
The Mandan City Commission met in regular session at 5:30 p.m. on December 6, 2011 in the Ed “Bosh” Froehlich Room at City Hall. Commissioners present were Helbling, Tibke, Rohr and Frank. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development and Communications Director Huber, Engineering Project Manager Bechtel, and City Assessor Barta. Absent: Commissioner Jackson.

MINUTES: *Consider approval of the minutes for November 15, 2011, regular meeting.* Commissioner Tibke moved to approve the minutes of November 15, 2011. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present. The motion passed.

PUBLIC HEARING:

BIDS:

CONSENT AGENDA:

1. *Consider appointments to the Mayors Committee for People with Disabilities.* The Board approved of the appointments of Ron Beck, Kelly Steckler, Judy Moritz and Jim Neubauer to the Mayors Committee for People with Disabilities.
2. *Consider Fund Balance Policy in conformity with Governmental Accounting Standards Board Statement No. 54.* The Board approved of the Fund Balance Policy in conformity with Governmental Accounting Standards Board Statement No. 54.
3. *Consider the re-appointment of Leonard Bullinger and Jason Krebsbach to the Mandan Architectural Review Commission (MARC).* The Board approved of the re-appointment of Leonard Bullinger and Jason Krebsbach to the Mandan Architectural Review Commission (MARC).
4. *Consider the Service Agreement for the City’s Employee Assistance Program with Medcenter One.* The Board approved of the Service Agreement for the City’s Employee Assistance Program with Medcenter One.
5. *Consider approval of Morton Lane street name changed to Jude Lane. (First consideration of ordinance 1106).* The Board approved of the Morton Lane street name changed to Jude Lane. (First consideration of ordinance 1106).

Commissioner Frank moved to approve Consent Agenda items No. 1 through 5 as presented. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present.

Commissioner Tibke requested the following item be removed from the Consent Agenda for discussion:

6. *Consider for approval an abatement for the Hazel Bergman Estate.* Richard Barta, City Assessor, stated that there are two properties which are located at 706 and 708 2nd Avenue Northwest, Lots 10, 11, Block 87, Northern Pacific First Addition requesting abatements for 2009 and 2010. Barta said that he recommends the request for 2009 be denied on both properties because the document was not filed timely. He pointed out that

it should have been filed at the County Auditor's office by November 1, 2011 and it was not. Barta addressed the request for 2010 and stated that he recommends denying it, again on both properties, because he said she is requesting too much. Barta reviewed with the Board similar property information for comparison and stated that on the first one, after review of the comparison information, he would recommend she receive \$8,000-\$10,000 abatement credit and \$10,000-\$11,000 abatement credit on the second one. Barta indicated that the tax amounts should be half of the original request.

Commissioner Rohr moved to deny the 2009 request, for both parcels for the Hazel Bergman Estate, due to the fact that it was not filed properly. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson was absent. The motion passed.

Assessor Barta again recommended that if the Commission would like to split the \$18,000 difference for the year 2010 for parcel No. 4499 to a rounded reduction of \$10,000 due to work that needs to be done, he would recommend that. For parcel No. 4500 he would recommend a reduction of \$11,000.

Commissioner Frank voiced concern that as a result of this action, many residents might come forward when the assessed values are rolled out as far as abatement requests and she does not want to be put in a position of "splitting the difference". She suggested that a process be set up so the evaluations are accurate when values are determined. She stated that Barta has the documents to determine an accurate value on Bergman's property available, thus an accurate figure could be presented by Barta rather than "splitting the difference" approach.

Commissioner Frank motioned that the 2010 abatement request on parcels No. 4499 and 4500 from the Hazel Bergman estate be tabled until the next meeting in order for Assessor Barta to reassess his recommendation to an exact dollar amount figure. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present.

OLD BUSINESS:

1. *Consider a motion to rescind the action adopted at the November 1, 2011 City Commission relative to the Papke abatement request.* Mayor Helbling stated that in order for this matter to move forward it will need a motion to do so. Commissioner Rohr motioned to rescind the action adopted at the November 1, 2011 meeting to deny the request by Mr. Wayne Papke to lower the 2011 true and full value from \$277,600 to \$252,659 due to damage sustained in the flood. Commissioner Frank seconded the motion. Commissioner Frank stated that it was unfortunate that Mr. Papke was unable to attend the last meeting when this came up for discussion on the agenda indicating that the time of the meeting had been changed from its regularly scheduled time thus it would only be fair to allow Mr. Papke an opportunity for discussion on this matter.

Mayor Helbling indicated that a motion has been made and seconded and at this time called for a roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson was absent. The motion passed.

For discussion purposes on this matter, City Attorney Brown clarified that the action taken at the November 1, 2011 meeting on this matter has been rescinded, thus Mr. Papke's abatement request is now open for discussion.

City Assessor Barta was asked to come forward and restate the request received from Mr. Wayne Papke regarding his abatement.

Assessor Barta stated that his recommendation to Papke's request for an abatement would be to deny the request based on lack of information on how he arrived at the amount he is requesting to support his request for the abatement.

Wayne Papke was requested to come forward to provide information to support his request for an abatement. Papke said he has provided a document outlining the range of costs that were used by the SBA and himself and contractors:

Exterior drain tile:	\$15,000 - \$18,000
Stairwell:	\$ 4,000
Basement studs:	\$ 5,000
Sump holes concrete:	\$ 1,500
Basement Sheetrock	\$ 3,500 - \$4,500

Papke pointed out that the above total comes closer to \$30,000, based on the figures provided by the SBA. Papke stated that he is only requesting an abatement of \$24,941.

Assessor Barta stated that he went to Pro Build to determine the prices quoted. He indicated that in respect to the steps/stairwell, the most they would cost would be \$1,000. He said that he would have thought that the person who looked at the drain tile would have taken pictures of it. Papke commented that he has photos available.

Mayor Helbling intervened and stated that he would recommend that this matter be sent back to the City Assessor's office in order for the matter and the associated costs to be reviewed further by Mr. Barta & Mr. Papke and then come back to the next meeting with a recommendation.

Commissioner Rohr commented that he didn't want to be tasked with placing or determining values on the individual costs but rather appropriate measures be taken to obtain those costs from contractors as applicable.

Commissioner Frank motioned to table the abatement request from Mr. Wayne Papke until the next commission meeting allowing time for Assessor Barta and Mr. Papke to review the facts and figures and present a recommendation for consideration by the Commission. Commissioner Rohr seconded the motion. Roll call vote: Commissioner

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

NEW BUSINESS:

I. Consider Growth Fund Committee recommendations: Business Development and Communications Director Huber presented the following:

(i) (a) Storefront Improvement application for 116 E Main: This property was acquired by Scott Johnson in the fall of 2011. The overall plans are to renovate the street level space for lease for commercial purposes and to put in upper level apartments. Exterior plans are for new storefront glass, upper level windows, fill in of windows on the west property line with fire rated glass blocks or bricks, modify the rear staircase, installation of an automatic door opener in the front of the store and replace other doors and improve exterior lighting above a new wall-mounted sign. The costs are estimated at \$23,202. The Mandan Growth Fund voted to approve \$10,000 in matching funds for storefront improvements contingent subject to final approval by the Architectural Review Commission.

Commissioner Tibke motioned to approve the allocation of \$10,000 in matching funds for the Storefront Improvement application for 116 E Main by Scott Johnson contingent upon the final approval of exterior renovation plans by the Mandan Architectural Review Commission. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson was absent. The motion passed.

(b) Storefront Improvement application for 118 E Main: The Mandan Growth Fund Committee recommended approval of an extension for the deadline to complete the Haibeck project at 118 E Main until March 31, 2012. Huber explained there is one component remaining to complete the project and is expected to be completed by March 31, 2012.

Commissioner Frank motioned to approve the request for an extension on the Haibeck property at 118 E Main until March 31, 2012. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present.

ii. Committee member appointments: City Administrator Neubauer reviewed with the Commission that there are four members on the Mandan Growth Fund Committee whose terms expire on December 31, 2011: Jeff Erickson, Rick Horn, Todd Humphrey, and Annette Behm-Caldwell. Three of the individuals expressed interest in remaining on the MGF Committee and being recommended for reappointment. Those individuals are: Jeff Erickson, Rick Horn, and Annette Behm-Caldwell for three-year appointments commencing January 1, 2012. The 4th position will be opened for advertisement.

Commissioner Frank motioned to approve the MGF Committee member re-appointments for Jeff Erickson, Rick Horn, and Annette Behm-Caldwell for three-year appointments commencing January 1, 2012. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present.

2. *Consider appointments to the Mandan Airport Authority.* Marc Taylor, Mandan Airport Authority, stated there are two positions up for appointment on the Mandan Airport Authority Board. He presented a request for the reappointment of Lee Weinhandl and the appointment of Dennis Adams for a period of 5 years ending December 31, 2016.

Commissioner Tibke moved to approve the reappointment of Lee Weinhandl and the appointment of Dennis Adams, both positions for a period of 5 years ending December 31, 2016. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present.

3. *Consider committee recommendation on proposal for redevelopment of former Junior High property.* Business Development and Communications Director Huber presented a request to accept a proposal for the redevelopment of the former Junior High School property. On 10/18/11 the City Commission approved under the joint agreement with the Mandan Public School District, the issuance of a Request for Proposals for the re-development of this property. At that time Commissioner Rohr was appointed to serve on the joint committee to review any proposals received. The Committee met and reviewed a proposal received from CommunityWorks North Dakota. The proposed plan is to preserve the 1924 core southern building for renovation into 16 senior citizen apartments and to demolish the remaining buildings and construct 12 townhomes with garages for families, along with a community room for use by the development's residents and to allow for play areas and green space. The request from the developers is to purchase the property for \$1 in return for an estimated \$5.3 million investment in renovation and new construction on the property. The developers are seeking site control of the property through a development agreement or memorandum of understanding that grants development rights within time periods to secure financing and acquisition of the property.

Commissioner Rohr indicated that taking into consideration the information submitted in this proposal he stated that this would be advantageous for the City of Mandan rather than a detriment to the community.

Rob Knoll, CommunityWorks Multi-Family Program Director, came forward to comment and stated that it will take at least a minimum of \$500,000 to tear down these buildings and that it would be less expensive to purchase property and build in another location. However, he said that it is their mission to provide affordable housing in established neighborhoods. He indicated that their plan is to enhance the neighborhood with quality housing and green areas. The townhomes will provide two or three bedroom units and all will have a single stall garage.

Commissioner Rohr mentioned that the School District has the option of abolishing the buildings and after clearance of those buildings there would be approximately 22 parcels for housing. He said that at the meeting it was discussed that it would cost approximately \$700,000 to demolish all the buildings and if the lots were to sell at say \$15,000 for a total of \$300,000 that would leave the City with a deficit of about \$400,000. Mayor Helbling commented that he has reviewed the proposal from CommunityWorks and

stated that after review of the project plan, it is apparent that it is a win-win situation for the City, the community and the prospective developer. Another area of consideration is that if demolition occurs in that area and the School District retains the property, within a given period of time the infrastructure and streets in that area will need to be re-done and those costs would go to the taxpayers. If the property changes hands, the costs will go to that property owner.

Commissioner Tibke stated that she is in favor of the proposal because of the multi-use plan that will include family housing and senior housing in the same area. Commissioner Frank commented that the project is attractive in that it is affordable and favorable for new people moving to the community as well as for those who live in that area now.

Susan Beehler, a Mandan City resident, came forward to provide comments. She stated that she attended the Mandan School Board meeting last evening and requested they not salvage the previous Mandan Junior High Building for \$1.00. She voiced concern about affordable housing and said that there are approximately 4,000 people in Mandan that fall below the level of income needed in order to qualify for this type of housing. She inquired if the city could come up with a creative way to provide public benefit of this property. She suggested that this matter be sent back to a committee to look at using this property for public purpose on behalf of the city in lieu of the loss of the Community Center. Beehler presented her concerns via correspondence addressed to the School Board Meeting dated December 5, 2011 and reviewed each of those concerns with the City Commission. In summary, Beehler suggested that the property remain as public property or sell it for more than \$1.00.

Mayor Helbling commented that he has had discussions with City Administrator Neubauer about locations for a new city hall on that property as well as discussions as to the pros and cons of its current location. The Park Board has discussed the possibilities as a location for them and they did not think it was a proper location for them. In addition, the School District has looked at the property for several possibilities and it has not worked out for them either. Commissioner Rohr commented that several of the public entities such as the Police Department along with the Fire Department have all considered utilizing that property for their needs at one time. However, not one of them has been able to put together a plan that would work for their departments. He stated that he does not think that the property can be utilized any more for public use that would serve the city's needs properly.

Mayor Helbling stated that the School Board voted last night to accept the proposal from CommunityWorks North Dakota and it is now before the City Commission to make a decision to accept or not accept the proposal and authorize the city's legal counsel and staff to work with the School District attorney on drafting a development agreement for consideration at a future meeting.

Commissioner Frank motioned to accept the proposal and authorize the city's legal counsel and staff to work with the School District attorney on drafting a development

agreement for consideration at a future meeting. Commissioner Tibke seconded the motion.

Commissioner Frank extended a thank-you to Susan Beehler for coming before the Commission today to voice her concerns on this matter. Commissioner Frank stated that Beehler has presented some good recommendations for community event facilities and suggested that she work with other community members who share this same concern for alternatives.

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

~~Removed: 4. — Consider Visitors Committee recommendation:~~

~~i. Ft. Abraham Lincoln Foundation, Harold Brady Collection~~

5. Consider adopting Waste Water & Collection System Master Plan. Russ Sorenson, Operations/Project Manager, Advanced Engineering & Environmental Services, Inc. presented a request for the adoption of the Wastewater and Collection System Master Plan so the plan can be implemented. Sorenson provided a PowerPoint presentation of the *Roadmap for the City of Mandan – Comprehensive Sanitary System Planning* and provided information on the following:
- (1) Planning Components (Collection System, Treatment System, Financial Support)
 - (2) Population Growth
 - (3) Model Results
 - (4) Additional Recommendations
 - ~ Combine Sanitary Sewer Rehabilitation Projects with Street Reconstruction
 - ~ Establish a program for Removal of Sump Pump System Discharge
 - ~ Install New Lift Station Alarm and Radio Communication System
 - ~ Incorporate Collection Improvements and Treatment System Improvements into comprehensive Capital Improvements Plan
 - (5) Capital Improvement Plan (Table 11.1)
 - ~ \$35,855,500 estimated costs over the next 20 years
 - ~ Recommends this be reviewed every year during the budget process
 - (6) Wastewater Utility Rate Study
 - (7) Overview 2010 Cost of Service Results & Projected 2012 Cost of Service Results and Rate Design and Revenue Adequacy Results
 - (8) Rate Design & Revenue Adequacy: Objectives
 - (9) Scenario Analysis
 - (10) Comparison with other cities
 - (11) Financial Summary included:
 - ~ The recommended rate configuration is dependent upon goals:
 - Building rate-funded capital into rates
 - Ability to retire existing debt and cash flow new debt
 - Rate structure approach

Sorenson asked whether there were any questions regarding the long-range plan as it was outlined and reviewed. Hearing none, Sorensen requested the Commission adopt the Master Plan and the Rate Analysis as presented. Commissioner Rohr commented that it is important to have these master plans in place and just as important to keep them current. Mayor Helbling commented that the items discussed here will eventually come back before the Commission during the budget process and with a plan in place such as this it makes it easier to make informed decisions.

Greg Welch, Finance Director, added that as an “efficiency” for the citizens of Mandan, one of the things that the utility billing department and the water meter maintenance department do is to be proactive in that they try to keep our water meter system running as efficiently as possible. Once the water meters are installed they typically only last so long; therefore it is imperative for the City to go in and make those replacements with the most current technology that is affordable by the City. Welch stated that the City will be looking at alternatives in the future in order to enhance what is currently being used.

Commissioner Frank motioned to adopt the Waste Water & Collection System Master Plan. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present.

RESOLUTIONS & ORDINANCES:

1. *Consider first consideration of Ordinance No. 1106 to change street name Morton Lane to Jude Lane. –An Ordinance changing the names of certain streets or parts thereof situated within the City of Mandan, Morton County, North Dakota.*

Commissioner Tibke moved to approve the first consideration of Ordinance No. 1106 to change street name Morton Lane to Jude Lane - an Ordinance changing the names of certain streets or parts thereof situated within the City of Mandan, Morton County, North Dakota. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson was absent. The motion passed.

OTHER BUSINESS:

1. Commissioner Frank commented that the State of the Cities occurred today and that the information from Mayor Helbling’s presentation is available for viewing on the City of Mandan’s website.

There being no further actions to come before the Board, Commissioner Frank moved to adjourn the meeting at 7:14 p.m. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present.

/s/ James Neubauer

James Neubauer,
City Administrator

/s/ Timothy A. Helbling

Timothy A. Helbling,
President, Board of City
Commissioners