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The Mandan City Commission met in regular session at 5:30 p.m. on March 1, 2011 in the Ed “Bosh” Froehlich Room at City Hall. Commissioners present were Helbling, Tibke, Rohr, Frank and Jackson. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development and Communications Director Huber, Engineering Project Manager Bechtel, and City Assessor Barta.

MINUTES: *Consider approval of the minutes for February 15, 2011 meeting of the Board of City Commissioners.* Commissioner Jackson moved to approve the minutes as presented. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present.

### PUBLIC HEARING

### BIDS

#### CONSENT AGENDA:

1. *Consider an Amendment to a Memorandum of Understanding between Froelich Land LP and the City of Mandan regarding fireworks sales.* The Board approved of the Amendment to a Memorandum of Understanding between Froelich Land LP and the City of Mandan regarding fireworks sales.
2. *Consider approval of the Mandan Police Department in purchasing office furniture for the patrol offices.* The Board approved of the Mandan Police Department’s request for purchasing office furniture for the patrol offices.

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

### OLD BUSINESS

#### NEW BUSINESS:

1. *Consider the approval of plans and specifications, Engineers Report, and authorize the call for bids for the 2011 Municipal Sidewalk Improvement.* Engineering Project Manager Bechtel reviewed with the members the 2011 call for bids for the annual sidewalk improvements. He explained that property owners are provided with bid quotes and then sign up for the project and subsequently they are assessed their portion. The city also utilizes this contract for other repairs as needed.

Commissioner Tibke moved to approve the plans and specifications, Engineers Report, and authorize the call for bids for the 2011 Municipal Sidewalk Improvement as presented. Commissioner Jackson seconded the motion. The motion received unanimous approval of the members present.

2. *Introduction of new Police Officer Troy Mealey.* Police Chief Bullinger introduced a new police officer - Troy Mealey. Officer Mealey is a graduate of Hibbing Community College, Hibbing, Minnesota. He completed the Professional Peace Officer Education Program in 2010. He is currently assigned to the Field Training Program and has recently completed Phase One.

3. *Bismarck Mandan Development Association Update:* Russ Staiger, President/CEO from the BMDA presented an update on the economic development progress for 2010. He stated that on February 16, 2011, the 31<sup>st</sup> Annual Meeting was held. He provided a summary of how the oil patch will affect the community now and for many years to come. Staiger provided the members with a packet of information that included the following information that will be reviewed tonight:

- BMDA Financial Statements December 31, 2010 and 2009
- BMDA 2010 Annual Report
- Project Workbook
- 2010 BMDA Strategic Vision and Goals
- BMDA and Mandan Work Plan
- Bismarck/Mandan Economy at a Glance

Staiger reviewed possible business opportunities and businesses that are interested in locating in the Bismarck/Mandan area. He summarized how the process of economic development can work. In particular, the BMDA returned a check to the City of Bismarck in the amount of \$1,150,000 as a return of the city's investment on Unisys and Coventry projects. He pointed out that over 2,500 people have been hired and employed as a result of those two businesses' expansion over a period of 15 years.

(i) *2010 Business Retention and Expansion (BRE) Report dated March 1, 2011:* Brian Ritter, Director of Business Development for the BMDA. Ritter stated that this program was created in 2004 to: (1) Identify and address any trends within the business community, and (2) to proactively identify and address the businesses in Mandan and Bismarck that may need assistance to stay in the community to grow and expand. He stated that there are about 100 contacts per year for both primary and service sector businesses. Of note, Mandan Steel Fabricators was the only business that expanded in 2010. Ritter reviewed the data – which included the following inquiries that were presented to businesses to assist with this study and data collection:

***Primary and Service Sector:***

- Where is your primary product/service in the business cycle?
- Are your company's total sales increasing, decreasing or remaining stable?
- Do you plan to expand your operations in the community within the next 3 years?
- Are there reasons your company would not consider Bismarck/Mandan for your next expansion?
- What do you consider Mandan's strengths and weaknesses as a place to do business? Strengths: Supportive business climate; easy to do business; downtown re-development. Weaknesses: Property taxes; lack of retail.

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- Workforce.
  - Community Services.

*Ritter reviewed the project plans for the upcoming 2011 calendar year:*

- 100 more primary sector visits with another 30 in Mandan
- Present the BRE Annual Report in the 1<sup>st</sup> quarter 2012
- Continue participation and communication with city staff

***Richard Mower, VP of Special Projects, BMDA, presented Convention, Retail, Tourism Service Sector:***

- The BRE program expanded in 2009 to include Retail and Service
- There were 25 company visits conducted in 2009; additional 50 visits in 2010
- Conducted partnership with Mandan’s Business Development Office and the following data was extracted and reviewed:
  - Company sales increasing, decreasing, stabilized
  - Size of trade area
  - Plans to expand business within the next 3 years
  - Workforce
  - Community service effect
  - Strengths: home town environment; small community; loyal customers; community events/activities; re-development projects
  - Weaknesses: Lack of retail/restaurants; property taxes; too many vacant properties downtown

*Mower reviewed the project plans for the upcoming 2011 calendar year:*

- 50 more convention, retail, tourism service visits
- Present the BRE annual Report in the 1<sup>st</sup> quarter 2012
- Continue participation and communication with city staff

Commissioner Frank inquired if the trade area coverage is/was discussed with national retailers as they are concerned with the “size” of our community. However, are they made aware of the trade area coverage? Can BMDA use these statistics to our advantage in effectively communicating this concern with national retailers or business owners that our “area” is much larger than typically considered in most parts of the nation? Mower replied that this is exactly what has been concentrated on over the last 6 years. This information will be helpful in future discussions. Commissioner Frank asked whether there are any testimonials from businesses that have succeeded in Mandan that will show that “business works” (in Mandan)? Mower stated that he is not aware if that data exists at this time but would be willing to assemble that information for future reference. Further information or a copy of the BMDA Annual Report can be obtained from the BMDA offices.

Richard Mower, BMDA presented the following:

(ii) *Consider 2011 Work Plan for Mandan consisting of 5 (five) areas:*

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This program began in 2009 and updated information is provided annually with the collaborating efforts of the city staff and the BMDA. The 2011 work in progress includes the following:

- (I) Ongoing BMDA and City Commission communications:
  - Review of Board/Executive Minutes
  - Conduct in-person briefings @ 3 per year
    - March: Annual Reports and BMDA Strategic Plan
    - July: Prospect and tradeshow activity; BRE review
    - December: Year end activities for the above
  - Presentation of Annual Reports: BMDA & BRE
  - Weekly newsletter – BMDA; Monthly economy at a glance
  - Any other reports that need to be discussed and reviewed
  
- (II) Industrial, retail and office park development sites:
  - Create and implement strategies to develop properties
    - Maintain site inventory
    - Provide recommendations of site prioritizing
    - Provide infrastructure cost estimates
    - Determine public/private sector funding options
  - Monitor retail site characteristics to include
    - Traffic counts, demographics, traffic generators, taxable sales and/or purchases, provide retail gap analysis
  - Initiate meetings with Memorial Highway property owners/realtors to discuss the Memorial Highway Corridor Study
  
- (III) Business Attraction and Marketing Programs:
  - Enhance market community opportunities as follows:
    - City of Mandan website – update and highlight development and interest opportunities; create a new section to attract entrepreneurs
    - Tradeshows - promote 3-5 key tradeshows
    - Direct Marketing with primary (goal=30) retail sectors (goal=50)
  
- (IV) Business Retention and Expansion Program:
  - Direct contacts with community and MSA
  - Compile annual reports. Relay information and trends; report positive and negative issues and do follow-up as needed; provide quarterly updates on companies visited
  
- (V) Mandan Tomorrow Project:
  - Staff liaison – coordinate meetings; encourage and enhance investment in Mandan; Review Renaissance Zone Fund Organization goals
  - Provide ongoing support to the committee to accomplish goals

Commissioner Tibke moved to approve the 2011 Mandan Work Plan for BMDA. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present.

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4. *Consider Renaissance Zone Committee (RZC) recommendations regarding changes to minimum project criteria.* Business Development and Communications Director Huber stated that the Committee met recently and reviewed what other communities require as minimum criteria to qualify for commercial and residential projects. Based on the findings reviewed, the RZC recommends the following minimum investment for rehabilitation projects: 1) At least \$15,000 or 50% of the building's value for commercial properties and, 2) at least \$10,000 or 20% of the building's value for residential properties. Huber stated that, if approved, the Mandan Renaissance Zone Minimum Criteria for Project Approval would have to be revised to reflect the criteria requirements.

Commissioner Frank moved to approve the Renaissance Zone Committee recommendation to increase the criteria for rehabilitation projects to require investments of 50% of the building's value for commercial property with a \$15,000 minimum and 20% of the building's value for residential property with a \$10,000 minimum. Commissioner Jackson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

#### RESOLUTIONS & ORDINANCES:

1. *Consider second and final reading of Ordinance 1091 to implement changes to Ordinance 1013 relating to the Establishment of Downtown Core and Fringe Districts and establishment of zoning regulations for the DC Downtown Core District and DF Downtown Fringe District; and providing for Severability and an Effective Date.*

Commissioner Jackson moved to approve the second and final reading of Ordinance 1091 to implement changes to Ordinance 1013 relating to the Establishment of Downtown Core and Fringe Districts and establishment of zoning regulations for the DC Downtown Core District and DF Downtown Fringe District; and providing for Severability and an Effective Date. Commissioner Rohr seconded the motion.

Commissioner Frank stated she has concerns regarding the changes especially when it comes to the single family and duplexes in the core district stating that initially they were not permitted. The other thing is a concern with one block in particular, that was removed from the core and put into the fringe, which has less stringent requirements – one in particular being a less stringent height requirement and the area that it is in does have quite a few 1 ½ or 2-story homes. The concern being that in that particular area there will be the ability to build a single family home. She would like to see those homes/families grandfathered in or setting of some stipulations that if that home burns down that the existing home-owner has the opportunity to rebuild. However if there is an investor that buys that piece of property and demolishes the building, it is now no longer possible to use that as a residential single family home with the intent of the core really being an area where we transition to commercial.

Commissioner Jackson asked Richard Barta, (City Assessor): Commissioner Frank outlined the policies or the reasons about a building being destroyed and rebuilt, correct?

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Barta replied that was correct. Commissioner Jackson inquired whether the policies have to be presented and approved by the Planning and Zoning Committee? Barta clarified that the procedure is that prior to the changes, they would not be in front of MARC because they would not be allowed to. A variance (or whatever) would have to be applied for first and then presented to and approved by the City Commission. What we are doing with this modification is that we are giving them a chance to come in front of MARC if the home was destroyed by fire or whatever. The committee would then offer a recommendation as to replacement or remodel and a final approval would be given by the City Commission. Barta stated that the intent of the MARC is to offer harmony to the property owner in order to keep it as original as possible to downtown. He stated that the Committee prefers to see commercial development but if the need is not for commercial it should be replaced with something other than a vacant lot. Barta mentioned that currently there is a 2-unit apartment within the fringe that wants to come in. There is nothing in the core pending at this time. ***(A copy of the ordinance is on file open for public inspection during regular working hours in the Office of the City Administrator.)***

Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: No; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

2. *Consider Resolution Authorizing Issuance of \$960,000 Refunding Improvement Bonds of 2011, Series A.* Commissioner Jackson moved to approve the Resolution Authorizing Issuance of \$960,000 Refunding Improvement Bonds of 2011, Series A. ***(A copy of the resolution is on file open for public inspection during regular working hours in the Office of the City Administrator.)***

Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

OTHER BUSINESS:

There being no further actions to come before the Board, Commissioner Tibke moved to adjourn the meeting at 6:35 p.m. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present.

/s/ James Neubauer

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James Neubauer,  
City Administrator

/s/ Timothy A. Helbling

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Timothy A. Helbling,  
President, Board of City  
Commissioners