
The Mandan City Commission met in regular session at 5:30 p.m. on June 7, 2016 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota.

Commissioners present were Van Beek, Rohr, Braun, and Laber. Department Heads present were Police Chief Ziegler, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development & Communications Director Huber, Planning & Engineering Director Froseth, Planner Decker, Assessor Shaw, and Building Official Lalim. Absent: Commissioner Tibke, Finance Director Welch and City Attorney Brown.

B. APPROVAL OF AGENDA: Commissioner Laber moved to approve the Agenda. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

C. PUBLIC COMMUNICATIONS: Mayor Van Beek invited anyone interested to speak for or against any items on the Agenda to come forward.

Debbie Holter came forward to speak about the recycling program. She requested to opt out of the program because she has never used the service and she does not have a recycle bin. She said she is located about a quarter mile from the designated pick up point on the street and she cannot move the bin by herself. She said there has not been a garbage truck to her home for 30-40 years. She currently hauls her garbage to the street to be picked up. Her second concern is that when the recycle bin was initially delivered to her place, she requested that they take it back, which they did not and then it was then stolen from her premises. That is a common problem in that area of the city.

Dot Frank came forward to speak on behalf of the Bismarck-Mandan Home Builders Association regarding New Business Item No. 4 having to do with new home construction and the \$75,000 exemption. She extended an invitation to the City Commission and those specific portfolio holders to meet with their Association in conjunction with the Bismarck-Mandan Board of Realtors to discuss this issue whether it be left status quo or the opportunity to changing it. Commissioner Laber requested that further discussion be held when the item is addressed on the agenda.

A second and third announcement was made inviting anyone to come forward to speak on the Agenda. Hearing none, this portion of the Public Communications was closed.

D. MINUTES:

1. *Consider for approval the minutes from the May 9, 2016 Board of City Commission Joint Meeting with Park Board and Board of City Commission May 17, 2016 regular meeting minutes.* Commissioner Laber moved to approve the minutes as presented. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

F. BIDS:

1. *Consider bids for 301 E Main Street.* City Administrator Neubauer presented a request to consider awarding the bid received for the property at 301 East Main. On May 17, 2016 the Commission authorized an action to proceed with the sale of a parcel of City owned property located at 301 E Main Street. The minimum bid required was set at the assessed value of \$61,200 and bids were to be submitted by Tuesday, June 7, 2016 at 10:00 a.m. Prior interest in the purchase of the parcel had been expressed by two parties. The advertisement for sale was in the Mandan News on May 20th and May 27th. One bid offer was received in the amount of \$65,000 from Kent Schwartz in the form of a cashier's check. Administrator Neubauer recommended that the City accept the bid of \$65,000 from Kent Schwartz and to approve the draft Purchase Agreement that has been prepared by City Attorney Brown that was subsequently sent to Kent Schwartz for his review before this meeting.

Commissioner Braun moved to accept the high bid of \$65,000 for the City owned parcel of land located at 301 East Main Street and to execute the Purchase Agreement to sell the property to Kent Schwartz. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider award of architectural services for the fire station 3.* Battalion Chief Mitch Bitz of the Mandan Fire Department, on behalf of Fire Chief Nardello, presented a request to award the bid for architectural services for Fire Department Station No. 3. The Mandan Fire Department advertised for the request of proposals for architectural services of Fire Station 3 to be received no later than 3:00 pm CST on Friday, February 26, 2016. Proposals were received from six vendors, Architectural Concepts, Al Fitterer Architect, EAPC Architects, GT Architecture, JLG, and TL Stroh. The six proposals were then given to a selection committee consisting of Mayor Van Beek, Police Chief Ziegler, Building Official Lalim, Director of Public Works Wright and Fire Chief Nardello. The firms were rated on fire station design experience, professional fees, proposal and presentation, project team, and references. After the committee scored all six proposals, interviews were then conducted on May 26th with the top two scoring firms (TL Stroh Architect & Interior Design and EAPC). TL Stroh submitted a proposal of \$115,000 that included bidding process, construction administration and equipment design.

Recommendation was made to accept the bid from TL Stroh for services of the construction phase for \$82,500 and to continue with the remaining services as the project progresses towards construction. TL Stroh architectural design fees are \$82,500 with funding provided through the HUB City funds. The proposed design fees would move the project to the construction document phase and not through the bidding process until such time when the City of Mandan is ready to complete the entire construction project. The submitted proposals did not include a site survey or storm water plans therefore those costs would be included in the total project at the time of bidding. Fire Station No. 3 will be comparable to the South Fire Station and will use some of the plans that were used for Fire Station South. It was recommended to award the architectural services for Fire

Station No. 3 for the design, excluding construction or bidding, to TL Stroh Architect & Design in the amount of \$82,500.

Commissioner Laber moved to approve the bid award for architectural services for Fire Station No. 3 for the design, excluding construction or bidding, to TL Stroh Architect & Design in the amount of \$82,500. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider award of contract for multi-use trail along 3rd Street and 1806 to Northern Improvement Company.* Planning and Engineering Director Froseth stated that the Mandan Parks and Recreation Department identified a trail improvement project in southeast Mandan. The trail to be improved would be from the trolley station off of 3rd Street to the west at 11th Avenue Southeast. The second segment would start at 1806 near the intersection of 8th Avenue and would continue south and east to 19th Street which would end the project. Because of the two separate segments there are two separate project numbers. However, it will be referred to as one project. Bids were received by the DOT on May 13, 2016 and the only bid received was from Northern Improvement Company at \$253,997.80 which is 8% below the engineer's estimate. The City of Mandan is considered a sponsoring agent for the Parks and Recreation Department for all NDDOT agreements. The City must approve of awarding the contract even though the City does not have any cost participation responsibility. Director Froseth recommended approval of the agreement.

Commissioner Rohr moved to approve the Agreement between Owner and Contractor, Northern Improvement Company, for Construction Contract for projects TAU-LCT-1-806(049)068 & TAU-LCT-1-988(041)052, Millennium Trail resurfacing. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

G. CONSENT AGENDA

1. *Consider approval of the following site authorizations for the Mandan Hockey Club, Inc. from July 1, 2016 through June 30, 2017: (i) Old Town Tavern; (ii) Ridge Motel; (iii) Silver Dollar; (iv) Vicky's Sports Bar.*

2. *Consider approval of special assessment for Snow Removal of 2016.*

Commissioner Laber requested city staff develop a minimum amount to be charged for snow removal similar to the minimum amount assessed for mowing. City Administrator Neubauer stated that this was the first one we have had to do in quite a while. But it will be reviewed during the upcoming budget process.

3. *Consider for approval for repairs to the Law Enforcement Center, (LEC) funding from the LEC Building Fund.*

4. *Consider for approval of the Landfill Compactor lease option and adopt authorization resolution.*

5. *Consider approval of the following site authorizations for the Cystic Fibrosis Association of ND from July 1, 2016 through June 30, 2017: (i) Stage Stop; (ii) Colonial*

Lounge.

6. *Consider approval of final plat for Shoreline Addition.*
7. *Consider approval of final plat for NISC Addition.*
8. *Consider request to auction a 2002 Ford Taurus assigned to the police fleet.*
9. *Consider amendments to City of Mandan retirement plan related to the sworn officers in ND PERS Law Enforcement Plan.*
10. *Consider the contract for services for the City's Employee Assistance Program.*
11. *Consider Portability Enhancement Provision agreements for ND PERS Law Enforcement Plan.* Deputy Chief Bier explained the monthly reporting of the pre-taxed money will be done by the HR Department. There is no staff time by the police department required.
12. *Consider Towing Contacts for 2016.*
13. *Consider proclaiming June, 2016 as National Homeownership Month in the City of Mandan.*

Commissioner Braun moved to approve the Consent Agenda as presented. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Consider appointment of Dot Frank to Planning and Zoning Commission.* Principal Planner Decker stated that Miles Mehlhoff has resigned from the Planning and Zoning Commission due to the fact that he's moving out of the city. His term on the Commission runs through 2017. Notices were posted on the City web site and city staff contacted people who had expressed in interest in serving on committees in the past. Dot Frank was the only applicant for this open position. The P & Z Commission voted unanimously to recommend that Dot Frank be appointed to the Planning and Zoning Commission to fill the vacant position.

Commissioner Rohr moved to approve the appointment of Dot Frank to the Planning and Zoning Commission vacant position with a term ending December 31, 2017.

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

2. *Consider Growth Fund Committee recommendation regarding Storefront Improvement application for 301 E Main Street.* Business Development & Communications Director Huber presented a request from the Mandan Growth Fund Committee (MGF) for the approval of a Downtown Storefront Improvement Program application from Dr. Kent Schwartz. The MGF Committee met on May 26, 2016 and considered the application request from Kent Schwartz. He currently is under a purchase agreement for the building at 301 E Main Street and he has expressed interest in acquiring the parcel of land from the City.

Director Huber said that this property is located at the site of the former Dollar Store. And that Schwartz plans to renovate both the interior and exterior portions of the building. About 4,000 sf will be leased to Schwartz Family Chiropractic Center which has been in business in Mandan for over 19 years. About 1,500 sf will be available for lease. Dr. Schwartz is seeking a tenant in the health supplement retail sales. The estimated cost of the proposed storefront improvement project is \$64,590, with future plans for plantings, a screening fence and signage. This application request is for the maximum amount of \$30,000 in matching funds. The application also outlines plans to re-face the street sides of the building with a dryvit or stucco-like treatment. The parapet or roof on the Main Street facing side of the building is to be extended to the building's west side and two windows are being added to the Main Street side. The exterior walls will be a combination of decorative stone and dryvit siding and an automatic door is included in the plans for the main building. Plans include removal a blighted metal building at the rear or south side to create additional parking. They will be adding shrubs along the east side and there are plans to place a fence at the south side of the property. The building design and site plan has received approval from the Mandan Architectural Review Commission. Sign plans are not included with the application and will need to be approved by the Mandan Architectural Review Commission prior to permitting and installation. The applicant is planning an additional investment of approximately \$186,889 for interior building renovation and other project components that are not eligible for the Storefront Improvement program.

The request is for \$30,000 in matching funds. An amount of \$12,805 remains set aside in the Mandan Growth Fund (sales tax generated) for the Downtown Storefront Improvement Program. The balance of \$17,195 for the match sought in this application, if approved, would need to come from unallocated funds for economic development projects in which there is \$139,376 available. Dr. Schwartz is also applying for Renaissance Zone property and state income tax exemptions. His level of investment in building improvements meets and exceeds the minimum requirements for each program with no overlap from one to the other in funds used to meet minimum or matching requirements. A business incentive agreement is also required for projects exceeding \$25,000 in public assistance. The MGF Committee voted 5-0 (4 members absent) to recommend approval of the application for up to \$30,000 in matching funds for the storefront improvement project by Kent Schwartz at 301 East Main Street, contingent upon him obtaining the property which occurred earlier in this meeting.

Commissioner Braun moved to approve providing up to \$30,000 in matching funds for the storefront improvement project by Kent Schwartz at 301E Main Street, contingent upon him obtaining control of the property. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider Renaissance Zone Committee recommendations for the following project applications* Business Development Communications Director Huber reviewed the following:

(i) *Approval of an application for purchase with improvements of 301 E Main Street by Dr. Kent Schwartz.* Director Huber explained that the Mandan Renaissance Zone Committee met May 31, 2016, to review an application from Dr. Schwartz to invest an estimated \$246,279 in improvements to the building, both interior and exterior. He plans to lease about 4,000 square feet in the building for his business, Schwartz Family Chiropractic Center, and has about 1,500 square feet of additional space for lease. As the clinic is being relocated from the 500 block of East Main Street, also within the Renaissance Zone, this project meets the requirement in that it is also an expansion of the business, going from 3,300 square feet to 4,000 square feet.

Exterior improvements are to include re-facing the building with a dryvit or stucco-like treatment. The parapet or roof screening on the Main Street side of the building will be extended to the building's west end and two windows will be added to the north side. The west building will be partially demolished and rebuilt for structural integrity. An automatic door will be installed on the building's east side. The metal building on the south side by the railroad tracks will be removed, which will create additional off-street parking. Shrubs or rose bushes are to be planted along the east property line to screen a guard rail from an adjacent property and a box is to be added around the pole sign for plantings. Schwartz has also committed to placing a fence similar to that behind Family Dollar and O'Reilly Auto Parts along the south side of the property.

Interior renovations include a build-out of walls for clinic spaces, woodwork, renovation of two existing bathrooms and creation of an additional bathroom; new ductwork for an existing furnace to create three zones, electrical and lighting components, floor covering, and cabinetry.

The plan received approval from the Mandan Architectural Review Commission. The components meet and exceed the requirement that at least 80 percent of the minimum investment be in capital improvements. The total investment will also far exceed the overall minimum financial requirement, which is to invest at least 50 percent of the building's value back into it in improvements. The building is valued at \$224,900, so the minimum investment is \$112,450. Dr. Schwartz also applied for the Storefront Improvement Program's \$30,000 in matching funds, but the investment levels exceed the requirements for both programs without overlap.

The City Assessor estimates the value of the building with improvements to be \$303,300. Using the current mill levy, which may change with the 2017 budgeting process, the annual property tax on the building is estimated at \$3,154.32 for a five-year total of \$15,772. The estimated state income tax exemption is \$1,764 annual for a five-year total of \$8,820.

Huber stated that the Renaissance Zone Committee had voted unanimously to recommend approval of the application by Kent Schwartz for the purchase with improvements of 301 E Main Street as a Renaissance Zone Project, contingent upon obtaining control of the property, with the five-year 100% property and state income tax exemptions.

Huber noted control of the land was secured earlier in the meeting with the approval of the award of bid by Dr. Schwartz for the purchase of the land at 301 E Main Street. He also has a purchase agreement with the current building owner that he can now execute with control of the land.

Commissioner Laber asked if even a minimal expansion of square footage would meet the requirements for relocation within the Renaissance Zone. Director Huber noted that she had misspoke, that the expansion requirement for relocation is only pertinent to the lease application, the next item on the agenda, and that there is also an expansion in terms of employees and services.

Commissioner Laber moved to approve the application by Kent Schwartz for the purchase with improvements of 301 E Main Street as a Renaissance Zone Project, contingent upon obtaining control of the property, with the five-year 100% property and state income tax exemptions. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3 (ii) Approval of an application for lease of 301 E Main Street by Schwartz Family Chiropractic Center PC. Director Huber reported that Schwartz Family Chiropractic Center plans to relocate from 503 E Main Street to this building for expanded operations of the clinic. Expansion is required for a re-location within the zone. The square footage for the business will be expanding from 3,300 square feet at present to 4,000 square feet of clinic space. The business currently has 3 employees. Plans are to add 2-3 additional support staff in the next five years as well as subcontractors such as two more chiropractors, a physical therapist and massage therapist.

The estimated state income tax exemption for Schwartz Family Chiropractic Center is \$2,100 annually or \$10,500 over the five years.

The Renaissance Zone Committee voted unanimously to recommend approval of the application by Schwartz Family Chiropractic Center, PC, for lease of space at 301 E Main Street, contingent upon obtaining control of the property, a building to be improved as a Renaissance Zone project, with a 100% five-year state income tax exemption.

Commissioner Rohr asked about the property control issue. Director Huber explained that in addition to securing ownership for the lease, that Schwartz must also complete the rehab of the building and submit a signed lease for Schwartz Chiropractic prior to receiving any tax exemptions.

Commissioner Braun moved to approve the recommendation approve the application by Schwartz Family Chiropractic Center, PC, for lease of space at 301 E Main Street, with a 100% five-year state income tax exemption, contingent upon obtaining control of the property. Commissioner Laber seconded the motion. Roll call vote: Commissioner

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

4. *Discussion regarding new home construction first \$75,000 exemption.* City Administrator Neubauer presented a request to consider options relative to the \$75,000 tax exemption for new residential construction. He said that with declining revenues related to State Aid Distribution, one of the exemptions that has been discussed is the first \$75,000 for two years on the purchase of new homes or condominiums. Morton County and Bismarck do not currently offer this exemption, Lincoln recently eliminated the exemption and Burleigh County offers a similar exemption if the purchaser takes the opportunities offered under the First Time Homebuyers Program.

Based upon the 2015 mill levy and at 204 exemptions at \$75,000 each would amount to an additional \$46,000 in the City's General Fund. Other taxing districts are also affected (County, Schools, Park, etc.) and would also see their general fund revenue increase. The effect of the exemption on a home valued more than \$75,000 to the city is \$225 per year. When including the other taxing districts the effect is \$944 per year and the total increase in revenue for all taxing districts would amount to \$192,608 per year (based on the 2015 mill levy).

Administrator Neubauer said that there are pros and cons to this issue in that removing the exemption increases the cost of new home ownership and that may have an effect on new home sales. By offering this exemption, potential buyers may choose Mandan rather than elsewhere. On the other hand, when the exemption was first enacted, the price of a new home was in the \$75,000 range and with today's entry level home priced between \$200 - \$300,000 the effect of the exemption is minimal. There is no limit (other than \$75,000) to the price of the home under the current exemption. The buyer is the only individual to receive the exemption (the builder does not get an exemption).

Administrator Neubauer presented the following options for consideration:

- a) Continue with the exemption as it is
- b) Discontinue the exemption
- c) Limit the exemption to buyers that take the opportunity afforded by the First Time Home Buyers Program
- d) Allow the exemption for homes with a purchase price under \$200,000-\$300,000
- e) Phase out the exemption over the next several years

Dot Frank with the Bismarck-Mandan Home Builders Association came forward and stated that she has had the opportunity to discuss this matter with several construction builders and the Bismarck-Mandan Board of Realtors to get input on the tax exemption process. She said this program is unique to the City of Mandan. She provided comments from builders regarding this matter. The consensus of the builders is that the tax exemption is an advantage for the City of Mandan. She provided statistics that she received from the National Association of Home Builders that ties to the impact and pointed out that this helps individuals become home owners in the community whereas they otherwise may not be able to do so. Mayor Van Beek asked Ms. Frank if it would be

possible to coordinate meetings with the Commissioners and the Board of Realtors at a later time to discuss the issues recognized. Ms. Frank replied that she would be willing to organize the meetings in the near future. Commissioner Rohr suggested that the meetings take place after the upcoming election so that new commissioners are included in the discussions and decisions that will need to be made regarding tax exemption process. Commissioner Laber commented that if this was for moderate income-type mid-range housing so that we could get people into base-line housing that is affordable and achievable, that is worthy of discussion.

Mayor Van Beek stated that it should be noted as to who takes most advantage of the program whether it be first time home buyers or is it everyone? He indicated that he is interested in seeing what there is to offer to the residents. Commissioner Rohr stated this has been discussed many times and there is not a very large learning curve involved. Commissioner Braun commented that the budget will be affected by the shortfalls. He stated that it helped him to get him into his first home, but after that 3-year period it was a very noticeable (tax) increase for him. He does not think it will be doable to raise it from the \$75,000 to \$150,000 and that it should be discussed. Commissioner Laber requested this matter be placed on the July 5, 2016 Agenda for further discussion. Mayor Van Beek requested Ms. Frank email the information that is available regarding this issue to Administrator Neubauer and/or City Commission members for their review; and then subsequently arrange for meetings with the commissioners, home builders and realtors.

5. *Consider various recycling items.*

Director of Public Works Wright provided an update on the recycling program. In January 2016, Dakota Sanitation began collecting single sort recycling material. Collection schedules vary and the recyclables are collected once every other week. As of May 31st, Dakota Sanitation has collected over 431.25 tons of recyclables and the City has seen a household garbage reduction at the landfill of about 393.28 tons which is a cost savings of about \$22,000 in landfill disposal costs. Participation rates, based on number of totes collected and total number of totes on a route, is about 49.64% with 7,614 totes in service, Dakota Sanitation reported that 1,181 totes have never been picked up. (This would indicate only 15.5% of the residents have not participated.) On February 2, 2016, the Commission discussed some of the items of concern from residents on recycling issues. A total of 10 medical exemptions have been granted for those who cannot get their tote out to the curb, and that sharing totes was also approved for some situations. Dakota Sanitation assists those residents with the process. Director Wright said the following items are phone calls from individuals expressing concern:

Pickup unwanted totes, do not want to participate. (130).

Director Wright recommended leaving the totes at the residence. There are 130 requests on the list, but that number could grow into the 1,181. Collecting these totes would be an added expense to pick up and an added expense to deliver these totes as these residents change hands down the road. Storing the totes by Dakota Sanitation would be a problem.

Director Wright explained that there are several reasons people do not want to participate in the recycling program. Some simply do not want to participate and others don't have a

place to put them. But they still have to pay for the service. Most people accept that. Commissioner Rohr said that he does not favor forcing residents to use the totes. Commissioner Braun agreed that sharing the totes is a good thing when the individuals are able to work out an arrangement. Commissioner Laber disagreed with the above stating that if the City provides totes for garbage and totes for recycling, then the residents can decide should they want to participate or not. She believes it is difficult to manage if some want to recycle and some do not. Recycling should be uniform and treated the same as garbage pickup. She stated that the totes should stay with the property. Mayor Van Beek agreed with Commissioner Laber stating that it is still early in the process having just started in January. He suggested doing a better job of education and promoting what recycling does for the environment. He agreed that it is a nightmare for City staff to keep track of the totes, and they should stay with the property. Commissioner Braun stated that you cannot force people to come up with recycling items. Commissioner Laber clarified that this is not mandatory program participation just that it has to stay with the property.

Commissioner Laber moved to leave the totes with the residents and they should not be required to participate in the program. There was no second so the motion died.

Commissioner Braun moved to allow residents the option to share the tote and if that is their agreement, the 2nd tote will be picked up by Dakota Sanitation. Commissioner Rohr seconded the motion.

Mayor Van Beek clarified that the City already allows the sharing of totes. The problem is from the 130 people who do not want to participate in the program and want their totes picked up. The recommendation is that the tote stays with the property because it will be a tracking problem for city staff when circumstances come up that the residence is sold. Then we would have to bring a tote back to the home for the next resident. Public Works Director Wright said that Dakota Sanitation may charge a fee to pick up and re-deliver a tote and it would be their responsibility to keep track of the totes. It may create a burden on the City to re-track the taken-back totes. It may create problems if totes were missed during the pickup. Dakota Sanitation has stated that it will be difficult to store over 1,100 totes.

Commissioner Braun withdrew his motion to allow residents the option to share a tote and Commissioner Rohr withdrew his second on the motion.

Commissioner Braun clarified that the totes will stay at the residences due to creating a burden to Dakota Sanitation and the City of Mandan to store the totes.

Commissioner Rohr inquired as to Deb Holter's request to have her tote retrieved as she outlined above.

Debbie Holter came forward to speak and stated she does not have a tote because it was stolen. Her actual pickup point is one-half mile from her home and she cannot even push the tote on her gravel road to the pickup point. She has never used the recycle service but

she has been charged for it. She suggested that there be an exemption put into place for those who cannot use the service. The City will work with Dakota Sanitation to assist with the process.

Director Wright stated that Ms. Holter is one of two residents that have similar problems and the City will work with those individuals to resolve them.

Commissioner Laber moved to leave the totes with the residents. Commissioner Braun seconded the motion.

Rick Anderson from Dakota Sanitation came forward and stated that he would like to discuss some important facts in this matter. He indicated that the State Health Department is not issuing any permits to open up new landfills. This will affect the next generation. If the City requires recycling and then it is removed, it would be difficult to put a mandatory requirement back in place. He recommended that on-going education be provided to residents regarding the importance of current and future recycling.

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

Supplying a smaller tote to those requesting one. (12)

Director of Public Works Wright recommended leaving the current 95 gallon totes at the residences. The smaller totes are lighter but they are narrower and less stable, giving them a higher chance of tipping over in high winds. Some of these requests could be looked at and taken care of with the already approved medical exemption which requires assistance from Dakota Sanitation to collect the totes. Director Wright would prefer to work with these individuals and work out their needs.

Commissioner Laber moved to leave the current 95 gallon totes at the 12 residences, contingent that staff contacts each of the 12 individuals to work out an alternate plan for getting the tote to the curb. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

Condos.

Director Wright stated that if the condos had individual garbage containers, they received a recycling tote and the totes should stay intact. Condos and townhomes with individual totes do not have a common area accessible to place and collect the larger recycling totes. As the city looks into providing recycling to apartment complexes, accessible areas are needed to provide the recycling service and the larger totes, so these condos and townhomes would probably have to be provided the current totes anyway. There is one 24-unit complex that is not participating in recycling due to a complaint that there isn't room for the totes. Director Wright recommended that the townhome be required to keep the totes that were provided to them.

Commissioner Rohr commented that he viewed that residential area and stated that it is one of those areas that it is not conducive to having individual totes there. It is not practical to have all those totes at those apartments. Commissioner Laber commented that she would be comfortable deferring a decision on this matter until the apartment totes issue is resolved. The City should figure out how to encourage recycling for all living units within the community. She requested that City staff look into a plan for the multi-units that can be executed in January 2017. Mayor Van Beek concurred that the exemption will only be honored until the City comes up with a resolution for the multi-unit complexes. Commissioner Rohr indicated that there needs to be additional education provided on the recycling program and when a plan is established, then education on contamination should also be addressed.

Commissioner Laber motioned that the condo-townhome referenced can be treated as an apartment. At such time as the apartments are rolled into the recycling program, this condo-townhome unit will be expected to participate at the same level and with the same caveats as the apartments. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

Apartments.

Director Wright explained that providing recycling to apartments has been challenging because of the minimal access to a common area to place and collect the larger recycling totes at those complexes. They also present a higher chance of contamination, which was one reason the drop-off sites were discontinued. We need to continue to work out the kinks in the residential recycling program before moving forward with apartments.

Director Wright suggested moving forward with a notification to the Planning and Zoning Committee that if there is a new building under construction, that they be required to provide a larger area for the garbage and recycling dumpsters.

Mobile Home Parks.

Director Wright said that participation in the Mobile Home parks is slightly lower than the rest of the residential areas with being at 36.95% with a high rate in January of 43.04% and a low rate in April of 31.51%. These are private entities so mandatory recycling is difficult. These numbers are based on picked up totes vs. total totes in each park and that number will vary with how often residents need to put their tote out for collection. Collection schedules have been included on the new calendars because collection in mobile home parks does not go by the odd and even house number system for their pick up schedule, with the exception of Woodlands Mobile Home Park.

Director Wright recommended approving leaving the mobile home parks as is at this time. However he will continue to encourage recycling by non-participants. Rick Anderson, Dakota Sanitation, commented that what is good for one is good for all. He agreed that the more information that can be disseminated is the best practice.

Commissioner Laber moved to continue with the recycling program in the mobile home parks as presented. Commissioner Rohr seconded the motion. Roll call vote:

Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Laber: Yes;

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

6. *Consider approving the Resolution creating district, approving Resolution approving Engineer's Report and approving feasibility report for Water & Sewer Improvement District No. 62, Project No. 2016-17 (Collins Avenue).* Planning and Engineering Director Froseth reviewed with the Commission a request to create and allow the assessments of specials related to, authorize the required documents for the requested project, and allow for the project to be bid. He said that the Engineering office was approached by Toman Engineering who has been working with the property owners within this proposed district to come up with a plan to better serve these properties with sanitary sewer. When discussing the options with the project engineer and the properties within this district that would benefit, staff has come to the conclusion that this sewer main would benefit the City and the property owners at the same time. In allowing this district and subsequent project, the new sewer main would be much more accessible to both the lots and the city when needed to maintain or execute a fix. It would reduce the potential for other utility conflicts during service installation and would eliminate the need to remove Collins Avenue roadway surface for future installation or fixes. Currently the service lines do need to span a significant distance across Collins Avenue to tie into the nearest sewer main. That is a non-ideal situation that this project would resolve. The district properties are unanimously requesting that the City allow the special assessment of water and sewer costs to the benefitting properties as shown by the petition of non-protest. The existing properties have had problems with their lines and had to have the lines cleaned periodically.

Based on the estimate of costs included in the documentation, the cost of the project is estimated to be \$52,962 and the engineering and administration will add \$18,536.88, bringing the total project cost to \$71,499. These items would be special assessed to the benefitting four properties within this special assessment district which would be assessed approximately \$17,874.85 per lot in specials. Director Froseth recommended moving forward with the project. The landowners have signed off on the project.

Commissioner Laber moved to approve the Resolution creating district, approve the Resolution approving Engineer's Report and approve feasibility report for Street Improvement District No. 62, Project No. 2016-17 (Collins Avenue).

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

J. RESOLUTIONS AND ORDINANCES:

1. *First consideration of Ordinance 1240 related to building and lot numbering.*

Planner Decker stated that this is an update of the existing language to conform to what really transpires when issuing building and lot numbers. This has been reviewed by city

staff and they recommend approval. The changes require numbering and identification of buildings to what the fire department requires and includes the grid system used.

Commissioner Braun moved to approve the First consideration of Ordinance 1240 related to building and lot numbering. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider Resolution approving joining NDPERS Portability Enhancement Provision effective July 1, 2016.* City Administrator Neubauer stated this is an item that was acted on in the Consent Agenda Item No. 11. Commissioner Laber moved to approve the Resolution approving joining NDPERS Portability Enhancement Provision effective July 1, 2016. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Laber: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS:

1. Commissioner Rohr commented that he periodically receives calls regarding why the City does not have any areas designated for the pickup of branches and trees. He said there was an abuse of what was offered previously of what items were dumped there. It was unreasonable to continue with these services based on what happened in the past. There were problems found and in the long run it did not prove to be beneficial to the city considering the man hours spent in cleaning up or disposing of the materials at the sites.

2. Mayor Van Beek announced that this weekend is the Buggies-n-Blues events in downtown Mandan on Saturday, June 11th and Sunday, June 12th.

There being no further actions to come before the Board of City Commissioners, Commissioner Laber moved to adjourn the meeting at 7:25 p.m. Commissioner Braun 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