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The Mandan City Commission met in regular session at 5:30 p.m. on March 19, 2013 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, 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, Business Development and Communications Director Huber, Engineering Project Manager Kim Fettig, and City Assessor Barta. Absent: Commissioner Frank.

B. APPROVAL OF AGENDA: Commissioner Tibke motioned to approve the Agenda as presented. Commissioner Rohr 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 March 5, 2013 Regular Board Meeting.* Commissioner Tibke moved to approve the minutes from the Board of City Commission meeting held on March 5, 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 Terra Vallee 6<sup>th</sup> Addition Zone Change. (First consideration of ordinance #1143)(See Ordinance No. 5):* Engineering Project Manager Kim Fettig presented a request for the approval of Terra Vallee 6<sup>th</sup> Addition Zone Change. (First consideration of ordinance #1143). She explained how the project would result in a cleanup of the zoning on the Northwest Corner of 8<sup>th</sup> Avenue Northwest and 27<sup>th</sup> Street Northwest. Legal notices have been published. The Planning Office recommends approval.

Mayor Van Beek announced that this is a public hearing and invited anyone to come forward to comment on the request for Terra Vallee 6<sup>th</sup> Addition Zone Change. A second announcement was made. Hearing none, this portion of the public hearing was closed. (See Ordinance No. 5)

F. BIDS:

G. CONSENT AGENDA:

1. *Consider approval of monthly bills.* NELSON AUTO CENTER - 51,850.00; NELSON AUTO CENTER - 25,644.00; MONTANA-DAKOTA UTILITIES - 12,890.00; A & S TRAINING LLC - 300.00; ADVANCED ENGINEERING SVC - 684.67; AMERIPRIDE LINEN & APPAR - 101.12; BERG'S 24 HOUR TOWING - 300.00; BROWN & SAENGER, INC. - 140.38; C S DOORS INC - 931.16; CENEX-FUOC BISMARCK-MAN - 19,776.00; CHIEF CONSTRUCTION - 0.00; COLE PAPERS INC - 244.51; DAKOTA AWARDS INC - 132.95; DAKOTA COMMUNICATION SVC - 90.00; DAKOTA STAFFING SOLUTION - 75.75; DAN'S

SUPERMARKET - 41.92; DIRECTMED - 70.09; DIRK PLUMBING & HEATING - 289.77; FACTORY MOTOR PARTS COMP - 147.47; FASTENAL COMPANY/THE - 784.70; FERGUSON WATERWORKS #251 - 900.00; FLEXIBLE PIPE TOOL COMPA - 139.95; GEFFRE/RON - 145.00; GREAT PLAINS TECHNOL SVCS - 414.81; HEDAHLS OF MANDAN INC - 426.24; HUB INTERNATIONAL OF ND - 11,319.00; KADRMAS, LEE & JACKSON, - 367.71; KUPPER CHEVROLET INC - 367.82; LEINGANG/LEONARD JR - 1,380.00; MANDAN PARK BOARD - 100.00; MICHAEL TODD AND COMPANY - 50.36; MISSOURI VALLEY PETROLEU - 866.25; MORTON COUNTY AUDITOR - 2,386.81; ND DEPT OF TRANSPORTATIO - 68.66; ND LEAGUE OF CITIES - 10,011.00; ND WATER & POLLTN CONTRO - 24.00; NDACO RESOURCES GROUP - 1,274.93; NEWTON/SCOTT & ROMA - 375.00; PAHLKE STEEL, INC. - 322.25; POST BOARD - 110.00; PRAXAIR - 584.63; PREBLE MEDICAL SERVICES - 100.00; R8PA - 170.00; STAR SUPPLY - 261.16; WEST DAKOTA UTILITY SERV - 243.34; WITMER PUBLIC SAFETY GRO - 1,652.00; WORKFORCE SAFETY & INSUR - 59,632.12; MANDAN MUNICIPAL COURT - 300.00; KLM ENGINEERING INC - 3,600.00; MONTANA-DAKOTA UTILITIES - 34,339.99; BALABAN LAW OFFICE - 1,500.00; DAKOTA MEDIA ACCESS - 6,658.08; FORT DEARBORN LIFE - 446.62; GLASS/THOMAS J. - 1,500.00; KELSCH KELSCH RUFF & KRA - 4,000.00; ND PERS - 83,026.84; POSTMASTER - 2,300.00; CENTURYLINK - 5,877.53; AT & T - 674.59; ASPHALT SURFACE TECH COR - 1,667.50; AT & T MOBILITY - 489.15; BLACK BOX NETWORK SERVIC - 86.00; BOBCAT OF MANDAN INC - 35,424.88; CENTURYLINK - 147.01; ETHANOL PRODUCTS - 993.49; HACH COMPANY - 16,723.15; HAWKINS INC - 4,278.60; MANDAN MUNICIPAL COURT - 2,040.00; MANDAN PROGRESS ORGANIZA - 25,744.32; NORTHERN PLAINS PLUMB & - 50.00; TARGET BANK - 144.46; WEIGELT/JASON - 645.92; ACE SPRINKLER SYSTEMS - 3,600.00; ACME ELECTRIC - 367.52; ADVANCED BUSINESS METHOD - 154.53; ADVANCED ENGINEERING SVC - 23,601.51; AIRE MASTER OF ND - 70.00; AMERICAN WELDING SUPPLIE - 242.68; AMERIPRIDE LINEN & APPAR - 208.47; ARMSTRONG SANIT & ROLL O - 38,657.24; ARROWHEAD CLEANERS & LAU - 797.50; BERG'S 24 HOUR TOWING - 675.00; BIS-MAN METRO PLANNING O - 0.00; BIS-MAN MOBILE PHONE INC - 1,920.00; BISMARCK TRIBUNE/THE - 2,061.54; BITNER/KEITH - 90.00; BITNER/RENAE - 376.25; BOWERS EXCAVATING, LLC - 1,340.50; BROWN & SAENGER, INC. - 1,293.69; BROWN/MALCOLM H. - 4,500.00; BULLINGER TREE SERVICE - 11,100.00; BUTLER MACHINERY COMPANY - 4,534.48; CENEX- FUOC BISMARCK-MAN - 13.61; CENTURYLINK - 1,709.26; CHIEF SUPPLY - 438.29; CITY AIR MECHANICAL INC - 342.50; CITY OF MANDAN - 233.20; COMPUTER PROFESS UNLIMIT - 83.00; COOLING & HEATING UNLIMI - 425.00; CORWIN CHURCHILL APPLIAN - 24,866.00; CUSTER DISTRICT HEALTH U - 1,014.17; D & E SUPPLY COMPANY INC - 770.47; D & S AUTO & TRAILER SAL - 39.68; DAKOTA COMMUNICATION SVC - 3,303.45; DAKOTA FLUID POWER INC - 609.40; DAKOTA STAFFING SOLUTION - 98.48; DAKOTA SUPPLY GROUP - 1,492.55; DAKOTA TOWING - 95.00; EGGERS ELECTRIC MOTOR CO - 326.14; ELECTRO WATCHMAN, INC - 900.00; ELECTRONIC COMMUNCIATION - 135.50; ENTERPRISE SOLUTIONS INC - 8,818.75; ENVIRONMENTAL SYSTEM

RES - 2,500.00; FASTENAL COMPANY/THE - 187.37; FEDERAL EXPRESS - 68.59; FERGUSON ENTERPRISES, IN - 9.12; FERGUSON WATERWORKS #251 - 64.06; FETZER ELECTRIC, LLC - 217.45; FIRESIDE OFFICE PRODUCTS - 329.00; FRONT RANGE FIRE APPARAT - 31.69; GEIGER SMALL ENGINE - 25.45; GERHARDT STORAGE - 390.00; GRAND CENTRAL, INC. - 67.89; HACH COMPANY - 7,840.70; HAWKINS INC - 4,937.91; HEDAHLS OF MANDAN INC - 703.92; HUB INTERNATIONAL OF ND - 67.00; INFORMATION TECHNOLOGY D - 934.02; INTERGOVERNMENTAL SHOP - 10,974.16; INTERSTATE ALL BATTERY C - 228.06; ISAKSON/CHARLES - 90.00; JAKE'S AUTO GLASS INC - 186.80; JOHN'S UPHOLSTERY - 45.00; KOSTELECKY/EVE - 516.00; KUPPER CHEVROLET INC - 84.01; LILLIS ELECTRIC INC. - 72.50; MANDAN FIRE DEPARTMENT - 583.33; MANDAN NEWS - 33.00; MANDAN NW PIPE FITTINGS - 23.47; MANDAN PARK BOARD - 300.00; MANDAN TIRE CENTER - 1,825.03; MARSHALL LUMBER COMPANY - 4.49; MASTER FIRE & SAFETY - 24.00; MIDCONTINENT COMMUNICATI - 53.36; MIDWEST DOORS INC - 342.70; MISSOURI VALLEY PETROLEU - 314.88; MISSOURI WEST WATER SYST - 61.41; MOR-GRAN-SOU ELECTRIC CO - 9,666.68; MORTON COUNTY HIGHWAY DE - 7,920.04; MORTON COUNTY RECORDER - 58.00; MOTION INDUSTRIES - 158.62; MVTL LABORATORIES, INC - 171.00; NAPA AUTO PARTS - 203.92; ND DEPARTMENT OF COMMERC - 650.00; ND LEAGUE OF CITIES - 15.00; ND RURAL WATER SYSTEM AS - 200.00; ND STATE DEPT OF HEALTH - 320.00; NELSON LEASING INC DBA - 135.93; NORTHERN IMPROVEMENT CO - 60,981.98; O'REILLY AUTOMOTIVE, INC - 36.00; ONE CALL CONCEPT INC - 25.00; PAHLKE STEEL, INC. - 113.51; PIZZA RANCH - 70.46; POPP BINDING & LAMINATIN - 89.00; PRAXAIR - 28.34; PREBLE MEDICAL SERVICES - 53.00; PRESORT PLUS - 757.59; QUALITY APPLIANCE REPAIR - 52.00; R AND F LDSCPNG & HAULIN - 475.00; R K ELECTRIC - 98.46; RAILROAD MANAGEMENT CO I - 530.45; ROUGH RIDER INDUSTRIES - 80.68; RUNNING'S SUPPLY INC - 1,313.79; SEGOVIA/MATTHEW - 35.84; STEIN'S INC - 863.98; SWANSTON EQUIPMENT CORPO - 102.00; THOMAS SCIENTIFIC - 5,222.72; TITAN MACHINERY INC - 2,851.73; TRUENORTH STEEL, INC - 37.11; UNIFORM CENTER & EMBROID - 85.68; VERIZON WIRELESS SERVICE - 2,157.01; VISION TECHNOLOGY INC - 806.25; WASTE MANAGEMENT OF ND, - 22,105.42; WEHRI/RADEANNA - 0.00; WELLS FARGO REMITTANCE C - 9,828.80; WESCO DISTRIBUTION INC - 11,391.28; WILLIAM E. YOUNG CO., IN - 1,151.09; WILLIAMS/WARD - 49.98; YOUNG/AGLAE - 45.00;

2. *Consider games of chance for National Multiple Sclerosis Society at Vision Source Mandan from April 1, 2013 through May 1, 2013.*
3. *Consider approval of Expenditure Budget amendments for Fiscal Year 2012.*
4. *Consider approval of the 2013 Fire Hydrant Painting agreement with HIT Inc.*
5. *Consider transfer of unexpended funds from the Police/Information Technology Department 2012 Budget to the 2013 Budget*
6. *Consider transfer of unexpended funds from the Wastewater Treatment Plant 2012 Budget to the 2013 Budget.*
7. *Consider transfer of unexpended funds from the Planning Department 2012 Budget to the 2013 Budget.*

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8. *Consider transfer of unexpended funds from the Water Treatment Plant 2012 Budget to the 2013 Budget.*
  9. *Consider finalization and acceptance of completed projects: Lincoln Ridge 5<sup>th</sup> (2009-12), Keidel's South Heart Terrace (2012-03) and Meadow Ridge 1<sup>st</sup> & 2<sup>nd</sup> (2012-05).*
  10. *Consider transfer of unexpended funds from Growth Fund 2012 Budget to the 2013 Budget.*
  11. *Consider transfer with conditions of Class A Liquor License from BKNP Inc (Round Up Bar & Grill) to Edgar Oliveira.*
  12. *Consider the following abatements/exemptions: (i) Blind exemption – Elsie Friesz; (ii) Wheelchair exemption: a) Lynette Lipp; b) Wanda Fetch; c) Leonard Leingang; (iii) Homestead Credit exemption – Allen Wanner; (iv) 2-Year exemption: a) Louis Schmidt; b) Kurt Stoner; c) Kent Ronholdt; (v) Street Appraisal abatement – Kimberly McIver.*

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

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Presentation of retirement watch to Richard Barta.* Mayor Van Beek presented Richard Barta with a retirement watch in appreciation of his 36 years of service to the City of Mandan in the City Assessor's office. A Retirement Event is planned for Friday, March 22, 2013, from 2–5 p.m. to extend congratulations to Richard on his retirement.
2. *Presentation by Mike Manstrom, Dougherty & Company LLC, regarding the sale of \$1,675,000 Refunding Improvement Bonds of 2013, Series A. (See Resolutions #1)* Mike Manstrom, presented information regarding the sale of two Refunding Improvement bonds with good results. He provided copies of the most recent Moody's Reports and an A-1 rating was reissued on both. Both issues 2006 Series B and 2003 Series A are non-callable. The structure or maturity levels were not changed – only reduced the interest on both bond issues. Both bonds were reduced and money will be in the bank on April 10, 2013. Manstrom recommended approval of the bond resolution.
3. *Presentation by Mike Manstrom, Dougherty & Company LLC, regarding the sale of \$1,410,000 Refunding Improvement Bonds of 2013, Series B. (See Resolutions #2)* Mike Manstrom, presented information regarding the sale of two Refunding Improvement bonds stating there were good results. He provided copies of the most recent Moody's Reports and an A-1 rating was reissued on both. Both issues 2006 Series B and 2003 Series A are non-callable. The structure or maturity levels were not changed – only reduced the interest on both bond issues. Both bonds were reduced and money will be in the bank on April 10, 2013. Manstrom recommended approval of the bond resolution.

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4. *Consider approving the plans and specifications and authorizing the execution of a 3-way agreement for the installation of water & sewer in Heart Ridge 2nd Addition, Project 2013-02. (See Resolutions No. 6).* Engineering Project Manager Kim Fetting stated that Lance Wachter requested that the City of Mandan enter into a 3-way agreement with Markwed Excavating, Inc., Wachter, and the City of Mandan for the water and sewer in Heart Ridge 2<sup>nd</sup> Addition, north of 19<sup>th</sup> Street, along Heart Ridge 1<sup>st</sup> Addition, along 8<sup>th</sup> Avenue. They have provided a letter of credit and the 3-way agreement is awaiting signature if agreed upon. The project is to start this spring and finish by early summer.

Commissioner Tibke moved to approve the plans and specifications and to authorize the execution of a 3-way agreement for the installation of water & sewer in Heart Ridge 2nd Addition, Project 2013-02. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

5. *Discussion regarding multifamily and new single family home exemptions.* City Administrator Neubauer reviewed with the Board for consideration the city's policy on any incentive for multi-family or high-density housing and single-family home exemption. Neubauer provided several options for the Board's consideration. Commissioner Tibke commented that Commissioner Frank has been very involved in the previous discussions on this matter over the last several months. She recommended that this matter be tabled for a future meeting in which Commissioner Frank is in attendance for discussion.

Commissioner Tibke moved to table the discussion regarding multifamily and new single family home exemptions for a future meeting in which Commissioner Frank is in attendance for discussion. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

J. RESOLUTIONS AND ORDINANCES:

1. *Consider Resolution Awarding Sale of \$1,675,000 Refunding Improvement Bonds of 2013, Series A.* Commissioner Rohr moved to approve the Resolution Awarding Sale of a \$1,675,000 Refunding Improvement Bonds of 2013, Series A. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider Resolution Awarding Sale of \$1,410,000 Refunding Improvement Bonds of 2013, Series B.* Commissioner Rohr moved to approve the Resolution Awarding Sale of a \$1,410,000 Refunding Improvement Bonds of 2013, Series B. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

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3. *Consider Resolution authorizing filing of application with the North Dakota Department of Health for a loan under the Safe Drinking Water Act.* Finance Director Welch stated that the reason this item is on the Agenda is to make application with the State Health Department for a State Revolving Fund (SRF) Program loan. The amount of the loan is approximately \$1.2 million @ 2.5% interest for a 20-year payback debt service. The City has already adjusted the water rates to coincide with the 2013 budget Master Plan. Commissioner Tibke moved to approve the Resolution authorizing filing of application with the North Dakota Department of Health for a loan under the Safe Drinking Water Act. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Consider Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Clean Water Act.* Finance Director Welch stated this is similar to the previous Resolution for a 2.5% interest loan at a 20-year payback debt service. The amount of the loan is approximately \$2.23 million. The plan is to fund Master Plan improvements on the sewer side of the City utilities specifically for Waste Water Treatment Plant Outfall Rehabilitation Project and a Roughrider Estates Sanitary Sewer Extension Project and Lift Station Central Alarm Project. The City has already adjusted the water rates to coincide with the 2013 budget Master Plan. This is similar to previous SRF loans the City has taken out for the Water Plant and Waste Water Plant.

Commissioner Rohr moved to approve the Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Clean Water Act. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

5. *Consider first consideration of Ordinance No.1143 Zone Change for Terra Vallee 6<sup>th</sup> Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.* Commissioner Rohr moved to approve the first consideration of Ordinance No.1143 Zone Change for Terra Vallee 6<sup>th</sup> Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; 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 2013-02.* Commissioner Rohr moved to approve the Resolution approving plans and specifications and authorizing execution of 3-way agreement for water and sewer Improvement Project 2013-02. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

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7. *Consider first consideration of Ordinance 1144 - An ordinance to amend Sections 21-04-18 relating to the purpose in the Gateway and Memorial Highway Overlay Districts.* Bob Vayda, President of the Mandan Architectural Review Commission came forward to explain why MARC is being pro-active to extend the Gateway Overlay District. He explained that with so much construction occurring in northwest Mandan, it will be important that construction is conducted in an orderly fashion. The Mandan Architectural Review Committee proposes changes to the zoning section of the Municipal Code Book and to extend the Gateway Overlay District to Hwy. 1806 or County 38<sup>th</sup> Street North.

Commissioner Braun moved to approve the first consideration of Ordinance 1144 - An ordinance to amend Sections 21-04-18 relating to the purpose in the Gateway and Memorial Highway Overlay Districts. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS

1. Mayor Van Beek again invited everyone to attend the retirement party for Richard Barta, City Assessor, on Friday, March 22, 2013.

There being no further actions to come before the Board of City Commissioners, Commissioner Tibke moved to adjourn the meeting at 6:05 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