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The Mandan City Commission met in regular session at 5:30 p.m. on February 5, 2013 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, 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 Kim Fettig, and City Assessor Barta. Absent: Commissioner Braun.

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

C. PUBLIC COMMUNICATIONS:

1. Mark Payne, Shorestone Development (apartment building developers) came forward to speak. He stated that over the last year he has built 150 apartment units and received the 2-year tax exemption on those 150 units. He stated that he is here to comment on what that tax exemption has provided for him. It entices him to come to Mandan because neither Bismarck nor Fargo offers any incentives like that. Through the tax exemption process granted by Mandan City Commission, it gave him breathing room and took the pressure off him during that whole first two-year rental period. He commented that the City of Mandan is not losing anything by granting those tax exemptions, but rather delaying the tax process. Those lots could be setting empty with no tax being collected on them. As a contractor he stated that building in Mandan is more positive than building in Bismarck because of this incentive program.

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission meetings held on January 8, 2013 and January 15, 2013 regular meetings.* Commissioner Tibke moved to approve the minutes of the January 8, 2013 and January 15, 2013 regular meetings. 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 a 5-Year tax exemption (Tier 2) for VisTec Industrial Services, Inc. (See New Business No. 1).* City Assessor Barta reviewed with the Board a recommendation from the Mandan Growth Fund Committee regarding an application for a property tax exemption for a new business, Vis-Tec Industrial Services, Inc. Location is 2001 Third Street Southeast, Suite B. There was no opposition received. Vis-Tec applied for a Tier 2 exemption of 100% years 1-2; 75% year 3; 50% year 4 and 25% year 5. They estimate 24-25 employees will be hired by 2017 or year 5. The property located at Suite B is what they will be receiving the exemption on.

Mayor Van Beek announced this is a public hearing and asked for comments. A second announcement was made to come forward to speak. Hearing none, this portion of the public hearing was closed.

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F. BIDS:

1. *Consider award of bid for Skid Steer Loader for WTP.* Duane Friesz, Water Treatment Plant Superintendent, reviewed with the Board a request to consider the bid for Skid Steer Loader. Four bids were received with the lowest bid submitted by Bobcat of Mandan in the amount of \$35,424.88. The budget balance is \$35,000 in the WTP capital outlay budget. The balance of \$424.88 will be covered by the 2012 budget.

Commissioner Frank moved to approve the bid for the Skid Steer Loader for WTP to the low bidder Bobcat of Mandan in the amount of \$35,424.88. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present. The motion passed.

G. CONSENT AGENDA:

1. *Removed for Discussion: Consider proclaiming May 18, 2013 as National Kids to Parks Day in the City of Mandan.*

2. *Consider confirmation of special assessments for Street Improvement District #159, Street Improvement District #153-Area A, Street Improvement District #158, and Water & Sewer Improvement District #55.* The Board approved the confirmation of special assessments for Street Improvement District #159, Street Improvement District #153-Area A, Street Improvement District #158, and Water & Sewer Improvement District #55.

3. *Consider out of state travel authorization for Waste Water Treatment Plant Superintendent.* The Board approved of out of state travel authorization for Waste Water Treatment Plant Superintendent.

4. *Consider for approval the final plat of Plainview Heights 14<sup>th</sup> Addition.* The Board approved the final plat of Plainview Heights 14<sup>th</sup> Addition.

5. *Consider for approval the final plat of School District 6<sup>th</sup> Addition.* The Board approved of the final plat of School District 6<sup>th</sup> Addition. The Board approved the final plat of School District 6<sup>th</sup> Addition.

6. *Consider entering into an Engineering agreement with AE2S for 2013 Phase II Optimization Improvements.* The Board approved of entering into an Engineering agreement with AE2S for 2013 Phase II Optimization Improvements.

7. *Consider stock redemption agreement Grizella Corporation.* The Board approved the stock redemption agreement Grizella Corporation.

8. *Consider the following exemptions/abatements:*

i. *2-year Exemptions:*

a) *Eric Stenson*

b) *Ivan Graf*

c) *Charles Marohl*

d) *Desri Neether*

ii. *Homestead Credit Exemptions:*

a) *Jacob Hertz*

b) *Margaret Schmidt*

c) *Russell Metz*

iii. *Disabled Veteran Exemption Abatements:*

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- a) *Bruce Armstrong*
  - b) *Gabe Hoggarth*
  - c) *Duane Wilhelm*
  - iv. *Wheelchair Exemption Abatement:*
    - a) *Francis Herauf*
  - v. *Reduction in Structure Value:*
    - a) *Dallas Quamme*

The Board approved of the Exemption Abatements as listed.

9. *Consider approval of Special Sunday openings for Mandan Eagles.* The Board approved of the Special Sunday openings for Mandan Eagles.

Commissioner Tibke moved to approve the Consent Agenda as presented. Commissioner Rohr seconded the motion. Commissioner Frank requested removal of Consent Agenda No. 1 for discussion. Commissioner Tibke Amended the motion to approve Consent Agenda items No. 2 through 9 as presented. Commissioner Rohr seconded the Amended Motion. The motion received unanimous approval of the members present. The motion passed.

Commissioner Frank addressed Consent Agenda No. 1: *Consider proclaiming May 18, 2013 as National Kids to Parks Day in the City of Mandan.* She stated that since she has been on the City Commission she has wanted to recommend that Proclamations be read to the public. Mayor Van Beek read the Proclamation as presented.

Commissioner Frank moved to approve proclaiming May 18, 2013 as National Kids to Parks Day in the City of Mandan. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

#### H. OLD BUSINESS:

1. *Consider “Public Communications” statement.* City Administrator Neubauer stated that since “Approval of the Agenda” was added at the beginning of the meeting he recommended that if an agenda item is tabled or removed, that there be a motion to support that action. Neubauer reviewed the notice statement that will be placed on each printed agenda. Commissioner Rohr questioned what would happen if there is an agenda item that someone comes forward to comment on, or wishes to make a statement on? Shouldn't we encourage them to remain at the meeting until that agenda item is discussed in order to allow any further input on the matter? Commissioner Frank stated that shifting the order of the Agenda to accommodate a particular agenda item has been an option utilized in these Board meetings in order to allow someone in the audience further opportunity to comment if needed. She indicated that she is in favor of the public coming to meetings to share concerns whether or not the topic is on the agenda. It was recommended that the draft copy strike the sentence: “Comments must address topics that are on the agenda”.

Commissioner Frank moved to approve a Public Communications policy striking the sentence “Comments must address topics that are on the agenda”. Commissioner Rohr

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seconded the motion. Mayor Van Beek stated that there will be no personal attacks on commissioners or employees through this process. He suggested that if there is a topic which is felt to be uncomfortable in discussing at the meeting, that item can be given to a department head to research before giving a response to the person who submitted the topic.

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

I. NEW BUSINESS:

1. *Consider Growth Fund Committee recommendation on property tax exemption application by VisTec Industrial Services, 2001 Third St SE, Suite B.* Business Development and Communications Director Huber stated that the Mandan Growth Fund Committee met on January 28, 2013, and reviewed this request. They recommended approval of this exemption request under the Tier 2 of 100% years 1-2; 75% year 3; 50% year 4 and 25% year 5. The primary basis was the creation of jobs and the quality of jobs which is measured by employing 24 people within 5 years. There will also be seasonable employment. The value of the building addition is estimated at \$545,000. Roger Dougherty of Vis-Tec Industrial Services was present to answer any questions regarding the application.

Mayor Van Beek inquired if there were any questions.

Roger Dougherty came forward to speak and commented that he worked for CETA in Mandan for over 29 years. CETA pulled the company and moved it to Canada. Dougherty stated that he then developed VisTec Industrial Services in order to offer jobs to the people who have worked in Mandan over the last several years.

Commissioner Rohr commented that this is the first request for a tax exemption since the policy was revised for tax exemption requests.

Commissioner Rohr moved to approve the request for property tax exemption application by VisTec Industrial Services, 2001 Third St SE, Suite B request under the Tier 2 of 100% years 1-2; 75% year 3; 50% year 4 and 25% year 5. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Absent; Commissioner Van Beek: Yes. The motion passed.

2. ——— ~~*Consider multi-family housing policy.*~~ Removed from Agenda.

3. *Discussion related to terms on various committees.* City Administrator Neubauer stated that at the last Board meeting there was discussion regarding the length of terms of members on committees. He stated that there are 65 members on 10 committees within the City and years of service range from 1 to 34 years. The breakdown of those years of service is as follows: 0-5 years = 31 members; 6-10 years = 26 members; 10- plus years

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= 8 members. The numbers show a good mix of youth and experience. He indicated that discussions are still occurring with the committees. He gave an example of the Library Board of Trustees, (which may be recommended to the Mandan Growth Fund): appointments would be for a 2 term limit in which they can serve 2 consecutive terms, take a year or a term off and then could be reappointed. If there are no applications for a position then the City Commission could appoint an individual to additional term beyond the two consecutive terms if they wish to remain on the committee or board.

Commissioner Frank suggested Administrator Neubauer work with all committees to adopt a similar rotation to that plan used by the Mandan Library Board of Trustees.

4. *Consider participation in cost sharing housing study.* City Administrator Neubauer reviewed with members a request from Morton County Housing Authority to contribute to the cost share on housing study. He stated that there have been several occasions when either he or Development Director Huber had inquiries as to what housing studies are available. Rick Horn, Director of Morton County Housing Authority was available to answer questions. The total cost is \$16,000 and the request is to have the City of Mandan contribute  $\frac{1}{4}$  of the cost of \$4,000, Morton County \$4,000 and the balance of \$8,000 to be paid by Morton County Housing Authority.

Rick Horn stated that funds for the Housing Authority are received from the HUD program. He indicated that the study results will help determine what the housing need is. He mentioned that everyone is struggling with trying to determine what affordable housing is. He said they are seeking guidance as to whether there should be senior housing, family housing or multi-family housing. The study is expected to be completed by mid-summer or sooner. The results of the study will be shared with the County and the City Commissioners and used by the Housing Authority to assist with determining housing needs.

Commissioner Tibke moved to approve the participation in cost sharing housing study by the City of Mandan to determine affordable housing in Morton County. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Absent; Commissioner Van Beek: Yes. The motion passed.

5. *Consider sponsoring safe routes to school grant application.* City Administrator Neubauer reviewed with members a request from the Mandan School District to make application to the ND DOT for Safe Routes to School grant which has to be made by the City. He stated that with the construction of a new elementary school in northwest Mandan opening in the fall of 2014 they are looking at crossing signals, sidewalks and enhancements at 37<sup>th</sup> Avenue Northwest and Old Red Trail. The program is designed to encourage children to walk or ride bike rather than getting a ride from parents, etc. There is no cost to the City of Mandan to apply or participate in this program. This grant would assist with the costs of the crossing signals in that location.

Commissioner Tibke moved to approve that the City of Mandan submit a SRTS Grant application in conjunction with the Mandan Public School District. Commissioner Frank

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

**J. RESOLUTIONS & ORDINANCES:**

1. *Consider second consideration and final passage of Ordinance 1141, 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 S2-T138N-R81W).* Commissioner Tibke moved to approve the second consideration and final passage of Ordinance 1141, 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 S2-T138N-R81W). Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Absent; Commissioner Van Beek: Yes. The motion passed.

2. *Consider second consideration and final passage of Ordinance 1142, 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 Tibke moved to approve the second consideration and final passage of Ordinance 1142, 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. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Absent; Commissioner Van Beek: Yes. The motion passed.

3. *Consider second consideration and final passage of Ordinance 1140, An Ordinance to Amend and Re-enact Section 12-02-04.1 (2) of the Mandan Code of Ordinances Relating to Winery or Brewery License.* Commissioner Frank moved to approve the second consideration and final passage of Ordinance 1140, An Ordinance to Amend and Re-enact Section 12-02-04.1 (2) of the Mandan Code of Ordinances Relating to Winery or Brewery License. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Absent; Commissioner Van Beek: Yes. The motion passed.

4. *Consider for approval the Resolution amending fees and charges administered by the Public Works Department.* Jeff Wright, Director of Public Works, reviewed with members a resolution to amend the fees and charges by the Public Works Department. He explained that the City took over the Weed Control Program last year and found that the costs assessed did not cover the fees incurred because many of the lots needed more work done than anticipated; therefore driving up the cost to maintain the lots. Wright proposed that there be a minimum fee of \$50 for lot cleanup and an additional \$50 for mowing the lot if those services are needed. One other request to the resolution has to do with the hydrant water meter hook up fee of \$40 which falls in line with the current practice of the City of Bismarck. The last issue would be the curb stop repair and replacement. Consideration is being given at winter and summer repairs at an hourly rate for equipment and staff with a maximum price for each service provided. Local

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contractors will be submitting bids for these services. The costs and services being proposed are in line with what other cities assess.

Commissioner Frank suggested that further discussion be ensued regarding necessary repairs that need to be addressed throughout the city with regard to curb stops or sidewalks, etc. and that guidelines be established as to being proactive or reactive to these situations.

Commissioner Frank moved to approve the Resolution amending fees and charges administered by the Public Works Department as presented. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Absent; Commissioner Van Beek: Yes. The motion passed.

**K. OTHER BUSINESS:**

1. *Consider North Dakota Department of Transportation's Alternatives Program (TAP's) Application.* City Administrator Neubauer stated that this matter was brought to the City's attention as this grant opportunity was made known to staff and at the request of the Mandan Heritage Foundation. Under the TAP's Program it was deemed that the Beanery Building and the Mandan Depot may qualify. The project would include painting, window replacement, and damaged wood replacement on the exterior of the building. The preliminary repairs estimate for this project is \$283,000. The program is a cost share program wherein 80% of the project would be funded through this grant, (if successful), and 20% is funded locally. He stated that items not eligible for reimbursement are the planning and engineering costs or any environmental impact may not be eligible for federal aid. Roughly, \$56,600 would be the 20% local costs for the city's share plus hiring an architect to draw up plans and specifications for an estimated cost of approximately \$40,000 bringing the total local match up to about \$100,000.

Public bids would go out and the project would have to be completed within a timeframe of March 2014. The Mandan Heritage Organization, the Mandan Progress Organization, and the Ft. Abraham Lincoln Foundation all support this project. If the Board passes this request, the request will be forwarded to the Metropolitan Planning Organization and then to the Department of Transportation for scoring and ranking to determine funding for the project. The Visitor's Committee fund would be responsible for this project and they are funded through the Restaurant/Hotel tax and funds can only be used on things that will bring visitors to the community.

Commissioner Frank moved to approve submitting the North Dakota Department of Transportation's Alternatives Program (TAP's) Application for the project as presented. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Absent; Commissioner Van Beek: Yes. The motion passed.

There being no further actions to come before the Board of City Commissioners, Commissioner Tibke moved to adjourn the meeting at 6:39 p.m. Commissioner Frank

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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