
The Mandan City Commission met in regular session at 5:30 p.m. on July 17, 2012 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, Engineering Project Manager Bechtel, and City Assessor Barta. Absent: Director of Public Works Wright.

MINUTES: *Consider approval of the minutes for July 10, 2012 regular meeting minutes.* Commissioner Tibke moved to approve the minutes of the July 10, 2012 regular meeting minutes. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present. The motion passed.

PUBLIC HEARING:

1. *Consider approval of Meadow Ridge 2nd zone change. (First consideration of ordinance #1126).* Engineering Project Manager Bechtel reviewed with the Board a request from Michael Wachter of WW Ranch to change the zoning of Meadow Ridge 2nd Addition from MC (Light non-nuisance Industrial/Heavy Commercial) and R3.2 (Two-Family Residential) to RM (Multi-Family Residential). The location is at 27th Street Northwest and 8th Avenue Northwest adjacent to Terra Vallee. They have also provided a plat to the east of the property location. They are proposing to do a condo-type construction on this property and they are requesting multi-family to accommodate that. At the Planning and Zoning Committee (P & Z) meeting there were residents present who were in opposition and others who were in support of the request. It is anticipated that traffic will be increasing in that area and the utilities are adequate for what they are doing at this time. Commissioner Frank questioned whether there would be any green space that might be included in the plans. Bechtel replied that he was unaware of any plans and he did note that there is a gas line that runs along 8th that cannot be disturbed and a storm water pond will be in place. When adding up the gas line and the water line it is over 100 feet from the existing homes on the west side and that acts as a buffer. However, he did think eventually there will be green space along that area. Michael Wachter came forward and provided an outline of the plan. He stated that on the east half there are apartments and on the west half he is looking at condos and townhome types of construction. Across from Walmart will be more commercial type property so basically west of 6th and north of 24th will be residential and condo/townhome mix. To the west will be condos and on the east on 6th will be apartments.

Mayor Van Beek announced this is a public hearing and invited comments or questions from the public. Hearing none, this portion of the public hearing was closed.

Commissioner Frank motioned to approve the Meadow Ridge 2nd zone change to RM (Multi-Family Residential). (First consideration of ordinance #1126). Commissioner Rohr seconded the motion. Commissioner Frank commented that at previous meetings there was discussion on the requirements for green space and she requested that discussion be scheduled with department heads about those requirements and that the matter also be discussed at a future City Commission meeting. Roll call vote:

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

2. *Consider the annexation of Living Water Addition in Section 35, Township 139N, Range 81W. (First consideration of ordinance #1127).* Engineering Project Manager Bechtel reviewed with the Board a request by Marion Higgins, Living Water Lutheran Church to annex the subject property. The property is located at 19th Street, east of 14th Avenue Southeast wherein the proposal is to construct a church at that site. The property is currently outside of the City. It was previously discussed to annex the whole corner (indicated on the map by Bechtel). Notices were sent to adjacent property owners to be protested out, and it was. This is the second effort to get the property into the city; however, they have made a request for rural water and sewer and that was denied so they will become part of the city's water and sewer plan.

Mayor Van Beek announced this is a public hearing and invited comments or questions from the public. Marion Higgins, Living Water Lutheran Church came forward to comment. She extended a thank you to the Board for their consideration and indicated that the church will also serve as a community center available for use.

Mayor Van Beek once again announced this is a public hearing and invited comments or questions from the public. Hearing none, this portion of the public hearing was closed.

3. *Consider the annexation of Keidel's South Heart Terrace 2nd Addition in Section 34, Township 139N, Range 81W. (First consideration of ordinance #1128).* Engineering Project Manager Bechtel reviewed with the Board a request to annex subject lands from Kevin Christianson, the property owner. The property is east of 19th Street and runs past 8th Avenue Southwest. There is a piece of land outside city limits that will be annexed in with this property of Keidel's South Heart Terrace 2nd Addition plat that will be developed into single family housing. The request would put this property within the city's sewer and water plan.

Mayor Van Beek announced this is a public hearing and invited comments or questions from the public. Hearing none this portion of the public hearing was closed.

BIDS:

CONSENT AGENDA:

1. *Consider approval of monthly bills.* The Board approved of the monthly bills. AMERIPRIDE LINEN & APPAR - 66.33; ASSOCIATED SUPPLY CO., I - 363.85; AT & T SUBPOENA CENTER - 40.00; AUDIOVISUAL INC. - 126.88; BIS-MAN CONVTN & VISITOR - 4,875.83; BIS-MDN TRANSIT BOARD - 775.17; BLACK BOX NETWORK SERVIC - 109.00; BOILER INSPECTION PROGRA - 65.00; BUTLER MACHINERY COMPANY - 53.00; CITY AIR MECHANICAL INC - 440.00; CITY OF BISMARCK - 15.00; COLE PAPERS INC - 333.44; CRESCENT PRNT & OFFICE P - 23.00; DAKOTA COMMUNICATION SVC - 376.40; DIRECTMED - 216.16; DIRK PLUMBING & HEATING - 172.00; EIDE BAILLY -

18,500.00; ETHANOL PRODUCTS - 2,607.88; FARGO WATER EQUIPMENT CO - 5,734.00; FIRE SAFETY USA - 123.00; FLATEN/LORI - 20.00; FORCE AMERICA - 21.96; GRAY OIL COMPANY - 1,075.32; H & S CONTRACTING, INC. - 67,040.59; HAWKINS INC - 182.21; HEDAHLS OF MANDAN INC - 1,265.27; HEIMAN FIRE EQUIPMENT IN - 202.00; HOBBS INC - 343.50; INTERSTATE ALL BATTERY C - 68.60; INTERSTATE POWERSYSTEMS - 10.00; J & R VACUUM & SEWING IN - 67.01; JAKE'S AUTO GLASS INC - 94.33; KELLER MACHINE - 99.00; KNIFE RIVER - 598.51; MANDAN AIRPORT AUTHORITY - 1,550.87; MANDAN AUTO GLASS - 398.00; MANDAN PARK BOARD - 300.00; MANDAN PROGRESS ORGANIZA - 23,200.00; MET PRO CORPORATION - 12,319.29; MICHAEL TODD AND COMPANY - 503.26; MID DAKOTA CLINIC - 226.77; MORTON COUNTY AUDITOR - 8,311.06; MORTON MANDAN PUBLIC LIB - 16,056.23; MVTL LABORATORIES, INC - 56.00; ND SECRETARY OF STATE - 36.00; NDACO RESOURCES GROUP - 1,004.51; NORMONT EQUIPMENT CO - 7,911.00; PAHLKE STEEL, INC. - 475.00; PARK CONSTRUCTION COMPAN - 327,564.86; POWERPLAN - 1,834.01; PREBLE MEDICAL SERVICES - 50.00; PRINT ON IT - 65.19; R AND F LDSCPNG & HAULIN - 3,277.50; RACHEL CONTRACTING, INC. - 82,965.54; ROTO-ROOTER SEWER & DRAI - 305.00; ROUGH RIDER INDUSTRIES - 572.63; RUNNING'S SUPPLY INC - 936.77; SECURITY INS & INVESTMEN - 2,038.00; STEIN'S INC - 14.70; STROMSODT/SCOTT - 255.00; SURE SHRED - 34.08; SWANSTON EQUIPMENT CORPO - 823.73; TOM'S BACKHOE SERVICE, I - 102,357.75; TRAFFIC SAFETY SERVICES - 200.00; UNIFORM CENTER & EMBROID - 368.12; VERIZON WIRELESS SERVICE - 254.80; WE-SHIP-ETC.INC - 16.81; WEBER/ED - 34.94; WESCO DISTRIBUTION INC - 1,486.92; WITMER PUBLIC SAFETY GRO - 1,166.00; 2502 NASH LANE CONDO ASS - 200.00; ND DEPARTMENT OF COMMERC - 600.00; MONTANA-DAKOTA UTILITIES - 40,205.95; AT & T - 634.19; CENTURYLINK - 5,859.41; ADVANCED ENGINEERING SVC - 29,092.21; AT & T MOBILITY - 18.46; BALABAN LAW OFFICE - 1,500.00; CENTURYLINK - 147.18; COMPANION LIFE - 10.00; DAKOTA MEDIA ACCESS - 6,302.17; FORT DEARBORN LIFE - 427.21; GLASS/THOMAS J. - 1,500.00; KADRMAS, LEE & JACKSON, - 32,884.02; KELSCH KELSCH RUFF & KRA - 4,000.00; ND PERS - 81,155.83; ND STATE DEPT OF HEALTH - 100.00; PETTY CASH - 291.50; POSTMASTER - 2,300.00; ROSENVOLD/SHARON - 29.67; TARGET BANK - 59.80; UNITED STATES TREASURY - 300.00; ABC SEPTIC - 390.00; ACS - 350.00; ADVANCED BUSINESS METHOD - 3,257.62; ADVANCED ENGINEERING SVC - 5,387.88; AIRE MASTER OF ND - 70.00; AMERICAN WELDING SUPPLIE - 62.21; AMERIPRIDE LINEN & APPAR - 66.33; ARMSTRONG SANIT & ROLL O - 37,144.72; ARROWHEAD CLEANERS & LAU - 608.00; ASSOCIATED SUPPLY CO., I - 91.90; AT & T MOBILITY - 429.45; BAIR/JACKIE - 50.00; BILL BARTH FORD INC - 100.00; BIS MAN DEVELOPMENT ASSO - 4,500.00; BIS-MAN TRACTORS & EQUIP - 104.38; BISMARCK POLICE DEPARTME - 701.10; BISMARCK TRIBUNE/THE - 1,758.56; BOBCAT OF MANDAN INC - 320.73; BRENDDEL'S LAWN SPRINKLIN - 4,454.80; BROWN/MALCOLM H. - 4,500.00; BULLINGER TREE SERVICE - 2,773.60; BURGEE/SUSAN - 140.61; BURLEIGH COUNTY - 5,640.73; BUTLER MACHINERY COMPANY - 841.57; CARLSON/PETER - 20.00; CENEX- FUOC

BISMARCK-MAN - 26.07; CENTRAL DAKOTA HUMANE SO - 180.00; CENTURYLINK - 1,707.80; CHESAK SEED HOUSE - 634.00; CITY OF BISMARCK - 1,057.00; COAST TO COAST OFFICE MA - 5,883.30; COMPUTER PROFESS UNLIMIT - 80.00; CRESCENT PRNT & OFFICE P - 1,583.58; CUSTER DISTRICT HEALTH U - 1,014.17; DAKOTA AWARDS INC - 1,453.40; DAKOTA COMMUNICATION SVC - 60.00; DAKOTA FIRE STATION INC - 215.45; DAKOTA STAFFING SOLUTION - 318.15; DAKOTA SUPPLY GROUP - 196.80; DAKOTA TOWING - 205.00; DAN'S SUPERMARKET - 103.08; DANDEE SERVICES INC. - 9,717.00; DIAMOND VOGEL PAINT CENT - 28.55; DIRK PLUMBING & HEATING - 215.00; EBERLE/MIKE - 79.20; ECOLAB PEST ELIIMINATION - 139.94; ELECTRO WATCHMAN, INC - 9,079.51; ENFIELD'S ARBORIST SUPPL - 88.14; ENTERPRISE SOLUTIONS INC - 85.00; FACTORY MOTOR PARTS COMP - 356.08; FASTENAL COMPANY/THE - 439.73; FBS INDUSTRIES - 100.00; FERGUSON ENTERPRISES, IN - 112,493.52; FERGUSON WATERWORKS - 428.84; FETZER ELECTRIC, LLC - 5,054.15; GEFFRE/RON - 261.00; GEIGER SMALL ENGINE - 24.95; GERDAU AMERISTEEL - 217.06; GRAND CENTRAL, INC. - 148.50; GRAYMONT CAPITAL INC - 12,055.38; GUARDIAN LOCK & SAFE - 84.00; GW ENTERPRISES - 287.64; HALFTONED APPAREL - 0.00; HARVEST LLC - 1,666.00; HAWKINS INC - 2,240.00; HEDAHLS OF MANDAN INC - 654.05; HEIMAN FIRE EQUIPMENT IN - 104.50; HIMMELSPACH, GARY - 23.06; HIRSCH FLORIST INC. - 50.00; HIT, INC. - 159.60; HOPFAUF CUSTOM BUILDERS - 943.00; HUB INTERNATIONAL OF ND - 192.00; HUBER/ELLEN - 224.40; INFORMATION TECHNOLOGY D - 3,004.41; INTERGOVERNMENTAL SHOP - 18,623.49; INTERSTATE ALL BATTERY C - 83.50; INTERSTATE POWERSYSTEMS - 223.39; JEROME DISTRIBUTING, INC - 93.00; JOHN T. JONES CONSTRUCTI - 22,062.50; KELLER MACHINE - 670.00; KLEIN/MILTON - 18.52; KNIFE RIVER - 895.02; KO INVESTMENTS, LLC - 20,552.73; KOSTELECKY/EVE - 516.00; KUPPER CHEVROLET INC - 47.68; LACAL EQUIPMENT INC - 1,371.90; LIBERTY BUSINESS SYSTEM - 277.20; LILLIS ELECTRIC INC. - 352.55; MANDAN FIRE DEPARTMENT - 583.33; MANDAN MUNICIPAL COURT - 580.00; MANDAN NEWS - 33.00; MANDAN NW PIPE FITTINGS - 17.75; MANDAN PARK BOARD - 1,200.00; MANDAN PLUMBING & HEATIN - 495.07; MANDAN PROGRESS ORGANIZA - 500.00; MANDAN TIRE CENTER - 1,293.09; MARINER CONSTRUCTION INC - 11,284.70; MEDCENTER ONE INC - 616.20; METAL ARTS - 153.60; MID DAKOTA CLINIC - 398.49; MIDCONTINENT COMMUNICATI - 52.38; MIDWAY MACHINING, INC. - 40.00; MIDWEST TESTING LAB INC - 2,087.50; MISSOURI VALLEY PETROLEU - 19,247.66; MISSOURI WEST WATER SYST - 47.93; MOR-GRAN-SOU ELECTRIC CO - 9,591.19; NAPA AUTO PARTS - 507.89; ND INSURANCE DEPARTMENT - 28,848.50; ND LEAGUE OF CITIES - 15.00; ND PEACE OFFICERS ASSOC - 130.00; ND STATE DEPT OF HEALTH - 320.00; ND STATE DEPT OF HEALTH - 250.00; NELSON LEASING INC DBA - 228.18; NORTH COUNTRY TRUCKS & P - 8.02; NORTHERN PLAINS EQUIP CO - 6,751.89; O'REILLY AUTOMOTIVE, INC - 126.98; OFFICE & TECHNOLOGY - 24.00; ONE CALL CONCEPT INC - 340.00; PARK CONSTRUCTION COMPAN - 58,082.71; PHYNE PHOTOGRAPHY ART GA - 49.00; POUR MOR INC. - 22,933.50; POWERPLAN - 449.30; PRAXAIR - 145.54;

PREBLE MEDICAL SERVICES - 85.00; PRESORT PLUS - 711.02; PRINT ON IT - 243.00; PRO BUILD COMPANY - 179.34; PROGRESSIVE MAINTENANCE - 171.25; QUAM CONSTRUCTION CO INC - 64,600.00; RAILROAD MANAGEMENT CO I - 3,936.90; RICOH PRODUCTION PRINT S - 69.19; S & B LANDSCAPING INC - 16,617.00; SCHAFFER/MATT - 40.00; SCHWAN BUICK GMC CADILLA - 653.34; SHEET METAL SPECIALTIES - 53.85; SPECIALTY AUTOMOTIVE - 606.53; STEIN'S INC - 112.59; STRIEFEL/CODY - 89.99; TITAN MACHINERY INC - 5,743.97; TOM'S BACKHOE SERVICE, I - 5,387.25; TOMAN ENGINEERING CO - 7,765.75; TRAFFIC SAFETY SERVICES - 18,415.61; UNIFORM CENTER & EMBROID - 974.69; VERIZON WIRELESS SERVICE - 1,839.63; VISION TECHNOLOGY INC - 56.25; WAGON WHEEL LUMBER & HDW - 120.00; WARREN'S LOCKS AND KEYS - 7.00; WASTE MANAGEMENT OF ND, - 26,982.44; WEHRI/RADEANNA - 225.00; WELLS FARGO REMITTANCE C - 11,792.53; WESCO DISTRIBUTION INC - 534.43; WEST DAKOTA UTILITY SERV - 8,894.91; WEST PAYMENT CENTER - 221.04; WOODMANSEES INC - 230.06.

Commissioner Rohr moved to approve the Consent Agenda items as presented. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present. The motion passed.

OLD BUSINESS:

1. *Consider invitation for bids for sale of former water reservoir property off 8th Avenue NW.* Business Development and Communications Director Huber reviewed with the Board a consideration to issue an invitation for the bids for the sale of the former water reservoir property located northeast of the intersection of Old Red Trail and 8th Avenue Northwest. This matter was before the Board in the spring and the deadline for responses was June 15, 2012. No responses were received by that deadline. At the City Commission meeting on June 19, 2012, instructions were given to city staff to put the property on the multiple property listing service. Administrator Neubauer looked into the matter and one local realtor indicated a waiver of the commission on behalf of the seller (3% is typically given to the buyer and 3% given to the seller upon sale of the property). Huber stated that the recommendation is to re-issue for bids with an August 22, 2012 deadline to include a provision that if no responses are received by that date that any additional offers received beyond that date be subject to consideration by the City Commission.

Commissioner Frank motioned to approve an invitation for bids for sale of former water reservoir property off 8th Avenue NW to include demolition. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

NEW BUSINESS:

1. *Consider recommendations of the Renaissance Zone Committee:* Business Development and Communications Director Huber reviewed with the Board the following items:

i. Rehab of 1006 East Main Street by Railway Credit Union. This property was acquired in 2005 and remodeled at that time. The Ideal Image Dentistry has moved to Capitol Credit Union which now provides Railway Credit Union an opportunity to expand its facility. Huber reviewed the criteria required to qualify for Renaissance Zone funds. She said that in this case the current building is valued at about \$500,000 so the minimum reinvestment amount is \$225,000 and the Railway Credit Union proposes to invest at least \$533,000 based on the developer's estimates. That will include restoration of the exterior of the building and remodel of the interior office spaces. The criteria for qualifications exceed the investment required and the Renaissance Zone Committee recommends approval for the five-year property tax exemption and the 100% state income tax exemption. Representatives from the Railway Credit union were present to answer questions regarding the project. A representative came forward and extended a thank you to the City Commission for their consideration to approve this project. She stated that Loran Galpin has been hired as the contractor for the project and he is also available to answer questions. Huber stated that they are not requesting the state income exemption because they are exempt from that tax.

Commissioner Tibke moved to approve the request for the rehabilitation of 1006 East Main Street by Railway Credit Union as a Renaissance Zone Project at five-year 100% property tax exemption on the building as improved. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

ii. Rehab of 113 Third Avenue NW by Commercial Properties. Huber stated this is a building that has three separate leased spaces within it. One was before the Board in 2010 as a lease-hold improvement project. Half the building is leased to Grube Retina Clinic who has updated the property costing approximately \$200,000 in 2010 when they established their clinic. The other spaces are occupied by Eyecare Professionals. The eye doctors own the building through a partnership known as Commercial Properties. The third lease space is occupied by Mandan Nails. The property owners are estimating improvements in excess of \$105,000 into building renovations. The Grube Retina Clinic space already has an automatic door. Automatic doors will be installed as part of this project in the Eyecare Professionals and Mandan Nails spaces.

The total value on the building is \$277,000 of which 50% of the property is subject to exemption as part of the Grube Clinic lease-hold improvement project. The criteria meet the requirements for Renaissance Zone. The Renaissance Zone Committee recommended the five-year 100% property tax exemption on half of the building for its value as improved as well as state income tax exemption. She explained that in this case the income subject to taxes is the income from the leased property. The Grube Retina Clinic Project has an exemption period from 2011 through 2015. This exemption is likely to start in 2013 and run for five years.

Commissioner Frank moved to approve the request for the Rehabilitation of 113 Third Avenue NW by Commercial Properties as a Renaissance Zone Project with a five-year

100% property tax exemption on the building as improved and a five-year 100% state income tax exemption. 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.

iii. Continued lease of 113 Third Avenue by Eyecare Professionals. Huber stated this a related project to the previous project within the Renaissance Zone program. It allows for tenants within buildings that have been constructed or rehabilitated as Renaissance Zone projects to apply for a five-year state income tax exemption, as a tenant retention and recruitment mechanism. Eyecare Professionals with a continued lease in this building is requesting the five-year state income tax exemption that requires local authorization prior to submittal to the ND Commerce Department, the Division of Community Services and the ND Tax Department. The Renaissance Zone Committee recommended the five-year 100% income tax exemption for Eyecare Professionals.

Commissioner Tibke moved to approve the continued lease of 113 Third Avenue by Eyecare Professionals as a Renaissance Zone Project with a five-year income tax exemption at 100%. Commissioner Braun seconded the motion. Commissioner Frank commented that at times the agenda packet information is incomplete and she suggested in the future that one of the caveats before bringing them to the meetings is that they are filled out in their entirety and also adequately. She said for the portion of the application that asks how the project benefits the community, “improved property” does not sufficiently describe it in order to fully understand what it will bring for the City of Mandan. Huber clarified that at times there are questions on the application that are not applicable to the matter. She stated that in discussion with the Renaissance Zone Committee, the basic benefit of this particular application is the retention of this business in Mandan. She explained that the information in the Commission’s agenda packets is an excerpt of the full application. The entire application is available for review at any time in her office by any of the Commissioners or the public upon request. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

iv. Lease of 116 E Main Street by Destiny Screen Printing & Embroidery. Huber stated this is a request for a lease by a new business. This building was sold by the City to Scott Johnson who is in the process of renovating the building. Destiny Screen Printing & Embroidery is looking at leasing 2,000 sq. ft. of the main floor of this building. They are asking for the state income tax benefit exemption on state tax liability. The Renaissance Zone Committee has recommended approval of the five-year state income tax exemption. Huber indicated that an electronic door will be installed in the building as part of the Johnson Renaissance Zone project.

Commissioner Frank moved to approve the lease of 116 E Main Street by Destiny Screen Printing & Embroidery as a Renaissance Zone project for the five year 100% state income tax exemption. 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.

2. *Consider recommendations of the Growth Fund Committee:*

i. *Storefront improvement project by Railway Credit Union, 1006 East Main Street.* Huber indicated that this request for the same project previously approved for Renaissance Zone benefits with \$163,000 of the project cost to be for exterior improvements on the building. The Storefront Improvement program allows up to \$10,000 in matching funds for a project with a minimum requirement of a dollar for dollar match for buildings in the downtown core and fringe district overlay areas. The project proposal meets the minimum funding requirements for both Renaissance Zone as well as the private match for the Storefront Improvement Program. It has been approved by the Architectural Review Commission, and the Mandan Growth Fund Committee recommends that the \$10,000 in forgivable loan be provided to Railway Credit Union for this project. There are representatives from Railway Credit Union available to answer questions.

Commissioner Braun moved to approve allocation of \$10,000 in matching funds for the Storefront Improvement Project by Railway Credit Union, 1006 East Main Street. Commissioner Tibke seconded the motion. Commissioner Frank voiced concern that there are limited funds available under the Storefront Improvement projects and one of the initial reasons for the program as set out in the criteria is to renovate the exterior façade in deteriorating buildings in downtown Mandan. She reviewed sections of the policy outlining the program. She stated that this building has been maintained nicely and she does not think this is the best use for those limited funds. Finance Director Greg Welch stated there is a balance of \$87,896 available with a possible \$20,000 turned back into the fund because of projects not executed prior to the expiration date, so there will be approximately \$107,000 available. Huber provided a photo of the building's north side wherein she mentioned the improvements certainly would be an enhancement to the view from First Street; as well as the clock tower providing a nice amenity on the south or Main Street facing side of the building. Loran Galpin came forward and addressed the Storefront Improvement program and how it relates to this project. In particular, he spoke on behalf of the Railway Credit Union's position on establishing a business and growing that business in the City of Mandan. He said the Railway Credit Union has always had the intention to do more than what was needed to be done all in respect for investing in the Mandan community. Galpin extended a thank you to Board members for their consideration of this request and encouraged a vote of approval for the Storefront improvement project by Railway Credit Union, 1006 East Main Street. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: No; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

ii. *Storefront improvement project by Commercial Properties for 113 Third Avenue NW.* Huber stated this is another request for a project that is also a Renaissance Zone project by Commercial Properties under the ownership of Drs. Long, Helmers and Helmers. They are also requesting the \$10,000 in forgivable loan match toward what they estimate to be \$56,000 in exterior improvements as part of a \$105,000 total building improvement project. The investment to the renovation project exceeds the

Renaissance Zone requirements and meets the private match for the Storefront Improvement program. The Mandan Growth Fund recommended approval of the \$10,000 in funding for this project.

Commissioner Tibke moved to approve the allocation of funds in the amount of \$10,000 for the Storefront improvement project by Commercial Properties for 113 Third Avenue NW contingent upon final approval of exterior renovation plans by the Mandan Architectural Review Commission. Commissioner Rohr seconded the motion.

Upon questions by Commissioners, Huber explained there have been about 25 projects since the program began. Since 2008 there have not been a lot of applications due to the automatic door opener requirement that went into place. Some of the property owners have looked at that as an additional \$1,200 to \$1,800 cost. Since 2008 there have been only one to three new projects per year. Huber provided insight as to how the Mandan Growth Fund and the Architectural Review Commission will discuss and determine the allocation of these funds based on the criteria required. Commissioner Rohr alluded to Commissioner Frank's previous comments regarding the criteria requirements and how those requirements align up with the criteria for qualifying for the funds. Commissioner Frank voiced concern that over half the improvements to this building are to the exterior of the building for which the Renaissance Zone incentive has already been granted. Roll call vote: Commissioner Rohr: No; Commissioner Tibke: Yes; Commissioner Frank: No; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

iii. Retail incentive application from Destiny Screen Printing & Embroidery for operation at 116 E Main Street. Huber explained this is a request received from Scott and Roma Newton from Gilbert, Arizona, who are interested in relocating their business from Arizona to Mandan. They plan on opening the business by September 1, 2012. The Mandan Growth Fund Committee considered the requested incentive only for the portion of the business to be a souvenir and gift shop that will include North Dakota and Mandan items. 1,200 sq. ft. of the area will be designated to gift shop items and the rest will involve the printing and embroidery operation. The project scored an average rating by the Growth Fund Committee of 3.3 on a scale of 1 to 5 for 13 different criteria, which correlates with a stipend of \$3.75 per square foot. Thus the Growth Fund Committee's recommendation is for \$4,500 in funding. Huber stated that no funding is provided until a business is open for one month and from there is provided in monthly allotments, so in this case \$375 per month for 12 months.

Commissioner Braun moved to approve \$4,500 as an incentive for Destiny Screen Printing, Embroidery and Gift Shop payable in 12 equal monthly installments following each month of operations. 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.

RESOLUTIONS & ORDINANCES:

1. *Consider first consideration of Ordinance No.1126 Zone Change for Meadow Ridge 2nd Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan*

Code of Ordinances relating to District Boundaries and Zoning Map. Commissioner Frank motioned to approve the Meadow Ridge 2nd zone change to RM (Multi-Family Residential). (First consideration of ordinance #1126). 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.

2. *Consider first consideration of Ordinance 1127, 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 35-139N-81W).* Commissioner Tibke moved to approve the first consideration of Ordinance No. 1127, 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 35-139N-81W).

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.

3. *Consider first consideration of Ordinance 1128, 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 34-139N-81W).* Commissioner Frank moved to approve the first consideration of Ordinance No.1126 Zone Change for Meadow Ridge 2nd Addition – an ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map. 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.

OTHER BUSINESS:

1. *Consider moving into executive session under North Dakota Century Code Section 44-04-19.1 for attorney consultation regarding contract negotiations and instructions related to the Don McGuire and John Schultz proposal for development of city-owned property.* Commissioner Frank motioned to move into executive session to discuss this matter. 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. Mayor Van Beek stated that the executive session will be recorded and all members of the governing body are reminded to limit their discussion during the executive session to the announced topic. Collective decisions or collective commitment or other final action by the governing body must occur after it reconvenes in an open meeting unless the final action is specifically required by law to be taken during the executive session. The prohibition of taking final action during the executive session does not apply to providing guidance or instructions to our attorney or negotiator. Members were excused to convene in the Dykshoorn Room.

The regular meeting recessed at 6:36 p.m. to enter into Executive Session. Present: Commissioners Van Beek, Braun, Frank, Rohr and Tibke. Department Heads present were: City Administrator Neubauer, Business Development and Communications Director Huber, Engineering Project Manager Bechtel and City Attorney Brown.

Commissioner Frank motioned to adjourn the Executive Session at 7:26 p.m. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The Board then reconvened in regular session and Mayor Van Beek reviewed the future commission meeting dates.

There being no further actions to come before the Board of City Commissioners, Commissioner Frank moved to adjourn the regular meeting at 7:27 p.m. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present.

/s/ James Neubauer

James Neubauer,
City Administrator

/s/ Arlyn Van Beek

Arlyn Van Beek,
President, Board of City
Commissioners