
The Mandan City Commission met in regular session at 5:00 p.m. on April 2, 2013 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Frank, and Braun. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello (arrived at 5:23 pm), Business Development and Communications Director Huber, Engineering Project Manager Fettig, and City Assessor Barta.

B. APPROVAL OF AGENDA: Commissioner Rohr motioned to approve the Agenda as presented. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

C. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission meeting held on March 19, 2013 Regular Board Meeting.* Commissioner Tibke moved to approve the minutes from the Board of City Commission meeting held on March 19, 2013 Regular Board Meeting. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present. The motion passed.

D. PUBLIC HEARING:

1. *Consider adopting a Planned Unit Development or “PUD” zoning classification in section 21-03-01 of the Mandan Code of Ordinances relating to division of City into zoning districts.* Kim Fettig, Engineering Project Manager, reviewed with the Board a consideration to adopt a Planned Unit Development (PUD) zoning classification in section 21-03-01 of the Mandan Code of Ordinances relating to division of City into zoning districts. Fettig provided an overview of “Small Lot Plat” and “Townhouse Plan” wherein the greenery in the area would not be disturbed and outlined how the units could be constructed differently. It gives the developer some ideas of what to do and it still allows the City to monitor the development of the property through the normal workflow process as is currently done on any of the plats. Final approval would be obtained from the City Commission. The contractor would have to apply for the PUD zoning and would have to comply with the City’s requirements for that piece of property as is done with normal contractor business. Commissioner Frank stated that Mandan is one of the few communities that do not have this type of zoning. She inquired with the City of Bismarck and found out they do allow for applications for PUD’s. She stated that the South Port area is an example of how that area was utilized for PUD that allows for flexibility of roads and some private infrastructure along with positive comments about this type of zoning.

Mayor Van Beek once again stated this is a public hearing and invited comments from the public.

Jim Davis, a Mandan city resident, came forward to speak. He stated he was concerned about the PUD zoning because right across the street he indicated there remains contentious discussion about Lots 30 and 31 that are not developed and are still sitting there. He could see Wachter Development applying for a PUD there. He mentioned that

there are about 6 acres in Lot 31 and only 2 acres are developable with the rest being drainage. He does not want to get into an argument again about a re-zone in that area.

Shauna Laber, Mandan city resident who is also a member of the Planning and Zoning Commission, came forward and commented that if they come with a PUD plan, they cannot deviate from that plan without coming back to get re-approval. As a member of the Planning & Zoning Committee she indicated that it would be good to see that type of zoning in highly contentious properties because it is mixed use that people are proposing. It is a beneficial tool of what can be offered to the community – in a mixed use area.

Bill Robinson, Mandan Planning and Zoning, came forward and commented that the PUD zoning would offer another tool to the City for zoning. He stated there have been circumstances that this type of zoning would have been beneficial if it were available.

Mayor Van Beek again stated this is a public hearing and invited anyone else to come forward to comment. Hearing none, this portion of the public hearing was closed.

Commissioner Frank moved to approve a Planned Unit Development or “PUD” zoning classification in section 21-03-01 of the Mandan Code of Ordinances relating to division of City into zoning districts. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

City staff was directed to bring the first draft of an Ordinance to the next meeting for review and consideration for approval.

E. PUBLIC COMMUNICATIONS:

1. Carla Barrios came forward to state her opinion on the policy for the multi-family high density property tax exemptions. One of her concerns was supplying housing for the new businesses coming to Mandan. She is not clear on why it is up to taxpayers to assist with housing of employees of new businesses. Tax exemptions are already allowed for new businesses. Infrastructure costs are coming back to taxpayers. The ND Housing Financing has a plan where money can be donated for those purposes. New businesses can support the expenses for their own employees. She also commented that at the April 16th meeting the commission will be addressing giving a tax exemption to the old junior high building project. She stated that she objects to allowing the tax exemption. She commented that the commission gave a contract to them in that they were not going to ask for a property tax exemption – which in turn is considered as a “contract” on behalf of the citizens of Mandan too.

Shelly Gable came forward and indicated that she concurs with what Carla Barrios stated, in particular to the old junior high project. She has two main concerns: (1) What the development originally was supposed to be and what it is going to become and (2) the agreement (contract) is what was presented to the City of Mandan. To go back on that agreement now is not in the best interest of the citizens of Mandan. She would like to see the Commission outline for the citizens what the original project was to be and what

it will become. Then the Commission needs to get input from the citizens before making any decisions.

Mayor Van Beek asked for further comments from anyone. Hearing none, he stated for clarification purposes, that the agreement on the old junior high building project was between the Mandan School Board and the developer, not the City Commission.

F. BIDS:

1. *Consider award of bid for Water and Sewer Improvement District No. 60, Project 2012-21(McKenzie Drive SE). (See Resolution No. 4).* Engineering Project Manager Fettig reviewed with the Board the bids received on this project. She stated bids were received on March 26th and that the low bidder was Cofell's Plumbing and Heating in the amount of \$289,600. The engineer's estimate was \$281,548. The project will be paid for by special assessments of the properties benefiting within the district. Fettig recommended approval of the bid award to Cofell's Plumbing and Heating.

Commissioner Frank moved to approve the bid for Water and Sewer Improvement District No. 60, Project 2012-21(McKenzie Drive SE) to Cofell's Plumbing and Heating in the amount of \$289,600. (See Resolution No. 4). Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider award of bid for 2013 Annual Sidewalk Project(Project No. 2013-03).* Engineering Project Manager Fettig reviewed with the Board the bids received on this project. She stated bids were received on April 1st. The low bid in the amount of \$477,340 was received from Knife River Corp. The engineer's estimate was \$303,130. The bid was 57% higher than the engineer's estimate was. According the NDCC with cost being over the 40% allowed Fettig requested that the Commission reject this bid and then authorize a re-bid for the project. She indicated she would split the project into two bids; one for new home construction and one for repairs as a separate contract in order to attract additional bids for the project.

Commissioner Rohr stated that these types of projects occur on an annual basis and one alternative to get the sidewalk projects completed would be to require the developers do the work and then special assess the costs. He mentioned that when he lived in Kansas the homeowner was responsible to put in their own sidewalks. Therefore, there are some alternatives as to how to handle these projects now and into the future. Commissioner Frank asked Fettig what the cost comparison is for new construction projects and those of the repair projects as far as dollar amounts to do the projects. Fettig stated there will be a higher cost for the repairs vs. the new construction as the repairs will be more labor intense and time consuming for the contractor. She commented on Commissioner Rohr's suggestion to have the developer put the sidewalks in as a future consideration. She said that there is a list about 3 pages long of homeowners from last season waiting on sidewalk construction and for this season it is too late to require the contractor to put

them in. If the Board chooses to assess the contractors, the contractors should be given ample notification for their consideration in their future development costs.

Commissioner Frank asked whether the City could set a standard price to assess contractors going forward. City Attorney Brown stated that could be legally done, but he did not know if it would be practical. He recommended a policy be worked out soon in order to notify everyone for next year. However, repairs would have to be done as they are not something that can wait for a longer period of time. Fettig stated that the bid process is at least 21 days out and delaying this until the next meeting would add another two weeks to the final bid approval. Commissioner Frank commented that she did not feel there would be any harm done to grant Fettig approval to re-bid the project and in the meantime efforts could be put forth to explore the alternative options as outlined.

Commissioner Frank moved to reject the bid for 2013 Annual Sidewalk Project (Project No. 2013-03) and to allow the Engineer's Department to rebid for sidewalk construction throughout the city in 2013. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider award of bids for Street Improvement Project 2012-01 District 163, Storm Sewer Project 2012-23 District 32 and Water and Sewer Improvement Project 2012-24 District 61 (Sunset Drive NW). (See Resolution No. 8).* Engineering Project Manager Fettig reviewed the bids received on March 15th. She stated that Knife River was the low bidder on this project. The overall bid came in at \$4,036,180 with \$2,541,399 eligible for federal funds. With the construction contingency and administrative costs of \$1,413,913 the total project cost will be \$5,455,093. Of this total, the amount to be special assessed for all three projects will be \$1,937,160. This bid reflects the Option #2 for flexible pipe wherein it was recommended we go with Option #1 for the reinforced concrete pipe for a difference of \$15,606. The City's policy is to have concrete pipe under streets that are main arterials. That will be funded by City sales tax fund (50%) which is \$7,803 and Water and Sewer Fund (50%) which is \$7,803. Fettig recommended approval of the bid as presented and recommended the OPC Option #1 for the Storm Sewer Improvement, all contingent on approval of the NDDOT to award the project.

Commissioner Frank moved to approve of the bid for Street Improvement Project 2012-01 District 163, Storm Sewer Project 2012-23 District 32 and Water and Sewer Improvement Project 2012-24 District 61 (Sunset Drive NW) contingent on approval of the NDDOT to award the project. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

Commissioner Frank moved to approve Option 1 (reinforced concrete pipe) for the Storm Sewer Improvement contingent on approval of the NDDOT to award the project. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes;

Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

G. CONSENT AGENDA

1. Consider approval of games of chance for Pride Manchester House at Dean's Steakhouse on April 7, 2013.
2. Consider amending the fire department 2013 Equipment Reserve budget.
3. Pulled for reading (proclamation).
4. Consider appointment of Miles Mehlhoff to the Planning and Zoning Commission.
5. Consider approval of Special Sunday openings for O.N.E. for April 14, 2013 and June 9, 2013.
6. Pulled for discussion.
7. Consider contract amendment for administration of State Small Business Credit Initiative loan program.
8. Consider for approval Amendment No. 1 to the Engineering agreement with AE2S for 2013 Central Alarm System Upgrade.
9. Consider approval of a site authorization for the Fort Abraham Lincoln Foundation at the Round up Sports Bar from May 1, 2013 through June 30, 2013
10. Consider the following abatements/exemptions: (i) Homestead Credit – Virginia Athaus-Davis (ii) Wheelchair exemption – Curtis Klein (iii) Fire Damage to Mobile Home – Jared Ohlhauser.
11. Pulled for discussion.

Commissioner Tibke moved to approve the Consent Agenda items 1 thru 11 with the omission of items 3, 6, and 11. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

No. 3: Commissioner Frank requested this item be pulled for reading of the proclamation: *Consider proclaiming April 22, 2013 Earth Day in the City of Mandan.* Mayor Van Beek read the proclamation as drafted and proposed. Commissioner Frank moved to approve the Earth Day Proclamation as read. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

No. 6: Commissioner Frank requested this item be pulled for discussion: *Consider appointment of Carl Jacobsen to the Special Assessment Commission.* Commissioner Frank indicated that the reason she requested this item be removed for discussion was to point out the opportunities that exist for Mandan residents to participate in the decision making process of the Mandan community. Commissioner Frank moved to approve the appointment of Carl Jacobsen to the Special Assessment Commission. Commissioner Rohr seconded the motion. City Administrator Neubauer stated that Mr. Jacobsen agreed to serve on the commission for another term and/or until a replacement is found. However, he would like to step down in the future; therefore the City will continue to seek a replacement for him. The motion received unanimous approval of the members present. The motion passed.

No. 11: Commissioner Rohr requested this item be pulled for discussion: *Consider out of state travel for City Administrator to attend Great Open Spaces City Management Association conference.* Commissioner Rohr stated that this particular conference has been budgeted for in the 2013 budget. Finance Director Welch stated that there are sufficient monies in the budget to cover the expenses. City Administrator Neubauer commented that GOSCMA is a sub-group of the International City and County Managers Association (ICMA) of which he is a member and a credentialed manager. They provide educational training opportunities for managers and networking ideas for the managers in this area. Since the City of Mandan will be hosting the May, 2014 conference it will be beneficial to attend this conference in order to prepare for the upcoming conference in Mandan. Commissioner Rohr commented that it is important for staff to attend these conferences to bring back information that other communities and states are doing.

Commissioner Rohr motioned to approve out of state travel for City Administrator Neubauer to attend the Great Open Spaces City Management Association conference. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present. The motion passed.

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Introduction of new Public Works employees by Public Works Director Wright:* Jason Weigelt, Street Department operator, Chauntel Sullivan, Street Department operator and Chris Webber, Utility Department operator. All three new employees were employed to assist with street maintenance duties. Mayor Van Beek welcomed all new employees to the City of Mandan.

2. *Discussion regarding multifamily and new single family home exemptions.* City Administrator Neubauer presented for consideration the City's policy on any incentive for multi-family or high-density housing and New Single Family Home Exemptions. He commented that this has been before the commission for discussion at a prior meeting. Commissioner Tibke requested Neubauer provide an update on the SB2314 with regard to tax exemptions for retail establishments. Neubauer replied that SB2314 passed the house on 4/1/13. Since the bill passed in the Senate was different from the bill passed in the House it will now go to conference committee. The latest version of SB2314 said that communities that are under 40,000 which Mandan falls into, if the City wants to grant property tax exemptions for retail establishments, then you must ask that question in the November 2014 General Election on whether the community will support passing exemptions for retail establishments. Neubauer stated that he and Business Development Director Huber were in opposition to the bill in both the House and the Senate requesting that the decision be left up to the local communities.

Mayor Van Beek stated this matter has been discussed 3-4 times previously and he recommended moving forward with resolution. Commissioner Rohr stated that some of the delay is attributed to waiting to see what the state decision would be. He indicated

that based on the construction needs and demands at the current time, he is not sure the tax incentives are necessary and his position is to reduce the tax incentive program.

Commissioner Frank stated one of the frustrations to balance the need for tax exemptions is to stimulate growth in the community and also to consider the economic conditions the community is experiencing. It all comes down to what is the obligation of the commission to the community to get involved in these types of endeavors. When it comes to housing there are record low interest rates available; a record demand to recruit residents because the job and economy is here. However, housing prices are going up and the exemptions are not having much of an impact on buyers. The two issues that have been discussed by the commission are (1) Single family exemption and (2) Multi-family exemption. These should be considered as two separate decisions. As for the \$75,000 single family exemption that is currently in place, it is clear that amount does not go as far as it did 10 years ago.

Commissioner Rohr commented on the apartment projects consisting of 24 or more units in that he does not consider that affordable housing since most of them are renting for \$900 - \$1,200 per month and that would not be considered in the affordable housing area. These units are being built by groups of people who are investing their money and it does not seem they are struggling that much for the tax exemption that will make a difference in their decision of approaching their business. Commissioner Frank concurred that those building the apartment complexes are definitely a business. However, they are needed within the community.

Commissioner Braun commented that before the state “ties our hands” totally and we don’t have the option to grant incentives, we’re never really going to know because the question has been asked many times. Did you come over here because of an incentive or not? He said he never has really gotten a direct answer from anyone if they came here because of the exemption incentives. How do we know the answer to that if we don’t become independent and continue bringing in businesses? He agreed with Commissioner Frank to raise the single family exemption. He did not completely agree with Commissioner Rohr to discontinue the tax exemption for the apartment complexes. He believes there should be some provision in place.

Commissioner Rohr clarified that his recommendation would be to set a date into the future as to a certain date and time to discontinue this program so that everyone would be informed well in advance. Commissioner Frank stated that several communities have already put a plan in place wherein they will be backing down on giving these exemptions. She stated that Dickinson is one community that recently backed down and during the process the City and the contractors had a mutual agreement to do so which helped in the transition process. She stated that Mandan has recently been commended on the positive relationship it has with its local contractors. She indicated this is encouraging if the City decides to back-off the exemptions also. There has already been discussion with the Bismarck-Mandan Board of Realtors and their directors have decided to stay neutral either in support or in defense of the issue. Commissioner Tibke commented that Dickinson is different than Mandan in respect that Dickinson is not next

to Bismarck. She outlined the importance of retail businesses coming to Mandan (rather than to Bismarck) in order to buy down the property taxes. That is something Dickinson does not have to deal with. Commissioner Rohr commented that this discussion is not about retail taxes; rather the discussion is about residential and apartments. He suggested looking at the \$75,000 exemption and the over 24 unit apartment unit complex exemption differently and then perhaps that needs to be looked at separately as well. Commissioner Tibke stated that these are two different issues. City Administrator Neubauer stated the recommendation is to leave the exemption for the first \$75,000 on new home construction in place. Burleigh County offers something similar but the buyer has to qualify for the first time home buyers program to receive that. Bismarck does not offer it nor does Morton County. A few years ago when the legislature allowed going from \$75,000 to \$150,000 Dickinson did that. However, they have discontinued the program completely and they are in a different situation than Mandan.

Mayor Van Beek commented that this discussion has been good but the Commission needs to realize there is a big sister to deal with wherein other parts of the state do not have that. He is in support of using all tools available to grow the City of Mandan and to offset property taxes when the City has the opportunity to do so.

Commissioner Frank motioned to eliminate the \$75,000 exemption for single family homes to take effect in 2014. Commissioner Rohr seconded the motion.

Administrator Neubauer gave some examples of possible end dates for the tax exemption program: The exemption would be approved for building permits taken out before 12/31/13; Exemptions would be approved for those taken out 1/1/14 through 12/31/14 and they would be eligible for a one year exemption and the final exemption would be done on 12/31/15.

Commissioner Frank directed Administrator Neubauer and Assessor Barta to determine a date specific in order to allow for notifications of any changes and then subsequent scaling back from two year to one year.

Commissioner Braun asked whether there has ever been any documentation kept of those who have benefited from receiving a tax exemption through this program. Administrator Neubauer commented that feedback received from first time home buyers includes “thank-you’s” to the effect that the exemption actually assisted the homeowner to purchase a home, to put in a yard, to put on a deck; things to enhance the property by saving the homeowner the dollars to do these various things. On the other side of the coin, when the two years are up, the calls will come in from homeowners inquiring why their taxes went up so much – forgetting that the first \$75,000 was not taxed those first two years.

Mayor Van Beek asked if there was any further discussion on this matter and hearing none, he called for a roll call vote: Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: No; Commissioner Frank: Yes; Commissioner Braun: No; Commissioner Van Beek: No. The motion failed.

Based on the motion failing, Mayor Van Beek inquired if another motion will be made? Administrator Neubauer clarified if no other motion is made, it stays as is.

Commissioner Tibke stated that regarding SB 2314, (that bill is the one that will affect the larger apartment unit projects), should this Commission wait to see the outcome of that bill? Then that might affect how the City moves forward? Administrator Neubauer stated that as that bill sits today, there is no definition of what retail is. He gave some examples of how “services” may not be qualified; however, that was not defined. If it comes back, he stated they would propose that retail includes services as a clarification point. Commissioner Tibke commented that without knowing how the bill will affect Mandan and those communities 40,000 and under, perhaps discussion should wait until that is determined. The long term goal is retail services. That is what Mandan citizens want. She deferred to the other commissioners as to whether or not to move ahead at this time with deciding the multi-family exemption. Commissioner Frank stated she would be willing to wait with deciding on the multi-family exemption and would approve of continuing to take applications on a case-by-case basis for consideration until the legislature decides SB 2314.

Mayor Van Beek inquired if further discussion is warranted at this time regarding the multi-family exemption.

Administrator Neubauer clarified that if there is no more discussion on the first \$75,000 exemption for new single family homes – that stays where it’s at. If the Commission wishes to postpone discussion on the multi-family a motion to postpone that portion would be appropriate and it would be discussed at a later time or it would be left “hanging” out there.

Mayor Van Beek stated that if this matter goes to a general election in 2014, that would allow additional time for the city staff to move forward with it or it can be left alone and addressed on a case-by-case basis.

Commissioner Tibke motioned to postpone any further discussion for multi-family until May. Commissioner Braun seconded the motion. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

J. RESOLUTIONS AND ORDINANCES:

1. *Youth Commission Resolutions:* Hannah Fishbeck and Connor Leingang presented on behalf of the Mandan Youth Commission representatives. Fishbeck provided a summary of the Youth Commission program that was started in October 2012. The Youth Commission includes 10 youth members and Commissioner Frank and City Administrator Neubauer. She reviewed some of the projects they are working on and reviewed the goals for future accomplishments. Before the Commission tonight is a request to approve two resolutions that the Youth Commission have developed:

i. Adult Playground Equipment: To improve the health of the young adults in the community;

ii. Recycling: To help make Mandan more environmentally friendly.

Commissioner Frank extended a compliment to Hannah Fishbeck and Connor Leingang, representatives of the Youth Commission for this first presentation provided to the City Commission.

Commissioner Frank motioned to approve the Youth Commission Resolutions: (i) Adult Playground Equipment and (ii) Recycling. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider Resolution Authorizing Issuance of \$1,675,000 Refunding Improvement Bonds of 2013, Series A.* Finance Director Welch stated that this resolution is a required resolution to complete the refinancing of the old bonds. The sale of the new bonds took place at the last City Commission meeting. As a result of this bond sale the benefiting properties that are affected by this refinancing represented by the improvement districts on the cover of the agenda documentation, the City saved \$178,531 due to lower interest rate that passes to the property owners that will take effect on April 10, 2013.

Commissioner Frank moved to approve the Resolution Authorizing Issuance of \$1,675,000 Refunding Improvement Bonds of 2013, Series A. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider Resolution Authorizing Issuance of \$1,400,000 Refunding Improvement Bonds of 2013, Series B.* Finance Director Welch stated that this resolution is a required resolution to complete the refinancing of the old bonds. The sale of the new bonds took place at the last City Commission meeting; the City saved \$77,208 due to lower interest rate that passes to the property owners that will take effect on April 10, 2013.

Commissioner Rohr moved to approve a Resolution Authorizing Issuance of \$1,400,000 Refunding Improvement Bonds of 2013, Series B. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Consider Resolution Approving Contract and Contractor's Bond for Water and Sewer Improvement District No. 60, Project 2012-21(McKenzie Drive SE).* Commissioner Frank moved to approve a Resolution Approving Contract and Contractor's Bond for Water and Sewer Improvement District No. 60, Project 2012-21(McKenzie Drive SE).

Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

5. *Consider second consideration and final passage of Ordinance No.1143 Zone Change for Terra Vallee 6th Addition – 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 moved to approve second consideration and final passage of Ordinance No.1143 Zone Change for Terra Vallee 6th Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.

Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

6. *Consider second consideration and final passage of Ordinance 1144 - An ordinance to amend Sections 21-04-18 relating to the purpose in the Gateway and Memorial Highway Overlay Districts.* Commissioner Tibke moved to approve second consideration and final passage of Ordinance 1144 - An ordinance to amend Sections 21-04-18 relating to the purpose in the Gateway and Memorial Highway Overlay Districts.

Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

7. *Consider Resolution establishing rates and charges for Commercial/non-resident services related to the Solid Waste Utility Fund.* Director of Public Works Wright presented a request for rate increases for commercial/non-resident inert waste disposal from \$20 to \$30 per ton which would generate an additional \$240,000 to be used to cover increased costs and to start building the equipment replacement fund. The residential costs will remain at \$15 per ton. Also, the opportunity for contractors to recycle the burnable wood from construction sites will be available by separating the burnable wood which has a current charge of \$15 per ton, half the cost of placing it in the inert material site to be buried. Notices will be sent to major contributors prior to the proposed implementation date of June 1, 2013.

Commissioner Rohr moved to approve a Resolution establishing rates and charges for Commercial/non-resident services related to the Solid Waste Utility Fund.

Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

8. *Consider Resolution of Concurrence to award Projects SU-1- 988 (033) 044, PCN 18334 – Mandan Sunset Drive from 7th St. N to 500' north of 15th St. NW to the low*

bidder. Commissioner Braun moved to approve a Resolution of Concurrence to award Projects SU-1- 988(033)044, PCN 18334 – Mandan Sunset Drive from 7th St. N to 500' north of 15th St. NW to the low bidder.

Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS

1. *Consider bid for 1989 fire truck*: Fire Chief Steve Nardello apologized for the lateness of this matter to this Agenda. The new fire truck arrived yesterday. One bid was received in the amount of \$2,050. The New England Fire Department currently runs a 1971 fire truck. They would appreciate a truck like this. Nardello recommended rejecting the bid for the 1989 fire truck and donating it to the New England Fire Department who can use the truck in their normal operating procedures.

Commissioner Braun asked if the New England Fire Department would have any funds to offer for the truck. Chief Nardello stated that there are no funds available in the New England Fire Department to pay for the truck. Commissioner Rohr motioned to approve rejecting the bid that was received for the 1989 fire truck and to donate the fire truck to the New England Fire Department. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed. Chief Nardello stated that if the New England Fire Department would donate any funds for the 1989 fire truck that the money will go into the Fire Department Reserve Fund.

2. *Consider Adjustment to Northern Bridge Corridor Route*: City Administrator Neubauer presented a request to relocate the frontage road access intersection on 38th Street across the Missouri River. Representatives from the City of Mandan, Morton County and MDU have met to discuss the construction of MDU RM Heskett Unit 3 Combustion Turbine Addition project. A brief summary of the history of the intersection was given and after the meeting the MDU officials, Morton County and City of Mandan representatives found several interferences at the preliminary intersection site. It was felt that moving the intersection to the west would minimize the interferences. Neubauer recommended moving the preliminary Northern Bridge Corridor Route Frontage Road access further to the west as outlined.

Commissioner Frank motioned to approve moving the preliminary Northern Bridge Corridor Route Frontage Road access further to the west as depicted on the drawings presented. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

There being no further actions to come before the Board of City Commissioners, Commissioner Rohr moved to adjourn the meeting at 6:50 p.m. Commissioner Frank

seconded the motion. The motion received unanimous approval of the members present.
The motion passed.

/s/ James Neubauer

James Neubauer,
City Administrator

/s/ Arlyn Van Beek

Arlyn Van Beek,
President, Board of City
Commissioners