
The Mandan City Commission met in regular session at 5:30 p.m. on April 17, 2012 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. 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, Business Development and Communications Director Huber (arrived at 5:31 p.m.), Engineering Project Manager Bechtel, and City Assessor Barta. Absent: Fire Chief Nardello.

MINUTES: *Consider approval of the minutes for the April 3, 2012, regular meeting.* Commissioner Rohr moved to approve the minutes of the April 3, 2012 minutes. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present.

PUBLIC HEARING:

1. *Public Hearing to consider an Ad Valorem tax exemption for Windriver Properties.* City Assessor Barta presented a request for an Ad Valorem Tax Exemption request from Pat Wachter, Windriver Properties at 2201 40th Avenue Southeast, Mandan, ND, in the Lakewood Addition. Barta stated that the Mandan Growth Fund has recommended approval and there has been no written opposition received. Barta recommended approval of the new property tax exemption request to approve a 100% five year exemption subject to verification of meeting the job requirements by the end of year two and sustained through year five.

Mayor Helbling announced that this is a public hearing to determine an Ad Valorem tax exemption for Windriver Properties. He invited anyone from the audience to come forward to speak for or against the project. Mayor Helbling clarified that in order to get the 100% exemption for year 3 through year 5, it would have to meet the job requirements. Pat Wachter came forward to answer questions. He stated that these are rentals, (not condos), and thus they will not be sold. Mayor Helbling again announced the public hearing and invited anyone else to come forward. Hearing none, this portion of the public hearing was closed.

Commissioner Tibke moved to approve a 100% exemption for Windriver Properties in accordance with the recommendation from the Mandan Growth Fund Committee to approve a 100% five year exemption subject to verification of meeting the job requirements by the end of year 2 and sustained through year 5. Without at least one new job per \$100,000 in structural value subject to exemption (10.6 jobs) by the end of year 2, the exemption would be reduced to 75% in year 3, 50% in year 4, 25% in year 5, by meeting all criteria under the City of Mandan’s Commercial Property Tax Exemption Policy and Guidelines, and also under state statute. Commissioner Frank seconded the motion.

Commissioner Jackson stated that he would recommend that the Commission consider scaling back on these tax exemptions. The Commission just completed a working session wherein the suggestion to scale back on these exemptions failed by a 3-2 vote. The policy remains intact for granting these exemptions. Commissioner Tibke commented

that she feels that the scale back or the compromise discussions at the meeting was the 100-100-75-50-25. Commissioner Jackson mentioned that he agrees that was the original compromise arrived at 18 months ago. However, he feels it should be scaled back even further.

Commissioner Rohr concurred with Commissioner Jackson stating that he agrees that the Commission should revisit this matter and also recommended that consideration be given to scaling back on the tax exemptions being given. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

BIDS:

CONSENT AGENDA:

1. *Consider entering into an Engineering Services Agreement with Advanced Engineering.* The Board approved of entering into an Engineering Services Agreement with Advanced Engineering.
2. *Consider approval of monthly bills.* The Board approved of the monthly bills.
3. *Consider games of chance for Bismarck Mandan Stock Car Association at Dacotah Speedway April 18-May 25, 2012.* The Board approved of the games of chance for Bismarck Mandan Stock Car Association at Dacotah Speedway April 18-May 25, 2012.
4. *Consider approval of site authorization for Abate of ND at the Hideaway Bar from July 1, 2012 through June 30, 2013.* The Board approved of the site authorization for Abate of ND at the Hideaway Bar from July 1, 2012 through June 30, 2013.
5. *Consider approval of the West Hills Estates 2nd Zone Change. (First consideration of ordinance #1121).* The Board approved of the West Hills Estates 2nd Zone Change. (First consideration of ordinance #1121).
6. *Consider reappointing Sue Balcom and Cameo Skager to the Dakota Media Access Board of Directors thru July 1, 2016.* The Board approved of the reappointment of Sue Balcom and Cameo Skager to the Dakota Media Access Board of Directors thru July 1, 2016.

Commissioner Frank moved to approve the Consent Agenda as presented. Commissioner Rohr seconded the motion.

Based on Item No. 7 having been added to this evening's final paper copy of the Agenda and not the online version that he had previously reviewed, Commissioner Jackson requested Item No. 7 be removed for discussion.

Commissioner Frank moved to amend the Motion to approve Items 1 through 6 of the Consent Agenda as presented and to remove Item 7 for discussion. Commissioner Rohr seconded the Amended Motion. The motion received unanimous approval of the members present.

7. *Consider for approval a Renaissance Tax Exemption for CRT Investments, LLC.* City Assessor Barta stated that this is an apartment building located downtown with the retail space underneath it. The owner has paid his 2011 taxes, thus a refund is due. City Attorney Brown indicated that this Project was previously approved but they were waiting for the state to formalize their approval. Now it is before this Board to formalize the City's approval. Because it took so long the owner paid the 2011 taxes.

Commissioner Frank moved to approve the request from CRT Investments, LLC to receive a 100% tax exemption for the year 2011 due to meeting all requirements for a Renaissance Zone exemption. Commissioner Jackson seconded the motion.

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

OLD BUSINESS:

NEW BUSINESS:

1. *Consider the purchase of a vehicle for Parking Enforcement.* Police Chief Bullinger reviewed with the Board four vehicle options for the purchase of a new specialty vehicle that will be used for policing and marking parked cars pursuant to the parking ordinances in downtown Mandan. He reviewed each of the pros, cons and costs for each of the four vehicles. Chief Bullinger recommended the purchase of the GO-4 Interceptor by the police department in the amount of \$24,400. Cushman Motors in Minneapolis is the nearest dealer of these vehicles. He stated that it is possible that the KIA dealership in Mandan will be able to service the vehicle.

Commissioner Rohr motioned to approve the purchase of the GO-4 Interceptor by the police department in the amount of \$24,400 for parking enforcement purposes. Commissioner Tibke seconded the motion. Commissioner Frank inquired if the vehicle could be used for community events if there is a need for a smaller type vehicle such as this. She also suggested that it be used for children's events such as school events when appropriate and there is a need for such. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

RESOLUTIONS & ORDINANCES:

1. *Second consideration and final passage of Ordinance No. 1114 – An ordinance to amend and re-enact Section 12-01-04(1) of the Mandan Code of Ordinances relating to location.* City Attorney Brown stated that this was amended at the first consideration to add the Class D-1. The first draft included the Class A and Class D licenses. Subsequently, a Class D-1 was added. The recommended motion would be to approve the second consideration as amended. Commissioner Jackson moved to approve the second consideration and final passage of Ordinance No. 1114 – An ordinance to amend and re-enact Section 12-01-04(1) of the Mandan Code of Ordinances relating to location as amended. Commissioner Rohr seconded the motion. Roll call vote: Commissioner

Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

2. *Second consideration and final passage of Ordinance No. 1115 – An ordinance to create and enact Section 12-02-07(7) of the Mandan Code of Ordinances relating to drive-up window sales.* City Attorney Brown stated there have been no revisions to the first consideration as passed by this Board previously. Commissioner Tibke moved to approve the second consideration and final passage of Ordinance No. 1115 – An ordinance to create and enact Section 12-02-07(7) of the Mandan Code of Ordinances relating to drive-up window sales. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

3. *Second consideration and final passage of Ordinance No. 1116 – An ordinance to amend and re-enact Section 12-01-02 of the Mandan Code of Ordinances relating to application of chapter.* City Attorney Brown stated that there are no changes to the first consideration that was approved previously. Commissioner Frank moved to approve the second consideration and final passage of Ordinance No. 1116 – An ordinance to amend and re-enact Section 12-01-02 of the Mandan Code of Ordinances relating to application of chapter. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

4. *Second consideration and final passage of Ordinance No. 1117 – An ordinance to create and enact Section 12-02-05.1 of the Mandan Code of Ordinances relating to certification of food sales.* City Attorney Brown stated that this is the same consideration as previously passed by this Board. Commissioner Rohr moved to approve the second consideration and final passage of Ordinance No. 1117 – An ordinance to create and enact Section 12-02-05.1 of the Mandan Code of Ordinances relating to certification of food sales. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

5. *Second consideration and final passage of Ordinance No. 1118 – An ordinance to amend and re-enact Section 12-02-08-(1), (2) and (3) of the Mandan Code of Ordinances relating to transfers of licenses limited.* City Attorney Brown mentioned that this ordinance was discussed at the last meeting regarding a request to define “immediate family.” He stated he found a definition in the North Dakota Century Code. The recommended motion would be to approve the second consideration as amended. Commissioner Jackson moved to approve the second consideration and final passage of Ordinance No. 1118 – An ordinance to amend and re-enact Section 12-02-08-(1), (2) and (3) of the Mandan Code of Ordinances relating to transfers of licenses limited as amended. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

6. *Second consideration and final passage of Ordinance No. 1119 – An ordinance to amend and re-enact Section 12-02-06 of the Mandan Code of Ordinances relating to license fee.* City Attorney Brown indicated that the only change is in the third line of the first paragraph, a comma was taken out so it is clearer that the amount of the issuance fee is at the Board’s discretion. The recommended motion would be to approve the second consideration as amended. Commissioner Jackson moved to approve the second consideration and final passage of Ordinance No. 1119 – An ordinance to amend and re-enact Section 12-02-06 of the Mandan Code of Ordinances relating to license fee as amended. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

7. Removed from the Agenda.

8. *Consider first consideration of Ordinance No.1121 Zone Change for West Hills Estates 2nd – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.* Commissioner Jackson moved to approve the first consideration of Ordinance No.1121 Zone Change for West Hills Estates 2nd – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

OTHER BUSINESS:

1. Spring cleanup is scheduled for the week of April 30th – May 4th. There being no further actions to come before the Board of City Commissioners, Commissioner Tibke moved to adjourn the meeting at 6:00 p.m. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present.

/s/ James Neubauer
James Neubauer,
City Administrator

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