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The Mandan City Commission met in regular session at 4:30 p.m. on July 2, 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, Director of Public Works Wright, Planning & Engineering Director Froseth, Engineering Project Manager Fettig, and Assessor/Building Official Lalim. Absent: Fire Chief Nardello and Business Development and Communications Director Huber.

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 18, 2013, Regular Board Meeting.* Commissioner Braun moved to approve the minutes from the Board of City Commission meetings of June 18, 2013, Regular Board Meeting. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present. The motion passed.

At this time the Consent Agenda, New Business and Resolution Items No. 1, 3, 4, and 6 were brought before the Board prior to the time set for the Public Hearing which was published to begin at 5:30 p.m.

Commissioner Frank moved to recess the meeting at 4:42 p.m. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present. The motion passed.

The meeting reconvened and was called to order by Mayor Van Beek at 5:30 p.m.

E. PUBLIC HEARING:

1. *Public Hearing to consider a 2-Year Property Tax exemption for HM4, LLC.* Assessor/Building Official Lalim presented a request for a 2-year tax exemption from HM4 LLC for a 42-unit multi-family apartment building with garages. The notice to competitors was published on June 7<sup>th</sup> and June 14<sup>th</sup> and no written protests have been received. The Mandan School District and Mandan Park District did not file any response to the exemption. The Morton County Tax Director filed a written opposition opposing the exemption and requested the City review the application because the company does not generate revenue or create new jobs for the City of Mandan.

Mayor Van Beek announced this is a public hearing to approve a 2-Year Property Tax exemption for HM4, LLC and invited anyone to come forward to speak.

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James Moen, a representative from HM4, came forward and stated that he and his brother are involved in this project. He indicated they have a similar building project and the tax exemption was approved for that one approximately 3-4 weeks ago. The details for this project are almost identical to the previous project. The only difference is in the employment. The only employed staff will be members of the management company. There is a definite need in the community to warrant the addition of these two projects.

Commissioner Frank commented that the recently approved projects that have included multi-family dwellings have addressed the affordable housing and green space designation within the projects. She asked Mr. Moen what the plans were for any green space for these projects. Moen stated that green space will be a consideration within the project wherever landscaping will occur. He said they are prepared to participate in the affordable housing request as appropriate for this project. Commissioner Frank stated that by using previous computations to determine how many units to designate, two units would be the appropriate number to designate as affordable housing units according to the plans provided for this project. Mr. Moen concurred that two units is what they have planned for; and if approved, this project will commence in July 2013 with a completion date of March 2014. There will be at least 44 spots for additional parking spaces as well as the 44 garage stalls.

A second announcement was made by Mayor Van Beek to come forward to speak for or against the 2-Year Property Tax exemption for HM4, LLC. Hearing none, this portion of the public hearing was closed.

Commissioner Frank moved to approve a Property Tax Incentive for New or Expanding Businesses for HM4, LLC with a 100% exemption for two years to be determined by the Mandan City Commission contingent upon two of the units being designated as low to moderate income housing units. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: No; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

F. BIDS:

*Consider award of bids for Street Improvement District No. 185, Project 2013-19(Heart Ridge 2nd Addition)(See Resolution No. 5).* Engineering Project Manager Fettig presented a request for an award of bids to Northern Improvement, the low bidder for the amount of \$1,273,299.75. The Engineer's Estimate was \$1,026,135.25. The project will be paid for the 78 lots of the benefiting parties within the district. The total construction cost of the project including the administrative costs will be \$1,591,624.69.

Commissioner Rohr moved to approve the bid award for Street Improvement District No. 185, Project 2013-19 (Heart Ridge 2nd Addition) to Northern Improvement, the low bidder in the amount of \$1,273,299.75.

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.

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G. CONSENT AGENDA

1. *Consider approval of Beer Garden and Street Dance for Church of St. Joseph on July 6, 2013.*
2. *Consider approval of Joint Powers Agreement with Mandan Park District pursuant to the provisions of Chapter 54-40.3, N.D.C.C., for the cooperation of acquisition of the real property to be utilized for a recreation/wellness center or such other use as may be agreed to by the City in writing.*
3. *Consider approval of Legal Retainer Agreement with Malcolm H. Brown, of Counsel to Crowley Fleck PLLP.*
4. *Consider for approval the final Replat of Lots 27-29, Block 1, Heart Ridge Addition.*
5. *Consider for approval the final plat of South Bay Townhomes Addition.*
6. *Consider for approval the final plat of Addie's Acres Addition.*
7. *Consider the execution of Engineering agreement with AE2S for Mandan Waste Water Odor Control System Project.*

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

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Consider the creation of, approval of the feasibility report for, approve the plans and specifications, approve engineer's report, direct advertisement for bids and approve sufficiency of petition for Street Improvement District No. 178, Project No. 2013-04 (Keidels South Heart Terrace Phase IV). (See Resolution No. 6). Engineering Project Manager Fettig presented a request for the creation of, approval of the feasibility report for and approve the plans and specifications, approve engineer's report and direct advertisement for bids and approval of sufficiency of petition for Street Improvement District No. 178. Fettig stated this is the last section in that area that is scheduled for improvements.*

Commissioner Frank moved to approve the creation of, approval of the feasibility report for, approve the plans and specifications, approve engineer's report, direct advertisement for bids and approve sufficiency of petition for Street Improvement District No. 178, Project No. 2013-04 (Keidels South Heart Terrace Phase IV). 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.

J. RESOLUTIONS AND ORDINANCES:

1. *Second consideration and final passage of Ordinance No. 1153 Zone Change for Lot 2, Block 1 of the Replat of Lot 1, Block 1, Hoovestol's 2<sup>nd</sup> Addition – An ordinance to amend and reenact section 21-13-02 of the Mandan Code of Ordinances relating to*

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*District Boundaries and Zoning Map.* Commissioner Braun moved to approve the Second consideration and final passage of Ordinance No. 1153 Zone Change for Lot 2, Block 1 of the Replat of Lot 1, Block 1, Hoovestol's 2<sup>nd</sup> 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. *Removed from Agenda.*

3. *Second consideration and final passage of Ordinance No. 1155, 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 Section 7, Township 139N, Range 81W).* Commissioner Frank moved to approve the Second consideration and final passage of Ordinance No. 1155, 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 Section 7, Township 139N, Range 81W). Commissioner Tibke seconded the motion.

Lee Klapprodt came forward and stated that he and his wife are in support of this annexation. There were some issues they had that were discussed at the last meeting. However, those issues have been addressed by Director of Public Works Wright in which Klapprodt and his wife are now in agreement.

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

4. *Second consideration and final passage of Ordinance No. 1156 Zone Change for the west 280 feet of the south 300 feet of Government Lot 4 in Section 7, T139N, R81W - An ordinance to amend and reenact section 21-13-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.* Commissioner Tibke moved to approve the Second consideration and final passage of Ordinance No. 1156 Zone Change for the west 280 feet of the south 300 feet of Government Lot 4 in Section 7, T139N, R81W - An ordinance to amend and reenact section 21-13-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

5. *Consider Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 185, Project 2013-19(Heart Ridge 2<sup>nd</sup> Addition).* Commissioner Tibke moved to approve the Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 185, Project 2013-19 (Heart Ridge 2<sup>nd</sup> Addition). Commissioner Rohr seconded the motion. Roll call vote:

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

6. *Consider the Resolutions creating district, approving engineer's report, determining sufficiency of protest, approving the plans and specifications and directing advertisement for bids for Street Improvement District No. 178, Project No. 2013-04 (Keidels South Heart Terrace Phase IV).* Commissioner Frank moved to approve the Resolutions creating district, approving engineer's report, determining sufficiency of protest, approving the plans and specifications and directing advertisement for bids for Street Improvement District No. 178, Project No. 2013-04 (Keidels South Heart Terrace Phase IV). 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.

K. OTHER BUSINESS

1. Mayor Van Beek encouraged everyone to come out and enjoy the Rodeo Days Events scheduled in Mandan during the July 4<sup>th</sup> holiday.

There being no further actions to come before the Board of City Commissioners, Commissioner Frank moved to adjourn the meeting at 5:43 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