
The Mandan City Commission met in regular session at 5:30 p.m. on May 19, 2015 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Laber, and Braun. Department Heads present were Finance Director Welch, Paul Leingang – Mandan Police Dept., City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Planning & Engineering Director Froseth, Planner Decker, Assessor Shaw, and Building Official Lalim. Absent: Police Chief Bullinger, Fire Chief Nardello, and Business Development & Communications Director Huber.

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

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

Susan Beehler, a Mandan resident since 1992, came forward to speak. She requested the Commission to vote “No” on the proposed Cemetery Policy and to ask the Commission to reconsider the policy by including input from those who are most affected by the policy that have loved ones that are buried there or have purchased plots. She stated this is a community cemetery and community members grieve differently. What some may think as gaudy or messy may be a comfort to another. In comparing this cemetery to others, you will find that this cemetery is unique. In the photos that the Maintenance Department shared, they showed policies like the ones they want to adopt. One of the things people enjoy about this cemetery is that it is unique and is different. She thinks this is a characteristic that Mandan should champion and not ban. She provided some recommendations for the policy such as allowing solar lights or stating how far they should be placed from an adjoining plot or from another headstone. For those who make it difficult to mow around, have them sign an agreement for upkeep and have them pay a fee or fine if they are non-compliant with the policy. She asked if trees and bushes will be removed in order to not have to mow around them.

What about the items that are going to be removed by September 1st? Who will store and label them? How will out of town visitors know of this change? If a complaint is to be filed, have a place available to file the complaint and a way to dispute it. People should have the opportunity to remove an item from a gravesite in their timeframe, not when a policy dictates them to do so. She provided photos of items that were in certain locations in 2010 (windmill, bench, arch) that have since been removed. She said that the cemetery is not just a storage place for the dead. It serves a vital purpose of those that are living to those who have lost a loved one. She said that as a community we should not deny residents something they have been allowed to do in the past. She thinks people will cooperate if they have been included in the policy process. Mandan needs policies that are inclusive, not exclusive when paid for with tax dollars. If a change is going to be made, those directly affected by the policy should be involved. She said that cemeteries in Bismarck and one in Garrison were contacted about this. She does not think any Mandan residents were contacted because she has plots there and was not contacted. She

requested the Commission reconsider and allow the residents to have input. She provided pictures of examples of how graves are marked if the owners so chooses until headstones are placed. She suggested having designs to give to people who purchase plots showing them what would be acceptable items to put on a plot. She requested clarification of the policy contents and again requested that interested parties be allowed to have input in the policy. She will submit the above information to be included within the record of these minutes.

Leroy Volk came forward to speak. He said his wife has family members buried at this cemetery. He explained what they have placed at the gravesites in order to put flowers there every year and he does not feel that is doing any harm. He complained about the holes in the grounds throughout the cemetery that need to be fixed.

Mary Wald came forward and stated she has family and friends buried there and she takes care of those plots. The items she has placed on the graves should not bother the mowing. She thinks the policy should be written so that those who want to put stuff on the graves be allowed to do so, but she also thinks trash items should be removed. She said she visits the cemetery at least once a month, sometimes more.

Mandy Dendy came forward to speak and stated she opposes the proposed changes to the Mandan Union Cemetery because they are unnecessarily restrictive. She said the restrictions are a complete reversal of the cemetery rules that have been in place for approximately 77 years. She said she and her husband have lots at the Union Cemetery and she has children buried there. She explained how she maintains and takes care of their graves. She said the gravesite is a remembrance for her, her husband and her four other children. She said the proposed regulations do not take into account the times when loved ones physically want to remember their deceased with mementoes outside of the designated times. She requested the proposed changes be rejected and that a much less restrictive change be placed for ease in maintenance and preserving the cemetery's beauty and the cemetery tradition of allowing freedom of how people can decorate their loved one's gravesite. The new regulation should give each plot owner a certain amount of space around the headstone that could be maintained with personal items with a uniform size and shape that would be separated by mulch or rock that would not interfere with the mowing and trimming of grass.

Items placed at the gravesite would have to be attached, fixed, or contained and left within the bordered area to prevent them from blowing around. There would be no restrictions on the items left in the bordered area but the cemetery would reserve any right to remove any items that impede mowing and trimming outside of the area. For the benches at the cemetery she would suggest that those who own the benches be liable for moving the benches during the mowing season. She also suggested that perhaps a contract of owner's responsibilities be drafted to include items such as that. She encouraged the Commission to look beyond what other cemeteries are doing because there are people who purchased plots at Mandan Union Cemetery because of its personal atmosphere and to avoid restrictions that other local cemeteries have. The local Veteran's Cemetery is a beautiful example of a military precision cemetery. But that

should not be the standard all cemeteries are held to. The drastic changes will literally change the cemetery's landscape. But are they reasonable? She encouraged the Commission to consider the suggestions she presented.

A second announcement was made for anyone to come forward to speak. Hearing none, this portion of the Public Communications was closed.

D. MINUTES:

1. *Consider approval of the following minutes from the Board of Equalization meeting held on April 21, 2015 @ 7 pm and the Board of City Commission regular meeting held on May 5, 2015.* 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:

1. *Consider plat and rezoning for Lakewood 8th Addition.* Planner Decker presented this request stating that this is a continuation of the Lakewood project. The original request was for a larger area by a developer who had purchased additional land and this was backed down to a smaller area. He presented a draft plat stating the final plat will be presented at the next meeting. The request before the Commission at this time is to move forward with the re-zoning for this area. This area is currently an agricultural zone and the request is to move it to an R7 and R3.2, a continuation of the residential development in this area.

Mayor Van Beek announced this is a public hearing to consider the platting and rezoning for Lakewood 8th Addition. He invited anyone interested in speaking for or against the matter to come forward. A second announcement was made for anyone to come forward. Hearing none, this portion of the Public Hearing was closed.

2. *Consider an application for Property Tax Incentives for a New and Expanding Business by National Information Solutions Cooperative (see New Business No. 1).* City Administrator Neubauer stated this matter is a public hearing regarding the application for Property Tax Incentives for a New and Expanding Business by National Information Solutions Cooperative (NISC). NISC has requested a Tier 2 Exemption which allows for a 100% exemption in years 1 and 2, 75% in year 3, 50% in year 4 and 25% in year 5. The first step for NISC would be to obtain a primary business sector certification which is obtained from the ND Department of Commerce. NISC is planning to build a 33,000 sq. ft. addition which will allow the company to expand in Mandan. This is an application for a Tier 2 Property Tax Exemption which will allow NISC to hire 15 more full time jobs in the 1st year. They currently employ over 300 full and part time individuals. The total approximate project cost is \$5.8 million with an estimated value of an annual 100% exemption of \$91,060 and based on the Tier 2 formula, the total estimated value of the exemption over five years is \$318,710.

Legal notices were published in the Mandan News on April 24, 2015 and May 1, 2015 and email notices sent to the Mandan Public School District, Morton County Auditor and

the Mandan Park District regarding comments to this request and no comments have been received to-date. NISC representative Tracy Porter was present to answer any questions. He stated NISC has offices in 3 other locations in Iowa and Missouri and they have chosen to expand in Mandan rather than the other locations.

Mayor Van Beek announced this is a public hearing to consider the application for Property Tax Incentives for a New and Expanding Business by National Information Solutions Cooperative. He invited anyone interested in speaking for or against the matter to come forward. A second announcement was made for anyone to come forward. Hearing none, this portion of the Public Hearing was closed. Commissioner Rohr commented that he favors this request and that he looks at this as an investment into the future of Mandan.

F. BIDS:

1. *Consider bid opening results for Street Improvement District No. 199, Project 2014-28(NE Downtown Area).* Planning & Engineering Director Froseth stated that two bids were received on 5/14/15 for this project. Northern Improvement Company submitted the low bid in the amount of \$3,513,389. The Engineer's Estimate was \$2,507,000 which makes the bid 40.1% higher than was estimated for the project. Per North Dakota Century Code, constructing a project by special assessment method, the City must reject a bid amount of 40% over the estimate. Meetings were held today with the bidders and the consulting engineer, Stantec, to understand why the bid amount was so much higher than the estimate. As a result, one of the notables was that there is a manhole included within this project, (one underground component) and both contractors bid that much higher due to questions as to how much of a trunk sewer was coming into that and what kind of coordination efforts it will take to replace that manhole. There were also concerns with the constructability issues in the alleyways.

There were concerns about it being a 2-phase project with about 2/3 of the project being done this year, (as proposed), with the remainder being carried over to next year and what oil prices might do in that time. There were also some sub grade prep concerns being part of the discussion since we didn't have it as a bid item. Director Froseth said that it is hoped that over the next couple weeks a better understanding of this project will be attained which will allow time to develop a better plan for the future. Under the circumstances they will probably propose doing less this year. It is hoped to open the bids in mid to late June with the bid award set for some time in early July. Director Froseth recommended rejecting the bid. As stated, the percent overestimate is really close to 40% and they aren't absolutely sure it is because this is the latest information. He indicated that the concerns include the cost of the base material directly under the asphalt material. Some of the concerns are if there will need to be 8-9 inches of aggregate base or if it should be a cement base stabilizer in lieu of that much base and whether sod is used versus hydro-seed. The manhole will be addressed outside of this contract.

Commissioner Laber motioned to reject the street improvement bids received for Street Improvement District No. 199, Project 2014-28 (NE Downtown Area). Commissioner Rohr seconded the motion.

Commissioner Laber amended the main motion to authorize the Planning and Engineering Department to have the plans and specs rebid as soon as they are prepared. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

Commissioner Rohr motioned to reject the bids as amended to authorize the Planning and Engineering Department to revise the plans and specs and rebid the project. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present. The motion passed.

2. *Consider concurrence of low bid for downtown sidewalk ADA ramp improvements as opened through the NDDOT bid opening system.* Planning & Engineering Director Froseth stated that on May 8, 2015, bids were opened for the Main Street ADA ramp improvements through the NDDOT bid opening system. Two bids were received and the low bidder was Ti-Zack Concrete in the amount of \$375,858.50. This bid is approximately 11.7% higher than the engineer's estimate of \$336,000. The City is responsible for 10% of this project of the cost share of the project which would be an estimate cost of \$58,350.40 after engineering and administrative costs. The NDDOT has indicated acceptance of the low bid and Director Froseth would recommend awarding the project contingent on concurrence with the City. This project would improve the sidewalk ramps from 10th Avenue West to Collins Avenue and the construction will occur in 2015. He said there is a plan to improve the east half of Main Street in 2016.

Commissioner Laber moved to concur with the NDDOT's intent to award the project to the low bidder Ti-Zack Concrete. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

G. CONSENT AGENDA

1. *Consider approval of monthly bills.* A-1 TREE SERVICE - 200.00; ADVANCED ENGINEERING SVC - 58,746.68; BIS-MAN CONVTN & VISITOR - 5,098.43; BLACK BOX NETWORK SERVIC - 88.00; BORDER STATES ELECTRIC - 324.22; CUSTOM CONVEYOR CORPORAT - 428.53; D & F TELEPHONE - 45.00; EDLING ELECTRIC INC - 24,116.04; ETHANOL PRODUCTS - 1,102.72; HAWKINS INC - 880.00; INFRATECH INC - 2,878.10; LOWMAN/DENNIS - 37.10; LOWMAN/DENNIS - 0.00; MANDAN KIWANIS CLUB - 355.00; MANDAN PARK BOARD - 161,013.87; MARINER CONSTRUCTION INC - 15,846.85; MID AMERICA STEEL INC - 5,785.00; MISSOURI VALLEY PETROLEU - 24,418.10; MORTON COUNTY AUDITOR - 10,325.72; MOTL/RYAN - 300.00; ONE CALL CONCEPT INC - 48.40; PRESORT PLUS - 1,357.59; ROUGH RIDER INDUSTRIES - 2,372.16; SIMPLEXGRINNELL - 548.32; STARION BOND SERVICES - 26,603.93; TROJAN TECHNOLOGIES INC. - 16,930.00; VANGUARD APPRAISALS, INC - 23,625.00; YOUNG/AGLAE - 60.88; MONTANA-DAKOTA UTILITIES - 31,256.61; AT & T - 800.59; BALABAN LAW OFFICE - 1,500.00; COMPANION LIFE - 10.00; DAKOTA MEDIA ACCESS - 8,055.00; FORT DEARBORN LIFE - 1,868.89; GLASS/THOMAS J. - 1,500.00; KELSCH KELSCH RUFF & KRA - 4,000.00; ND PERS - 99,784.63; ND STATE DEPT OF HEALTH - 2,000.00; VOGELPOHL/STEVEN L - 4,468.09; WELLS FARGO COMMERCIAL C - 212,297.47; A-1 TREE SERVICE -

600.00; ADVANCED ENGINEERING SVC - 4,805.00; AVENET LLC - 1,100.00; BEEHLER/DEVON - 235.20; BIS-MAN DRYWALL INC. - 1,400.00; BIS-MDN TRANSIT BOARD - 11,059.99; BISMARCK POLICE DEPARTME - 678.44; BJORND AHL/DAVID - 158.81; BURLEIGH COUNTY SHERIFF - 3,009.80; CBI BUSINESS SERVICES - 7,224.09; CENTRAL MECHANICAL INC - 8,730.00; COMPUTER PROFESS UNLIMIT - 89.00; CROWLEY FLECK PLLP - 4,500.00; CUSTER DISTRICT HEALTH U - 1,075.00; DAKOTA WEST CONTRACTING - 75,798.00; DAKOTA'S BEST COFFEE - 57.00; DENNY'S ELECTRIC & MOTOR - 1,577.70; DTE, INC - 5,319.00; EDLING ELECTRIC INC - 1,986.12; ETHANOL PRODUCTS - 765.39; FARIS/KEVIN - 44.50; FETZER ELECTRIC, LLC - 521.31; GEORGE STROH TRUCKING IN - 12,017.50; GRAND FORKS FIRE EQUIPME - 14,760.00; GREAT PLAINS TECHN L SVCS - 3,205.99; HAWKINS INC - 7,641.24; HUB INTERNATIONAL OF ND - 275.00; INFORMATION TECHNOLOGY D - 1,346.63; INTERGOVERNMENTAL SHOP - 12,489.54; ISAAK/TODD - 62.30; KOSTELECKY/EVE - 500.00; MANDAN AIRPORT AUTHORITY - 22,120.10; MANDAN PARK BOARD - 20,250.00; MARINER CONSTRUCTION INC - 205,114.47; MILLER/CASEY - 3,232.22; MISSOURI WEST WATER SYST - 68.59; MONTANA-DAKOTA UTILITIES - 16,215.41; MORTON COUNTY AUDITOR - 51,595.36; MORTON COUNTY RECORDER - 36.00; MORTON COUNTY SHERIFF - 1,391.96; MORTON MANDAN PUBLIC LIB - 53,710.15; MVI - BISMARCK - 110.96; MY GOV, LLC - 700.00; NALCO CHEMICAL CO - 1,402.96; ND DEPT OF TRANSPORTATIO - 5,392.98; ND STATE DEPT OF HEALTH - 320.00; ONE CALL CONCEPT INC - 470.80; PKG CONTRACTING INC - 27,420.37; PRESORT PLUS - 1,714.58; RAZOR TRACKING - 568.00; RED BOOK CONNECT LLC - 300.00; RJR MAINT & MANAGEMENT - 304.15; ROSEN/BRANDON - 157.50; ROUGH RIDER INDUSTRIES - 2,880.00; SANITARY SEPTIC SERVICE - 420.00; ST. ALEXIUS MEDICAL CENT - 150.00; STANTEC CONSULTING SERVI - 27,977.65; STARION BOND SERVICES - 12,989.50; STROMSTAD/KATHLEEN - 100.00; TERRACON - 5,040.25; VAULT1440, LLC - 1,875.00; WEHRI/RADEANNA - 350.00; WERNER/SHEILA - 50.00; WESTERN EDGE ELECTRIC IN - 663.18.

2. *Consider request from Mary Himmelpach, Meter Reader II, to carryover 40.74 hours of annual leave for six months.*
3. *Consider approval of the following site authorizations for the Fort Abraham Lincoln Foundation from July 1, 2015 through June 30, 2016: (i) Midway Lanes (ii) Broken Oar (iii) Lonesome Dove (iv) Seven Seas.*
4. *Consider approval of beer garden street dance application for Buggies-n-Blues, all Class Reunion, Wild West Grill Fest and Oktoberfest all for Mandan Progress Organization.*
5. *Consider approval of the following site authorizations for the Cystic Fibrosis Association of ND from July 1, 2015 through June 30, 2016: (i) Stage Stop (ii) Colonial Lounge.*
6. *Consider Obligor Resolution for the Government Lease Contract for the Landfill Front End Loader.*
7. *Consider approval of MPO events' road closures consistent with past years.*
8. *Consider the following games of chance (i) Nylee Dimeo Cancer Fund at Dacotah Centennial Park from June 1-August 21, 2015 (ii) Morton County 4-H Council at Morton County Court House from July 15-September 30, 2015.*
9. *Consider NDDOT Consent Agreement for MPO Events Road Closures.*

Commissioner Laber moved to approve Consent Agenda as presented. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner

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

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Consider Growth Fund Committee recommendations:* City Administrator Neubauer presented the following items for discussion and approval:

(i) *Application for Property Tax Incentives for a New and Expanding Business by National Information Solutions Cooperative (NISC):* Commissioner Tibke moved to approve the Property Tax exemption request by National Information Solutions Cooperative for a new building to be constructed on its Mandan campus for a 100% exemption in years 1 and 2, 75% in year 3, 50% in year 4 and 25% in year 5 respectively. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

(ii) *Application for PACE interest buy-down by NISC:* NISC has applied for a PACE interest buy-down for a \$1.5 million loan as part of their total project. As explained earlier, the building is a \$5.8 million project with a parking lot and other improvements for a total project cost of \$7.5 million. Regarding the interest buy down, part of it is funded through the Bank of ND (BND) through their program that requires a local match. The total amount of the buy down for the interest is \$212,020.72 and of that, approximately \$138,000 comes from the BND and approximately \$74,000 is the local match for the 65/35 project costs. This is a zero interest loan and NISC has paid the upfront costs. The Mandan Growth Fund has approximately \$465,000 and the \$75,000 is available within that fund to use. The Mandan Growth Fund Committee met on May 12, 2015 and voted to approve the interest buy down request from NISC.

Commissioner Laber moved to approve the interest buy-down for NISC for its expansion project with the local match of \$74,207.24 to be structured as a loan with the term and rate as recommended. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

(iii) *Request for an extension of the deadline for completion of a Storefront Improvement project at 112 Second Avenue NW:* City Administrator Neubauer stated that this is a request from former Dot Frank for the extension of a project due to unexpected work with a delay in delivering materials to complete this project by the June 17, 2015 deadline. She is requesting an extension until December 31, 2015. The Mandan Growth Fund met on May 12, 2015 and voted to support a recommendation to approve this extension to 12/31/15.

Commissioner Rohr moved to approve the request for an extension of the deadline for completion of a Storefront Improvement project at 112 Second Avenue NW to December 31, 2015. Commissioner Braun seconded the motion. Roll call vote: Commissioner

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

2. *Consider funding requests from the Mandan Progress Organization (MPO)*
Funding Committee: Del Wetsch, MPO, presented funding request recommendations from the MPO Funding Committee from the City of Mandan Advertising Fund. He said there were 16 applications received for funding this year. The applicants will receive a grant from the City of Mandan in the form of 50% in Mandan dollars and 50% in a check and they need to meet certain criteria to qualify. The MPO Funding Committee met and reviewed the applications and subsequently the 16 applications were approved by the MPO Board. The MPO is recommending approval by the City Commission. He explained that the MPO has teamed up with the Mandan Park District to share the costs of bringing Slide the City to Mandan this summer.

Commissioner Tibke moved to approve the 16 application requests as presented from the MPO Funding Committee. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider new Rules and Regulations at Mandan Union Cemetery.* Director of Public Works Wright extended a thank you to the citizens of Mandan who are present at this meeting and expressed their feelings on the proposed Rules and Regulations for the cemetery. He said that the proposed Rules and Regulations are not meant to show any disrespect to any of the patrons of the cemetery. The main concern under the revised Rules and Regulations are meant to give cemetery staff a more effective means of maintaining the cemetery to the highest standards. He said that this matter has been a work in progress for quite some time. The Rules and Regulation changes that are presented are meant to assist the staff to maintain the cemetery in a respectful fashion. Director Wright said he is available to answer any questions with regard to this matter.

Commissioner Laber said she understands there is a burial license that people obtain to be buried there. She questioned whether that license has changed materially? She wants to make sure that anything that was done in the past has been reviewed, (if there are changes to the agreement), and that the City is not in violation of any kind throughout this process. City Attorney Brown stated that when one buys a burial plot you are buying a license to occupy that space in the cemetery. You are not buying the land or the property. He was not sure if there are any policies addressing what can or cannot be done. It was his recommendation that the Commission set new policy as it deems appropriate.

Commissioner Tibke stated that when listening to the testimony and also in discussion with Commissioner Rohr, she stated she agrees with Susan Beehler in that the Commission needs to take more time and set up a task force which could consist of four people. The task force could visit with cemetery staff to come up with compromises based on input from the citizens who have plots there and together they come up with a solution.

Commissioner Tibke motioned to start a Cemetery Task Force with the first meeting in June to have some discussions and try to come up with some compromises of the Rules and Regulations that would benefit both the Cemetery Staff and the citizens who have plots at the cemetery. Commissioner Laber seconded the motion.

Commissioner Laber motioned to amend the Main Motion to have a termination date of the first Commission meeting in July to review what the findings are by the Task Force. Commissioner Tibke seconded the amended motion. The amended motion received unanimous approval of the members present. The motion passed.

Commissioner Rohr stated that he has received over 20 emails regarding this matter. He stated that in the past there may have been polices or rules in place that were never enforced. He stated that even when one purchases a house you are not allowed to put whatever you want there. There has to be some decorum and it has to fit in where your property is located. It should be the same with the cemetery in that there are some standards that are reasonable. But you have to keep in mind that at times there are also unreasonable people to deal with. He stated that there has to be a balance of the needs of the people with the needs of the community. Mayor Van Beek concurred with Commissioner Rohr's statement indicating that there are always covenants, laws, or regulations of some nature when dealing with land and that the Mandan Cemetery should be no different. He agrees that the formation of the Task Force is an appropriate way so that both sides of the issues are taken care of.

Mayor Van Beek asked for a vote on the Main Motion to form the Task Force:
Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

Commissioner Tibke suggested that if anyone is interested in serving on the Task Force that they email her and she will arrange for the meetings. Administrator Neubauer stated that if this matter is to come back to the Commission by the July 7th meeting, individuals who are interested need to let Commissioner Tibke know and arrangements can be made for a meeting. They should anticipate some will and some may not be able to attend. Therefore, there may be a need for more than one meeting. Administrator Neubauer suggested setting a deadline of May 30th to contact Commissioner Tibke for anyone interested in sitting on the Task Force. From that list categories can be developed to see what the people's interest is and then pick one representative from each of the groups. An announcement will be posted on the City of Mandan's website and our Facebook page looking for people who would be interested in being on the Task Force. They would include the contact date of May 30th so that sufficient time would be allowed for responses.

4. *Consider approval of Reassessment of property - Wachter Development, Inc. for 2014.* City Assessor Shaw stated that this was a standard reassessment review on some vacant land in the City. She said that when increases were given to a vacant land parcel starting in 2014, they were given across the board increases to the vacant lots for the

2014 assessment year to bring them up to the value, per the Board of Equalization guidelines. The land is not thought to be unbuildable; however it is used for storm water drainage at this time. A map was provided on the overhead for review and discussion. Commissioner Laber suggested this be re-evaluated because it seems unfair to give this applicant a break because there are trees on the lot. Assessor Shaw said other property owners have been given this type of break in the past because it is used for the drainage of water and then it is changed if an application for a building permit is granted. Assessor Shaw recommended reducing the land value of the vacant lot because when they do change the use, it will go to the value that it needs to be assessed at once that happens. Doug Lalim stated that if there was an application with the proper storm water review, the Engineering Department would have to approve it before a permit would be issued for the property. That whole lot is a tree line and a drainage area, it is not a flood plain and it does not have any drainage easements on the property.

Commissioner Rohr moved to approve the reduction in land value for 2014 from \$58,500 to \$10,000. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

5. *Water Treatment Plant Intake Study Update.* Planning & Engineering Director Froseth stated that in 2013 the City entered into an agreement with AE2S to study the need and possible location for a potentially new intake for the Water Treatment Plant. In the fall of 2014, AE2S updated the City Commission on findings on a recommended site and the probable cost of the project. Since that time the City and AE2S have been corresponding with permitting agencies and possible funding sources.

Ken Weber from AE2S presented an update on the project since last fall and what is currently happening with the progress of the project. He provided a brief recap. The project cost is expected to cost approximately \$13-15 million. They have been looking at potential impact to users and indicated that the preliminary numbers are in the ballpark of \$150 per year per user increase. They are working to get some grant dollars to help defray the costs of the project from the State Water Commission. He said they are hoping to get a 50% grant, which would cut the cost from \$150 down to \$75 per year per user. He indicated this is only a general picture of the project costs.

There is funding consideration in place wherein the City did receive from the State Water Commission a matching grant of \$1.27 million which means the City will have to come up with the same amount. If additional monies are made available, then both the State Water Commission and Legislative people will request the City to provide more details and take it into a design scenario. The next steps include the following: Consideration of the proposed site indicating that the last piece of the site process is to sit down with the people who use that area and get their input. Secondly, does the City want to move forward without the funds and design scenario? Lastly, we will continue to search for funds to make this a viable project for the City. A project such as this is usually planned approximately 60 months out.

Commissioner Tibke commented that either way, there will have to be a project design developed. Weber explained that the permitting process would have to be put into place and the details of the design scenario will have to be done. He said that permits are usually good for 3-5 years, depending on what the actual permit requirements are. However, they are usually renewable. Commissioner Laber stated that the State Water Commission has already committed to a 50% match on initial design and permitting. Is the anticipated funding of concern? Weber stated that over the last couple years the State Water Commission has fluctuated with its policies wherein they are not awarding as much money as they thought was possible and they make it harder to qualify for grant dollars especially at the municipal level.

J. RESOLUTIONS AND ORDINANCES:

1. *Consider second consideration and final passage of ordinance 1206 renaming streets in Lakewood Commercial Park Second Replat.* Commissioner Tibke moved to approve the second and final passage of ordinance 1206 renaming streets in Lakewood Commercial Park Second Replat. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider Resolution Authorizing Undertaking for Municipal Improvement Consisting of Wastewater Treatment Facility Interim Optimization Improvements.* Finance Director Welch provided a brief background on Resolutions No. 2 and No. 3. He said that on December 2, 2014, the City Commission approved the Resolution authorized the filing of the application with the ND Department of Health for a loan under the Clean Water Act. Subsequently on January 9, 2015, the City was approved by the Industrial Commission for a loan in the amount of \$5.3 million from the State's Public Finance Authority's Clean Water State Revolving Program for financing the optimization project going on at the Waste Water Treatment Plant. The interest rate on the loan is at 2% plus one-half percent administration fee with a maturity date that is scheduled for September 1, 2035. The loan will be repaid from user fees and the City is only obligated for the loan draw requests. This project is included in the City's 2015 Budget. However, in order to receive reimbursement from the State, the City needs to go the final step and execute the loan agreements provided for in the Resolutions before the Commission at this time.

Commissioner Laber moved to approve the Resolution Authorizing Undertaking for the Municipal Improvement Consisting of Wastewater Treatment Facility Interim Optimization Improvements. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider Resolution Authorizing the Issuance of Sewer Improvement Interim Certificates of 2015, Series A and Sewer Improvement Revenue Bonds of 2015, Series A.* Commissioner Laber moved to approve the Resolution Authorizing the Issuance of Sewer Improvement Interim Certificates of 2015, Series A and Sewer Improvement Revenue Bonds of 2015, Series A. Commissioner Braun seconded the motion. Roll call

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

4. *First consideration of Ordinance No. 1208 rezoning Lakewood 8th Addition*
Commissioner Tibke moved to approve the First consideration of Ordinance No. 1208 rezoning Lakewood 8th Addition. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS:

There being no further actions to come before the Board of City Commissioners, Commissioner Rohr moved to adjourn the meeting at 7:13 p.m. Commissioner Laber 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