
The Mandan City Commission met in regular session at 5:30 p.m. on August 6, 2013 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Rohr, Frank, and Braun. Department Heads present were: Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development and Communications Director Huber, Planning & Engineering Director Froseth, Engineering Project Manager Fettig, and Assessor/Building Official Lalim. Absent: Commissioner Tibke, Finance Director Welch.

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

C. PUBLIC COMMUNICATIONS:

Nick Renner, a Mandan resident came forward to make comments about the proposed annexation in the north part of Mandan. He stated that costs have been the biggest issue regarding the project and that is what has been bothering residents. In addition to who is going to pay for what? What costs will the City incur? What services will be available if the annexation goes through, such as snow removal and garbage pickup? He requested the City learn more about what the costs will be and how those costs are going to be assessed.

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission meeting held on July 16, 2013 and the Joint Planning and Zoning Working Session and July 30, 2013.* Commissioner Frank moved to approve the minutes from the Board of City Commission meetings held on July 16, 2013 and the Joint Planning and Zoning Working Session and July 30, 2013. Commissioner Braun 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.

E. PUBLIC HEARING:

1. *Consider the annexation of a tract of land owned by Kevin Christianson, being a part of Government Lots 3 & 4 of Section 3, Township 138N, Range 81W. (Proposed Keidel’s South Heart Terrace 3rd Addition. (First consideration of ordinance #1162) (See Ordinances No. 6).* Engineering Project Manager Fettig reviewed with the Board a request from Kevin Christianson to annex part of Government Lots 3 & 4 of Section 3, Township 138N, Range 81W. (Proposed Keidel’s South Heart Terrace 3rd Addition. The subject land is on south 19th across from Keidel’s First and Second Addition.

Mayor Van Beek announced that this is a public hearing to annex a tract of land being a part of Government Lots 3 & 4 of Section 3, Township 138N, Range 81W. He invited anyone to come forward to comment for or against the annexation request. A second announcement was made inviting anyone to come forward. Hearing none, this portion of the hearing was closed.

2. *Consider approving Vacation of Utility Easement of the southerly 5' of the existing 15' utility easement less the easterly 60' of Lot 2, Block 1, Hoovestol's 2nd Addition.* (See Resolutions and Ordinances No. 7). Engineering Project Manager Fettig stated that this is a request from David Mees, Heart River Storage, to vacate 5' of the existing 15' of the utility easement that is in place. There were no comments received from any of the utilities. The purpose of the vacation is to allow Mees to build storage units on the property to fit the size of the lots and in order to do that it would have to be vacated 5'.

Mayor Van Beek announced that this is a public hearing to approve a request for the vacation of a Utility Easement of the southerly 5' of the existing 15' utility easement less the easterly 60' of Lot 2, Block 1, Hoovestol's 2nd Addition. He invited anyone to come forward to comment for or against the vacation request. A second announcement was made inviting anyone to come forward. Hearing none, this portion of the hearing was closed.

3. *Public Hearing to consider a two-year tax exemption for Edgewood Management Group, LLC.* (See New Business No. 2.) Assessor/Building Official Lalim reviewed with the Board a request from Edgewood Management Group to consider a 2-year 100% tax exemption for a commercial structure pursuant to NDCC 40-57.1. The notice to competitors was published in the Mandan News on July 5 and July 12, 2013. No written protests have been received. There was no opposition from Morton County, the Mandan School District or Park Board.

Mayor Van Beek announced that this is a public hearing to approve a request for a 2-year tax exemption request for Edgewood Management Group, LLC. He invited anyone to come forward to comment for or against the request for a 2-year tax exemption request.

Rex Carlson, Edgewood Management Group came forward and gave a status update as to what has transpired since October 2012 when the original exemption was granted. The project is the construction of an assisted living building in Mandan on McKenzie and 39th Avenue. He explained that the project will consist of two phases. Last year when this matter was before this Board the plan was to have two phases. The second phase will have to have a certificate of occupancy by February 1, 2014 in order to qualify for any exemption. The project will move forward sooner than anticipated. He explained how the Phase 2 part of the project will be implemented with plans to have a portion completed by the February 1, 2014 deadline. He said that at the Mandan Growth Fund Committee meeting he was told that in the event when the second phase is completed, an assessment will be completed to determine the number of exemptions that will be received.

A second announcement was made inviting anyone to come forward to speak for or against the request for a 2-year tax exemption request for Edgewood Management Group LLC. Hearing none, this portion of the hearing was closed.

F. BIDS:

1. *Consider award of bid for Street Improvement District 180 Project 2013-12(Plainview Heights 14th Addition). (See Resolution No. 2).* Engineering Project Manager Fettig reviewed with the Board the bids received on July 19, 2013 for this project and reported that Northern Improvement Company was the low bidder in the amount of \$434,997.79. The original Engineer's estimate was \$322,148.63 and the revised Engineer's estimate is \$452,390.50. The bid is 35% higher than the original Engineer's estimate. KLJ amended the Engineer's estimate after the approval to go out for bid; therefore, the original Engineer's estimate was used in calculating the percentage. The project will be paid for by special assessments is estimated to be in the amount of \$20,138.79 to each of the 27 benefiting lots. The total cost of the project is \$543,747.24 which includes the administrative cost of \$108,749.45 and construction costs of \$434,997.79.

Commissioner Rohr moved to approve the award of bid for Street Improvement District 180 Project 2013-12(Plainview Heights 14th Addition) to Northern Improvement Company, the low bidder in the amount of \$434,997.79. Commissioner Braun 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.

2. *Consider award of bid for Street Improvement District 181 Project 2013-15(Meadows 7th Addition). (See Resolution No. 3).* Engineering Project Manager Fettig reviewed with the Board the bids received on July 19, 2013 for this project and reported that Northern Improvement Company was the low bidder in the amount \$288,599.92. The original Engineer's estimate was \$243,640.52 and the revised Engineer's estimate is \$295,850.50. The bid is 18.4% higher than the original Engineer's estimate. KLJ amended the Engineer's estimate after the approval to go out for bid; therefore, the original Engineer's estimate was used in calculating the percentage. The project will be paid for by special assessments estimated to be in the amount of \$19,480.50 to each of the 20 benefiting lots. The total cost of the project is \$389,609.89 which includes the administrative cost of \$101,009.97 and construction costs of \$288,599.92.

Commissioner Rohr moved to approve the award of bid for Street Improvement District 180 Project 2013-12(Plainview Heights 14th Addition) to Northern Improvement Company, the low bidder in the amount of \$288,599.92. 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.

3. *Consider rejecting Mandan Lift Station Central Alarm System bids.* Jeff Wright, Director of Public Works, reviewed with the Board bids received for this project. He said that the Engineer's estimate for this project was \$350,000. Two bids were received with the low bid being \$696,902.45. The other bid was over \$826,000. Wright indicated that City staff met to discuss the bids received and they felt that with the lack of local contractors due to so much work being done in the area, the City was unable to get a

competitive bid. Wright recommended rejecting the bids and allowing staff to research other avenues and then to come back to this Board for potential re-bidding at a later time.

Commissioner Frank moved to reject the low bid in the amount of \$696,902.45 by Integrated Process Solutions which exceeds the Engineer's estimate of \$350,000 for the Mandan Lift Station Central Alarm System and to bring back recommendations and costs for proceeding with this project. Commissioner Braun 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.

G. CONSENT AGENDA

1. *Consider out of state travel for Chief Nardello to attend the International Code Conference.*
2. *Consider approving amended Engineer's Report and authorizing a call for bids on Street Improvement District No. 177, Project 2012-22 (Meadows 6th Addition)(Resolution No. 5).*
3. *Consider for approval the final plat of West Hills Estates 3rd Addition.*
4. *Consider authorizing a work change order on Street Improvement District No. 174, Project No. 2012-16 (Plainview Heights 13th Addition).*
5. *Consider authorizing a work change order on Street Improvement District No. 187, Project No. 2013-23 (Mandan Municipal Golf Course and Adjacent Alleys).*
6. *Consider authorizing a work change order on Street Improvement District No. 161, Project No. 2010-03 (Diane's).*
7. *Consider entering into a Cost Participation & Maintenance Agreement with North Dakota Dept. of Transportation for landscaping improvements from Memorial Bridge Interchange to the Expressway Bridge.*
8. *Consider the following abatements/exemptions: (i) Street Appraisal (Reduction in Market Value) – Monte Binstock (ii) Disabled Veteran – Roger Anderson (iii) Homestead Credit (iv) ~~Kurt Pfleger (Lot 1)~~ (v) Homestead Credit – Kurt Pfleger (Lot 2).*
9. *Consider proclaiming September 28, 2013 as National Public Lands Day in the City of Mandan. Mayor Van Beek read the Proclamation.*

Commissioner Frank moved to approve the Consent Agenda Items 1 through 9 noting that Item No. 8, Kurt Pfleger (Lot 1) was removed. 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.

H. OLD BUSINESS:

1. *Consider action related to the proposed annexation of certain lands in the general vicinity north of Mandan Middle School and Tesoro Refinery, and north and west of Highway 1806. City Administrator Neubauer stated that at the July 16, 2013 meeting there was sufficient protest at 32.93% (above 25%) to stop the proposed annexation. It was recommended bringing this matter to this meeting to discuss and review options. Those options are: (1) To drop the annexation (2) Ask the governor to appoint a mediator in an attempt to find some resolution to the matter. Neubauer stated the recommendation*

is to withdraw the current annexation proposal and recommend revising the boundaries to exclude what's been called the panhandle or the area east of 1806 along 38th Street. In further discussions with MDU and the Heskett Plant they would not be requiring running a water line down 38th at the present time to supply water to their facility. We would ask City Attorney Brown to prepare the appropriate Resolution for the City Commission to consider at its August 20, 2013 Commission meeting. If the Commission approves of the revised map, a meeting could be scheduled with the residents in that annexation area to discuss the project and to get an idea for what costs may be involved and how those would be assessed. If the area would be annexed City services would be available. The standard process for annexing would start all over with a revised map, a Resolution would be drawn up and there would also be a time period for protest. Commissioner Frank stated that the City has developed a publication that explains property taxes and a formula to calculate property tax based on a resident's home valuations and the current mill levy. The information is also available on the City of Mandan website. Neubauer stated that the 2014 City Budget will have a decrease in the mills, thus there will be some reduction seen there. Mayor Van Beek recommended that interested parties call the City staff to ask questions. Individuals or groups were encouraged to call.

Commissioner Frank moved to redraw the proposed annexation of certain lands in the general vicinity north of Mandan Middle School and Tesoro Refinery, and north and west of Highway 1806 and to request City Attorney Brown to prepare a Resolution and Map redrawing the boundaries of the annexation area to exclude the area along 38th Street.

Commissioner Braun 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.

I. NEW BUSINESS:

1. *Presentation of the final report on the North Mandan Subarea Transportation Study.* Bill Troe, the Transportation Planner with SRF Consulting, (who is a part of a group that has been assisting the MPO, the City and County with the North Mandan Study), presented the final report. The study includes the area from north of I-94 to Square Butte Drive and from the Missouri River to approximately 47th Avenue Northwest where the new school is going to be located. One of the keys to demonstrate the transportation process for long range planning and the environmental process is that those areas that will be federally funded. A Purpose and Needs for Action was developed and reviewed. The infrastructure will need to be maintained in that area. The system will also take into consideration pedestrians and bicyclists. It is anticipated that an additional 2800 households within the study area and similarly 5100 employees are in that study area. The vast majority will grow south of 38th Street, the river-crossing corridor in the area. There are two types of improvement for consideration (1) System Management (2) Expansion. There will be costs involved with these projects and subsequently priorities will have to be set.

Troe reviewed with a PowerPoint presentation the major areas that will be considered: (1) Sunset Drive Corridor – The interchange at I-94 additional signals will need to be

considered and other changes that will add capacity. Some suggestions would be to add a loop in the lower quadrant or modify the interchange to a single point under the interstate. (2) 1806/38th Street / Sunset Drive – three possible alternative routes were reviewed. Review of adding an interchange at 32nd that would reduce traffic. (3) Old Red Trail Corridor (4) Mandan Avenue Interchange. The development of Collins Avenue over to Mandan Avenue for future development (the new 1806?). The Department of Transportation will have to be included in all discussions for state highway considerations. (5) North of 38th Street and South of 38th Street; (6) Central Area arterials/collectors.

Alternatives to address current and future needs were reviewed for:

- (1) Transportation System Management including intersection improvements such as additional turn lanes, traffic signal improvements and corridor access management;
- (2) Transportation System Expansion is larger scale improvements that increase capacity and/or address safety concerns;
- (3) Non-Motorized facilities that would include new or improved pedestrian and bicycle facilities within the crossing and study areas.

Conclusions:

The North Mandan Subarea Study is an initial stage of a multi-step process for identifying, designing, approving and implementing multimodal transportation system improvements that meet identified needs in the focus area. Two critical elements of the next steps in the short and long term planning processes are: (1) Develop a program for integrating a traffic impact study process into project development (2) Advance the list of technically feasible projects through the planning and funding process, whether it be local/county/state funded or a federally funded project.

Troe reviewed the Next Steps – Advancing projects for locally funded projects and State/Federal funding. One of the things included from the policy statement that Troe suggested is that the City should develop a City Impact Process (study) for those developers of property that come into the City and there is additional traffic in certain areas. More information can be found at: northmandanstudy.com.

2. *Consider Growth Fund Committee recommendation regarding application for property tax exemption by Edgewood Management Group, LLC (See Public Hearing No.*
- 3). City Administrator Neubauer stated that the Mandan Growth Fund met on August 1, 2013 to consider the application. He stated that Mr. Carlson has described what the project consists of. He said that there was a City Commission Working Session on June 25 and, in addition on July 16th, which resulted in amendments to the policy on the exemptions. The MGF motion was if they were to follow the policy at the time the request was submitted on June 20th that it would meet a couple of the criteria in that policy and therefore recommended a 2-year 100% exemption. If the Commission looks at the amendments made to that policy that were adopted on July 16th which look at targeted areas of service that are lacking in the City and also targeted geographical areas as outlined in the amended policy, this application would not qualify. Therefore the 2-year request for property tax exemption should be denied.

Mayor Van Beek inquired if this exemption were to be granted if that would create an unfair advantage. Neubauer replied that the original policy was intended to target areas if the project would address areas in which the City was lacking. Those entities would receive the greatest reward. In this case Edgewood phase one and Lakewood Landing has another facility in the area so there are two facilities and this would be a third one.

Commissioner Frank inquired if this would qualify as a service and; if so, effective this month it would be ineligible. Neubauer replied that he believes this would qualify as a service industry therefore it would not be eligible for exemption going forward. City Attorney Brown stated that the law went into effect August 1, 2013. It applies to tax years after December 31, 2013. The State Tax Department thought the project would have to be completed by the end of this year to be eligible. Commissioner Rohr commented that in order to get things started – he said that he is not sure that when an exemption was granted and that it would include a continuous exemption.

Commissioner Frank commented that after taking into consideration the discussions held in October 2012 and what has transpired with the State with the exemptions since that time, she moved to deny the application for property tax exemption by Edgewood Management Group, LLC. 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.

3. *Bismarck-Mandan Development Association Mid-Year Report.* Brian Ritter, Acting Director, Bismarck-Mandan Development Association (BMDA) presented the June 2013 Mandan Site Inventory Report. Ritter provided a summary of the rankings of the three sites for Office, Industrial and Retail.

(1) Industrial: There are 15 sites located within the City.

(2) Office Properties: There are 13 properties. There has been movement in this market.

(3) Retail Sector: There is increase retail in Mandan. There are 22 potential sites and there are a lot of properties moving.

Commissioner Frank questioned Ritter as to where Mandan sits currently with the demand for industrial and what role can Mandan play in serving that need, if it exists? Ritter replied that the highest demand in industrial sector being seen is rail-serve property. The closest rail-serve property to Mandan is the Sunnyside Feeds site. There have been 3 projects in the last 60 days and that site has been submitted for consideration. Beyond that site the closest would probably be New Salem or Hebron. The rail-serve component is the one lacking the most in Mandan. The other issue we face right now is “price”. Industrial prices have been changing dramatically over the last 10 years. Commissioner Frank asked whether, when moving forward with industrial or commercial development, should the City Commission handle these case by case with investors to make these developments happen? Ritter replied that no two projects are the same. Thus it would be advised to work on a case by case basis as projects develop.

4. *Consider approving the plans and specifications and authorizing the execution of a 3-way agreement for the installation of water & sewer in Replat of Lot 10B Block 2 Lakewood 6th Addition, Project 2013-17. (See Resolutions No. 9).* Justin Froseth, Planning & Engineering Director presented a request for authorization and execution of a 3-way agreement on Lot 10B Block 2 Lakewood 6th Addition. The proposed utilities will only serve the developer of the benefiting land and therefore, this is being paid for under a 3-way agreement. The letter of credit has been secured. The agreement would be between the developer Easy Living LLC, the City of Mandan and Bowers Excavating, LLC.

Commissioner Rohr moved to approve the plans and specifications and authorize the execution of a 3-way agreement for the installation of water & sewer in Replat of Lot 10B Block 2 Lakewood 6th Addition, Project 2013-17. 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.

5. *Consider approving the plans and specifications and authorizing the execution of a 3-way agreement for the installation of water & sewer in Meadow Ridge 3rd Addition, Project 2013-09. (See Resolutions No. 10).* Justin Froseth, Planning and Engineering Director presented a request for authorization and execution of a 3-way agreement for the installation of water & sewer in Meadow Ridge 3rd Addition, Project 2013-09. The proposed utilities will only serve the developer of the benefiting land and therefore, this is being paid for under a 3-way agreement. The letter of credit has been secured. The agreement would be between WWW Ranch, the City of Mandan and Bowers Excavating, LLC.

Commissioner Rohr moved to approve the plans and specifications and authorize the execution of a 3-way agreement for the installation of water & sewer in Meadow Ridge 3rd Addition, Project 2013-09. Commissioner Braun 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.

6. *Consider the creation of, approval of the feasibility report for, approve the plans and specifications, approve engineer's report, direct advertisement for bids and approve sufficiency of petition for Street Improvement District No. 179, Project No. 2013-10 (Meadow Ridge 3rd Addition). (See Resolution No. 4).* Justin Froseth, Planning and Engineering Director presented a request to create and allow assessments of specials related to, authorize the required paperwork for the requested project and allow for the project to be bid. The Engineer's estimate for the construction is \$326,413.00 plus engineering and administrative costs of \$97,923.90 for a total cost of \$424,336.90. These costs would be special assessed to the benefiting properties.

Commissioner Frank moved to approve the creation of, approval of the feasibility report for, approve the plans and specifications, approve engineer's report, direct advertisement for bids and approve sufficiency of petition for Street Improvement District No. 179,

Project No. 2013-10. Commissioner Braun 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.

J. RESOLUTIONS

1. *Second consideration and final passage of Ordinance No. 1157 Zone Change for proposed West Hills Estates 3rd Addition – An ordinance to amend and reenact section 21-13-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.* Commissioner Frank moved to approve the Second consideration and final passage of Ordinance No. 1157 Zone Change for proposed West Hills Estates 3rd Addition – An ordinance to amend and reenact section 21-13-02 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: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 180, Project 2013-12 (Plainview Heights 14th Addition).* Commissioner Frank moved to approve the Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 180, Project 2013-12(Plainview Heights 14th Addition). 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.

3. *Consider Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 181, Project 2013-15(Meadows 7th Addition).* Commissioner Frank moved to approve the Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 181, Project 2013-15 (Meadows 7th Addition). 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.

4. *Consider the Resolutions creating district, approving engineer's report, determining sufficiency of protest, approving the plans and specifications and directing advertisement for bids for Street Improvement District No. 179, Project No. 2013-10 (Meadow Ridge 3rd Addition).* Commissioner Braun moved to approve the Resolutions creating district, approving engineer's report, determining sufficiency of protest, approving the plans and specifications and directing advertisement for bids for Street Improvement District No. 179, Project No. 2013-10 (Meadow Ridge 3rd Addition). 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.

5. *Consider Resolution approving Amended Engineer's Report and Resolution Directing Advertisement for Bids for Street Improvement District No. 177, Project 2012-*

22 (*Meadows 6th Addition*). Commissioner Braun moved to approve the Resolution approving the Amended Engineer's Report and Resolution Directing Advertisement for Bids for Street Improvement District No. 177, Project 2012-22 (*Meadows 6th Addition*). 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.

6. *Consider first consideration of Ordinance No. 1162, An ordinance annexing certain adjoining lands to the City of Mandan, North Dakota, and extending the corporate boundaries thereof (tract of land being a part of S3-T138N-R81W).*

Commissioner Braun moved to approve the first consideration of Ordinance No. 1162, An ordinance annexing certain adjoining lands to the City of Mandan, North Dakota, and extending the corporate boundaries thereof (tract of land being a part of S3-T138N-R81W). Commissioner Frank seconded the motion.

Mayor Van Beek asked Engineering Project Manager Fettig if there has been any additional information obtained on 8th Avenue. Fettig replied there has not been a response from Toman Engineering regarding the USDA and getting it to work on 8th Avenue. Fettig said that matter will be discussed before the final plat comes back. Mayor Van Beek stated that there is also the one on 4th Avenue Southwest on the south side of the road that was brought up at Planning and Zoning – that they do not quite match up. He inquired if there has been any discussion on that? Fettig replied 4th Avenue will match up. It is just the way that it was put on the vicinity map that was drawn up. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

7. *Consider Resolution approving Vacation of Utility Easement of the southerly 5' of the existing 15' utility easement less the easterly 60' of Lot 2, Block 1, Hoovestol's 2nd Addition.* Commissioner Braun moved to approve the Resolution approving Vacation of Utility Easement of the southerly 5' of the existing 15' utility easement less the easterly 60' of Lot 2, Block 1, Hoovestol's 2nd Addition. 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.

8. *Consider ordinance relating to authorization for the off-sale of alcohol from a tapped keg in a defined container.* Business Development and Communications Director Huber stated that this was a topic that was brought to her attention by local brewing companies and off-sale establishments that specialize in craft beers. The current ordinance only allows for off-sale if the beer is produced onsite. There are local brewing companies that are making their own beer and distributing it through wholesalers in the region and sold in our community. Currently that can only be consumed onsite. This would provide for allowing more expansion of their market and in essence it is an option available in the City of Bismarck. North Dakota has been adapting its laws and this would allow for the sale of craft beers in establishments without a requirement as to

where it is produced. City Attorney Brown stated that Ordinance 1161 is identical to the City of Bismarck's which is commonly referred to as the "Growler" ordinance.

Commissioner Rohr moved to approve the ordinance relating to authorization for the off-sale of alcohol from a tapped keg in a defined container. Commissioner Braun 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.

9. *Consider Resolution approving plans and specifications and authorizing execution of 3-way agreement for water and sewer Improvement Project 2013-17.(Replat of Lot 10B Block 2 Lakewood 6th Addition).* Commissioner Frank moved to approve the Resolution approving plans and specifications and authorizing execution of 3-way agreement for water and sewer Improvement Project 2013-17.(Replat of Lot 10B Block 2 Lakewood 6th Addition). Commissioner Braun 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.

10. *Consider Resolution approving plans and specifications and authorizing execution of 3-way agreement for water and sewer Improvement Project 2013-09 (Meadow Ridge 3rd Addition).* Commissioner Braun moved to approve the Resolution approving plans and specifications and authorizing execution of 3-way agreement for water and sewer Improvement Project 2013-09 (Meadow Ridge 3rd Addition). 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.

K. OTHER BUSINESS

1. Mayor Van Beek invited everyone out to the Wild West Grill Fest activity at Dykshoorn Park in Mandan on August 16th and 17th.

There being no further actions to come before the Board of City Commissioners, Commissioner Frank moved to adjourn the meeting at 7:30 p.m. Commissioner Braun 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