
The Mandan City Commission met in regular session at 5:30 p.m. on July 15, 2014 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Laber, 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 & Communications Director Huber, Planning & Engineering Director Froseth, Planner Decker, Assessor Shaw, and Building Official Lalim.

Mayor Van Beek welcomed Commissioner Laber to her first City Commission meeting.

B. APPROVAL OF AGENDA: Commissioner Braun motioned to approve the Agenda as presented. Commissioner Rohr 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 come forward to speak for or against items on the Agenda. Hearing none, this portion of the Public Communications forum was closed.

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission regular meeting held June 30, 2014.* Commissioner Tibke moved to approve the minutes as presented. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

F. BIDS:

G. CONSENT AGENDA

1. *Consider approval of monthly bills.* MONTANA-DAKOTA UTILITIES - 17,110.60; ACS - 1,240.00; ADVANCED ENGINEERING SVC - 5,202.70; BIS-MAN CONVTN & VISITOR - 3,974.29; BISMARCK TRIBUNE-JEANS D - 28.00; CHARVAT/TANA - 304.00; FETZER ELECTRIC, LLC - 184.91; HIT, INC. - 21.00; HUB INTERNATIONAL OF ND - 704.00; INFORMATION TECHNOLOGY D - 1,044.00; KADRMAS, LEE & JACKSON, - 2,489.62; MANDAN PARK BOARD - 500.00; MORTON COUNTY AUDITOR - 6,539.12; NAT'L REGISTRY OF EMTS - 52.50; ND STATE DEPT OF HEALTH - 320.00; ND STATE DEPT OF HEALTH - 90.00; NDACO RESOURCES GROUP - 1,207.42; PIT BOSS - 150.00; PRESORT PLUS - 1,011.56; RENNER'S LAWN SPRINKLING - 221.00; SUCHY/BEN - 297.95; TAND CONSTRUCTION LLC - 107,478.00; ZANDER BODY SHOP INC - 286.67; ADVANCED ENGINEERING SVC - 43,886.31; BALABAN LAW OFFICE - 1,500.00; BAUER CONCRETE INC - 520.00; BIOCOPE, INC - 1,440.38; BULLINGER TREE SERVICE - 570.00; CENTRAL DAKOTA FORENSIC - 160.00; COMPANION LIFE - 10.00; COMPUTER PROFESS UNLIMIT - 89.00; DAKOTA MEDIA ACCESS -

8,332.25; DAKOTA'S BEST COFFEE - 55.00; FERGUSON WATERWORKS #251 - 25,132.85; FETZER ELECTRIC, LLC - 939.25; FORT DEARBORN LIFE - 483.21; GLASS/THOMAS J. - 1,500.00; HDR ENGINEERING, INC - 1,156.71; INTERSTATE ENGINEERING - 320.00; KELSCH KELSCH RUFF & KRA - 4,000.00; LANG/TRAVIS - 6.00; MANDAN PARK BOARD - 500.00; MIDWEST TESTING LAB INC - 5,411.75; MONTANA-DAKOTA UTILITIES - 32,167.45; ND DEPT OF TRANSPORTATIO - 2,183.72; ND STATE DEPT OF HEALTH - 20.00; NELSON AUTO CENTER - 26,291.00; POST BOARD - 45.00; WENCK ASSOCIATES, INC - 26,405.91; WORKFORCE SAFETY & INSUR - 1,817.65; ND PERS - 99,561.18; WELLS FARGO COMMERCIAL C - 254,564.63; ABC SEPTIC - 1,370.00; ADVANCED ENGINEERING SVC - 14,385.96; AT & T - 1,476.26; BIS-MDN TRANSIT BOARD - 6,093.55; CBI BUSINESS SERVICES - 7,182.83; CROWLEY FLECK PLLP - 4,500.00; CURTIS/JEREMY - 1,602.00; CUSTER DISTRICT HEALTH U - 1,060.45; ETHANOL PRODUCTS - 2,010.14; FERGUSON WATERWORKS #251 - 8,003.16; FETZER ELECTRIC, LLC - 1,200.00; GLASS/DARIN - 100.00; HOLTER/DEBORAH - 35.00; INFORMATION TECHNOLOGY D - 1,547.81; INTERGOVERNMENTAL SHOP - 21,342.43; K & L INVESTMENTS INC - 74,579.70; KARY/JASON - 55.20; MANDAN AIRPORT AUTHORITY - 12,187.44; MANDAN PARK BOARD - 500.00; MAROHL/KATHLEEN - 82.42; MICHEL/DAWN - 84.99; MORTON COUNTY AUDITOR - 5,974.35; MORTON COUNTY HIGHWAY DE - 8,427.20; MORTON COUNTY RECORDER - 26.00; MORTON MANDAN PUBLIC LIB - 34,670.45; MY GOV, LLC - 4,685.00; ND STATE DEPT OF HEALTH - 320.00; NORTHERN IMPROVEMENT CO - 351,100.87; ONE CALL CONCEPT INC - 383.90; PRAIRIE VINYL REPAIR - 45.00; PRESORT PLUS - 1,584.34; QUAM CONSTRUCTION CO INC - 151,607.76; RAILROAD MANAGEMENT CO I - 4,176.66; RENNER'S LAWN SPRINKLING - 126.00; SCHLOSSER EXCAVATING INC - 560.00; SCHWINDT/DALE - 100.00; ST. ALEXIUS MEDICAL CENT - 536.25; VALLEY CITY POLICE - 300.00; WEHRI/RADEANNA - 700.00; WINKS/LOREN K - 35.00;

3. *Consider approval of games of chance for American Foundation for Suicide Prevention at Prairie West Golf Course on July 17, 2014.*

4. *Consider approval of the pledge of securities reports as required by NDCC 21-04.*

5. *Consider approval of site authorization for Horse Race ND at Bar M Steakhouse from July 1, 2014 through June 30, 2015.*

6. *Consider approval of Property Tax Exemption for improvements to Commercial & Residential Buildings – Creative Construction.*

7. *Approve amendment to Engineering Service Agreement with Wenck and Associates for increased work required to design Roughriders Street Improvement Project.*

Commissioner Rohr moved to approve the Consent Agenda items 1, 3, 4, 5, 6, 7 as presented and to remove Consent Agenda item 2 for discussion. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Removed for discussion: Consider for approval rezoning of Lots 2-4, Block 1 Lakewood Commercial Park.* Principal Planner Decker stated that this matter is a request to change the zoning on this parcel of land from MA to CB, from an industrial zone to a commercial zone. The Planning & Zoning Commission reviewed this and made a recommendation to move this forward. Their only concern was that there are no single family lots in this area because the proposal is to construct a number of multi-family duplex lots along with some 4-plex lots and also an area of commercial lots. The commercial lots will be put on the frontage along 46th Avenue Southeast. There has been discussion on the tentative lot layout. He explained the recent adjustments made to the lot layout. This area is immediately across the street from the water park. He explained that the CB zoning will allow for a mix-use lots wherein the current MA zoning would be primarily industrial use, which is not preferred in this area. The developer and the engineer were available to answer questions.

Commissioner Laber inquired if there was a planned use development because that element already exists in the current ordinances. The City has the ability and mechanisms available wherein the City would be assured of the land use because it is planned with the planning staff and they would not be able to deviate from that, plus or minus a certain percentage of square footage, unless it would come back to the City Commission. That would alleviate potential resistance to have just housing while the vision of the City is to have a commercial zone that could be used in other commerce related areas rather than living space. Has the planned used development been presented to the developer? Planner Decker replied that this is an option because that is addressed in the Code and this could be an opportunity, this site, because of the mixed use within this development.

Commissioner Tibke commented that she would like to see additional commercial zoning in that area. For planned use development we would pass the CB zoning but how would that be incorporated? Commissioner Laber questioned whether planned use development is an actual zoning or just a planned use development? Planner Decker explained that it is a formalized site plan that becomes that planned use development wherein you would indicate the locations of where everything is located, which is another step. This request could be approved contingent on submittal of a planned use development concept plan for this site which could be approved at a later meeting. Planner Decker explained how the ordinance allows for adjustments for determining the mixed use plan as the market determines. Commissioner Tibke commented that it is important to have an alternate plan in place if original plans do not work out.

Commissioner Laber moved to approve the rezoning of Lots 2-4, Block 1 Lakewood Commercial Park from MA to CB contingent on the submittal of a planned use development plan that meets the Planning and Zoning Commission requirements and there is approval for the final plan. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Consider Street repair work on 37th Ave NW and overlay on Old Red Trail.*

Director of Public Works Wright presented a request to award the street repair work on 37th Avenue NW and overlay on Old Red Trail to Northern Improvement Co. in the amount of \$254,652.50 through a change order SID #176 Lakewood 6th and 7th Additions. Director Wright explained that with the Red Trail Elementary School scheduled to open this year, 37th Avenue NW is in need of improvements. The second part of the project would be an overlay on Old Red Trail from Highland Road to Crown Point Road. The overlay will be in preparation for future road construction in 2016. Funds for this project will come from the State Treasurer in the amount of \$843,243.59 earmarked for use on roadway maintenance purposes. Director Wright recommended approval of this request.

Commissioner Rohr moved to approve the request to award the street repair work on 37th Avenue NW and overlay on Old Red Trail to Northern Improvement Co. in the amount of \$254,652.50 through a change order SID #176 Lakewood 6th and 7th Additions.

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

2. *Consider Growth Fund Committee recommendation on Storefront Improvement Application for 306 W Main by Eve Kostecky/BREA boutique.* Business Development & Communications Director Huber presented a request for approval of matching funds for property at 306 W Main recently acquired by Eve Kostecky and Dave Albrecht. They plan to expand the operations of the BREA Boutique to this location on Main Street with improvements to the exterior of the building. She reviewed some of the improvements that are planned including signage, staining of the brick, new storefront glass, replacement of windows, replacement of tile, and painting. The Architectural Review Commission has recommended approval of the request. The estimated improvement costs are \$43,424 plus possible costs to upgrade the front door to accommodate an automatic door opener. There is funding in the Growth Fund for this project and the Mandan Growth Fund Committee recommends approval. There may be additional applications in the future for Renaissance Zone funding and possibly for the retail and restaurant incentive. The owners were available to answer questions.

Commissioner Laber moved to approve the storefront improvement application by Eve Kostecky at a 50% match rate to the actual investment for up to \$30,000 in matching funds to be provided as a forgivable loan upon project completion. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider Engineering Service Agreement with AE2S for design of water distribution system improvements.* Planning & Engineering Director Froseth stated that the Engineering Department, in cooperation with the Public Works Department, have identified water improvement projects that were amended to the capital improvement

plans last year. The projects would be: (i) Relocate a pressure reducing valve from north of I-94 to south of I-94 in order to improve pressures in this area. (ii) Inspect Collins reservoir in anticipation of a reservoir improvement project. In order to do so, it is necessary to install pipe and valves to drain Collins reservoir without disrupting any of the system downstream of it. The Engineering Department is requesting to hire AE2S in order to accomplish design and construction inspection of these projects to be completed this year.

Commissioner Braun moved to approve the Engineering Service Agreement with AE2S for the Mandan 2014 Water System Improvements. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Consider commission portfolio assignments.* Mayor Van Beek stated there has been one change to the portfolio assignments and that is under Cemetery, wherein Commissioner Braun will be removed and replaced by Commissioner Tibke; and under Mandan Airport Authority, Commissioner Tibke will be removed and replaced by Commissioner Braun.

Commissioner Tibke moved to approve the commission portfolio assignments to include the changes as noted. Commissioner Labor seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

Board of City Commissioners Vice-President Position: Commissioner Rohr moved to appoint Commissioner Tibke as the Vice-President of the Board of City Commissioners. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

Appointment of Commissioner Laber to the Morton County Planning & Zoning Committee: Commissioner Tibke moved to approve the appointment of Commissioner Laber to the Morton County Planning & Zoning Committee. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

J. RESOLUTIONS AND ORDINANCES:

1. *Second consideration and final passage of Ordinance 1186 annexing land in Section 3, Township 138 North, Range 81 West.* Commissioner Tibke moved to approve the final passage of Ordinance 1186 annexing land in Section 3, Township 138 North, Range 81 West. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: 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 Rohr moved to adjourn the meeting at 6:00 p.m. Commissioner Laber 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