
The Mandan City Commission met in regular session at 5:30 p.m. on March 20, 2012 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Helbling, Tibke, Rohr, and Jackson (arrived at 5:31 p.m.). 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 Bechtel, and City Assessor Barta, Absent: Commissioner Frank.

MINUTES: *Consider approval of the minutes for March 6, 2012 regular meeting.* Commissioner Jackson moved to approve the minutes of the March 6, 2012 regular meeting. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present.

PUBLIC HEARING:

1. *A Public Hearing to consider an Ad Valorem tax exemption for Lakewood Living Center/Shorestone Development.* City Assessor Barta reviewed with members a request to consider an Ad Valorem tax exemption for Lakewood Living Center/Shorestone Development at 4401 21st Street Southeast, Mandan, ND. The request is for an exemption of the construction of 32 senior units and 40 assisted living units. The Notice to Competitors was published on 2/24/12 and 3/2/12 in the Mandan News. There were no objections to the exemption request received. The Mandan Growth Fund unanimously recommended approval of 100% for Year 1 and Year 2; 75% for Year 3; 50% for Year 4; 25% Year 5 with the condition that they are subject to repayment if the facility would be sold to a tax-exempt entity within five years from expiration of the exemption period.

Mark Payne, Shorestone Development, came forward to speak. He stated that the name of the project will be Lakewood Landing, Inc. There will be two separate units connected by one common space. Susan Balla was introduced as the individual who will be running the project. She stated that they have a similar project like this in Moorhead, MN. This will be a continuum of care type of facility with senior services à la carte to advanced care to end of life care. It is not a nursing facility, but rather assisted care. Starting employment will be 22 people with growth to expand to 30 people. The two largest expense components will be the property and the payroll. This will be the third facility of this kind that Shorestone has developed. She stated that the facility is expected to open in November 2012.

Susan Beehler, Mandan City resident, came forward to speak. She stated she is against property tax exemptions pointing out that if commercial property taxes go away the next place they would go would be to residential taxes. She inquired if Silver Lake is the same company that is doing this project? She provided photos of the properties on the 4400 21st Street Southeast block and stated that there have been a lot of tax exemptions given to people and the properties rented. She stated she does not understand why the City continues to give property tax exemptions so that the taxes are taken away from the commercial and given to the residential to pick up the tab. She mentioned they are a foreign company who has been incorporated since 2006. She indicated she does not

think it is right to allow a foreign company to charge seniors anywhere from \$700 to \$1,000. Beehler requested that the City Commission stop now (granting tax exemptions) because the City is at a point where housing is filling up before it is even being built. Beehler had documentation available that indicated taxes were not being assessed on properties in some of the additions. She requested the Commission investigate that further or not to grant the exemption.

Mark Payne returned to the podium to clarify some facts. He stated that Lakewood Crossing was the first project he did here. That's the one on the corner. No tax exemption was even requested at that time. He has paid full taxes on that property since it opened. That is the 44 unit apartment complex and they have all been rented out. Then he proceeded with Silver Lake Apartments and he applied for a 2-year tax exemption and that building opened last fall. That started to fill up so he proceeded with another building that was in that 2-year tax exemption. Last August he applied for a 2-year tax exemption on Highland on Lakewood (north side of the street) and neither one of those buildings is open. He proceeded with 2 buildings instead of 3 to start with until occupancy has been achieved, which it has not. The first building will open in May, 2012 and that project is not even near being full at this time. He stated that Lakewood Landing is a whole different concept which includes a whole different corporation and yes, the company is a foreign corporation licensed out of Minnesota. Each individual company is a North Dakota corporation with North Dakota investors. The 5-year exemption on this property is different than the apartment project in that they were market rate apartments. The 2-year tax exemption helps take a little bit of the risk out of it up front.

Mayor Helbling invited any further comments on this matter. A second announcement was made for comments on this matter. Hearing none, the public hearing was closed.

City Assessor Barta stated that since the buildings are not commercial they would not require electronic doors. Commissioner Jackson indicated that under Section 14.02.15, which is the Electronic Handicap Accessible Door Policy, Subsection 1 requires them for every building that is open to public use. These apartments are not open for public use since you can get a "no trespass" order for an apartment complex. They're owned by the individual owner as are nursing homes and assisted living facilities so an electronic door is not required by the ordinance. This interpretation has been confirmed by City Attorney Brown. Mayor Helbling commented that electronic doors may be an asset to the property considering the nature of the buildings for assisted living.

Commissioner Jackson stated that this request for property tax exemption falls within the Commission's tax exemption policy and noted that property tax exemptions are discussed frequently by this Board and that he would be interested in backing off at some time. However, it is these types of facilities that are increasing the City's density and traffic counts. This is not increasing people's taxes because the taxes remain the same. What is happening is the population is increasing in density and should be compared to an "investment". Research shows that if the traffic counts and population density increase, that encourages commercial growth which brings in sales tax to the area. It appears this

request follows the policy and this would be the third Lakewood area property that will be granted an exemption.

Commissioner Rohr pointed out the difference between apartments and this facility. Apartments do not generate jobs wherein this complex will employ several people. He stated that for the most part he has not been in favor of granting tax exemptions for apartments.

Commissioner Tibke stated that this public hearing provided a lot of education for those viewing from home or reading the newspaper. She commented that the process of debating matters will sometimes bring up the best ideas.

Mayor Helbling commented that he has had three people this week contact him regarding assisted living arrangements who do not want to leave the Mandan community and right now they have no choice. The company is doing exactly what is expected of them in order to qualify for the tax exemption. The community is growing and people are investing in the community and it is not costing a lot of money. He stated that if the exemptions were not made available that these properties would cost the City money due to back taxes not being collected. The special assessments on these properties are high and the community would eventually end up paying for the assessments. This is a wise investment for the community.

City Attorney Brown clarified that property tax exemptions are not given to owners. They are given to the “property”. The fact that Mr. Payne may have an interest in these projects is irrelevant to the exemption.

Mayor Helbling inquired if the property at 4401 21st Street Southeast is a name change to Lakewood Land Inc. would that require any change? City Attorney Brown replied that the address that the tax bill goes to is not pertinent.

Commissioner Tibke moved to approve the request for an *Ad Valorem tax exemption* by Lakewood Living Center at 4401 21st Street Southeast to receive a 100% exemption for Year 1 and Year 2; 75% for Year 3; 50% for Year 4; 25% Year 5 by unanimous vote subject to repayment if the facility would be sold to a tax-exempt entity within five years from expiration of the exemption period in accordance with the recommendation from the MGF Committee due to meeting all criteria under the City of Mandan’s Commercial Property Tax Exemption Policy and guidelines and also under state statute; subject to repayment if the facility would be sold to a tax exempt entity within five years from expiration of the exemption period. Commissioner Jackson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

BIDS:

1. *Consider the award of Concrete and Asphalt crushing project at the Landfill.* Director of Public Works Wright reviewed with the Board that two bids were opened for this project. He stated that this is considered a maintenance project explaining how the

sale of the product works. Kraemer Trucking was the low bidder and Wright recommended awarding the bid to Kraemer Trucking not to exceed \$50,000.

Commissioner Rohr motioned to approve the bid award of Concrete and Asphalt crushing project at the Landfill to Kraemer Trucking not to exceed \$50,000. Commissioner Jackson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

CONSENT AGENDA:

1. *Consider approval of expenditure budget amendments for fiscal year 2011.* The Board approved of the expenditure budget amendments for fiscal year 2011.
2. *Consider approval of monthly bills.* The Board approved of the monthly bills.
3. *Consider approval of Games of Chance for the ND Society of Radiology Technologists at the Seven Seas (Apr. 12-14, 2012).* The Board approved of Games of Chance for the ND Society of Radiology Technologists at the Seven Seas (Apr. 12-14, 2012).
4. *Consider approval of the vacated part of Terra Vallee 3rd & 4th Zone Change. (First consideration of ordinance #1112).* The Board approved of the vacated part of Terra Vallee 3rd & 4th Zone Change. (First consideration of ordinance #1112).
5. *Consider approval of the Lakewood 6th Addition Zone Change. (First consideration of ordinance #1113).* The Board approved of the Lakewood 6th Addition Zone Change. (First consideration of ordinance #1113).
6. *Consider request for the transfer of funds from the 2011 Budget to the 2012 Budget for the Wastewater Treatment Plant.* The Board approved of the transfer of funds from the 2011 Budget to the 2012 Budget for the Wastewater Treatment Plant.
7. *Consider approval for Out-of-State travel for Surface Water Treatment Workshop for the Water Treatment Plant.* The Board approved of the Out-of-State travel for Surface Water Treatment Workshop for the Water Treatment Plant.
8. *Consider approval of an abatement for Chris & Jessica Haluzak – new construction.* The Board approved of an abatement for Chris & Jessica Haluzak – new construction.
9. *Consider request for the transfer of funds from the 2011 Budget to the 2012 Budget for the Police Department.* The Board approved of the transfer of funds from the 2011 Budget to the 2012 Budget for the Police Department.
10. *Consider request for the transfer of funds from the 2011 Budget to the 2012 Budget for the Mandan Growth Fund.* The Board approved of the transfer of funds from the 2011 Budget to the 2012 Budget for the Mandan Growth Fund.
11. *Consider request for the transfer of funds from the 2011 Budget to the 2012 Budget for the Solid Waste Utility Fund.* The Board approved of the transfer of funds from the 2011 Budget to the 2012 Budget for the Solid Waste Utility Fund.
13. *Consider proclamation designating the week of April 16-20, 2012 as Project Hope Week for the Bismarck Cancer Center.* The Board approved of the proclamation designating the week of April 16-20, 2012 as Project Hope Week for the Bismarck Cancer Center.

14. *Consider approval of recommendation of Law Enforcement Center Building Committee Recommendation to replace carpet in offices within LEC Building.* The Board approved of the recommendation of Law Enforcement Center Building Committee Recommendation to replace carpet in offices within LEC.

Consent Agenda Item No. 12: Commissioner Jackson requested this item be removed from the Consent Agenda to be discussed with New Business Item No. 4 (See below).

Commissioner Tibke moved to approve Consent Agenda items 1 through 11 and items 13 and 14 as presented. Commissioner Jackson seconded the motion. The motion received unanimous approval of the members present. The motion passed.

OLD BUSINESS:

1. *Consider proposals for development of land parcels near I-94.* Business Development and Communications Director Huber stated that a Request for Proposals was issued on January 3, 2012, for the two parcels of property totaling 21.32 acres and were due by February 17, 2012. Four responses were received and the four entities presented proposals at the City Commission Special Meeting on March 15, 2012. There are two different parcels of land. One being at Sunset Drive which is 3.1 acres and the larger parcel is 18.22 acres and borders Sunset Drive to the east and 27th street to the south. At the Special Meeting, one of the proposals submitted by the McGuire-Schulz Partnership was presented in a substantially different manner than what was submitted in writing previously on Feb. 17th. This is noted because the public is following this process through what they read in the newspaper and they are not always following the documentation before the Board. It is important to note that what was presented on March 15th, rather than for the initial 4 or 5 acres with an option to buy on another 4 or 5, was actually a proposal for all of Parcel 2 – the 18.22 acres with a price offer for that. A request for correction has been presented to the Bismarck Tribune in regards to correcting that matter. On 3/15/12 the Commission tabled any action and the parties were allowed to submit additional information until 5:00 p.m. March 19, 2012. Huber reviewed the modifications presented, summarized as follows:

(1) *Annabelle Homes – Retail and Office Space*

- i. Assistance to the City in the form of payments lieu of property taxes during construction of \$5,000 per month for a 12-month period, totaling \$60,000.
- ii. Rights of offset with sales of properties.
- iii. The \$429,776.02 Special Assessments would be assumed, but the developer would request to spread it across the entire 21.32 acres rather than the 18.22 acres only.

(2) *Link Golz – True Value Hardware Store*

- i. In collaborating with Kathy Spilman of Keitu Engineers, who has suggested splitting Parcel 1 into 3 sub-parcels, Golz offered \$1 psf for 50,000 sf. An alternate proposal submitted by Spilman indicated only 40,000 sf to be sold by the City for the hardware store. Huber indicated that she had called to clarify and the 40,000 is what is needed based on the site plan submitted by True Value Hardware.

(3) *Kathy Spilman & RiverWest Development/Keitu Engineering – Office Buildings, Restaurant, Coffee, Bank or Sandwich Shop*

-
- i. An alternate proposal was submitted offering for Parcel 1 to be re-platted at Spilman's expense into three smaller parcels denoted on the diagram provided as 1A: 40,007 sf proposed hardware store; 1B: 30,769 sf drive thru business; 1C: 64,246 sf three building office park. Costs for survey and re-plat submitted to the City at Keitu's expense. There was a discrepancy in the written offer of \$55,100 for the combined Parcel 1B and Parcel 1C as compared to the per square foot rates offered for those parcels of \$2 psf for Parcel 1B and \$0.10 psf for parcel 1C, which totals \$68,000 . Huber indicated that she had called Spilman to clarify and that Spilman indicated the per square foot rate or the \$68,000 is the correct amount of the alternate offer. Spilman will withdraw any non-development penalties for the parcels with this alternative proposal. The alternate offer also keeps open the possibility of 5-year property tax exemption for Parcel 1B only. No property tax exemptions will be sought for buildings associated with Parcel 1C.
 - ii. Spilman's original proposal of \$2 psf or \$270,000 for the entire 3.1 acres still stand. The alternative purchase offer, while it allows for the hardware store, is substantially less.

(4) Shultz-McGuire – Hotel, Townhomes & Single family homes, Strip Mall, Restaurant, Office Building

- i. As presented on March 15, 2012.
- ii. Will be willing to work with the hardware store in a revised proposal.

All the entities have representatives present at this meeting to answer any questions.

Commissioner Rohr clarified that McGuire-Shultz will take care of the infrastructure costs to which Huber confirmed that is the case.

Commissioner Tibke asked of RiverWest Development/Keitu Engineering with the alternate proposal of 3 office buildings and a drive-thru business, if a restaurant was no longer included? Huber provided a map depicting the alternate proposal, indicating that there would likely not be space for a sit-down or casual dining restaurant, which is typically about 4,000 to 5,000 square feet plus parking. Spilman confirmed that the alternate proposal did not allow for a restaurant.

Commissioner Rohr asked for a definition of an extended-stay hotel. Huber stated that those rooms tend to be rented often by the week or longer, but use tends to be during the week and open during the weekend, with a suite concept.

Joel Feist, President of Real Builders, Minot, came forward and provided additional information for the Shultz-McGuire proposal. He stated that they have built several suite or extended-stay hotels in Minot and Williston. He explained the difference between an extended-stay and regular hotel is the extended stay accommodation has full kitchenettes available in each of the suites. They are normally rented for periods of time such as months or a year while people are looking for housing or may be working the area for a couple months at a time. Some are two rooms that have living rooms and bedrooms in them. The hotel is comprised of suites.

City Attorney Brown commented as follows: The City has published the properties for sale and offers have been received. Two of the offers maximize the highest dollar amount for the property based on the advertising that was done. Those were the McGuire-Shultz and the RiverWest Development offer without the alternate proposal. Some of the offers are subjective based on the dollars, which is required per state law. In comparison to Renaissance Zone the criteria is different than for urban renewal projects wherein you can consider intangible factors that are not a factor in this particular development.

Commissioner Jackson stated that in order to move forward on this a motion would have to be made to direct Administrator Neubauer and City Attorney Brown to start entering into negotiations and do the contract processing.

Commissioner Jackson moved to direct Administration to enter into negotiations for a contract with the McGuire-Shultz group for Parcel 2. Commissioner Rohr seconded the motion.

Commissioner Rohr stated he was reluctant to consider the Annabelle property for \$1 indicating that he thinks the City should attempt to get the most dollar for the property. Commissioner Jackson stated that other than the Longfellow Park Memorial, this matter has prompted the most comments. The sale of this property should indicate a significant change in property taxes next year.

Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

Commissioner Jackson moved to direct Administration to enter into negotiations for a contract with the Keitu Engineering Group for Parcel 1. Commissioner Tibke seconded the motion.

Mayor Helbling stated that any negotiations will be with the private parties and it would be up to them to decide if the hardware store will be a possibility.

Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed

Mayor Helbling commented on Parcel 2 of the proposed layout that shows housing development along Sunset. He thinks it is crucial to have retail in that area and administration should work with that. He extended a thank-you to all the developers for their time and the effort put into this property development. Going forward, private landowners will be paying the taxes and special assessments on this property instead of the citizens of the community and that's the way it should be.

Wayne Papke, Mandan City resident, clarified that the City coffers have paid \$68,000 that is not going to be recovered in this matter. He wanted to point out that not all these incentives are coming back to the City. Papke said that \$68,000 left the City and will not return because if the City had not paid the \$68,000 there would be a balance of about \$497,000 instead of the \$429,000. Mayor Helbling commented that if the property did not sell, the City residents would be picking up the specials until they were paid off.

NEW BUSINESS:

1. *Consider a contract extension for Retail Attractions.* Business Development and Communications Director Huber reviewed with the Board an extension on the contract with Retail Attractions for assistance with national recruitment of commercial and retail land developers as well as for retail, restaurants and other hospitality sector businesses. Huber stated that this was presented initially about a year ago by Retail Attractions, Inc. an economic development consulting firm from Owasso, Oklahoma. She indicated that with the thriving economy in the Mandan community it would be prudent to continue the services of this firm for another three months extending the contract through July for a fee of \$3,000 p/m or \$9,000 total. The current contract ends on April 30, 2012. Huber recommended renewal of the contract in order for Mandan to retain representation through Retail Attractions during the upcoming International Council of Shopping Centers (ICSC) global retail estate expo on May 20 – 22, 2012. Huber mentioned this request for extending the contract is being brought at this time in order to prepare for the expo. The funds for this will come from sales tax, via the Growth Fund and the allotment for economic development activities. Huber said that now is a good time for Mandan to be represented at the expo as larger national chains look for developments in communities such as the Walmart Supercenter and the property development that will be occurring soon in Mandan.

Commissioner Tibke moved to approve a three-month extension for Retail Attractions as proposed. Commissioner Rohr seconded the motion. Roll call vote: Commissioner

Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

2. *Consider the approval of plans and specifications, Engineers Report, and authorize the call for bids for the 2012 Municipal Sidewalk Improvement.* Engineering Project Manager Bechtel reviewed with the Board the annual project to construct sidewalks, driveways and other concrete items throughout the City. Bechtel stated that the engineers projected costs for the project is \$285,000. The costs would be special assessed. He stated that consideration has been given to Measure No. 2 and will look at awarding a bid after June 12, 2012.

Commissioner Jackson moved to approve the plans and specifications, Engineers Report, and authorize the call for bids for the 2012 Municipal Sidewalk Improvement. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present.

3. *Consider the creation of Street Improvement District No. 168 Project # 2017-09. (Heart Ridge Addition – Phase 1).* Engineering Project Manager Bechtel stated this project was started in 2011. A 3-way agreement was approved in September 2011. A petition has been received from Lance Wachter requesting the special assessment of the streets within the Heart Ridge Addition plat. The developer will need to install the needed water and sewer utilities to service the lots within this subdivision and will be required to pay 100% of those costs via the 3-way agreement. The road to be paved will be Ridge Drive Southeast. This will create approximately 27 lots for building single or two family homes. Mayor Helbling commented that this project was in the works before Measure No. 2 was developed. The lots have already been sold and the developer will have to cover the costs of water and sewer however has requested the streets etc. be special assessed. There is very little risk to the City of Mandan to assess this project.

Commissioner Jackson moved to approve the creation of Street Improvement District No. 168 Project # 2017-09. (Heart Ridge Addition – Phase 1). Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

4. *Consider the creation of Street Improvement District No 167 Project # 2012-04. (Keidel's South Heart Terrace – Keidel Trail SW).* Engineering Project Manager Bechtel reviewed the request for the creation of Street Improvement District No. 167 Project Keidel's South Heart Terrace from Morty's LLC requesting the special assessment of the street, Keidel Trail SW within the Keidel's South Heart Terrace plat. The project would pave that street and open up about 37 lots for building single family homes.

Commissioner Jackson moved to approve the creation of Street Improvement District No 167 Project # 2012-04. (Keidel's South Heart Terrace – Keidel Trail SW). Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

Consent Agenda Item No. 12. Consider for approval the plans and specifications for and the execution of a 3-way agreement for the installation of water & sewer in Keidel's South Heart Terrace Addition. Engineering Project Manager Bechtel reviewed the 3-way agreement plan. The developer will need to install the utilities to service the lots and will be required to pay 100% of the costs via a 3-way agreement between City of Mandan, Basaraba's Excavating and Morty's LLC. The construction costs and engineering of the project would be approximately \$275,000. Bechtel stated that the Board may approve the 3-way agreement now; however, if the documentation and consideration does not come out to their liking, the 3-way agreement does not have to be executed depending on how they would like to proceed.

Commissioner Jackson stated that the reason for combining the two items (NB Item #4 and Consent Agenda Item #12) has to do with special assessments going back to a

developer as was discussed previously (in 2011). This is an opportunity to revisit that issue and how that may affect the developer's thoughts if they want to move forward. Dave Thompson of Toman Engineering and Steve Iverson of PACES Lodging Corp. were present for discussion of the projects. Mayor Helbling cautioned to be careful with special assessments pending the passage or failure of Measure No. 2. Commissioner Jackson voiced two concerns: (A) We were looking at this anyway as a Commission and (B) Concerns about what Measure No. 2 will do to special assessments. If the Commission approves a \$382,000 special assessment, there is a question as to whether it can be done if Measure No. 2 is passed. City Attorney Brown stated that the risk with a special assessment project (again the assessments are against the property) if Measure No. 2 passes there is a possibility the City would have no mechanism to recover those bond payments if the owner of the lot defaults on payment. If everyone pays the specials there is no harm. But if they don't pay them the risk is how the City is to pick up that deficiency because the City is obligated to make the bond payment.

Mayor Helbling stated that the City is obligated now through general taxation as one mechanism as a fee that can be charged over and above the actual interest rate @ 1.5% and that goes into a fund. Once that fund is depleted it goes into a general obligation and if we still want to special assess, we would have to use another source such as sales tax or another revenue source other than general obligation funds. We could still do it but we would have to have another pool of money available. Commissioner Jackson stated that the policy was never finalized on this matter and he suggested the matter be discussed at another working session.

City Administrator Neubauer stated that the Commission could approve the district because they would not be approving an award for bids in that district. Therefore, if Measure No. 2 fails and the Commission would decide to go ahead with the creation of a district the City would be 2-3 steps ahead by the time June 12th comes around. The district can be created and the project can be put out for bids. Neubauer stated that you do not have to award the bids, and if you then determine that you would be agreeable to special assess the project, you could do that at that time. Just by approving the district you are not saying that you are agreeing to special assess.

Commissioner Rohr moved to approve the plans and specifications for and the execution of a 3-way agreement for the installation of water & sewer in Keidel's South Heart Terrace Addition. Commissioner Jackson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

RESOLUTIONS & ORDINANCES:

1. *Consider Resolution Authorizing Issuance of \$1,490,000 Refunding Improvement Bonds of 2012, Series A.* Finance Director Welch stated that this resolution is to finalize the sale of bonds for the refinancing which took place and was approved by this Board at the last meeting. Commissioner Jackson moved to approve the Resolution Authorizing Issuance of \$1,490,000 Refunding Improvement Bonds of 2012, Series A.

Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes;

Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

2. *Consider first consideration of Ordinance No.1112 Zone Change for the vacated part of Terra Vallee 3rd & 4th – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.*

Engineering Project Manager Bechtel provided an overview of a map that depicted the area that is located west of the middle school. Commissioner Tibke moved to approve the first consideration of Ordinance No.1112 Zone Change for the vacated part of Terra Vallee 3rd & 4th – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

3. *Consider first consideration of Ordinance No.1113 Zone Change for Lakewood 6th Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.*

Engineering Project Manager Bechtel stated that the parcel is located west of 40th Avenue and it includes the land that the school is purchasing and is looking to be rezoned as RM. Commissioner Jackson moved to approve the first consideration of Ordinance No.1113 Zone Change for Lakewood 6th Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

OTHER BUSINESS:

1. Mayor Helbling requested administrative staff to add an agenda item to a future meeting to address a parcel of City-owned property on Main Street that Huntington Books is renting. The discussion is to come up with a new lease agreement or put the property up for general sale to the public. That agreement has expired.

There being no further actions to come before the Board of City Commissioners, Commissioner Jackson moved to adjourn the meeting at 6:58 p.m. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present.

/s/ James Neubauer

James Neubauer,
City Administrator

/s/ Timothy A. Helbling

Timothy A. Helbling,
President, Board of City
Commissioners