
The Mandan City Commission met in regular session at 5:30 p.m. on July 16, 2013 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, Fire Chief Nardello, Business Development and Communications Director Huber, Planning & Engineering Director Froseth, Engineering Project Manager Fettig, and Assessor/Building Official Lalim. Absent: Director of Public Works Wright.

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

C. PUBLIC COMMUNICATIONS:

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission meeting held on June 25, 2013, Working Session and July 2, 2013, Regular Board Meeting.* Commissioner Tibke moved to approve the minutes from the Board of City Commission meetings of June 25, 2013, Working Session and July 2, 2013, Regular Board Meeting. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

1. *Consider approval of a zone change for a part of the SE ¼ in Section 7, Township 139N, Range 81 West, proposed West Hills Estates 3rd Addition. (First consideration of Ordinance #1157) (See Ordinances No. 1).* Engineering Project Manager Fettig stated that this is a request from Nathan Lamoureux for a zone change from A (Agricultural) to R3.2 (Two-Family Residential). Fettig stated that the plat has preliminary approval and the final plat will go to Planning and Zoning in July. In order to keep the project going the zone change is being requested.

Mayor Van Beek invited anyone interested to speak for or against the zone change for a part of the SE ¼ in Section 7 to come forward. A second announcement was made to come forward to speak. Hearing none, this portion of the public hearing was closed.

2. *Determine the sufficiency of protest concerning the annexation of certain lands in the general vicinity north of Mandan Middle School and Tesoro Refinery, and north and west of Highway 1806.* City Administrator Neubauer stated this is the time and place set for the public hearing to determine the sufficiency of protest concerning the annexation of certain lands in the general vicinity north of Mandan Middle School and Tesoro Refinery, and north and west of Highway 1806. Neubauer stated that on May 21st a proposed resolution was brought before this Board for resolution on the annexation. On June 4th the annexation was approved by the City Commission. Tonight is the public hearing to determine sufficiency protest. Neubauer stated that to date, 32.39% of the land area has protested the annexation. In order to move forward we needed 25% or less to

protest the annexation; therefore, there are two options: (1) Drop the annexation, (2) Ask the Governor to appoint a mediator in an attempt to find some resolution to the matter. This matter is brought here because there are several residents in that area who are requesting water, sewer and streets be put in.

Mayor Van Beek invited anyone interested to speak for or against the annexation of certain lands in the general vicinity north of Mandan Middle School and Tesoro Refinery, and north and west of Highway 1806 to come forward.

Don Weisz came forward and stated he is representing one of the landowners who want to develop the area called Sunrise View Estates. A preliminary plat has been approved. He indicated he and his partners see a growth in north Mandan and encouraged the Commission to vote in favor of the annexation.

Eric Belanger came forward and indicated that he owns 266 acres of land in the annexation area with 200 more acres under contract that he plans to purchase in February 2014. He mentioned that, like Bismarck, the City of Mandan needs to grow to the north and expand. He commented that this is the best area of Mandan to grow over the next ten years. He plans to develop an area that will make everyone in Mandan proud and that will include green space, biking and walking paths. He said there are preliminary plans to develop commercial property below Sunset Drive. He recommended all the area be annexed to the City at this point. He strongly encouraged that there be a solution to this annexation and stated that the timing for the expansion of the property is now.

Boyd Addy came forward to speak. He stated he was made aware of this annexation approximately two weeks ago having been told that there was going to be a meeting. He stated that he and several others have not been made aware of what the plans are for development of this property thus the reason for bringing forward signed petitions against the annexation. He said they are concerned about the Heskett Station Road residents too. He voiced concern that he has horses on his property and what the future would hold for the horses if the annexation goes through. He requested information on the proposals and requested the Commission advise homeowners what the plans are before moving forward. He did not think the Mandan News was a sufficient way to provide notice.

Nick Renner came forward to speak and commented that many of the residents in this area have been upset regarding this issue. He suggested the City get together with the landowners in the area, (not the developers), and re-draw the lines and come up with a compromise with input from the landowners in the area.

Dean Beehler, a resident on 38th Street, Heskett Station Road, came forward to speak. He stated that he believes no one will ever build around his property due to the location of his home. Thus he does not believe he should be included in on the assessment. He concurred with Renner that it would be easiest to re-draw the lines. He voiced concern for all the residents in the area who are on fixed incomes and will not be able to afford the assessments.

Mayor Van Beek provided a second announcement to come forward to speak for or against the project. Hearing none, this portion of the public hearing was closed.

Commissioner Tibke commented that she reads the Mandan News every week and encouraged others to do so. Commissioner Frank indicated that this is an important matter and stated that communication is important with everyone. She pointed out that the voters have elected the Mandan News as the official county paper and voters have the opportunity to change that. She stated that notices are mailed to homeowners about these subjects. She requested Administrator Neubauer comment on cost and pets or animals on recreational land on designated zone AG. Neubauer replied that zoning would stay AG and remain agricultural as it would be brought into the City and all the regulations that apply to AG land would be in effect. Regarding horses, the City zoning policy would have to be reviewed.

Commissioner Frank questioned what the project costs are for the next several years for that part of town? Neubauer replied that a sanitary lift station will be required; extending 8th Avenue to the north that will be done in the next five years; the extension on Sunset Drive past the middle school is planned in the next five years. He stated that it would depend on what development will be done over the next several years in order to determine what the costs will be. Sunset Drive will be a major artery that will qualify for state and federal assistance. Neubauer explained that special assessments do not occur on street projects without a public protest period. Water and sewer can be done under health and safety code which can be done non-protest able but generally the City does not like to do that because it will add costs and special assessments. Commissioner Rohr commented that when a property goes into special assessment the property owner will ask what they will gain and what they will lose.

Neubauer reviewed how the Heskett Station area would be affected with the installation of a water line, noting that the City would want to share the costs with Heskett. There is a 30-inch water line in that area; however, that cannot be tapped into. Neubauer stated two letters were sent to landowners regarding notification and an opportunity to protest, one prior to the north Mandan sub-area meeting notifying all the residents in the annexation area and a certified letter was sent out June 27th. Commissioner Frank inquired of the 32.9% how much of that percent is county property? Neubauer stated he attended the County Commission meeting on July 5, 2013 and only a small amount of the land area in the is under the purview of the county to protest. The residents brought up the additional taxes that would be due from the City's mill levy and the unknown special assessments were two of the issues discussed.

Neubauer explained the process of mediation would be one wherein the Governor would appoint a mediator, noting that a prior experience with mediation did not resolve the issue at the end of the day. However, Neubauer pointed out that there are new residents that are requesting city services in the area now. The City would pay for the mediator and an administrative law judge if the process were to be followed which would cost the City approximately \$5,000. He indicated that the landowners would not have to hire a lawyer, but rather they could have a couple people serve as representatives to work with the City.

City Attorney Brown commented that there was a representative from the landowners group that is willing to work with the City to compromise or mediate. The City has to request the mediator, which can be done and the Governor could appoint a mediator but with such a diverse group of landowners and no unified representation we could have a meeting and nobody would show up. Or how do you mediate with 100 different landowners? Commissioner Tibke called for a point of order and stated that the commission has to problem-solve. Attorney Brown clarified that he did not mean to be rude but there is no requirement that any landowner participate in the mediation. There is no legal requirement to do that. If the Commission wishes to go that route, it could be organized. Commissioner Tibke suggested that if the Commission wishes to move forward with a mediator to be involved because everyone has different perspectives. An outside mediator may focus from the outside after seeing the history of what's going on and may see something the involved participants don't. That's only if the Commission would decide that.

Commissioner Braun inquired as to why Heskett and the Refinery would not be assessed. Neubauer replied that the City has worked out an agreement with the Refinery several years ago on an annexation that took roughly 200 feet of their property off of Hwy 1806 and Old Red Trail. There was a mill and overlay last year so we could special assess part of that cost to the Refinery abuts the road and therefore does benefit from an improved street on that property. If improvements need to be made on Hwy 1806 the same kind of arrangement would be made and also on 37th Street going to the east to the Water Treatment Plant. It was more of an agreement with the Refinery and the City is hoping to continue that agreement. Commissioner Braun made a point that the Agreement the City has with the Refinery, could result into another agreement and have an option that way, correct? Neubauer replied that would be possible and stated that the last time an annexation with the Refinery property was done 35 years ago and went to an Administrative Law Judge at that time. The Refinery has Missouri West Water and they have their own sanitary sewer system in addition to their own fire squad. They assist us with hazardous waste material training, etc.

Mayor VanBeek extended a thank-you to everyone who participated in this public hearing and stated that this matter will be taken under advisement and will be on the Agenda for the August 6, 2013 meeting.

Commissioner Frank suggested that staff prepare some documentation, such as a fact sheet that indicates some of the benefits and services available to the homeowners should they be annexed.

F. BIDS:

G. CONSENT AGENDA

1. *Consider approval of monthly bills.* ADVANCED ENGINEERING SVC - 73,620.03; AIR CLEANING SPECIALISTS - 0.00; BIS-MAN CONVTN & VISITOR - 3,958.96; BOBCAT OF MANDAN INC - 701.47; BROWN & SAENGER, INC. - 279.58; COAST TO COAST OFFICE MA - 2,016.32; CRIMSON FIRE, INC. -

332.00; DAKOTA FIRE STATION INC - 262.75; ELECTRO WATCHMAN, INC - 431.40; ETHANOL PRODUCTS - 3,123.24; FLATEN/LORI - 20.00; GRAND CENTRAL, INC. - 115.24; GRAY OIL COMPANY - 2,054.65; HAWKINS INC - 2,612.56; HEWLETT-PACKARD COMPANY - 914.00; HINRICHS/WILLIAM WARREN - 320.00; HOBBS INC - 165.00; HOLTER/DEBORAH - 35.00; IGEAR - 524.00; INTERNTL CNFRNC OF PLC C - 125.00; JACOBSEN/CARL - 35.00; KNIFE RIVER - 1,839.36; MANDAN MUNICIPAL COURT - 300.00; MANDAN PARK BOARD - 1,200.00; MANDAN PLUMBING & HEATIN - 22.15; MCLEISH/NATHAN - 579.92; MIDWEST TESTING LAB INC - 735.50; MODERN FENCEWORKS LLC - 2,005.00; MORTON COUNTY AUDITOR - 3,591.99; ND STATE DEPT OF HEALTH - 10.00; NEWTON/SCOTT & ROMA - 375.00; NORMONT EQUIPMENT CO - 5,720.00; PRINT ON IT - 208.00; RUNNING'S SUPPLY INC - 778.01; SKILLPATH SEMINARS - 228.00; STANTEC CONSULTING SERVI - 6,451.97; TED LIPP DRYWALL, INC. - 1,212.00; TOMAN ENGINEERING CO - 1,343.75; UNICOM - 740.34; UNIFORM CENTER & EMBROID - 1,715.63; UNITED PRINTING INC - 660.65; WARREN'S LOCKS AND KEYS - 55.00; WINKS/LOREN K - 35.00; MANDAN MUNICIPAL COURT - 500.00; SM@RT COMPUTERS & SECURI - 20,611.13; K & L INVESTMENTS INC - 28,529.54; MONTANA-DAKOTA UTILITIES - 26,911.31; AT & T - 692.10; CENTURYLINK - 5,826.24; AT & T MOBILITY - 387.94; BALABAN LAW OFFICE - 1,500.00; CENTURYLINK - 146.75; DAKOTA MEDIA ACCESS - 6,658.08; DAKOTA TOWING - 95.00; FBI NAA CONFERENCE - 700.00; FORT DEARBORN LIFE - 468.22; GLASS/THOMAS J. - 1,500.00; KELSCH KELSCH RUFF & KRA - 4,000.00; MCLEISH/NATHAN - 47.65; MILLER/CASEY - 23.00; MISSOURI VALLEY PETROLEU - 19,262.03; ND PERS - 94,385.35; POSTMASTER - 2,600.00; PREBLE MEDICAL SERVICES - 306.00; PUBLIC AGENCY TRANINING - 475.00; RDO EQUIPMENT CO VERMEER - 71,300.00; TARGET BANK - 93.87; KAUTZMANN LAND CO. - 5,705.00; MANDAN PARK BOARD - 750,000.00; ABC SEPTIC - 450.00; ABM EQUIPMENT & SUPPLY I - 161.78; ACME ELECTRIC - 628.94; ADVANCED BUSINESS METHOD - 143.63; ADVANCED ENGINEERING SVC - 540.00; ADVANCED MECHANICAL INC - 150.00; AIRE MASTER OF ND - 70.00; ALLIANCE CONCRETE LLC - 6,914.50; ALUMINUM SPECIALTIES - 241.22; AMERICAN WELDING SUPPLIE - 99.80; AMERIPRIDE LINEN & APPAR - 71.36; ARMSTRONG SANIT & ROLL O - 39,333.47; ARROWHEAD CLEANERS & LAU - 679.80; ASSOCIATED SUPPLY CO., I - 333.30; AT & T MOBILITY - 348.27; BAILEY NURSERIES INC - 296.00; BILL BARTH FORD INC - 1,196.65; BIS MAN DEVELOPMENT ASSO - 25,000.00; BIS-MDN TRANSIT BOARD - 2,248.66; BISMARCK TRIBUNE/THE - 7,375.12; BOBCAT OF MANDAN INC - 210.00; BROWN & SAENGER, INC. - 1,464.42; BROWN/MALCOLM H. - 910.00; BUTLER MACHINERY COMPANY - 905.54; CAPITAL TROPHY INC - 65.00; CARLSON/PETER - 53.50; CASHMAN NURSERY & GREENE - 360.00; CBI BUSINESS SERVICES - 9,912.29; CENEX- FUOC BISMARCK-MAN - 28.65; CENTURYLINK - 1,712.33; CHARVAT/TANA - 175.50; CITY AIR MECHANICAL INC - 3,644.08; COFELL'S PLBG HTG & EXC - 214,763.06; COMPUTER PROFESS UNLIMIT - 83.00; CONNECTING POINT COMPUTE - 332.49; CROWLEY FLECK PLLP - 4,500.00; CUSTER DISTRICT HEALTH U - 1,037.02; D & E SUPPLY COMPANY INC - 253.08; DAILEY/STACIE -

64.88; DAKOTA COMMUNICATION SVC - 80.00; DAKOTA FLUID POWER INC - 153.70; DAKOTA PEST CONTROL INC. - 110.00; DAKOTA STAFFING SOLUTION - 128.78; DAKOTA SUPPLY GROUP - 11,541.48; DAKOTA'S BEST COFFEE - 55.00; DAN'S SUPERMARKET - 17.98; DAVIDSON/DOUG - 39.36; DIAMOND VOGEL PAINT CENT - 149.15; DIGITAL ALLY INC - 90.00; DIRECTMED - 330.84; ECOLAB PEST ELIIMINATION - 144.00; ENTERPRISE SOLUTIONS INC - 1,870.00; FASTENAL COMPANY/THE - 498.88; FEDERAL EXPRESS - 59.89; FERGUSON WATERWORKS #251 - 70,069.62; FETZER ELECTRIC, LLC - 4,317.70; FRANZEN/JASON - 231.00; FUSION INTEGRATED TECHNO - 3,143.00; GEIGER SMALL ENGINE - 92.65; GENERAL TRAFFIC CONTROLS - 584.70; GEORGE STROH TRUCKING IN - 8,880.00; GRAND CENTRAL, INC. - 214.13; GRAY OIL COMPANY - 2,046.21; GRAYMONT CAPITAL INC - 12,404.74; GRUEBELE/JAYLA - 500.00; HAWKINS INC - 27,955.66; HEDAHLS OF MANDAN INC - 415.82; HEINTZ/MARY S. - 68.50; HEROLD/JOSH - 231.00; HIT, INC. - 1,152.02; HOLTER/DEBORAH - 35.00; HUB INTERNATIONAL OF ND - 696.00; HUBB SYSTEMS, LLC - 29.00; IGEAR - 810.90; INFORMATION TECHNOLOGY D - 3,047.94; INLAND TRUCK PARTS - 433.15; INTERGOVERNMENTAL SHOP - 19,931.49; INTERNTL CODE COUNCIL, I - 2,130.18; INTERSTATE ALL BATTERY C - 124.95; INTERSTATE ENGINEERING - 210.00; INTERSTATE POWERSYSTEMS - 52.21; ISZLER/SHANNON - 39.94; JACOBSEN/CARL - 35.00; JACOBSON/MIKAYLA - 52.88; KADRMAS, LEE & JACKSON, - 36,855.47; KNIFE RIVER - 2,066.76; KUPPER CHEVROLET INC - 92.89; LILLIS ELECTRIC INC. - 1,342.30; LINDGREN/MARK - 125.00; LOCATORS & SUPPLIES - 259.00; MANDAN AIRPORT AUTORITY - 4,497.72; MANDAN FIRE DEPARTMENT - 583.33; MANDAN MUNICIPAL COURT - 1,962.99; MANDAN NEWS - 33.00; MANDAN PARK BOARD - 1,200.00; MANDAN PLUMBING & HEATIN - 924.93; MANN SIGNS, INC - 385.00; MARCO - 76.54; MARINER CONSTRUCTION INC - 18,075.21; MARKS HEATING & COOLING - 1,625.00; MARSHALL LUMBER COMPANY - 85.44; MICHAEL TODD AND COMPANY - 3,117.31; MIDCONTINENT COMMUNICATI - 52.05; MIDWEST TESTING LAB INC - 10,110.25; MISSOURI VALLEY PETROLEU - 6,763.48; MISSOURI WEST WATER SYST - 49.67; MOR-GRAN-SOU ELECTRIC CO - 9,584.14; MORTON COUNTY AUDITOR - 3,896.31; MORTON COUNTY HIGHWAY DE - 305.83; MORTON COUNTY RECORDER - 13.00; MORTON MANDAN PUBLIC LIB - 21,213.28; MVTL LABORATORIES, INC - 315.00; ND DEPT OF TRANSPORTATIO - 19,624.21; ND INSURANCE DEPARTMENT - 29,805.65; ND PEACE OFFICERS ASSOC - 130.00; ND STATE DEPT OF HEALTH - 1,424.05; NDAAO - 150.00; NEWMAN TRAFFIC SIGNS - 1,100.00; NORMONT EQUIPMENT CO - 4,185.12; NORTH DAKOTA FOREST SERV - 122.00; NORTHERN IMPROVEMENT CO - 100,218.91; NORTHWEST TIRE AND RETRE - 39.49; NU-LINE TUBES & HOSES - 55.80; O'REILLY AUTOMOTIVE, INC - 25.76; ONE CALL CONCEPT INC - 396.00; OXENTENKO INC - 56,887.50; PAHLKE STEEL, INC. - 22.08; PRAXAIR - 103.60; PRESORT PLUS - 769.41; PRO BUILD COMPANY - 83.38; PRO FORMS - 497.11; PRO HYDRO TESTING LLC - 1,530.00; QUAM CONSTRUCTION CO INC - 68,475.00; RADIATOR & AC WAREHOUSE - 190.00; RAILROAD MANAGEMENT CO I - 4,055.01; RDO EQUIPMENT CO VERMEER - 156.78; RICOH PRODUCTION

PRINT S - 69.19; RIGGING & TOOLS INC - 229.60; ROTO-ROOTER SEWER & DRAI - 1,900.00; SANFORD BISMARCK - 50.00; SMITH/LANDON - 99.00; SRF CONSULTING GROUP - 348.97; ST. ALEXIUS MEDICAL CENT - 536.25; STRATA CORPORATION - 158.00; SWANBERG CONSTRUCTION IN - 439,468.88; THOMAS SCIENTIFIC - 444.00; THOMSON REUTERS - WEST - 495.12; TITAN MACHINERY INC - 3,129.21; TRUCKS OF BISMARCK INC - 29.34; UNIFORM CENTER & EMBROID - 65.98; VERIZON WIRELESS SERVICE - 2,593.73; VISU-SEWER INC. - 400.00; WASTE MANAGEMENT OF ND, - 32,930.20; WD LARSON COMPANIES LTD, - 1,666.58; WEBQA INC - 3,360.00; WEHRI/RADEANNA - 1,100.00; WENCK ASSOCIATES, INC - 7,008.65; WESCO DISTRIBUTION INC - 1,498.00; WESTERN EDGE ELECTRIC IN - 204.00; WINKS/LOREN K - 35.00; WOODMANSEES INC - 53.93.

2. *Consider approval of games of chance for Taylor Hogue Benefit at Stage Stop from July 16, 2013 to July 27, 2013.*
3. *Consider approval of the pledge of securities reports as required by NDCC 21-04.*
4. *Update the Commission on the mill and overlay projects.*
5. *Consider change order for water main extension on Sunset Dr.*

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

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Consider approving the plans and specifications and authorizing the execution of a 3-way agreement for the installation of water & sewer in Meadows 6th Addition, Project 2013-13. (See Resolutions No. 2).* Engineering Project Manager Fettig reviewed with the Board a request to approve the plans and specifications and authorizing the execution of a 3-way agreement for the installation of water & sewer in Meadows 6th Addition, Project 2013-13. The property is located east of 37th Avenue NW and north of 45th Street NW. The proposed utility is only serving the developer of the benefiting land, therefore this would be done under a 3-way agreement and a letter of credit has been secured for the project.

Commissioner Frank moved to approve the plans and specifications and authorizing the execution of a 3-way agreement for the installation of water & sewer in Meadows 6th Addition, Project 2013-13. Commissioner Tibke 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 revisions to the property tax exemption policy for new and expanding businesses.* Business Development and Communications Director Huber reviewed with the Board a revised policy for property tax exemption for new and expanding businesses that was discussed at the Working Session on June 24, 2013. Key revisions included:

(1) Tying consideration of any exemption for a retail sector business to a more targeted approach which might also apply to services missing in the community if the Commission were to consider payments in lieu of taxes (PILOT); (2) Elimination of consideration for speculative commercial building projects with a possible exception for a major retail center. The revisions to the property tax exemption policy tie it back to if it is retail sector being within an area of gap within the community. The previous policy adopted in late 2012 and effective 2013 was for the first businesses targeted for restaurants, hardware, clothing, shoes, department stores and some services that came out of the 2008 community survey. SB 2314 was discussed in terms of an effective date of August 1st. The State clarified that the project must be operational in calendar year 2013 in order not to be subject to this new restriction. Huber reviewed with the Board the revisions that were proposed from the working session, summarized as follows: Anything that would be retail sector would need to fit into that targeted group of businesses subject to verification of data and would be used in conjunction with the three tiers used in the past with Tier 1 @ 100% for 2 years; Tier 2 @ 100% for years 1 & 2, 75% year 3, 50% year 4, 25% year 5; Tier 3 @ 100% for 5 years. Huber summarized the other potential impacts (positive and negative); additional limitations and standards; improvements to commercial; payments in lieu of taxes; sale to non-profit; and other claw back provisions. Huber reviewed (four) options for consideration to handle applications for property tax exemption by new and expanding businesses going forward for consideration by the Board. Huber commented that SB 2314 is confusing based on the effective dates based on the exemption being granted within a calendar year and an effective date the following year. A building will have to be at least 50% complete for taxable value for the tax year otherwise it holds and goes forward to the tax year.

Commissioner Tibke asked whether the Commission would move forward with a city-wide vote and if that passes, use that as an option. Or does the Commission want to end it now because there will not be anyone coming in unless they are really quick and they pass all the qualifications discussed at the last retreat. Options would be: (1) Put a moratorium on for consideration of applications for non-sector businesses until after a possible November 2014 vote of the citizens regarding the use of the tool for retail sector businesses; (2) Consider applications by non-primary sector businesses, noting a contingency on any approvals of the need for a passing vote in a November 2013 election; (3) Consider revisions to policies for the use of payments in lieu of taxes for non-primary sector businesses that meet targeted goals and/or generate significant public benefits; (4) Consider alternatives should situations arise where an incentive is needed to attract or foster growth of non-primary section businesses that meet targeted goals and/or generate significant public benefits. Commissioner Tibke requested Huber clarify putting a moratorium on and going into further discussion regarding different things such as infrastructure costs, etc.

From her perspective, the City has reached a tipping point considering the changes seen in the economy in the western part of the state. Commissioner Rohr concurred with Commissioner Tibke and said he would like to hear from the public on this matter and one way to find out the consensus of the public would be through a vote. Commissioner Braun concurred with Commissioner Rohr and agreed that going to a vote would be a

good choice. Commissioner Frank stated that she has hesitation with the moratorium and would like to see the recommendations from the workgroup and adopt them as part of this policy. She is hesitant towards the moratorium due to the fact that this is for new and expanding businesses. Huber clarified that SB 2314 requires that cities adopt either through ordinance or resolution very specific criteria as to how property tax exemption will be used for non-primary sector or in this case retail types of uses so that could take the Commission in that direction. Criteria would be needed of moving toward a vote of the people and retaining the use of the property tax exemption tool for new and expanding retail if you wish to pursue. Commissioner Rohr clarified that if the Board goes with the policy and then has it in place. Then if the voters do decide to allow for it that part is completed and ready. Huber stated that is correct. Huber indicated that this does change the criteria in the proposed document for primary sector which the City can continue to consider. SB 2314 does not limit that as long as there is certified primary sector by the North Dakota Department of Commerce.

Commissioner Frank motioned to adopt the revisions as presented to the property tax exemption policy for new and expanding businesses and that staff continue to investigate presenting this in the form of an ordinance so the City can begin to anticipate a vote of the public regarding the ability to grant exemptions. Commissioner Rohr seconded the motion.

Mayor Van Beek commented that he does not want to see the City go into a moratorium because that would send another mixed signal to the citizens. He suggested this issue continue to be work in progress and then take it to vote in November 2014.

Commissioner Tibke clarified that the point of the moratorium is so they don't get mixed messages and her concern is how to provide education to them. Business Development Director Huber recommended that this be discussed at a future working session or future meeting regarding the use of payments in lieu of taxes options which accomplishes the same thing as a tax exemption.

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

J. RESOLUTIONS AND ORDINANCES:

1. *First consideration of Ordinance No. 1157 Zone Change for proposed West Hills Estates 3rd Addition – An ordinance to amend and reenact section 21-13-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.*

Commissioner Rohr moved to approve the First consideration of Ordinance No. 1157 Zone Change for proposed West Hills Estates 3rd Addition – An ordinance to amend and reenact section 21-13-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map. Commissioner Frank 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 plans and specifications and authorizing execution of 3-way agreement for water and sewer Improvement Project 2013-13. (Meadows 6th*

Addition). Commissioner Tibke moved to approve the Resolution approving plans and specifications and authorizing execution of 3-way agreement for water and sewer Improvement Project 2013-13. (Meadows 6th Addition). 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 Resolution Authorizing Undertaking for Municipal Improvement Consisting of Water Treatment Facility.* Finance Director Welch stated that Resolutions No. 3 and No. 4 together relate to improvements, optimization of improvements at the Water Treatment Plant. On 3/19/13 this Board approved a resolution authorizing filing application with the ND Department of Health for a loan under the Safe Drinking Water Act. Commissioner Braun moved to approve the Resolution Authorizing Undertaking for Municipal Improvement Consisting of Water Treatment Facility. Commissioner Frank 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.

4. *Consider Resolution Authorizing the Issuance of Water Improvement Interim Certificates of 2013, Series A and Water Improvement Revenue Bonds of 2013, Series A.* Commissioner Braun moved to approve the Resolution Authorizing the Issuance of Water Improvement Interim Certificates of 2013, Series A and Water Improvement Revenue Bonds of 2013, Series A. Commissioner Frank 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 Resolution Authorizing Undertaking for Municipal Improvement Consisting of Wastewater System Improvements.* Finance Director Welch stated that Resolutions No. 5 and No. 6 pertain to financing that is required for a number of projects at the Waste Water Treatment Plant as described in detail in the Mandan Wastewater and Collection System Master Plan. On 3/19/13 this Board approved a resolution authorizing filing application with the ND Department of Health under the Clean Water Act and on April 23, 2013, the City was approved by the Industrial Commission in the amount of \$2,230,000 loan to assist in these improvements. Commissioner Tibke moved to approve The Resolution Authorizing Undertaking for Municipal Improvement Consisting of Wastewater System Improvements. 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.

6. *Consider Resolution Authorizing the Issuance of Sewer Improvement Interim Certificates of 2013, Series A and Sewer Improvement Revenue Bonds of 2013, Series A.* Commissioner Braun moved to approve the Resolution Authorizing the Issuance of Sewer Improvement Interim Certificates of 2013, Series A and Sewer Improvement Revenue Bonds of 2013, Series A. Commissioner Tibke 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.

K. OTHER BUSINESS

1. Additional Meeting Date: Added to the future meeting dates will be July 30, 2013, at 6:00 p.m. for the joint meeting with the Planning and Zoning Commission and to hear from Stantec on the Comprehensive Land Use and Transportation Plan.

There being no further actions to come before the Board of City Commissioners, Commissioner Tibke moved to adjourn the meeting at 6:56 p.m. Commissioner Rohr 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