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The Mandan City Commission met in regular session at 5:30 p.m. on June 18, 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, Fire Chief Nardello, and Engineering Project Manager Fettig. Absent: Business Development and Communications Director Huber, and Building Official Lalim.

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

C. PUBLIC COMMUNICATIONS:

Terry Fleck, a Mandan resident came forward and commented on the golf course improvement plan that is on the Agenda for discussion stating that he owns a lot on the north end of that area. He stated he works overseas and will be leaving and not returning home until September. He stated that if black top is put down in August and dug up in the spring - that would make no sense. He reviewed a property discrepancy of what he purchased from the realtor and what the City has recorded is his property and the taxes he has paid on the property. He requested that the laying of the black top be delayed in August until September so he could put sewer and water in because he plans to build there in the spring. Director of Public Works Wright came forward and explained that this project was discussed yesterday with the contractor and it will not start until later in the fall. He stated the City will give Mr. Fleck the time needed to put in his sewer and water service prior to paving that portion of the street. Wright stated that the right of way property discrepancy issue will not be an issue and will be cleared up.

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission meetings held on (i) June 4, 2013 – Special Board Meeting and (ii) June 4, 2013 – Regular Board Meeting.* Commissioner Tibke moved to approve the minutes from the Board of City Commission meetings of (i) June 4, 2013 – Special Board Meeting and (ii) June 4, 2013 – Regular Board Meeting. Commissioner Braun 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 Lot 2, Block 1 of the Replat of Lot 1, Block 1, Hoovestol’s 2<sup>nd</sup> Addition.(First consideration of Ordinance #1153)(See Ordinances No. 1).* Engineering Project Manager Fettig reviewed a request from Heart River partners for a zone change for Lot 2, Block 1 Hoovestol’s 2<sup>nd</sup> Addition from CC (Heavy Commercial) to MB (Heavy Industrial/Heavy Commercial). The zone change is necessary in order to construct storage units on the property. The Planning and Zoning Committee voted to approve the zone change on May 28, 2013.

Mayor Van Beek announced this is a public hearing to approve a zone change for Lot 2, Block 1 of the Replat of Lot 1, Block 1, Hoovestol’s 2<sup>nd</sup> Addition. He invited anyone for

or against the request to come forward. A second announcement was made to come forward to speak for or against the zone change. Hearing none, this portion of the public hearing was closed.

2. *Consider approval of a zone change for Lot 2, Block 1, of West Bay Estates 2<sup>nd</sup> Addition. (First consideration of Ordinance #1154)(See Ordinances No. 2).* Engineering Project Manager Fettig reviewed a request from JL Partnership for a change of zoning from MA (Light Non-Nuisance Industrial/Heavy Commercial) to CB (Heavy Commercial). The restriction on the property now is for an RV Park or a seasonal cabin rental and they would like to use the property for things other than those items. The Planning and Zoning Committee voted to approve the zone change on May 28, 2013.

Commissioner Frank commented that the zoning areas surrounding this property is MA (Light Non-Nuisance Industrial/Heavy Commercial) – is there a reason why they chose CB (Heavy Commercial)? Fettig replied that JL Partnership indicated the CB would allow for more flexibility when selling the property. CB would allow for apartment buildings in the CB zoning.

Mayor Van Beek announced this is a public hearing to approve a zone change for Lot 2, Block 1, of West Bay Estates 2<sup>nd</sup> Addition. He invited anyone for or against the request to come forward. A second announcement was made to come forward to speak for or against the zone change. Hearing none, this portion of the public hearing was closed.

Commissioner Tibke stated she has some concerns about this request having an option for dwellings (apartments) when it is suited for commercial. Commissioner Rohr stated that there are apartment buildings to the north of that area. He stated he agrees with Commissioner Tibke's concern and stated that area would be better suited for business rather than housing units due to the high traffic in that area. Mayor Van Beek indicated MA or CB restricted may be more appropriate. Commissioner Tibke agreed as long as there is a restriction with the CB. Commissioner Frank suggested that prior to the second reading that a representative from JL Partnership is present to outline what they are seeking. Commissioner Tibke concurred with the suggestion to request the developer to provide further clarification as to the plans for that parcel of land.

3. *Consider the annexation of the west 280 feet of the south 300 feet of Government Lot 4 in Section 7, Township 139N, Range 81W. (First consideration of ordinance #1155)(See Ordinances No. 3).* Engineering Project Manager Fettig reviewed a request from Adeline Boehm Klapprodt to annex the west 280 ft. of the south 300 ft. of Government Lot 4 in Section 7, Township 139N, Range 81W. The property is located at the end of Old Red Trail and 56<sup>th</sup> Avenue.

Mayor Van Beek announced this is a public hearing to consider the annexation of the west 280 ft. of the south 300 ft. of Government Lot 4 in Section 7, Township 139N, Range 81W. He invited anyone for or against the request to come forward.

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Lee Klapprodt came forward to speak and stated that his wife Adeline Boehm Klapprodt is the person who made the request for the annexation and zoning change. He stated that they have been trying to sell this property. She acquired the land in 2011 and since then they have been exploring options of how to utilize that land. There is a party interested in purchasing the property but the holdup has been related to the decision as to where the lift station at Roughrider Estates will be located. There was no indication from the City of Mandan over the past two years if there were any particular issues regarding (our) plans to do with that property. The Planning and Zoning Committee brought up a possible issue with the Beltway Plan in which there are areas set aside for the beltway right of ways for that highway.

Mr. Klapprodt provided a map of the interchange that is proposed to be put into place (someday) on Interstate 94. He stated that an estimated 4.7 acres (of the 19.3 acre parcel) will be affected with the beltways that are being planned. The right of way off 56<sup>th</sup> Avenue would equate to about one-half of the parcel to be sold. He indicated that the beltway and designated area for the interchange to I-94 will be an impact to their plans to develop and/or sell portions their property and it will also affect the value of the property. He stated the reason for discussing this matter is because they feel they are being unfairly impacted by the planning the City is doing in this area and also how it will impact the value and or sale of the property. They would like to have compensation for the inconvenience of the easement and for the lift station commenting that the \$10 the City has offered for the lift station is not a reasonable compensation. He also reviewed the New Master Plan Roadways map as an example of how plans were made and eventually they can be changed such as the changes in the example that he provided.

Director of Public Works Wright came forward and explained that typically an easement is a monetary value. But in addition the City also provided a lift station that would serve their whole property. There is more benefit than just the monetary compensation in that the lift station located on the property will add land value.

Commissioner Braun commented that there is careful consideration involved in this plan by the City and suggested this matter be taken under advisement.

Commissioner Frank questioned City staff, (in regards to the potential interchange), when those impacts happen throughout the community, is there traditionally compensation when it comes to obtaining that right of way for that property owner from the either the Federal or State Government? City Attorney Brown replied that the 5<sup>th</sup> Amendment to the Constitution and one of the Amendments to the North Dakota Constitution provides that the public can take private property for public use provided they pay “just compensation”. So if a highway was built in this area and if the City needed an easement for the lift station and the Klapprodts did not want to give it, the City could proceed to acquire it and a jury would determine what it’s worth would be. However, the agenda is their petition to annex and their petition to zone. The value of the eminent domain is determined as of the day of taking.

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Klapprodt commented there are two issues regarding Attorney Brown's statement:

- (1) Building cannot take place on those right of way areas because the City wants to preserve those areas;
- (2) According to DOT and the City of Mandan, the development of this property may be decades into the future.

A second announcement was made to come forward to speak for or against the zone change. Hearing none, this portion of the public hearing was closed.

4. *Consider approval of a zone change for the west 280 feet of the south 300 feet of Government Lot 4 in Section 7, T139N, R81W. (First consideration of Ordinance #1156)(See Ordinances No. 4).* Engineering Project Manager Fettig reviewed a request for a zone change with regard to the matter just discussed (the annexation of the west 280 feet of the south 300 feet of Government Lot 4 in Section 7, Township 139N, Range 81W) for a zone change from A (Agricultural) to CC (Heavy Commercial). The Planning and Zoning Committee voted to approve the zone change on May 28, 2013.

Mayor Van Beek announced this is a public hearing to approve a zone change for the west 280 feet of the south 300 feet of Government Lot 4 in Section 7, T139N, R81W. He invited anyone for or against the request to come forward.

Lee Klapprodt, a Mandan resident, came forward and stated that he supports the request as he and his wife are the owners of the subject property.

A second announcement was made to come forward to speak for or against the zone change. Hearing none, this portion of the public hearing was closed.

F. BIDS:

1. *Consider award of bid for Street Improvement District 182 Project 2013-16 (Meadow Ridge 1<sup>st</sup> Addition). (See Resolution No. 5).* Engineering Project Manager Fettig stated that bids were received on June 14, 2013, and Tand Construction was the low bidder in the amount of \$255,318.60. The Engineer's estimate was \$255,718.60. The project will be paid for by special assessments from the benefiting properties within the district. The property is at the corner of 27<sup>th</sup> Street Northwest and 8<sup>th</sup> Avenue Northwest. The construction costs plus the administrative costs total \$319,148.25.

Commissioner Frank moved to approve the bid award to Tand Construction for Street Improvement District 182 Project 2013-16 (Meadow Ridge 1<sup>st</sup> Addition) in the amount of \$255,318.60. 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.

G. CONSENT AGENDA

1. *Consider approval of monthly bills.* ACE 24 HR TOWING - 250.00; ADVANCED ENGINEERING SVC - 34,167.74; AQUA-PURE INC. - 600.00;

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AVENET WEB SOLUTIONS - 1,000.00; AYRES ASSOCIATES - 1,004.00; BERG'S 24 HOUR TOWING - 310.00; BISMARCK TRIBUNE/THE - 2,721.20; BULLINGER TREE SERVICE - 225.00; C S DOORS INC - 148.19; CITY OF BISMARCK - 2,446.40; D & F TELEPHONE - 50.00; DAKOTA FIRE STATION INC - 43.50; DIRECTMED - 419.31; DIRK PLUMBING & HEATING - 475.00; ENVIRONMENTAL SERVICES, - 5,727.41; FBS INDUSTRIES - 442.00; FETZER ELECTRIC, LLC - 2,087.29; FONTENOT/ROB - 159.00; GOVERNMT FINANCE OFCRS - 190.00; GRAYMONT CAPITAL INC - 12,084.03; HELFRICH/TRAVIS - 99.00; HIRSCH FLORIST INC. - 55.00; HOGAN/SEAN - 231.00; KARSKY/RYAN - 66.00; KAT'S PAINTING PLUS - 401.00; KUPPER CHEVROLET INC - 899.69; MANDAN PARK BOARD - 800.00; MIDWEST TESTING LAB INC - 728.50; MILLER/CASEY - 1,320.40; MORTON COUNTY AUDITOR - 492.47; MORTON COUNTY HIGHWAY DE - 14,398.62; NAT'L ASSOC OF SCHOOL - 495.00; ND DEPT OF TRANSPORTATIO - 31,911.33; ND LEAGUE OF CITIES - 100.00; NDAO - 30.00; NDSU - 239.00; NEUBAUER/JAMES - 505.93; NEWTON/SCOTT & ROMA - 375.00; PREBLE MEDICAL SERVICES - 1,185.00; PRESORT PLUS - 736.16; PRINT ON IT - 405.46; RUNNING'S SUPPLY INC - 359.88; SPECIALTY AUTOMOTIVE - 365.92; SRF CONSULTING GROUP - 170.67; STANTEC CONSULTING SERVI - 11,644.43; TWIN CITY IMPLEMENT - 2,000.00; URS CORPORATION - 4,760.67; VEIT DREDGING, INC - 17,128.00; VISION TECHNOLOGY INC - 18.75; WESTERN EDGE ELECTRIC IN - 290.13; MANDAN MUNICIPAL COURT - 650.00; MONTANA-DAKOTA UTILITIES - 29,966.06; AT & T - 670.61; CENTURYLINK - 5,876.34; ADVANCED MECHANICAL INC - 0.00; AT & T MOBILITY - 427.52; BALABAN LAW OFFICE - 1,500.00; CENTURYLINK - 147.53; DAKOTA MEDIA ACCESS - 6,658.08; DAKOTA TOWING - 155.00; FORT DEARBORN LIFE - 458.62; GLASS/THOMAS J. - 1,500.00; K & L INVESTMENTS INC - 30,000.00; KELSCH KELSCH RUFF & KRA - 4,000.00; ND PERS - 84,928.12; ND YOUTH CORRECTIONAL CE - 714.50; NORTHERN IMPROVEMENT CO - 84,191.72; POSTMASTER - 2,300.00; TARGET BANK - 59.39; ACME ELECTRIC - 32.10; MONTANA-DAKOTA UTILITIES - 14,212.05; A & B PIZZA INC. - 75.30; ABC SEPTIC - 900.00; ACME ELECTRIC - 89.99; ADVANCED BUSINESS METHOD - 572.99; ADVANCED ENGINEERING SVC - 969.10; AIRE MASTER OF ND - 105.00; AMERICAN WELDING SUPPLIE - 24.18; AMERIPRIDE LINEN & APPAR - 274.47; ARMSTRONG SANIT & ROLL O - 39,217.39; ARROWHEAD CLEANERS & LAU - 755.50; ASC CONSTRUCTION EQUIPME - 1,268.02; ASPEN MILLS INC - 208.19; AT & T MOBILITY - 18.38; BILL BARTH FORD INC - 130.70; BIS MAN DEVELOPMENT ASSO - 60.00; BIS-MDN TRANSIT BOARD - 1,499.04; BISMARCK DEVELOP. GROUP - 50.17; BISMARCK TRIBUNE/THE - 2,721.20; BORDER STATES INDUSTRIES - 304.20; BROWN & SAENGER, INC. - 3,775.47; BROWN/MALCOLM H. - 4,500.00; BULLINGER TREE SERVICE - 281.00; BUTCHER BLOCK MEATS - 172.50; BUTLER MACHINERY COMPANY - 1,010.42; CBI BUSINESS SERVICES - 7,245.45; CENEX- FUOC BISMARCK-MAN - 20,504.58; CENTRAL LANDSCAPE SUPPLY - 56.85; CENTRAL MECHANICAL INC - 514.54; CENTURYLINK - 1,711.65; CITY AIR MECHANICAL INC - 841.34; CITY OF MANDAN - 387.20; COLE PAPERS INC - 241.95; COMPUTER PROFESS UNLIMIT - 83.00; CONNECTING POINT COMPUTE - 3,190.00; COTTON TRAIL

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GREENHOUSE - 44.82; CUSTER DISTRICT HEALTH U - 1,037.02; D & E SUPPLY COMPANY INC - 143.94; D & F TELEPHONE - 165.00; DAKOTA COMMUNICATION SVC - 1,513.90; DAKOTA FENCE COMPANY - 25.00; DAKOTA FIRE STATION INC - 195.50; DAKOTA PEST CONTROL INC. - 275.00; DAKOTA STAFFING SOLUTION - 212.11; DAN'S SUPERMARKET - 4.98; DIAMOND VOGEL PAINT CENT - 458.64; EDND - 125.00; EIDE BAILLY - 20,000.00; ENTERPRISE SOLUTIONS INC - 2,613.75; EXTREME SALES - 13.25; FACTORY MOTOR PARTS COMP - 743.34; FASTENAL COMPANY/THE - 904.25; FBS INDUSTRIES - 57.00; FEDERAL EXPRESS - 89.08; FERGUSON WATERWORKS #251 - 412.82; FETZER ELECTRIC, LLC - 11,131.28; FIRESIDE OFFICE PRODUCTS - 495.00; GEIGER SMALL ENGINE - 47.25; GULLICKSON/DARYN - 233.04; GW ENTERPRISES - 323.64; HACH COMPANY - 809.24; HAGEMEYER NORTH AMERICA, - 167.12; HAWKINS INC - 13,948.03; HEDAHL OF MANDAN INC - 1,752.63; HEIMAN FIRE EQUIPMENT IN - 357.85; HIRSCH FLORIST INC. - 102.00; HIT, INC. - 34.10; INDIGO SIGNWORKS - BISMA - 240.90; INFORMATION TECHNOLOGY D - 1,607.11; INTERGOVERNMENTAL SHOP - 17,570.12; INTERSTATE ENGINEERING - 315.00; INTERSTATE POWERSYSTEMS - 38.54; JEROME DISTRIBUTING, INC - 62.00; JOHN'S UPHOLSTERY - 98.25; KADRMAS, LEE & JACKSON, - 3,987.90; KNIFE RIVER - 42.60; KUPPER CHEVROLET INC - 514.38; LINDGREN/MARK - 164.30; LPT IMAGES - 195.00; MACS INC - 59.98; MANDAN AIRPORT AUTHORITY - 3,000.75; MANDAN FIRE DEPARTMENT - 583.33; MANDAN MUNICIPAL COURT - 1,466.00; MANDAN NW PIPE FITTINGS - 221.81; MANDAN PARK BOARD - 3,600.00; MANDAN TIRE CENTER - 1,673.82; MATTHEW BENDER CO - 47.94; METRO AREA AMBULANCE SER - 461.12; MID DAKOTA CLINIC - 92.00; MIDCONTINENT COMMUNICATI - 52.07; MIDWEST TESTING LAB INC - 3,629.00; MISSOURI VALLEY PETROLEU - 94.85; MISSOURI WEST WATER SYST - 66.79; MOR-GRAN-SOU ELECTRIC CO - 9,702.35; MORTON COUNTY AUDITOR - 10,410.16; MORTON COUNTY HIGHWAY DE - 6,183.10; MORTON COUNTY RECORDER - 35.00; MORTON MANDAN PUBLIC LIB - 18,591.86; MOTT/STEVE - 276.00; MUTH/JUDY - 132.50; MVTL LABORATORIES, INC - 875.00; NALCO CHEMICAL CO - 1,402.96; NAPA AUTO PARTS - 204.28; ND LEAGUE OF CITIES - 80.00; ND STATE DEPT OF HEALTH - 320.00; ND STATE DEPT OF HEALTH - 75.00; ND WATER & POLLTN CONTRO - 20.00; NDACO RESOURCES GROUP - 1,221.71; NELSON LEASING INC DBA - 254.62; NORMONT EQUIPMENT CO - 5,720.00; NORTHERN IMPROVEMENT CO - 686.14; NORTHERN PLAINS EQUIP CO - 181.96; O'REILLY AUTOMOTIVE, INC - 172.44; OLYMPIC SALES, INC. - 2,090.87; ONE CALL CONCEPT INC - 488.40; PAHLKE STEEL, INC. - 9.36; PALMER/PAT - 30.00; PRAXAIR - 39.75; PREBLE MEDICAL SERVICES - 200.00; PRESORT PLUS - 767.65; RADIATOR & AC WAREHOUSE - 997.50; RDO EQUIPMENT CO VERMEER - 65.88; RHI SUPPLY REFRIG. HEATI - 88.40; ROTO-ROOTER SEWER & DRAI - 2,100.00; SCHWAN BUICK GMC CADILLA - 270.97; SEVERIN, RINGSAK & MORRO - 60.00; SOUTH DAKOTA ARBORIST - 35.00; SPECIALTY SLING COMPANY - 27.84; STEIN'S INC - 172.72; SWANSTON EQUIPMENT CORPO - 2,808.42; TOMAN ENGINEERING CO - 32,505.25; TRUCKS OF BISMARCK INC - 75.05; TWIN CITY

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ROOFING INC - 756.00; URS CORPORATION - 4,770.11; VERIZON WIRELESS SERVICE - 2,394.96; VISION TECHNOLOGY INC - 18.75; WASTE MANAGEMENT OF ND, - 28,310.73; WE-SHIP-ETC.INC - 82.48; WEHRI/RADEANNA - 450.00; WELLS FARGO REMITTANCE C - 10,490.80; WESCO DISTRIBUTION INC - 6,813.38; WOODMANSEES INC - 40.33;

2. *Consider approval of Sales & Use Tax Collection Agreement with the ND Office of State Tax Commissioner for 2013-2015.*
3. *Consider approval of Special Sunday openings for O.N.E. for June 30, 2013.*
4. *Consider approval of Water Transmission Line Agreement, Release of Easement & Easement.*
5. *Consider closing administrative office July 5, 2013.*
6. *Consider approval of annual Liquor Licenses for July 1, 2013 to June 30, 2014.*
7. *Consider approval of Special Sunday Openings for all annual Liquor Licenses.*

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

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Introduction of new employee, Justin Froseth, Planning & Engineering Director.* City Administrator Neubauer introduced Justin Froseth, as the new Planning and Engineering Director. Justin holds a Construction Management Degree and a Civil Engineering Degree from the North Dakota State University.

Chief Bullinger introduced new police officer Chris Roach, a recent graduate of the Devils Lake Law Enforcement Training Academy and is currently in field training with the department. Mayor Van Beek welcomed Officer Roach to the City of Mandan Police Force.

2. *Consider approving the plans and specifications and authorizing the execution of a 3-way agreement for the installation of water & sewer in Plainview Heights 14<sup>th</sup> Addition, Project 2013-11. (See Resolutions No. 6).* Engineering Project Manager Fettig reviewed with the Board a request for a 3-way agreement for the development of Plainview Heights 14<sup>th</sup> Addition for the installation of water and sewer. The entire cost of the project is being paid for by the developer of the 3-way agreement. Fettig stated that if this is approved that it be contingent upon the receipt of the letter of credit being filed with the City Engineer's office.

Commissioner Tibke moved to authorize the execution of a 3-way agreement for the installation of water & sewer in Plainview Heights 14<sup>th</sup> Addition, Project 2013-11 contingent upon the receipt of the letter of credit being filed with the City Engineer's office. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr:

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

3. *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. 180, Project No. 2013-12 (Plainview Heights 14<sup>th</sup> Addition). (See Resolution No. 7).* Engineering Project Manager Fettig stated that the developer is requesting that the City allow the special assessment of street costs to the benefiting properties for the development of Shires Drive Southeast, Nordland Way Southeast and the continuation of Percheron Drive Southeast. The estimated costs of the project would be \$322,148.63. The Engineering and Administrative costs will add \$112,752.01 for a total cost of \$434,900.64. There are 27 lots benefiting, \$16,107 would be the estimated special assessments to the lot owners.

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. 180, Project No. 2013-12 (Plainview Heights 14<sup>th</sup> 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.

4. *Consider approving the plans and specifications and authorizing the execution of a 3-way agreement for the installation of water & sewer in Meadows 7th Addition, Project 2013-14. (See Resolutions No. 8).* Engineering Project Manager Fettig stated that this project is located to the north of 48<sup>th</sup> Street Northwest. The request is for authorization for the installation of water and sewer for the development of Meadows 7<sup>th</sup> Addition. The entire cost of the project is being paid for by the developer of the 3-way agreement. Fettig stated that if this approved that it be contingent upon the receipt of the letter of credit being filed with the City Engineer's office.

Commissioner Frank stated about a year ago there were street compaction problems in this area. She inquired if modifications have been made for compaction? Fettig stated there were no problems that will affect this area.

Commissioner Frank moved to approve the authorization and the execution of a 3-way agreement for the installation of water & sewer in Meadows 7th Addition, Project 2013-14 contingent upon the receipt of the letter of credit being filed with the City Engineer's office. 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.

5. *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. 181, Project No. 2013-15 (Meadows 7<sup>th</sup> Addition). (See Resolution No. 9).* Engineering Project Manager Fettig

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stated that the developer is requesting that the City allow for special assessment of street costs to the benefiting properties for the development of Trident Court Northwest and Wildrye Circle Northwest. The engineers estimated cost is \$243,640.52 with administrative and engineering costs of \$185,274.18 for a total cost of \$328,914.70. These items would be special assessed to the 20 lots @ \$16,445 per lot.

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. 181, Project No. 2013-15 (Meadows 7<sup>th</sup> Addition). 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.

6. *Consider approving the plans and specifications and authorizing the execution of a 3-way agreement for the installation of water & sewer in Keidels South Heart Terrace Phase IV, Project 2013-08. (See Resolutions No. 10).* Engineering Project Manager Fettig stated that this request is for authorization of the installation of water and sewer for the development in (southwest corner) Keidels South Heart Terrace. The entire cost of the project is being paid for by the developer of the 3-way agreement. Fettig stated that if this is approved that it be contingent upon the receipt of the letter of credit being filed with the City Engineer's office.

Commissioner Braun moved to approve the plans and specifications and authorizing the execution of a 3-way agreement for the installation of water & sewer in Keidels South Heart Terrace Phase IV, Project 2013-08 contingent upon the receipt of the letter of credit being filed with the City Engineer's office. 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.

7. *Consider the creation of, approval of the feasibility report for, approve the plans and specifications, approve engineer's report and approve sufficiency of petition for Street Improvement District No. 187, Project No. 2013-23 (Mandan Municipal Golf Course and Alleys). (See Resolution No. 11).* Engineering Project Manager Fettig stated that this is the property that Terry Fleck referenced earlier in this meeting. The work is being done in the parking lot and the alley of the properties and has been requested by the Park District and it affects residents in the district. In order to fast-track the project a change order on the Diane's Street project that is currently in progress in the north part of Mandan would be required. NDCC Section 40-22-36 outlines provisions allowing for this revision to take place. The Engineer's estimate for the project is \$108,569.30 with engineering and administrative costs at \$32,570.79 for a total estimate of \$141,140.09. A petition including the signatures of those affected properties including the park District, including Terry Fleck, who testified earlier that his concern evolved around the timing of the project so he could get his sewer and water installed before the street is put in. Fettig commented that she has not had an opportunity to check to see if there was an Resolution

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that may have been filed in the County Recorder's Office previously (2000) pursuant to Mr. Fleck's reference to a street being vacated in that area.

Cole Higlin from the Mandan Park District came forward to comment on Mr. Fleck's request. Higlin stated that in 2010 this same proposal was made to have this area approved for asphalt and now that we are in 2013, holding off on this project at the request of Mr. Fleck will cause a brief delay. Higlin inquired if it would be possible to include a condition written into the contract that Fleck's sewer and water be completed prior to the end of October and that it not affects the cost of the parking lot completed.

Director of Public Works Wright stated that discussion will have to be held with the contractor, (who has to be in agreement with the plan); and if in agreement, that provision can be included in the change order.

Commissioner Frank moved to approve the creation of, approval of the feasibility report for, approve the plans and specifications, approve engineer's report and approve sufficiency of petition for Street Improvement District No. 187, Project No. 2013-23 (Mandan Municipal Golf Course and Alleys) and that the change-order request allowing for completion by the end of the year (2013). 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.

8. *Consider a recommendation from the Mandan Visitors Committee related to Mandan Park District Land Acquisition.* City Administrator Neubauer reviewed with the Board wherein ND Century Code allows for cities to levy taxes for restaurants and lodging provided those funds are used for the promotion for construction and generally used for tourism consistent with tourism attraction and promotion. The funds are limited by state law and what they can be used for. The Visitor's Committee had a request from the Mandan Park District for funding assistance in the acquisition of property south of Raging Rivers. They had been working with the YMCA to bring a YMCA location to the City of Mandan. The Visitor's Fund currently has a balance of \$1.2 million. Neubauer stated that the recommendation from the Visitor's Committee is to grant the Park District \$750,000 to assist with that acquisition of property and another \$150,000 per year for the following 5 years up to \$1.5 million to assist the Park District.

Cole Higlin from the Park District extended a thank you to the Board for all the past contributions and support provided by the City Commission to the Park Board. He reviewed some additional projects that might be coming in the future and plans to accommodate those requests but no projects are locked in at this time. The priority now is the YMCA project which has been in planning stages for about 3 years. He stated that 5.2 acres is needed for this plan. He reviewed a map of the project. The total cost is estimated at \$1.7 for the 5.2 acres with an estimated value of the property at \$2 million. Legal counsel has reviewed the plans and there have also been discussions about a Joint Powers Agreement and how those funds will be used. The summer of 2015 is the anticipated ground-breaking date for the YMCA rec building. The next step pending is

approval tonight from this Board. There is a June 27<sup>th</sup> meeting with the Board of Directors and Trustees of the YMCA.) The Park District has secured a Memorandum of Understanding spelling out the details that has not yet been approved. On June 27<sup>th</sup> the YMCA should approve that and then on July 8<sup>th</sup> they will approve the Joint Powers Agreement along with the Purchase Agreement with the current land owners on July 8<sup>th</sup> pending approvals from the Park Board Commission. Then we have until July 29<sup>th</sup> to make the \$1.7 million payment to the current owners. The goal is to have a \$10 - \$12 million dollar rec center established for the Bismarck and Mandan Community.

Higlin stated that there was a feasibility report and a 600 phone survey completed along with over 1,000 people who responded to the survey and the #1 request that came back was for a recreation center. Commissioner Frank inquired if the rate fees will be comparable to other YMCA membership facilities.

Bill Bauman, Executive Director, YMCA in Bismarck, came forward and provided additional information as to how facilities now “partner” in order to accomplish what they need to do to get the job done. He concurred with what Cole Higlin presented and said the YMCA fully supports the plan, location, and is looking forward to partnering with the City of Mandan in this endeavor. He stated there will be reciprocity between the Mandan facility and the Bismarck facility.

Commissioner Frank moved to approve the recommendation from the Mandan Visitors Committee related to Mandan Park District Land Acquisition that \$1.5 be committed from the Visitor’s Fund to assist the Mandan Park District in acquiring the property necessary to bring this project to the City of Mandan. The commitment of \$1.5 million will be \$750,000 as negotiations are completed and the remaining \$750,000 to be granted to the Park District in increments of \$150,000 per year for the following 5 years.

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.

9. *Consider adoption of Compensation Plan.* City Administrator Neubauer stated that when coming up with an updated Compensation Plan, comparisons have been made with the City of Bismarck. He indicated that consideration will be given to looking at all the minimum and maximums, of all the salary pay grades and that they be within 95% of what the comparable job in Bismarck is. The recommendation is that all salaries be adjusted to comparable positions with Bismarck and that the City of Mandan be within 95% of the minimum salary and 95% of the maximum salary. Consideration is also being given to increasing the retirement contribution. Currently if the employee contributes 2% the City of Mandan will contribute 7% to their pension plan for a total of 9%. The City is proposing raising it from 7% to 8%. This plan would become effective with the first pay period in July 2013 with a cost of \$112,500 for the period of July - December 2013.

Commissioner Rohr requested Deputy Chief Leingang come forward and provide insight as to how this Compensation Plan will affect the Police Department. Leingang came

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forward and stated that Pay, Benefits and Retirement are the three important components to hire and retain police officers and that this pay plan is a step in the right direction. He believes it to be a fair and comparable upgraded plan. Commissioner Tibke reported that the Finance Committee looked at this proposed plan to assure it would be sustainable within the budget and she stated that it is within the perimeters. Commissioner Tibke stressed the importance of employee retention and how important it is to keep employees rather than have consistent turnover which in the long run is a costly expense to an organization. Administrator Neubauer commented that a look at the health insurance plan will also take place and what potential there may be to do something different with health plans to use as a retention tool. He stated that pay plan and adjustments will be reviewed on an annual basis, rather than on a 5 year basis such as the last time this was reviewed in 2007. Mayor VanBeek stated that reviewing the Compensation Pay Plan on an annual basis is a step in the right direction. Some of the employees are at the 95% but some are not and those will be corrected as appropriate.

Commissioner Frank moved to adopt the Compensation Plan as presented commencing July 1, 2013, consistent with the following: (1) Adjust minimum and maximum salary ranges to 95% of comparable positions in Bismarck. Individual salary adjustments would be in accordance with this practice. (2) Increase the City of Mandan's retirement plan contribution from 7% to 8%. 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.

J. RESOLUTIONS AND ORDINANCES:

1. *First consideration 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 Tibke moved to approve the First consideration 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. *First consideration of Ordinance No.1154 Zone Change for Lot 2, Block 1 of West Bay Estates 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 Tibke moved to approve the First consideration of Ordinance No.1154 Zone Change for Lot 2, Block 1 of West Bay Estates 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.

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3. *First consideration 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 First consideration 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 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.
4. *First consideration 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 Rohr moved to approve the First consideration 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 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 Approving Contract and Contractor's Bond for Street Improvement District No. 182, Project 2013-16(Meadow Ridge 1<sup>st</sup> Addition).* Commissioner Frank moved to approve the Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 182, Project 2013-16(Meadow Ridge 1<sup>st</sup> Addition). 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.
6. *Consider Resolution approving plans and specifications and authorizing execution of 3-way agreement for water and sewer Improvement Project 2013-11. (Plainview Heights 14<sup>th</sup> Addition).* Commissioner Frank moved to approve the Resolution approving plans and specifications and authorizing execution of 3-way agreement for water and sewer Improvement Project 2013-11. (Plainview Heights 14<sup>th</sup> Addition). 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.
7. *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. 180, Project No. 2013-12 (Plainview Heights 14<sup>th</sup> Addition).* Commissioner Rohr 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. 180, Project No. 2013-12 (Plainview Heights 14<sup>th</sup> Addition).

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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.

8. *Consider Resolution approving plans and specifications and authorizing execution of 3-way agreement for water and sewer Improvement Project 2013-14. (Meadows 7<sup>th</sup> 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 2013-14. (Meadows 7<sup>th</sup> Addition).

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.

9. *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. 181, Project No. 2013-15 (Meadows 7<sup>th</sup> Addition).* Commissioner Tibke 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. 181, Project No. 2013-15 (Meadows 7<sup>th</sup> 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.

10. *Consider Resolution approving plans and specifications and authorizing execution of 3-way agreement for water and sewer Improvement Project 2013-08. (Keidels South Heart Terrace Phase IV).* Commissioner Braun moved to approve the resolution approving plans and specifications and authorizing execution of 3-way agreement for water and sewer Improvement Project 2013-08 (Keidels South Heart Terrace Phase IV). 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.

11. *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. 187, Project No. 2013-23 (Mandan Municipal Golf Course and Alleys).* Commissioner Tibke moved to approve the Resolutions creating the district approve the engineer's report, determining sufficiency of protest, approving the plans and specifications and for Street Improvement District No. 187, Project No. 2013-23 (Mandan Municipal Golf Course and Alleys). 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.

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K. OTHER BUSINESS:

Mayor Van Beek announced the following:

1. Public Meeting, North Mandan Sub Area Study, Thursday, June 20, 2013;  
Mandan Middle School, 5:30 – 7:00 p.m.
2. North Annexation area residents have been invited to attend and are welcome to stay after the public meeting is complete to ask questions.

There being no further actions to come before the Board of City Commissioners, Commissioner Tibke moved to adjourn the meeting at 7:35 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