
The Mandan City Commission met in regular session at 5:30 p.m. on December 18, 2012 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, Business Development and Communications Director Huber, Engineering Project Manager Fettig, and City Assessor Barta.

MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission meetings held on December 4, 2012 – Regular meeting* Commissioner Tibke moved to approve the minutes of the December 4, 2012 Regular meeting. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present. The motion passed.

PUBLIC HEARING:

1. *Consider approval of Christianson’s 1st Addition Zone Change (First consideration of ordinance #1136).* Kim Fettig, Engineering Project Manager, presented a request from Kenneth Lohstreter and Pace Lodging to change the zoning of Christianson’s 1st Addition from A (Agricultural) to RM (Multi-Family Residential). She stated that the Messiah Lutheran Church is to the east of the property and they have no opposition to the zone change request. The Engineering Office recommended approval of the request.

Mayor Van Beek announced that this is a public hearing for approval of Christianson’s 1st Addition Zone Change (First consideration of ordinance #1136) and invited comments from the public. A second announcement was made to invite comments from the public. Hearing none, this portion of the public hearing was closed.

2. *A public hearing to determine the insufficiency of protests for Street Improvement District No. 163, Project 2012-01(Sunset Drive NW). See Resolution No. 5.* Kim Fettig, Engineering Project Manager, stated that 26 letters were received in protest to the special assessments for the subject property. She stated that represents less than one-half percent of the district that is eligible to be special assessed for the benefits of the project and is below the 50% required to protest out the district which represents an insufficient amount to protest out the subject district. The Engineering Office recommended approval of the request.

Mayor Van Beek announced that this is a public hearing to determine the insufficiency of protests for Street Improvement District No. 163, Project 2012-01(Sunset Drive NW) and invited comments from the public. A second announcement was made to invite comments from the public. Hearing none, this portion of the public hearing was closed.

BIDS:

1. *Consider award of bid for Water and Sewer Improvement District No. 60, Project 2012-21 (McKenzie Drive SE). See Resolution No. 2.* Engineering Project Manager

Fettig stated this project was approved at a previous meeting. She indicated that bids were received on 11/30/12 and the low bidder was Markwed Excavating, Inc. in the amount of \$214,980. The engineer's estimate was \$192,078.31. This project will be paid for by special assessments from the benefiting properties within the district. Fettig explained that the engineer's estimate information comes from the engineer assigned to the project and in this project it was Kadrmas, Lee and Jackson. City Attorney Brown clarified that the engineer's estimate is arrived at by the city engineer or a comparable engineer employed by the city. It does not have to be a city engineer that is on staff.

Commissioner Frank moved to approve the award of bid for Water and Sewer Improvement District No. 60, Project 2012-21 (McKenzie Drive SE) to Markwed Excavating Inc. in the amount of \$214,980. 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.

CONSENT AGENDA:

1. *Consider approval of monthly bills.* The Board approved of the monthly bills. MONTANA-DAKOTA UTILITIES - 6,827.94; ADVANCED ENGINEERING SVC - 12,674.22; AMERICAN PUBLIC WORKS AS - 169.00; AUDIOVISUAL INC. - 185.24; BIS-MAN AREA CHABR OF CO - 25.00; BIS-MAN CONVTN & VISITOR - 6,472.95; BISMARCK POLICE DEPARTME - 30,000.00; BISMARCK TRAILER CENTER - 516.21; BISMARCK TRIBUNE/THE - 4,035.72; BOWERS EXCAVATING, LLC - 1,815.00; BURLEIGH COUNTY SHERIFF - 30,000.00; CITY AIR MECHANICAL INC - 1,491.73; D & E SUPPLY COMPANY INC - 113.80; DAKOTA COMMUNICATION SVC - 41.25; DAKOTA STAFFING SOLUTION - 90.90; DAKOTA SUPPLY GROUP - 2,283.36; DOUGHERTY & COMPANY LLC - 10,000.00; ENTZEL TRUCKING - 825.00; FASTENAL COMPANY/THE - 843.54; FERGUSON WATERWORKS #251 - 2,091.34; FETZER ELECTRIC, LLC - 27,500.00; GEORGE STROH TRUCKING IN - 2,447.50; GRAY OIL COMPANY - 3,909.96; HACH COMPANY - 764.00; HAWKINS INC - 5,879.24; HAZMATIQ LLC - 5,450.00; HOUSTON ENGINEERING, INC - 1,503.25; INTERNTL CODE COUNCIL, I - 125.00; INTRNTL SCTY OF ARBORICU - 265.00; JASPER ENGINEERING & EQU - 508.23; JOHNSEN TRAILER SALES IN - 47.94; JOHNSON/SCOTT - 15,000.00; LILLIS ELECTRIC INC. - 75.70; MANDAN PARK BOARD - 700.00; MARSHALL LUMBER COMPANY - 27.31; MIDCONTINENT COMMUNICATI - 65.00; MILLER/CHRIS - 25.00; MISSOURI VALLEY PETROLEU - 22,473.75; MITZEL/EDDY - 129.71; MORTON COUNTY SHERIFF - 30,000.00; ND BUREAU OF CRIMINAL IN - 30,000.00; ND FIREMENS ASSOCIATION - 672.30; ND INSURANCE DEPARTMENT - 4.08; ND LEAGUE OF CITIES - 520.00; ND STATE BOARD OF LAW EX - 380.00; ND WATER & POLLTN CONTRO - 310.00; NDACO RESOURCES GROUP - 1,053.08; NEWTON/SCOTT & ROMA - 375.00; NORTHERN IMPROVEMENT CO - 199,535.35; QUALITY SERVICE - 55.00; RENNER'S LAWN SPRINKLING - 1,085.00; RIGGING & TOOLS INC - 30.00; SEVERIN, RINGSAK & MORRO - 60.00; SRS CRISAFULLI - 959.05; ST. ALEXIUS MEDICAL CENT - 99.23; STARION - 750.00; STEIN'S INC - 1,458.05; THOMAS SCIENTIFIC -

1,095.42; TOMAN ENGINEERING CO - 361,709.69; TRUENORTH STEEL, INC - 1,060.39; VERIZON WIRELESS SERVICE - 240.36; WD LARSON COMPANIES LTD, - 6.92; WESCO DISTRIBUTION INC - 783.58; WEST DAKOTA UTILITY SERV - 1,120.30; WESTERN EDGE ELECTRIC IN - 340.00; ND PERS - 4,630.11; MONTANA-DAKOTA UTILITIES - 40,883.90; CENTURYLINK - 5,877.26; ADVANCED ENGINEERING SVC - 128.00; AT & T MOBILITY - 452.53; BALABAN LAW OFFICE - 1,500.00; BISMARCK POLICE DEPARTME - 5,006.47; BURLEIGH COUNTY SHERIFF - 5,536.45; CENTURYLINK - 147.07; COMPANION LIFE - 10.00; DAKOTA MEDIA ACCESS - 6,302.17; ENTERPRISE FLEET MANAGEM - 531.36; FORT DEARBORN LIFE - 411.12; GARDINER/LUKE R. - 217.28; GLASS/THOMAS J. - 1,500.00; HOLTER/DEBORAH - 35.00; JACOBSEN/CARL - 35.00; KELSCH KELSCH RUFF & KRA - 4,000.00; KUPPER CHEVROLET INC - 522.25; MANDAN PARK BOARD - 600.00; MILLER/CASEY - 254.43; MORTON COUNTY SHERIFF - 2,784.60; MUNICIPAL FINANCE OFFICE - 30.00; MVTL LABORATORIES, INC - 56.00; NATIONAL NOTARY ASSOCIAT - 103.50; ND PERS - 79,272.47; NORTHERN IMPROVEMENT CO - 40,120.80; OLSON/DUSTIN - 261.15; PEPSI AMERICAS - 188.36; POST BOARD - 405.00; POSTMASTER - 2,300.00; RDO EQUIPMENT CO/VERMEER - 20,245.00; TARGET BANK - 93.44; WINKS/LOREN K - 35.00; AT & T - 619.11; A & B PIZZA INC. - 140.45; ACME ELECTRIC - 61.09; ADVANCED BUSINESS METHOD - 151.08; AIRE MASTER OF ND - 105.00; ALUMINUM SPECIALTIES - 21.43; AMERICAN WELDING SUPPLIE - 149.42; AMERIPRIDE LINEN & APPAR - 143.22; AQUA-PURE INC. - 1,886.00; ARMSTRONG SANIT & ROLL O - 38,296.06; ARROWHEAD CLEANERS & LAU - 668.25; ASPEN MILLS INC - 58.29; AUDIOVISUAL INC. - 182.50; AUTO AIR & CRUISE - 0.00; BILL BARTH FORD INC - 1,161.42; BIS-MDN TRANSIT BOARD - 599.84; BISMARCK TRIBUNE/THE - 4,596.16; BOILER INSPECTION PROGRA - 160.00; BORDER STATES INDUSTRIES - 327.76; BROWN/MALCOLM H. - 4,500.00; BULLINGER TREE SERVICE - 4,025.00; BUTLER MACHINERY COMPANY - 11,861.21; C S DOORS INC - 2,006.29; CAPITAL TROPHY INC - 225.00; CBI BUSINESS SERVICES - 6,718.75; CENEX-FUOC BISMARCK-MAN - 8,200.63; CENTRAL MECHANICAL INC - 50.00; CENTURYLINK - 1,709.28; CITY OF BISMARCK - 2,701.81; CITY OF MANDAN - 249.40; COMPUTER PROFESS UNLIMIT - 80.00; CRESCENT PRNT & OFFICE P - 7,790.89; CROSS COUNTRY COURIER - 59.38; CUSTER DISTRICT HEALTH U - 1,014.17; D & E SUPPLY COMPANY INC - 514.03; DAKOTA COMMUNICATION SVC - 850.88; DAKOTA STAFFING SOLUTION - 333.30; DAKOTA SUPPLY GROUP - 151.59; DAN'S SUPERMARKET - 81.27; DICK'S VACUUM SERVICE - 450.00; DIRECTMED - 178.03; ENTERPRISE SOLUTIONS INC - 2,040.00; ENTZEL TRUCKING - 550.00; ENVIRONMENTAL TOXIITY CO - 425.00; ETHANOL PRODUCTS - 1,797.93; FASTENAL COMPANY/THE - 1,072.25; FEDERAL EXPRESS - 95.88; FERGUSON WATERWORKS #251 - 1,132.31; FETZER ELECTRIC, LLC - 2,339.34; FIRESIDE OFFICE PRODUCTS - 493.95; FUSION INTEGRATED TECHNO - 28,000.00; GEFFRE/RON - 70.00; GEIGER SMALL ENGINE - 424.85; GRAND CENTRAL, INC. - 107.21; GRAY OIL COMPANY - 838.87; HAWKINS INC - 5,936.84; HEDAHL'S OF MANDAN INC - 1,067.23; HEWLETT-PACKARD COMPANY - 2,846.00; HIT, INC. - 239.40; HOBBS INC -

88.33; HOLTER/DEBORAH - 35.00; IMAGEMASTER LLC - 950.00; INFORMATION TECHNOLOGY D - 1,239.82; INTERGOVERNMENTAL SHOP - 16,576.68; INTERSTATE ALL BATTERY C - 28.14; JACOBSEN/CARL - 35.00; JAKE'S AUTO GLASS INC - 32.36; JOHN'S REFRIG & ELECTRIC - 1,100.00; JOHN'S UPHOLSTERY - 35.00; KADRMAS, LEE & JACKSON, - 49,751.32; KELLER MACHINE - 931.00; KNIFE RIVER - 2,605.90; KOSTELECKY/EVE - 516.00; LILLIS ELECTRIC INC. - 84.70; MACS INC - 155.99; MANDAN AIRPORT AUTHORITY - 1,200.86; MANDAN AUTO GLASS - 646.00; MANDAN FIRE DEPARTMENT - 583.33; MANDAN MUNICIPAL COURT - 950.00; MANDAN NW PIPE FITTINGS - 34.07; MANDAN PARK BOARD - 300.00; MANDAN PROGRESS ORGANIZA - 5,363.23; MANDAN TIRE CENTER - 518.78; MARSHALL LUMBER COMPANY - 129.15; MICHAEL TODD AND COMPANY - 2,465.08; MID AMERICA STEEL INC - 5,150.00; MID DAKOTA CLINIC - 52.00; MIDCONTINENT COMMUNICATI - 219.22; MIDWAY DIESEL & ELECTRIC - 30.25; MISSOURI VALLEY PETROLEU - 2,432.70; MISSOURI WEST WATER SYST - 46.50; MITZEL BUILDERS - 250.00; MOR-GRAN-SOU ELECTRIC CO - 10,394.25; MORTON COUNTY AUDITOR - 11,887.59; MORTON COUNTY RECORDER - 52.00; MORTON MANDAN PUBLIC LIB - 15,443.23; MVTL LABORATORIES, INC - 81.00; NAPA AUTO PARTS - 429.42; ND FIREMENS ASSOCIATION - 25.00; ND STATE DEPT OF HEALTH - 320.00; ND WATER & POLLTN CONTRO - 20.00; NELSON LEASING INC DBA - 1,168.94; NORTHERN IMPROVEMENT CO - 747,087.63; O'REILLY AUTOMOTIVE, INC - 78.03; ONE CALL CONCEPT INC - 245.00; POUR MOR INC. - 5,170.20; PRAXAIR - 109.25; PREBLE MEDICAL SERVICES - 241.00; PRESORT PLUS - 713.74; R AND F LDSCPNG & HAULIN - 2,090.00; RIGGING & TOOLS INC - 109.40; RUNNING'S SUPPLY INC - 1,522.04; SEDIVEC/KYLE - 61.51; SRS CRISAFULLI - 0.00; UNIFORM CENTER & EMBROID - 422.42; VERIZON WIRELESS SERVICE - 1,455.14; WASTE MANAGEMENT OF ND, - 24,354.55; WD LARSON COMPANIES LTD, - 28.63; WEHRI/RADEANNA - 540.00; WELLS FARGO REMITTANCE C - 10,394.69; WESCO DISTRIBUTION INC - 6,112.28; WINKS/LOREN K - 35.00; WITMER PUBLIC SAFETY GRO - 4,420.87; WOODMANSEES INC - 287.10;

2. *Consider approval of a site authorization for Horse Race North Dakota at Dean's Steakhouse, LLC from January 1, 2013 through June 30, 2013.* The Board approved of a site authorization for Horse Race North Dakota at Dean's Steakhouse, LLC from January 1, 2013 through June 30, 2013.

3. *Consider Police Department Budget Amendment Requests for the 2012 to 2013 Budget.* The Board approved of the Police Department Budget Amendment Requests for the 2012 to 2013 Budget.

4. *Consider the execution of engineering agreements with AE2S for 2013 Sewer Improvements.* The Board approved of the execution of engineering agreements with AE2S for 2013 Sewer Improvements.

5. *Consider approval of the revised Capital Assets Policy.* The Board approved of the revised Capital Assets Policy.

6. *Consider the annexation of a tract of land owned by Kenneth Lohstreter, being a part of the NW ¼ of Section 21, Township 139N, Range 81W. (First consideration of ordinance #1137).* The Board approved of the annexation of a tract of land owned by

Kenneth Lohstreter, being a part of the NW ¼ of Section 21, Township 139N, Range 81W. (First consideration of ordinance #1137)

7. *Consider closing Administrative offices Christmas Eve morning.* The Board approved of closing Administrative offices Christmas Eve morning.

8. *Consider abatement for Richard Frohlich - new construction.* The Board approved of the abatement for Richard Frohlich - new construction.

9. *To consider the Cost Participation, Construction, and Maintenance Agreement from the North Dakota Department of Transportation for the asphalt overlay of the existing Mandan Millennium Trail and the request from the Mandan Parks and Recreation District for the City of Mandan to special assess the Park District for the City's cost share of the Project.* The Board approved of the Cost Participation, Construction, and Maintenance Agreement from the North Dakota Department of Transportation for the asphalt overlay of the existing Mandan Millennium Trail and the request from the Mandan Parks and Recreation District for the City of Mandan to special assess the Park District for the City's cost share of the project.

10. *Consider liquor license application for Class WB for Bird Dog Brewing LLC at 1005 E. Main St.* The Board approved of the liquor license application for Class WB for Bird Dog Brewing LLC at 1005 E. Main St.

11. *Consider entering into an agreement with ND Youth Correctional Center for winter snow removal.* The Board approved of entering into an agreement with ND Youth Correctional Center for winter snow removal.

12. *Consider Amendment to the Cost Participation, Construction, and Maintenance Agreement from the North Dakota Department of Transportation for the Riverwood Area Shared Use Path Project.* The Board approve of the amendment to the Cost Participation, Construction, and Maintenance Agreement from the North Dakota Department of Transportation for the Riverwood Area Shared Use Path Project.

Commissioner Tibke moved to approve the Consent Agenda as presented. 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.

OLD BUSINESS:

1. *Consider Growth Fund Committee recommendation for revisions to commercial property tax exemption policy and guidelines.* Business Development and Communications Director Huber stated this matter was before this Board on December 4, 2012, and was tabled at that time in order to allow the members additional time to review the contents of the three-tiered policy that was proposed. The task force consisted of members from the Mandan City Commission and Mandan Growth Fund Committee. It was the consensus of the group that the criteria contain significant measurable benefits that include: Job Creation, Job Quality, Increased Local Use Taxes and Filling Market Gaps and then three Tier Level categories were created as follows:

Tier No. 1: Base Level/Tier 1-100% exemption for 2 years

Tier No. 2: Intermediate Level/Tier 2-Exemption of 100% for 2 years, 75% year 3, 50% year 4, 25% year 5

Tier No. 3: Top Level/Tier 3-100% exemption for 5 years

Huber reviewed the Measurable Benefits protocol giving examples of how each of the tiers would apply to a business. She noted that for consideration it is a recommendation that if an applicant would qualify for the first two tiers that they would be moved to Tier No. 3 for consideration. She stated that the process in getting to this point has involved two meetings held with the City Commission and Mandan Growth Fund and then the subcommittee was appointed. The subcommittee met one time and looked at a sample proposal and then referred a draft to the full Growth Fund Committee. So there were two meetings beyond the full committee for a total of four meetings to get to this point. Commissioner Braun stated there was a lot of time put into this project to make it more directly focused per the directives of the City Commission. He mentioned that at the end of the fourth session, the subcommittee felt this was a good plan. He indicated there should be stringent criteria to meet the level Tier 3. Commissioner Rohr stated that this plan offers flexibility and that it is subject to change at any given point in the future. Also the apartment complex exemption piece has been removed from this plan. He pointed out that one thing the City is not doing is investing in infrastructure. We are not taking tax payer money to pay for infrastructure in areas of the City by giving the example that the City is not paying for infrastructure costs up front with the possibility of never recouping those costs. He stated he feels the City is heading in the right direction with the revisions recommended to this policy as proposed.

Commissioner Frank commented that it is important that the City consider how these exemptions are granted and should be objective no matter what kind of policy is available. She feels it is important to offer incentives to attract businesses to the community. One concern she has is the continuation of the 5 year 100% tax exemption. She also commented that it is apparent that one of the issues brought up is the lack of consistency when granting exemptions. She received feedback and gave examples of those suggestions. She stressed the importance of consistency with whatever plan is adopted. Commissioner Rohr commented that his recommendation is that consideration be given to the “qualifications” of those who apply for the exemption within the criteria required and the task would be to determine how they fit into the community, etc.

Business Development & Communications Director Huber commented that the “over-arching” factor to be considered is whether or not there is unfair competition such as if the qualifications are met but then public input, (for example), provides comments that should or could be taken into consideration regarding the request for property tax exemption. Also proposed are other notations regarding impacts or limitations and these are to be weighed when determining whether or not a business should get an exemption and if there is a debate between the tier levels. There are both positive and negative impacts in the list outlined. Some new components were inserted into the revised draft. She reviewed the pros and cons of the “location” opportunities. Commissioner Tibke stated that she is interested in keeping all three tier levels so that the Commission has a variety of tools to use. She commented that primary sector businesses draw wealth to a community and that is what she would like to see. Commissioner Braun agree with Commissioner Tibke’s comments and stated that he would be willing to go back to the subcommittee and tighten up any areas that the commission feels is necessary.

Commissioner Tibke stated that she is willing to pass what has been presented and that if at some point in the future an item needs to be revisited that could be done.

Commissioner Frank cautioned the Commission not to rush into approving this policy if they are not fully satisfied with it, pointing out that if it is approved that Development Director Huber will have to be completely comfortable with using it as a tool to attract future developments to the City of Mandan. Huber stated that she is comfortable with the policy as written and that the Bismarck Mandan Development Association and the Lewis and Clark Regional Development Council have both been supportive and instrumental with providing input into this policy. Commissioner Tibke stated that the policy appears to have been well planned out and that she would recommend approving it as written.

Commissioner Rohr commented that the application form is very comprehensive and gives the reviewers a good review of what the company, entity or enterprise is seeking. It will still go through the Growth Fund Committee and the regular process. Mayor Van Beek stated that this policy enhances the policy already in place and offers a tier level plan. He stated he is confident with it as proposed. He concurred with Commissioner Frank's recommendation that consistency is an important key factor.

Commissioner Braun moved to adopt the Growth Fund Committee recommendation for revisions to commercial property tax exemption policy and guidelines as presented.

Attorney Brown commented (as an ex-officio non-voting member) of the Growth Fund Committee that this policy will make it much more efficient from the applicant's standpoint and from the Growth Fund Committee's standpoint in arriving at a decision as to what to recommend to the Board. Commissioner Frank stated that she is in agreement that the policy will aid those who are interested in obtaining a tax exemption; however, she stated she does not support the 5 year 100% tax exemption.

Mayor Van Beek announced that there is a motion and second before the Board to approve the revisions to the commercial property tax exemption policy and with that he requested a roll call vote. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: No; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

NEW BUSINESS:

1. *Consider approval of a Class D1 Liquor license for transfer from Dakota Express to Red Carpet Carwash, Inc. at 2901 Memorial Highway from Jan. 1, 2013 to June 30, 2013.* City Administrator Neubauer reviewed with the Board a request from Heart River Partners LLP dba Dakota Express to transfer the Class D1 Liquor license to Red Carpet Car Wash, Inc. Commissioner Frank moved to approve the transfer of a Class D1 Liquor license from Dakota Express to Red Carpet Carwash, Inc. at 2901 Memorial Highway from Jan. 1, 2013 to June 30, 2013. 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.

2. *Consider approval of Stephanie Smith to the Mandan Architectural Review Commission.* City Assessor Barta presented for approval the appointment of Stephanie Smith to the Mandan Architectural Review Commission (MARC) for a three year term

commencing January 1, 2013. Commissioner Frank moved to approve the appointment of Stephanie Smith to the Mandan Architectural Review Commission for a three year term commencing January 1, 2013. 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.

3. *Consider contract with Stantec Consulting Services Inc. for a comprehensive plan for the City of Mandan and Mandan Park District.* City Administrator Neubauer reviewed with the Board consideration to enter into a contract with Stantec Consulting Services, the Park District contribution will be \$20,000 and the City will contribute \$100,000. Neubauer reviewed the 14-month plan timeline and stated that it will involve the public in much of the process going forward.

Commissioner Frank moved to approve the contract with Stantec Consulting Services Inc. for a comprehensive plan for the City of Mandan and Mandan Park District. Commissioner Tibke seconded the motion.

Commissioner Frank commented that this is a wise investment on behalf of the City of Mandan and commented that she has been in contact with the City of Minot who utilized Stantec services recently and stated they were very satisfied with the results of their plan. Administrator Neubauer concurred with Commissioner Frank's comment stating that he too has heard good reviews of Stantec Consulting Services. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Introduction of new employee, Steve Roe, Assessing and Building Inspection.* City Assessor Barta introduced Steve Roe as a new employee as an Appraiser/Inspector/Journeyman Plumber. He has 30 years experience in plumbing and grew up in Bismarck. He has worked in Billings, Montana and Fargo before coming to work for the City of Mandan.

RESOLUTIONS & ORDINANCES:

1. *Consider first consideration of Ordinance No.1136 Zone Change for Christianson's 1st 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 Tibke moved to approve the first consideration of Ordinance No.1136 Zone Change for Christianson's 1st 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 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 Approving Contract and Contractor's Bond for Water and Sewer Improvement District No. 60, Project 2012-21(McKenzie Drive SE).*

Commissioner Rohr moved to approve the Resolution Approving Contract and Contractor's Bond for Water and Sewer Improvement District No. 60, Project 2012-21(McKenzie Drive SE). 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 first consideration of Ordinance 1137, 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 S21-T139N-R81W). SEE: Approval under Consent Agenda Item No. 6.*

4. *Consider a Resolution of Amendment Authorizing the Issuance of Water Improvement Interim Certificates of 2010, Series A and Water Improvement Revenue Bonds of 2010, Series A, and the State Revolving Fund Program Loan Agreement with the North Dakota Public Finance Authority for the Residuals Management Facility at the Water Treatment Plant.* Finance Director Welch stated that the purpose of this Resolution is to convert the interim financing to permanent financing. This is not new debt rather this is an existing debt requirement of the loan with the state that it be converted into long term financing because the project is now fully funded and completed.

Commissioner Tibke moved to approve a Resolution of Amendment Authorizing the Issuance of Water Improvement Interim Certificates of 2010, Series A and Water Improvement Revenue Bonds of 2010, Series A, and the State Revolving Fund Program Loan Agreement with the North Dakota Public Finance Authority for the Residuals Management Facility at the Water Treatment Plant. 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 a Resolution determining the sufficiency of protests for Street Improvement District No. 163, Project 2012-01 (Sunset Drive NW).* Commissioner Frank moved to approve a Resolution determining the sufficiency of protests for Street Improvement District No. 163, Project 2012-01 (Sunset Drive NW). Commissioner Braun seconded the motion. Commissioner Frank requested a summary of the reasons for the oppositions received. Engineering Project Manager Fettig replied that most concerns received inquired if the property owner was a part of the Collins project. She stated they went back to check and found that some of those who submitted a protest were aware they would be pulled from the Sunset project because of the overlap. Other residents were concerned there have been too many assessments in that area. Commissioner Frank inquired if there were any supplements available to try to help accommodate the traffic in that area? Fettig replied the street will be widened by 4 feet or there will be a turn lane and parking would only be allowed on one side of the street.

Commissioner Frank stated that one of the questions that came up is why this project was not assessed city-wide considering how Sunset and Sixth Street are major thoroughfares. Fettig replied that in all fairness, the other projects were not assessed city-wide, thus it would not be fair to assess this one in that respect.

Finance Director Welch stated that as far as City participation for that project there is a local share of approximately 20%. The City is picking up 50% of that local share and in a round-about way that is city-wide and the remaining 10% is special assessed to residents. The reason the city-wide assessment is not implemented is because once the district is in place – if the population increases to 500 or 1,000 people in a couple years, the new residents in the new developments that are not part of the district will not pay a dime, even though they benefit or could benefit from that infrastructure improvement. The City has gone away from city-wide assessments because that fixes who gets assessed versus using the property taxes as a way of a help supplement. Fettig stated that the residents were notified of their cost assessment within the letter that was sent out.

A letter of protest was received from Susan Beehler, a Mandan resident (unable to attend this meeting): **Testimony for hearing on District 163 and Resolution Number 5 on Agenda for City Commission Meeting December 18, 2012.** I am unable to attend in person the hearing for this District 163. I would like this written testimony to be read if possible during the meeting and to be part of the public record. According to Century Code **40-22-09. Size and form of improvement districts - Regulations governing.** Any improvement district created by a municipality may embrace two or more separate property areas. Each improvement district shall be of such size and form as to include all properties which in the judgment of the governing body, after consultation with the engineer planning the improvement, will be benefited by the construction of the improvement project which is proposed to be made in or for such district, or by any portion or portions of such project. A single district may be created for an improvement of the type specified in any one of the subsections of section 40-22-01, notwithstanding any lack of uniformity among the types, items, or quantities of work and materials to be used at particular locations throughout the district. The jurisdiction of a municipality to make, finance, and assess the cost of any improvement project shall not be impaired by any lack of commonness, unity, or singleness of the location, purpose, or character of the improvement, or by the fact that any one or more of the properties included in the district is subsequently determined not to be benefited by the improvement, or by a particular portion thereof, and is not assessed therefor. There may be omitted from a water or sewer district, in the discretion of the governing body, properties within the corporate limits which are benefited by the improvement therein but do not abut upon a water or sewer main, without prejudice to the right and power of the municipality subsequently to assess such properties to the extent and in the manner permitted by law. The governing body may by resolution enlarge an improvement district in which an improvement is proposed. My comments refer to the highlighted areas of the Century code. Who is the consulting engineer, since we do not have an engineer for our city? How was the district size determined? If my property is to benefit, than why wouldn't the Lewis and Clark School also benefit they are only several feet from my home? Also in this day and age of technology, Google maps, I would think our city could publish a much better map for this district. A map should have North, South and East, West label. Streets should be labeled correctly, according to the map I live on 4th St not 14th St. As commissioners you should be able to find any constituents property on this map my home is 702 14th St NW, can you find it? If not the needed information has been omitted from the map. If you start with an inaccurate map how can we be sure our assessment is correct? Sunset

Drive is a major arterial and one of the only means of entry into our center of the city and an exit off I94. It connects several schools, it is the gateway to the newly tax exempt property development of Wal-Mart, yet Wal-Mart is excluded from the special assessment, without Sunset Drive there would be one less way to get to Wal-Mart. As commissioners two assessments have been approved for this area with many protesting the past assessment. The city's special assessment revenue has now exceeded the property tax revenue. If our city is growing, then our tax base is increasing than our taxes should be going down or stabilizing instead our taxes and specials continue to increase. How much is an individual property owner supposed to bear? Everyone uses Sunset Drive; I ask the city to make the resolution for a citywide assessment and do not make a little over 400 properties bear the burden for a street used by all property owners. My comments for the property tax exemption policy: Again our city's special assessment revenue has now exceeded the property tax revenue. This means to me it is certain property owners singled out to pay for the growth. When the tax base is reduced by exemptions, this means the rest of the property owners have to pick up the costs for those not paying. A community is built on the loyalty of the residents, yet our residents are being forced to gamble the property tax revenue on business ventures. What happened to capitalism? A property tax exemption policy needs major accountability. With the oil boom and the lack of housing, we should not have to be giving incentives and if we do than a return of the taxpayers revenue by a decrease in property tax should be forth coming, if it is not than the policy is not benefiting the public as much as the individual property owner receiving the exemption. Every dollar I have to pay in property tax for another property tax exemption, is one less dollar I have to invest in my business or my property. Sent by: Susan Beehler.

Mayor Van Beek announced there has been a motion and a second to approve a Resolution determining the sufficiency of protests for Street Improvement District No. 163, Project 2012-01 (Sunset Drive NW). He called for a roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

OTHER BUSINESS:

1. Commissioner Frank commented that the opportunity for residents to have an impact on affordable housing and housing in the City of Mandan, – there is a project that is pending – Yegen Development is looking to renovate the former Mandan Junior High building and they are trying to take advantage of North Dakota's Housing Incentive Fund (HIF). There is an opportunity for residents and business owners to get dollar for dollar state income tax reduction as long as they contribute to the housing incentive fund. A designation to certain cities is an option that is available.

2. Administrator Neubauer reported the following:

(i) The City acknowledged receiving comments from Susan Beehler, a Mandan City resident regarding the property tax exemption policy and her testimony is on file in the City Administrator's office.

(ii) Regarding the Collins and Main proposals: The City has communicated the Boards wishes with Dakota Commercial Partners. A request was also received from BNC Bank for additional time as they work through a possible revision to their plans. They were given until January 3, 2013, and those revisions will be brought to the Commission meeting on January 8, 2013.

On behalf of the City Commission, Commissioner Braun extended Christmas greetings to all and a prosperous New Year. There being no further actions to come before the Board of City Commissioners, Commissioner Frank moved to adjourn the regular meeting at 6:40 p.m. Commissioner Tibke 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