
The Mandan City Commission met in regular session at 5:00 p.m. on February 18, 2014 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 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, Planning & Engineering Director Froseth, Planner Decker, Assessor Shaw, and Building Official Lalim. Absent: Commissioner Tibke.

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: Mayor Van Beek invited anyone to come forward to address items on the Agenda. A second announcement was made to speak for or against items on the Agenda. Hearing none, this portion of the Public Communications was closed.

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission regular meeting held February 4, 2014.* Commissioner Braun moved to approve the minutes as presented. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

1. *Public Hearing to consider for approval zoning change for Schaff’s Industrial Park.* Robert Decker, Principal Planner, presented a request to consider approving a zone change for Schaff’s Industrial Park. Mr. Decker stated that this public hearing was posted for 5:00 p.m. He explained that Bank Group is not listed in the MC Industrial District as an allowed use for office space. It is listed in the CB Commercial District as an allowed use. The change will increase the options for types of tenants that can occupy the buildings. The area surrounding this property is both industrial and commercial. There is no residential directly adjacent to this so it complies with the development of the area.

Mayor Van Beek invited anyone to come forward to speak for or against the request for the approval of a zoning change for Schaff’s Industrial Park. A second announcement was made to speak for or against the zone change. Hearing none, this portion of the Public Hearing was closed.

F. BIDS:

G. CONSENT AGENDA

1. *Consider approval of monthly bills.* ACS - 85.00; ADVANCED ENGINEERING SVC - 28,794.87; AMERICAN PUBLIC WORKS AS - 174.00; AMERICAN WELDING SUPPLIE - 138.90; BATTERY DOCTORS LLC - 176.69; BIS MAN

DEVELOPMENT ASSO - 25,000.00; CITY AIR MECHANICAL INC - 2,657.19; D & E SUPPLY COMPANY INC - 757.79; D & F TELEPHONE - 90.00; ETHANOL PRODUCTS - 1,065.30; GREAT NORTHERN ENVIRONME - 408.90; HACH COMPANY - 919.64; HIRSCH FLORIST INC. - 50.00; MANDAN AIRPORT AUTHORITY - 5,350.00; MANDAN PARK BOARD - 500.00; MINI COMPUTER SRVICES, L - 3,697.50; MORTON COUNTY AUDITOR - 14.00; MORTON MANDAN PUBLIC LIB - 10,500.00; MVTL LABORATORIES, INC - 59.00; ND FIREMENS ASSOCIATION - 25.00; NDCIAAI - 20.00; PRO FORMS - 110.02; SANFORD BISMARCK - 216.00; SIEMENS WATER TECHNOLOGI - 1,412.99; STEIN'S INC - 63.45; VERIZON WIRELESS SERVICE - 240.10; MONTANA-DAKOTA UTILITIES - 42,151.78; ADVANCED ENGINEERING SVC - 4,802.85; BALABAN LAW OFFICE - 1,500.00; BOWERS EXCAVATING, LLC - 1,707.50; CENTRAL MECHANICAL INC - 251.00; COMPANION LIFE - 10.00; CRA PAYMENT CENTER - 487.64; DAKOTA MEDIA ACCESS - 8,332.25; DAKOTA TOWING - 195.00; DIGITAL ALLY INC - 395.00; EILER/CHAD J - 2,179.36; FORT DEARBORN LIFE - 326.31; GEORGE STROH TRUCKING IN - 2,007.50; GLASS/THOMAS J. - 1,500.00; H. A. THOMPSON & SONS, I - 2,688.05; HASTING/RACHEL - 32.50; HOMETOWN MOVING - 200.00; HOUSTON ENGINEERING, INC - 312,869.79; HUB INTERNATIONAL OF ND - 635.00; KADRMAS, LEE & JACKSON, - 14,479.01; KELSCH KELSCH RUFF & KRA - 4,000.00; LEINGANG/PAUL - 15.50; MANDAN PARK BOARD - 152,134.27; MN DEPARTMENT OF HEALTH - 390.00; MORTON COUNTY AUDITOR - 2,726.11; MORTON COUNTY HIGHWAY DE - 307.35; ND BUILDING OFFICIALS AS - 720.00; ND DEPT OF TRANSPORTATIO - 5,121.99; ND PERS - 210.10; ND WATER & POLLTN CONTRO - 70.00; POST BOARD - 45.00; ROTO-ROOTER SEWER & DRAI - 4,260.00; SRF CONSULTING GROUP - 221.54; TARGET BANK - 77.15; TOWING & RECOVERY SPEC I - 130.00; AT & T - 660.31; VEER/THOMAS - 368.25; ND PERS - 95,739.71; A & B PIZZA INC. - 270.64; BANK OF NORTH DAKOTA - 368,883.69; BENDER CONSTRUCTION - 34.45; BIS MAN DEVELOPMENT ASSO - 140.00; BIS-MAN CONVTVN & VISITOR - 4,798.12; BIS-MDN TRANSIT BOARD - 19,329.03; BOWERS EXCAVATING, LLC - 600.00; BUTCHER BLOCK MEATS - 92.00; BUTLER MACHINERY COMPANY - 13,824.55; CBI BUSINESS SERVICES - 7,129.50; COMPUTER PROFESS UNLIMIT - 89.00; CROWLEY FLECK PLLP - 4,500.00; CUSTER DISTRICT HEALTH U - 1,060.45; ENVIRONMENTAL SERVICES, - 5,599.07; ETHANOL PRODUCTS - 536.93; FETZER ELECTRIC, LLC - 205.44; GEIGER SMALL ENGINE - 19.00; GULLICKSON/DARYN - 382.68; HACH COMPANY - 272.79; HEWLETT-PACKARD COMPANY - 2,566.68; HUB INTERNATIONAL OF ND - 306.00; INFORMATION TECHNOLOGY D - 1,259.02; INTERGOVERNMENTAL SHOP - 19,075.42; JOHN'S UPHOLSTERY - 75.00; MANDAN AIRPORT AUTHORITY - 38,658.92; MANDAN MUNICIPAL COURT - 2,509.00; MANDAN PARK BOARD - 168,200.00; MANDAN PROGRESS ORGANIZA - 50.00; MARCO - 76.54; MINI COMPUTER SRVICES, L - 2,337.50; MISSOURI WEST WATER SYST - 45.76; MORTON COUNTY AUDITOR - 220,093.60; MORTON COUNTY HIGHWAY DE - 3,960.08; MORTON MANDAN PUBLIC LIB - 80,995.44; ND ASSOC OF ASSNG OFFCRS - 30.00; ND STATE DEPT OF HEALTH - 320.00; NORTHERN

IMPROVEMENT CO - 93,222.15; NORTHERN PLAINS EQUIP CO - 10,774.22; ONE CALL CONCEPT INC - 56.10; PKG CONTRACTING INC - 62,640.00; PREBLE MEDICAL SERVICES - 315.00; PRESORT PLUS - 2,797.48; RAILROAD MANAGEMENT CO I - 292.32; SCHIFF & SHIFTER LLP - 17.52; SCHLOSSER EXCAVATING INC - 560.00; STANTEC CONSULTING SERVI - 5,448.50; TOMAN ENGINEERING CO - 10,744.00; TOWING & RECOVERY SPEC I - 935.00; WASTE MANAGEMENT OF ND, - 25,237.80; WEHRI/RADEANNA - 650.00; WELLS FARGO REMITTANCE C - 23,471.01;

2. *Consider approval of Safe Routes to School Cost Participation and Maintenance (CPM) Agreement.*
3. *Consider approval of out of state travel for Wastewater Plant Superintendent, Steve Himmelspach.*
4. *Consider proclaiming May 17, 2014 as National Kids to Parks Day in the City of Mandan.*
5. *Consider approval of an Assessor Error – Missed 2-year tax exemption for Sarah Ell.*
6. *Consider approval of unused annual leave carryover for employee, Nancy Moser.*
7. *Consider approval of games of chance for Huff Hill Ski Patrol at Dean's Steak House on March 1, 2014.*
8. *Consider approval of Class WB liquor license for Buffalo Commons Brewing Co., LLC at 2307 Memorial Highway.*

Commissioner Frank moved to approve the Consent Agenda as presented. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Introduction of new employee Krissy Pfeifer, Assistant Finance Director (Finance Department).* Finance Director Greg Welch introduced Krissy Pfeifer, Assistant Finance Director. Ms. Pfeifer graduated from NDSU and was previously employed at Eide Bailly in Bismarck. She joined the City of Mandan in the Finance Department on January 14, 2014.

2. *Consider approval of Engineering Services Agreement with KLJ Engineering for Design and Pre-bid Services for Federally Funded Street Improvement Projects.* Justin Froseth, Planning & Engineering Director, presented a request to enter into an Engineering Services Agreement for federally funded street improvement projects. He stated that the City has been approved by the NDDOT local government division to construct three (3) street improvement projects for 2014. Over 80% of the project costs will be funded by the Urban Roads Program administered through the NDDOT. The projects must go through the NDDOT bidding process requiring that the plans and specifications adhere to their guidelines. At the January 21, 2014 City Commission Meeting, the Board approved advertising for hiring an engineering consultant to design

these projects. Five (5) consulting firms submitted proposals in response to the RFQ. A selection committee comprised of several city staff members ranked the firms based on criteria outlined in the RFQ. Mr. Froseth reported that KLJ Engineering ranked highest based on the proposals received.

Commissioner Rohr moved to approve entering into an Engineering Services Agreement with KLJ Engineering for Federally Funded Street Improvement Projects.

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

3. *Consider Growth Fund Committee recommendation for interest buy-down guidelines.* Business Development and Communications Director Huber reported that the Mandan Growth Fund Committee met on February 11, 2014 to review a draft set of guidelines proposed to help applicants reduce an eligible borrower's rate of interest by as much as 5%. Interest buy-down programs are available through the Bank of North Dakota for primary sector businesses through a program called PACE. In the last legislative session there were additions to the Flex PACE program set out specifically for affordable housing and for licensed child care centers that provide for a higher level of match from the Bank of North Dakota. Ms. Huber explained that the program helps reduce an eligible borrower's rate of interest by as much as 5% and the Bank of North Dakota sets the match rate requirement for local communities. Mandan's match requirement is 35% of the total buy-down cost with the BND providing 65%. Mandan has not participated in many interest buy-down projects in the past. This is primarily because the property tax exemption tool was used for a newly constructed building or if there was an addition involved. (That did not require any financial outlay on the part of the community.) An interest buy-down does require the financial outlay from the community. Other communities are requiring that local match to be paid back so it is being treated as a loan rather than a grant.

The Mandan Growth Fund Committee reviewed a draft set of guidelines looking at how the local match could be considered for projects. They recommend approval of a set of guidelines that indicate that the Growth Fund Committee will generally require repayment of the principle of the local match after the term of the buy-down is complete, which is generally five (5) years for most projects. Ms. Huber reviewed the general guidelines and stated that the Mandan Growth Fund Committee recommended approval. She stated that currently there is approximately \$500,000 remaining in the Growth Fund at this time. Other programs where funding is drawn from the Growth Fund include the Store Front Improvement Program and the Retail & Restaurant Incentive Program. The Growth Fund Committee has had no need to do direct business loans since the establishment of the \$2M revolving loan pool funds with the Lewis and Clark Regional Development Council providing dollars from the Growth Fund as a match to USDA and we also have the ND Opportunity Fund that Mandan businesses are eligible for now for direct business loans. The funds will be available on a first-come first-serve basis.

Commissioner Braun moved to approve the Growth Fund Committee recommendation for interest buy-down guidelines. 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.

J. RESOLUTIONS AND ORDINANCES:

1. *First consideration of Ordinance No.1179 an Ordinance to amend and reenact Section 21-03-02 of Ordinance 1088 of the Mandan Code of Ordinances relating to district boundaries and zoning map.* Commissioner Rohr moved to approve the First consideration of Ordinance No.1179 an Ordinance to amend and reenact Section 21-03-02 of Ordinance 1088 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. *First consideration of Ordinance No.1180 an Ordinance to Amend and Re-enact Section 13-21-02, and Section 19-06-03 of the Mandan Code of Ordinances.* Police Chief Bullinger stated that the request being submitted would be adding to the current ordinances related to the use of tobacco products by minors. The amendment would include a provision to ban selling or providing e-cigarettes or e-cigars to people under the age of 18 years. There was no opposition from the general public. Commissioner Frank moved to approve the introduction and first consideration of Ordinance No. 1180 – An ordinance to Amend and Re-enact Section 13-21-02, and Section 19-06-03 of the Mandan Code of Ordinances relating to tobacco products and offenses involving minors. 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.

K. OTHER BUSINESS

There being no further actions to come before the Board of City Commissioners, Commissioner Frank moved to adjourn the meeting at 5:27 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