safety codes being met. All the paperwork and background checks are in order and the taxes are paid on the property.

Commissioner Frank moved to approve the liquor license application for Victoria Luchkina to be used at the former Sportsman's Lounge location contingent upon meeting all fire, health and safety code requirements, building inspection codes and that all property taxes and fees are paid in full. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present.

3. *Update on remediation project by Leggette, Brashears & Graham.* Ken Kytta of Leggette, Brashears and Graham presented the 2010 Annual Remediation Report of Mandan's downtown underground diesel spill outlining the following:

- The 2010 Accomplishments were reviewed:
  - Completed the 3<sup>rd</sup> year full-system operation
  - Optimized system to focus recovery in areas of remaining product
  - Ceased MPE mode of remediation in areas where product no longer exists
  - Modifications to water treatment system to improve efficiency
  - LEC Basement Remediation / Reconstruction
  - Public Meeting for Site Strategy Plan
  - Remediation recovery totals thus far:
    - Liquid Recovery = 60,473 gallons of diesel
    - Vapor Recovery = 32,068 gallons of solvents, gasoline, diesel
    - Methane = 100 lbs.
    - Bio-attenuation = 180,938 gallons of diesel
    - Total = 2,018,183 pounds of hydrocarbons
- The following breakdown was provided as spent/impact of the project thus far:
  - \$16.9 million to date
  - \$18.2 million authorized
  - NOTE: 2010 operation and maintenance was under budget
  - Subcontractor costs: 59 total subcontractors @ \$13 million (Construction, Laboratory, Drilling, Specialized, Professional services)
  - In-State impact = \$8.8 million
- The following was reviewed as the projected plan for 2011:
  - System operation and maintenance
  - System efficiency enhancements

- 
- Continuation of system shutdown in completed areas
  - Site strategy plan implementation
  - Eliminate fire station bay use
- Future anticipated costs:
    - Operation and Maintenance
    - System modifications to accommodate completion of remediation
    - Meetings and Project Management

Kytta stated that there is some revenue recap from the re-sale of a portion of the product extracted as well as some of the equipment when operations cease. The project is expected to be completed within the next 2-3 years, depending on a variable of circumstances if all goes well. The original estimated time for clean up was 5-7 years.

Commissioner Jackson questioned how much is left in the Remediation Trust? Administrator Neubauer stated there is approximately \$8.5 million left in the trust fund. He commented that the clean up timeline is weather dependent. The project started in 2007, so 5 years from that point would be 2012. He explained that after the system starts to shut down there will be a period of time when there will be no activity but the equipment will need to be left in place and monitored. The ND Dept of Health will determine how long the monitoring will be required.

#### RESOLUTIONS & ORDINANCES:

##### OTHER BUSINESS:

1. Ben Moore, a Mandan resident, came forward with a proposal for consideration. He stated he is doing planning on a 5-year tree project. The situation involves the Dutch Elm Disease. It involves moving money into tree projects. Moore inquired if the Commission had any questions.

Commissioner Jackson addressed Mr. Moore's request and stated that Mr. Wright is the Director of Public Works and that he is present at this meeting. He is a Forestry Representative for the City of Mandan and he can assist with concerns of this nature or he will forward them to the City Forester.

Commissioner Frank extended a thank you to Mr. Moore for his presentation commenting that it's great when you have residents who pay attention to what's going on in the community. She stated that there is a kick-back program if you remove and replace trees in the community through the Forestry Department. Residents were encouraged to contact the Forestry Department for further information.

2. Commissioner Frank inquired of Business Development Director Huber as to when the deadline for the Storefront Improvement application process ends. Huber stated that the deadline is today, February 1<sup>st</sup>. The next opportunity is to have an application submitted prior to May 1, 2011.

---

There being no further actions to come before the Board Commissioner Rohr moved to adjourn the meeting at 6:05 p.m. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present.

/s/ James Neubauer

James Neubauer,  
City Administrator

/s/ Thomas Jackson

Thomas Jackson,  
Acting President, Board of City  
Commissioners