
The Mandan City Commission met in regular session at 5:30 p.m. on May 21, 2013 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Frank, and Braun. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development and Communications Director Huber, Engineering Project Manager Kim Fettig, and Building Official Lalim. Absent: City Attorney Brown.

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

C. PUBLIC COMMUNICATIONS:

(1) Susan Beehler, Mandan City Resident came forward and stated that she is opposed to the property tax exemption that will be discussed under Old Business, Item No. 1: *Consider Growth Fund Committee recommendation regarding application for property tax incentive by Prairie View Properties, LLC (Little Caesar’s Pizza), 310 6th Avenue SE*. Mayor Van Beek explained that when an application is made for an exemption there is a time period allowed for the building process. Since that did not occur in the 12-month period, a new application has been presented after the initial time period expired.

(2) Joel Melarvie, a Mandan City resident came forward and stated that he is opposed to granting property tax relief to retail sector businesses because it is his belief that businesses should not be granted relief from property taxes at the expense of the property tax payers.

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission meeting held on May 7, 2013 Regular Board Meeting*. Commissioner Braun moved to approve the minutes from the Board of City Commission meeting of May 7, 2013 as presented. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

E. PUBLIC HEARING:

1. *Consider the annexation of Auditor’s Lot B in Government Lot 1 in the NE ¼ of Section 3, Township 138 North, Range 81 West. (First consideration of ordinance #1150) (See Ordinances No. 4)*. Engineering Project Manager Fettig reviewed with the Board a request from Joseph Cicha to annex this parcel because when the annexation was done of the Lincoln Ridge Estates 6th Addition, this small parcel was not annexed.

Mayor Van Beek announced this is a public hearing for consideration of the annexation of Auditor’s Lot B in Government Lot 1 in the NE ¼ of Section 3, Township 138 North, Range 81 West. (First consideration of ordinance #1150) (See Ordinances No. 4).

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

2. *Consider a change of zoning of Lots 6-8 and part of Lot 5, Block 1 and Lots 4-9 and part of Lots 3 & 10, Block 2 of Meadow Ridge 3rd Addition in Section 22, Township 139N, Range 81W from R3.2 (Two-Family Residential) and MC (Light Non-Nuisance Industrial/Heavy Commercial) to RM (Multi-Family Residential). (First consideration of ordinance #1151)(See Ordinances No. 5).* Engineering Project Manager Fettig reviewed with the Board a consideration for a change of zoning of Lots 6-8 and part of Lot 5, Block 1 and Lots 4-9 and part of Lots 3 & 10, Block 2 of Meadow Ridge 3rd Addition so that the zoning will be consistent throughout this parcel of land.

Mayor Van Beek announced this is a public hearing for consideration of a change of zoning of Lots 6-8 and part of Lot 5, Block 1 and Lots 4-9 and part of Lots 3 & 10, Block 2 of Meadow Ridge 3rd Addition. He invited anyone for or against the request to come forward. A second announcement was made to come forward to speak for or against the zone change. Hearing none, this portion of the public hearing was closed.

3. *Consider a change of zoning for Lot 1, Block 1 and Lot 1, Block 2 of School District 5th Addition in Section 16, Township 139 North, Range 81 West from R7(Single-Family Residential) and R3.2(Two-Family Residential) to RM (Multi-Family Residential). (First consideration of ordinance #1152) (See Ordinances No. 6).* Engineering Project Manager Fettig reviewed with the Board a consideration to change the zoning for Lot 1, Block 1 and Lot 1, Block 2 of School District 5th Addition. She explained that the remaining areas of the school property are already RM zoning. This zoning change will then be consistent throughout this parcel of land.

Mayor Van Beek announced this is a public hearing for consideration of a change of zoning for Lot 1, Block 1 and Lot 1, Block 2 of School District 5th Addition. He invited anyone for or against the request to come forward. A second announcement was made to come forward to speak for or against the zone change. Hearing none, this portion of the public hearing was closed.

4. *Public Hearing to consider a five-year tax exemption for Bayside, LLC. (See New Business No. 1.)* Doug Lalim, Building Official reviewed with members a request for a 5-year tax exemption for the construction of a new commercial structure pursuant to NDCC 40-57.1. This is for the construction of a new convenience store with gas station, car wash, liquor store and coffee shop. Lalim stated there have been no written protests received in opposition to the request. Morton County, Mandan School District and the Park Board have been notified and there have been no responses received from them.

Mayor Van Beek announced this is a public hearing to consider a five-year tax exemption for Bayside, LLC. He invited anyone for or against the request to come forward.

Susan Beehler, a Mandan City Resident came forward and stated she wishes to submit written protest. The application states \$18,617 per year that this would be a property tax exemption. Under this statute it's now been changed under our legislature. SB2314 was put forward in our senate and it was to stop these types of property tax exemptions because they are not for primary sector businesses they are for businesses that are in our town that are established and are competing. We had the Petro on Old Red Trail that was purchased by somebody and no property tax exemptions were asked for that business going in there. MVP owns several Tesoro convenience store locations in our town and they built a new building and I believe they did not request a property tax exemption. The State Tax Department, the Property Tax Division, Marcy Dickerson, has told Beehler that exempt property is added in when determining the mill levy at the county level and the rest of the properties that are left to pay the bill. As a homeowner, we have to use our property tax dollars instead of for safety such as fire and police protection; we are going to provide this business owner with a tight margin of success. That should not be the role of government. As a tax payer if this is what the City chooses to do the state legislature has told me (Beehler) that we need to elect members to our commission that will do that. This law does not take effect until 2014. As City Commissioners are you going to wait until that law goes into effect or will you start being a good steward tonight?

Tory Otto, a Lakewood resident came forward to speak in support of the request for exemption for Bayside, LLC. He stated that there is an investor who also lives in the Lakewood area who is supporting the convenience store business for that area of the city. A Tier 2 exemption is being requested for this \$2.5 billion dollar project. He stated he observes Mandan dollars going across the street to Bismarck thus his reason for bringing this business to this area of the City of Mandan.

Mayor Van Beek again announced this is a public hearing for consideration for a five-year tax exemption for Bayside, LLC. He invited anyone else to come forward to speak for or against the zone change. Hearing none, this portion of the public hearing was closed.

5. *Public Hearing to consider a two-year tax exemption for Zueger Properties, Goldstar Properties, Verity Homes.* Doug Lalim, Building Official reviewed with members a request for a 2-year tax exemption for the construction of a new apartment building pursuant to NDCC 40-57.1. Public notice was published in the Mandan News and there has been no opposition received. Morton County, Mandan School District and the Park Board have been notified and there have been no responses received from them. Commissioner Rohr stated that he has a conflict of interest with one of the investors. He excused himself from discussion on this matter.

Susan Beehler, a Mandan resident for over 20 years and a Small Business owner stated that she objects to the exemption request from Zueger Properties, Goldstar Properties, Verity Homes. She had a problem with filing this under a new or expanding business because apartment rentals are not new and expanding businesses. She stated that both senators from our area voted in favor of SB 2314. She stated that by granting these exemptions that each Mandan resident is giving that business \$20 just to be here and the

taxpayers get nothing in return for the \$20. Going back to the math, you are pursuing a 1% sales tax for a property tax dollar - if you were to give the property tax payers the credit due the amount they are bringing into the city instead of pursuing 1% sales tax. Beehler provided her position of sales tax dollar collections vs. property tax dollars questioning why the turn now taken has been towards the collection of sales tax. Her position is that as a small business owner, every dollar taken out of her pocket (to support the tax exemptions), is one less dollar for her to put in her business. Every dollar used by the City Commission (for tax exemptions) is one less dollar that can be used towards city services (police, fire, infrastructure costs). \$53,000 is like one mill which is what the City Commission is allowing this business in tax exemption. She asked if the “Frank” who is one of the associates in this exemption request is related to Commissioner Frank. At this time Commissioner Braun called for a point of order. Mayor Van Beek excused Ms. Beehler after explaining that the three minutes allowed for individual public comment was up. Commissioner Frank clarified that she is of no relation to the “Frank” in this action other than the sharing of a same last name.

Jeff Zueger, a participant of the project came forward to speak. He stated that both he and his partner are long-time members of the community of Mandan. He stated that this project will bring 30 family units into the community. It already has been approved by the Mandan Architectural Review Committee (MARC). He stated that the tax exemption is a key part of this \$3M project and that the exemption is important to the success of the project.

Commissioner Frank questioned Zueger as to what the plans are for the green space in this project? Zueger replied that it is their intention to comply with the MARC coverage square footage the size of the lot for green space for the occupants of the building while balancing that with the needs of off-street parking. Commissioner Frank inquired as to the anticipated rent rates and the unit sizes? Zueger replied that there will be 12-three bedroom units, 12-two bedroom units and 6 one-bedroom units with an anticipated average annual rental of \$1,000 per month. There has been no consideration for allotting any of the units towards affordable housing.

Mayor Van Beek again announced this is a public hearing for consideration for a two-year tax exemption for Zueger Properties, Goldstar Properties, and Verity Homes for the construction of a new apartment building and invited anyone else interested in speaking for or against the request to come forward. Hearing none, this portion of the public hearing was closed. Mayor Van Beek inquired of the Commission members if there were any more questions or comments from them.

Commissioner Frank stated that she feels that the Commission has started to scale back on residential exemptions given and pointed out the impact that multi-family has on these types of requests that come before the Board. She suggested the Commission consider asking Mr. Zueger if he would be comfortable designating a percentage of the units (one unit) to the potential incentive of offering affordable housing. Commissioner Braun concurred with Commissioner Frank’s suggestion. Zueger replied that he does not know enough about that process and what that would mean to the project. He stated that it is

very difficult when putting together a project and having costs of new construction and still have it qualify potentially for affordable housing. Not understanding the terms of what affordable housing means he stated it would be difficult to make a commitment at this time. Commissioner Frank said that affordable housing is usually no more than 30% of adjusted income for our community. Those statistics are available through the Housing Authority. She said at this point it would only be a commitment for consideration rather than a formal commitment to a specific rent rate. Zueger agreed to a consideration for commitment because of not understanding what the commitment would mean at this point.

Commissioner Braun motioned to consider the two-year exemption for Zueger Properties, Goldstar Properties, and Verity Homes with further discussion. Commissioner Tibke seconded the motion. Commissioner Frank asked for clarification from Commissioner Braun as to what he meant by “consider the exemption with further discussion” She said this is to approve the request for tax exemption. Commissioner Braun said it would be for consideration of the commitment for affordable housing clarifying what he meant is that he would expect Zueger to research what affordable housing means and that he will come back at a later time and indicate a “yes” to an allotment for a percentage of the project to be applied towards affordable housing.

Commissioner Tibke commented that Commissioner Braun’s statement is a new “addition” to the request for tax exemption from Zueger. She suggested the Commission re-visit this to address the expectations of green space and affordable housing as part of the project.

Mayor Van Beek called for a roll call vote: Commissioner Rohr: Recused; Commissioner Tibke: Yes; Commissioner Frank: No; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

F. BIDS:

1. *Consider Awarding bid for 1981 Brush Truck to Dakota Speedway for \$3,500.* Jeff Wright, Director of Public Works, presented a request to accept the only bid that came in for the 1981 Brush Truck to Dakota Speedway for \$3,500.

Commissioner Frank moved to approve awarding the bid for 1981 Brush Truck to Dakota Speedway for \$3,500. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

G. CONSENT AGENDA

1. *Consider approval of monthly bills.* MONTANA-DAKOTA UTILITIES - 20,448.40; ADVANCED ENGINEERING SVC - 7,577.00; AUDIOVISUAL INC. - 125.00; BARTA/RICHARD - 69.00; BIS-MAN CONVTN & VISITOR - 2,646.49; BISMARCK TRIBUNE/THE - 1,948.57; BOERGER, LLC - 816.00; BOWERS EXCAVATING, LLC - 25,636.25; CITY AIR MECHANICAL INC - 185.76; COLE PAPERS INC - 42.27; D & E SUPPLY COMPANY INC - 237.77; D & S AUTO &

TRAILER SAL - 12.65; DAKOTA STAFFING SOLUTION - 75.75; DAKOTA SUPPLY GROUP - 17,817.12; DAN'S SUPERMARKET - 205.04; DIGITAL ALLY INC - 1,605.00; DIRK PLUMBING & HEATING - 1,458.32; EDLING ELECTRIC INC - 1,795.00; ENTZEL TRUCKING - 5,390.00; FEDERAL SIGNAL CORP. - 53,239.00; FERGUSON WATERWORKS #251 - 1,111.12; FETZER ELECTRIC, LLC - 46,916.22; FIRE SAFETY USA - 1,168.00; FROSETH/JUSTIN - 128.25; GEORGE STROH TRUCKING IN - 5,555.00; GRAND CENTRAL, INC. - 155.58; HAGEMEYER NORTH AMERICA, - 444.68; HATFIELD, WASS & ASSOC. - 812.50; HAWKINS INC - 9,721.39; HUB INTERNATIONAL OF ND - 386.00; INFRATECH INC - 1,401.10; INTERSTATE ALL BATTERY C - 19.99; INTERSTATE ENGINEERING - 1,785.00; KADRMAS, LEE & JACKSON, - 2,276.70; LILLIS ELECTRIC INC. - 812.95; LPT IMAGES - 260.00; MANDAN PARK BOARD - 127,735.18; MARCO - 190.27; MIDCONTINENT COMMUNICATI - 53.31; MISSOURI VALLEY PETROLEU - 21,096.42; MORTON COUNTY AUDITOR - 8,080.96; MVTL LABORATORIES, INC - 56.00; NALCO CHEMICAL CO - 232.60; NAT'L ASSOC OF CHIEF OF - 60.00; ND DEPT OF TRANSPORTATIO - 5,432.12; ND STATE DEPT OF HEALTH - 320.00; NDACO RESOURCES GROUP - 1,319.33; NEOPOST INC - 948.86; NEWTON/SCOTT & ROMA - 375.00; NORMONT EQUIPMENT CO - 5,470.00; PRAXAIR - 209.47; PREBLE MEDICAL SERVICES - 173.00; RAILSBACK/ROBERT G. - 69.00; ROE/STEVE - 69.00; ROTO-ROOTER SEWER & DRAI - 175.00; SRF CONSULTING GROUP - 435.86; STANTEC CONSULTING SERVI - 2,883.38; STARION BOND SERVICES - 42,814.60; STEIN'S INC - 566.45; TARGET BANK - 176.16; TRAFFIC SAFETY SERVICES - 1,080.00; UNITED PRINTING INC - 660.65; VISION TECHNOLOGY INC - 318.75; WELTIKOL/SHANE - 110.00; WEST DAKOTA SWAT - 5,100.00; WEST DAKOTA UTILITY SERV - 1,681.65; MANDAN MUNICIPAL COURT - 100.00; AT & T - 644.33; MANDAN MUNICIPAL COURT - 500.00; CENTURYLINK - 5,895.62; KUPPER CHEVROLET INC - 19,322.00; MONTANA-DAKOTA UTILITIES - 35,430.55; AT & T MOBILITY - 448.07; BALABAN LAW OFFICE - 1,500.00; CENTURYLINK - 147.01; DAKOTA MEDIA ACCESS - 6,658.08; EIDE BAILLY - 2,000.00; ENTERPRISE FLEET MANAGEM - 31,560.42; FORT DEARBORN LIFE - 458.62; GLASS/THOMAS J. - 1,500.00; KELSCH KELSCH RUFF & KRA - 4,000.00; MID DAKOTA CLINIC - 30.26; MOODY'S INVESTORS SVC IN - 8,000.00; ND ASSOC OF COUNTIES - 120.00; ND PERS - 84,851.48; NDAAO - 612.00; PETTY CASH - 257.04; POST BOARD - 45.00; POSTMASTER - 2,300.00; POSTMASTER - 139.12; MURPHY/DAVID - 113.09; CUSHMAN MOTOR CO. INC. - 24,400.00; MONTANA-DAKOTA UTILITIES - 18,563.71; ACE 24 HR TOWING - 620.60; ACME ELECTRIC - 801.68; ADVANCED BUSINESS METHOD - 222.52; AIRE MASTER OF ND - 70.00; ALADDIN REALTY - 34.45; ALUMINUM SPECIALTIES - 2,297.42; AMERICAN WELDING SUPPLIE - 172.40; AMERIPRIDE LINEN & APPAR - 207.62; ARMSTRONG SANIT & ROLL O - 38,857.21; ARROWHEAD CLEANERS & LAU - 723.90; ART IN THE PARK - 625.00; AUDIOVISUAL INC. - 125.00; BAILEY NURSERIES INC - 5,427.75; BERG'S 24 HOUR TOWING - 750.00; BIS MAN DEVELOPMENT ASSO - 25,000.00; BIS-MAN CONVTVN & VISITOR - 4,368.65; BIS-MDN STOCK CAR ASSN - 750.00; BIS-MDN TRANSIT BOARD - 1,066.97; BISMARCK POLICE DEPARTME - 6,942.62; BISMARCK TRIBUNE/THE

- 4,235.96; BLACK BOX NETWORK SERVIC - 57.50; BOBCAT OF MANDAN INC - 432.38; BORDER STATES INDUSTRIES - 1,226.73; BOWERS EXCAVATING, LLC - 5,840.60; BROWN & SAENGER, INC. - 1,530.70; BROWN/MALCOLM H. - 4,500.00; BURLEIGH COUNTY SHERIFF - 3,803.69; BUTCHER BLOCK MEATS - 33.18; BUTLER MACHINERY COMPANY - 3,804.60; CBI BUSINESS SERVICES - 6,771.75; CENEX- FUOC BISMARCK-MAN - 6,849.44; CENTURYLINK - 1,715.52; CITY OF MANDAN - 466.40; COMMAND CENTER, INC - 3,460.50; COMMISSION FOR CONTINUTI - 25.00; COMPUTER PROFESS UNLIMIT - 83.00; CONNECTING POINT COMPUTE - 15,191.83; COOLING & HEATING UNLIMI - 770.00; COWBOY ACTION PERFORMERS - 250.00; CROSS COUNTRY COURIER - 59.15; CUSTER DISTRICT HEALTH U - 1,128.42; D & E SUPPLY COMPANY INC - 63.46; DAKOTA COMMUNICATION SVC - 112.50; DAKOTA FIRE STATION INC - 382.25; DAKOTA FLUID POWER INC - 44.36; DAKOTA STAFFING SOLUTION - 212.10; DAKOTA SUPPLY GROUP - 1,420.43; DAKOTA'S BEST COFFEE - 36.00; DALMATIAN FIRE EQUIPMENT - 5,938.44; DTE, INC - 1,856.80; ECOLAB PEST ELIIMINATION - 144.00; ELECTRONIC COMMUNCIATION - 98.00; ENTERPRISE SOLUTIONS INC - 6,162.50; ENVIRONMENTAL TOXIITY CO - 425.00; ETHANOL PRODUCTS - 3,287.77; EXTREME SALES - 72.00; FASTENAL COMPANY/THE - 541.74; FERGUSON WATERWORKS #251 - 834.54; FETZER ELECTRIC, LLC - 205.00; FRIENDS OF FORT LINCOLN - 150.00; FT ABRAHAM LINCOLN FOUND - 300.00; FUSION INTEGRATED TECHNO - 112.50; GARDINER/LUKE R. - 413.83; GEIGER SMALL ENGINE - 28.00; GEORGE STROH TRUCKING IN - 8,030.00; GRAND CENTRAL, INC. - 112.27; GRAY OIL COMPANY - 1,264.26; HACH COMPANY - 120.30; HAWKINS INC - 1,070.00; HEDAHL'S OF MANDAN INC - 783.99; HERITAGE PLAZA FOUNDATIO - 750.00; HIRSCH FLORIST INC. - 41.95; HUB INTERNATIONAL OF ND - 640.00; HUFF HILLS EVENT COMITTE - 250.00; INFORMATION TECHNOLOGY D - 1,249.84; INTERGOVERNMENTAL SHOP - 21,229.93; INTERNTL CODE COUNCIL, I - 125.00; INTERSTATE ALL BATTERY C - 400.48; INTERSTATE POWERSYSTEMS - 164.26; KADRMAS, LEE & JACKSON, - 2,124.70; KAPELLA/LUKE - 150.00; LACAL EQUIPMENT INC - 715.32; LIBERTY BUSINESS SYSTEM - 63.70; LIFELINE TRAINING, LTD. - 398.00; LILLIS ELECTRIC INC. - 79.35; MANDAN AIRPORT AUTORITY - 2,135.99; MANDAN FIRE DEPARTMENT - 583.33; MANDAN HORSE & SADDLE CL - 625.00; MANDAN MUNICIPAL COURT - 2,773.00; MANDAN NW PIPE FITTINGS - 191.52; MANDAN PARADE - 750.00; MANDAN PARK BOARD - 11,200.00; MANDAN PROGRESS ORGANIZA - 12,450.00; MANDAN RODEO DAYS COMMIT - 1,400.00; MANDAN TIRE CENTER - 745.64; MCLEISH/NATHAN - 126.43; MEE/LYLE E. - 300.00; MID DAKOTA CLINIC - 92.00; MIDCONTINENT COMMUNICATI - 52.11; MILLER/CASEY - 330.99; MISSOURI VALLEY PETROLEU - 21,864.28; MISSOURI WEST WATER SYST - 46.74; MOR-GRAN-SOU ELECTRIC CO - 9,187.59; MORTON COUNTY AUDITOR - 56,500.00; MORTON COUNTY RECORDER - 35.00; MORTON MANDAN PUBLIC LIB - 17,079.02; MUSICIANS ASSOCIATION - 1,000.00; MVTL LABORATORIES, INC - 261.00; NAPA AUTO PARTS - 258.37; ND STATE DEPT OF HEALTH - 320.00; ND STATE RAILROAD MUSEUM - 250.00; NDACO RESOURCES GROUP - 1,323.23; NELSON LEASING INC DBA - 5,260.05; NORTHERN BALANCE &

SCALE - 156.00; NORTHERN IMPROVEMENT CO - 1,367.08; O'REILLY AUTOMOTIVE, INC - 7.49; OLD RED OLD TEN SCENIC B - 250.00; OLSON/DUSTIN - 615.48; ONE CALL CONCEPT INC - 222.20; PAHLKE STEEL, INC. - 137.60; PRAXAIR - 525.40; PREBLE MEDICAL SERVICES - 0.00; PRECISION SMALL ENGINE - 3.75; R AND F LDSCPNG & HAULIN - 2,452.50; ROTO-ROOTER SEWER & DRAI - 450.00; ROUGH RIDER INDUSTRIES - 168.46; S & B LANDSCAPING INC - 299.99; SCHLOSSER EXCAVATING INC - 19,169.38; SCHWAN BUICK GMC CADILLA - 3,124.76; SECURITY INS & INVESTMEN - 2,038.00; ST. ALEXIUS MEDICAL CENT - 200.00; STROMSODT/SCOTT - 124.00; SWANSTON EQUIPMENT CORPO - 1,453.38; TRANSTRASH - 5,445.00; TWIN CITY IMPLEMENT - 0.00; UNIFORM CENTER & EMBROID - 4,080.00; UNITED PRINTING INC - 2,051.32; VERIZON WIRELESS SERVICE - 1,904.86; VOGELPOHL/STEVEN L - 5,127.50; WASTE MANAGEMENT OF ND, - 27,049.11; WD LARSON COMPANIES LTD, - 37.41; WE-SHIP-ETC.INC - 11.83; WEHRI/RADEANNA - 500.00; WELLS FARGO REMITTANCE C - 12,282.85; WESCO DISTRIBUTION INC - 4,640.53; WEST FARGO POLICE DEPT - 100.00; WEST RIVER WINDS - 200.00; WOODMANSEES INC - 1,104.44; YOUNG/AGLAE - 96.00

2. Consider approval of the following site authorizations for the Fort Abraham Lincoln Foundation from July 1, 2013 through June 30, 2014: (i) Midway Lanes; (ii) Broken Oar; (iii) Lonesome Dove; (iv) Seven Seas.

4. Consider the following abatements/exemptions: (i) Homestead Credit – Kurt Pflieger; (ii) Veteran Exemption – Sylvester Foote.

5. Consider approval of the following site authorizations for the Cystic Fibrosis Association of ND from July 1, 2013 through June 30, 2014: (i) Stage Stop; (ii) Colonial Lounge.

6. Consider approval of site authorization for Horse Race ND at Dean's Steakhouse from July 1, 2013 through June 30, 2014.

7. Consider approval of site authorization for Mandan Baseball Club at Captain Freddy's Riverside Restaurant & Bar from July 1, 2013 through June 30, 2014.

8. Consider approval of the following site authorizations for the Mandan Hockey Club, Inc. from July 1, 2013 through June 30, 2014: (i) The Silver Dollar; (ii) Old Town Tavern; (iii) The Ridge Motel Corp; (iv) Vicky's Sports Bar.

Commissioner Frank moved to approve the Consent Agenda Items No. 1, 2, 4, 5, 6, 7, and 8 as presented. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

No. 3: Requested to be removed from the Agenda by Commissioner Frank: Consider proclaiming May 18, 2013 as "STRIDES: Lions Walk for Diabetes Awareness Day." Mayor Van Beek read the Proclamation. Commissioner Frank moved to approve proclaiming May 18, 2013 as "STRIDES: Lions Walk for Diabetes Awareness Day." Commissioner Braun seconded the motion. The motion received unanimous approval of the members present.

H. OLD BUSINESS:

1. *Consider Growth Fund Committee recommendation regarding application for property tax incentive by Prairie View Properties, LLC (Little Caesar's Pizza), 310 6th Avenue SE.* Business Development & Communications Director Huber reviewed with the Board a request for a Tier 2 level tax exemption which is 100% for years 1-2, 75% year 3, 50% year 4, 25% year 5. The criteria for the recommendation is based on the jobs creation as well as the sales tax generation from this project so in this case two of the Tier 2 level criteria have been met wherein the policy states it must meet at least one criteria.

Commissioner Tibke indicated discussion on the tax exemption matters have occurred over the last few items of tonight's meeting agenda items. Unless any of the Board wishes to add anything further, she motioned to approve the application for property tax incentive by Prairie View Properties, LLC (Little Caesar's Pizza), 310 6th Avenue SE for a Tier 2 level tax exemption which is 100% for years 1-2, 75% year 3, 50% year 4, 25% year 5 with the exemption being subject to a claw back agreement. Commissioner Braun seconded the motion. Commissioner Frank stated that since Commissioner Tibke was absent for discussion on this matter at the last meeting, she mentioned that as discussed earlier, she stands firm on her position that this business is a fast food business which she believes falls under Tier 1 criteria. There are an overwhelming number of competitors in the community and a pizza business does not fill a market gap but then again fast food being a part of Tier 1 she would recommend following the Tier 1, two-year exemption by following the policy. Business Development Director Huber clarified the reason for the filling in the market gap criteria within the property tax exemption policy specifics pertaining to restaurants. Under Tier 1 Fast Food counter service or drive-up only. Tier 2 limited services which are where you order food and the cashier brings the food to the table and Tier 3 being a full service restaurant. The reason is because restaurants were second behind general discount merchandise in terms of demands by the community in surveys conducted. This was a model that the City of Moorhead was using which is in a similar situation with the City of Fargo as we have with the City of Bismarck. This would allow a business to come in regardless of jobs creation and sales to meet those criteria. In this case the applicant indicates they meet other criteria under Tier 2 beyond restaurant. It was on that premise that the recommendation for a Tier 2 came from the Mandan Growth Fund Committee and it wasn't meant to eliminate that opportunity for another fast food restaurant. As explained at the last meeting, there have been very few fast food businesses that have come into the community within the last 15 years. There have been no letters of protest or verbal comments in opposition to the exemption request.

Roll call vote: Commissioner Rohr: No; Commissioner Tibke: Yes; Commissioner Frank: No; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Discussion on Sidewalk Project 2013-03.* Engineering Project Manager Fettig provided a recap of this matter that was discussed at the last meeting. "Part A" references new sidewalks, aprons, curb and gutter. There have been no bids received as a result of re-advertising on May 3, 2013. "Part B" references repairs to the existing

sidewalks, aprons, curb and gutter. The City Commission previously awarded the bid to Alliance Concrete in the amount of \$79,195 to complete “Part B”. Fettig requested direction from the Commission as to how to proceed with “Part A” for the new construction jobs. She outlined three options, with the first option of notifying residents on the list that the City will not have a contractor for 2013. Then going forward, she recommended that the City discontinue providing new sidewalk, aprons, curb and gutter; however, residents should be notified in advance of that change.

Commissioner Rohr motioned to approve to notify the residents and developers that no bid was received for “Part A” of the Annual Sidewalk Project and that we discontinue future projects of this nature. Commissioner Tibke seconded the motion.

Commissioner Frank pointed out that when residents are notified of this discontinuation of service that the Engineer’s Office be prepared to offer some recommendations at that time, if any.

Mayor Van Beek addressed the audience and inquired if they had any ideas to resolve this matter.

Dave White, Northern Sky Builders stated he is a contractor and has four houses to be completed. He was in attendance at a Commission meeting last fall and again this spring and stated that he is aware of contractors who can do sidewalks and driveways on an individual basis. He stated a concern that just discontinuing this service will not help the problem. In fact it will make it worse. He explained that small companies do not understand the bid process. Commissioner Rohr stated that this project could not be piecemealed out. Engineering Project Manager Fettig replied that by doing this project individually, it would create an excess burden on keeping track of the individual projects and it would not meet the statutory requirement of obtaining bids for these types of projects. Commissioner Frank asked the audience if any contractors had any comments to add to this discussion or suggestions to resolve the matter.

Shannon Reichenberg, a developer with Diversity Homes, came forward and commented that the concrete companies are too busy with basements for new home construction so taking on sidewalks and aprons will slow down the new home construction projects. He asked if the sidewalks, etc. would go out for bids again next year or if the City will discontinue this project for good? Mayor Van Beek replied that it would be up to the Commission to decide if they stay with the bidding process for future or discontinue the process all together.

Jason Frank, a developer with Diversity Homes came forward and suggested that the bidding process start earlier next year. He would like to know how he is to present this to his customers that were told they would have sidewalks, curb, and gutter and now it will not be done. He anticipates the customers will have problems coming up with the money if they have to do it on their own since the banks will not loan money for special assessments. He stated it is not fair to his company to have to go back to his customers and tell them their home will have to wait or they will have to come up with the money

for the sidewalks that they understood they would have been special assessed for.

Commissioner Tibke questioned Mr. Frank as to how the City is to get bids to get the work done since they have attempted twice and no bids came in. It was recommended that bids for this project be put out earlier in the year, in January, as opposed to waiting until March. City Administrator Neubauer stated that he did not think without a public notice and public bid process that the City could special assess any costs. Jason Frank inquired if it would be possible if each contractor could submit a bid for their projects at the City's set price and have their cement contractor do the work. Would that meet the criteria? Administrator Neubauer commented that the City could go out for bids on any project and anyone would be welcome to bid on it – and put in a bid for “x” per square foot of concrete but it would still have to go through the public bid process.

Commissioner Frank recommended a conversation be held with the Home Builder's Association to see if there is similar interest, and we set up the bidding process, wherein the city would set up smaller segments of work available so that we can increase the opportunity for bidding. Commissioner Tibke inquired if there was time to do some problem solving with Commissioner Rohr who holds this portfolio in order to come up with solutions. Engineering Project Manager Fettig stated that the only comments she has received regarding this matter have been from the developers who are present here tonight. She has heard no opposition.

Art Goldhammer from Red Door Homes came forward and stated that there are homeowners that need to get into their houses. He requested that if the developer ends up completing the work, that the City work with them and not make it a difficult process by adding extra rules or regulations throughout the process. He requested the City not abolish this process in future years. He also requested it be brought back next year for consideration and put out for bids at an earlier timeframe.

Commissioner Frank motioned to notify the residents and developers that the City did not receive a bid for “Part A” of the Annual Sidewalk Project and that this project be discontinued this year (2013). (She volunteered to work with developers and the Home Builder's Association and others to come up with a solution for future years.)

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

I. NEW BUSINESS:

1. *Consider Growth Fund Committee recommendation regarding application for property tax incentive by Bayside, LLC, for a gas station/convenience store at 2721 46th Avenue SE.* Business Development and Communications Director Huber stated that the Mandan Growth Fund (MGF) met on April 24, 2013, to review and consider the application from Bayside LLC. They took a look at the benefits it would provide through the property tax exemption policy. To be eligible for a Tier 2 exemption which is 100% in years 1 and 2, 75% year 3, 50% year 4, 25% year 5, the policy looks at criteria and one of them is jobs creation. To meet a Tier 2 it needs to have the 3 base jobs and 1 job per

\$100,000 structural value subject to exemption. In this case with a building projected to be valued at \$925,000 that would be 9 employees for a total of 12. The project is expected to employ a total of 13, 10 fulltime and 6 part time jobs. The policy states that if it has 1 of the 2 criteria, the project would qualify. The applicant expects \$6 million annual gross sales. Products sold referred to as “inside sales” are estimated at \$675,000 annually so that would generate \$6,750 in local sales tax. That hits an additional Tier 1 criteria. Regarding market gap, gasoline sales is one of the sales in the community that sales do surpass local demand. There is no market gap in this situation but the MGF realized there is a geographical gap for this type of business in this area. MGF did review the state law on this and the consensus was that this business would be more in competition with Bismarck enterprise than Mandan businesses and will enhance business in the Mandan community. The MGF voted unanimously to approve a Tier 2 tax exemption that would amount to a \$65,160 tax reduction of and that exemption would be subject to a claw back agreement that would require fulfillment of at least one of the Tier 2 criteria by the first anniversary of occupancy indicating that if Tier 2 criteria are not met but the project meets a Tier 1 criteria the exemption would be scaled back.

Commissioner Rohr addressed (Beehler’s) question “why has government been involved in providing subsidies in areas if need be”. He said that we would have to refer back to the late 70’s and early 80’s when there was a lot of competition with businesses and industries, realizing that you have to have businesses come into your community or your community will not grow. Economic development got a real good foothold at that time and the government got involved by purchasing lands for businesses because some got so far into debt that the government helped to develop and build infrastructure to accommodate the business development plans. That became risky because if that particular business went out of business then the City was left with a track of land that had full infrastructure and nothing they could do but pay to keep it up. That was considered a high risk of economic development. There are levels of degrees of development and one of the current ways to address economic growth is to provide incentives, not to borrow money. Commissioner Rohr went into more detail of the history of how economic growth has occurred over the years and where it is going with regard to the City of Mandan. He stated that it will be in the best interests and the health of the community to resolve these matters which is not an easy task. He stated he does not believe the City will in any way reduce the number of police or fire forces under any circumstances because that is a public community safety issue.

Commissioner Tibke commented that she has been involved with these discussions on and off since 2003 when she was elected to the City Commission. She reviewed some of the challenges that Mandan has been faced with over time with Bismarck retailers as competition. Over the years exemptions have been given to try to attract larger retailers to bring more services and retail and also to increase the sales tax dollars which buys down property tax and infrastructure costs. Primary sector is something you always want to increase in your community. Since at least 2003 the property tax exemptions have been a resource for this plan. The plan that went into effect on January 1, 2013, was far more prescriptive than previous years. But now we are seeing a change in the economy, an increase in population, debate on housing, etc. Thus we participated in and approved of a

much more prescriptive policy than was in place. Where is the future going to go as far as development? Maybe the policy will have to be revisited because in the last six months things have changed. All of us commissioners have had our hands in developing this policy with the guidance of the Mandan Growth Fund Committee, Development Director Huber and City Administrator Neubauer. This matter has been given a lot of time and energy for a lot of specific reasons that are aligned with what our community needs are.

Business Development and Communications Director Huber clarified that there is no mileage criteria attached to the policy. The project does meet Tier 2 level criteria on the basis of job creations as presented and meets a Tier 1 level for generation of local sales tax.

Commissioner Frank stated that the exemptions granted are contingent on what the state dictates. We will be able to offer primary sector exemption to the extent the City has done previously. Beyond that, they are starting to tie our hands. It will be up to the citizens of Mandan to decide what exemptions are to be granted except primary sector exemptions and that only includes retail exemptions that meet a litmus test. The Board will need to be aware of the changes. With this project in particular, we have a policy that grants us flexibility. Going forward there will have to be an ordinance or resolution. She suggested that the Commission focus and re-focus on what is to be done with the exemption policy and to start checking off the businesses that apply and start scaling back on the exemptions.

Commissioner Braun commented that our environment is changing. We want to bring people and businesses into Mandan and we want to offer them incentives to come to Mandan as opposed to Bismarck. We want primary sector. They are not knocking at our door but if they did we would give them incentives. We have a lot of retailers and those retailers move sales tax around. We will not be able to bring property tax dollars down if we do not offset the sales tax. The only way to do that is to have businesses come in to offset that. He recommended going back to re-evaluate the exemption policy and perhaps tighten it up. Based on the policy the Commission is required to adhere to the policy until it is changed.

Mayor Van Beek commented that he believes we have to follow the policy that is in place. He pointed out that the Mandan residents spend their dollars in Bismarck so Bismarck is gaining sales tax dollars to buy down their property taxes and street improvement costs because Mandan does not have the Wal-Mart's and other businesses that Bismarck has in place. The tax exemption policy is in place to entice businesses that may be willing to take the risk to grow their business and flourish in Mandan.

Commissioner Rohr commented that if the City were to change its tax exemption policy, due notice would be provided and the policy would just not be cut off right now.

Commissioner Frank commented that it is up to the Commission's discretion as to whether or not the criteria meet these tiers. The request before the Commission is for a

convenience store. She suggested the Commission re-look at what kinds of businesses the residents have voiced their opinions on. She reminded the Commission that it is up to their discretion and the residents are relying on the Commission to make smart decisions not just based on the policy and previous decisions. Commissioner Braun concurred with Commissioner Frank. Commissioner Tibke stated that following the policy and reviewing the application is her suggestion to handle this request for tax exemption. Commissioner Frank noted that the criteria is used as a guideline which is in italics as part of that exemption and given the fact they do meet some of the tiers, she recommended discussion on other factors that impact this exemption request. It is a convenience store and she recommended the Commission be selective when granting exemptions.

Commissioner Frank moved to deny the application for property tax incentive by Bayside, LLC, for a gas station/convenience store at 2721 46th Avenue SE. There was no second to the motion. The motion died for lack of a second.

Commissioner Braun moved to approve the application for property tax incentive by Bayside, LLC, for a gas station/convenience store at 2721 46th Avenue SE. Commissioner Tibke seconded the motion. Commissioner Frank motioned to amend the Motion to include that it be granted a Tier 2 tax exemption for property tax incentive by Bayside, LLC, for a gas station/convenience store at 2721 46th Avenue SE. Commissioner Tibke seconded the Amended Motion.

Commissioner Rohr moved to an Amendment to the Motion that was made for the Tier 2 to reduce it to a Tier 1 consideration for tax exemption. There was no second to the Amendment to the Motion. The Amendment to the Motion died for lack of second.

Mayor Van Beek returned to the Original Motion to approve the Tier 2 property tax exemption for Bayside, LLC. He asked for further discussion on the Original Motion. Hearing none, roll call vote: Commissioner Rohr: No; Commissioner Tibke: Yes; Commissioner Frank: No; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider appointments to the Community Beautification Committee.* City Administrator Neubauer presented a request from the Mandan Tomorrow Leadership, Pride and Image Committee to reactivate the Community Beautification Committee and that it include property owner or citizen representation. There were 6 spots open and 6 parties were interested in the positions. The candidates are: Cole Garman, Youth Commission, Damian Huettl, Laurie Leingang, Thomas Mousel, Lori Sager, and Jason Steffenhagen. Upon appointment, the Committee will reconvene.

Commissioner Tibke moved to approve the appointments to the Community Beautification Committee as follows: Cole Garman, Youth Commission, Damian Huettl, Laurie Leingang, Thomas Mousel, Lori Sager, and Jason Steffenhagen. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner

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

3. *Consider bond refinancing for the Mandan Municipal Airport Authority.* Jim Lawler, Airport Authority Manager requested permission to renew the Mandan Airport Authority Bond consolidation and refinancing. He reported that the remodeling project at the airport is in progress. He offered to provide tours for anyone interested. He introduced Mike Manstrom from Dougherty & Company to explain the bond renewals. Manstrom stated that the Airport has two outstanding loans each in the amount of \$400,000 and they can be refunded at 5.41% and 4.75%. The interest rates on the loans can be cut down to about 2% and save the airport authority approximately \$100,000. There is 10 years remaining on the loans and their debt service will be cut \$10,000 per year. Present value is estimated at 13% and interest norms anything around 4% you vote to go forward with.

Commissioner Tibke moved to approve the Mandan Municipal Airport Authority Bond consolidation and refinancing. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Consider resolution regarding north annexation.* City Administrator Neubauer reviewed with the Board a request to approve the resolution regarding north annexation of approximately 1,000 acres north of the middle school. He stated that if this area is annexed the City can begin planning for water, sewer and storm water more effectively and efficiently. He requested the Board grant City Attorney Brown permission to complete the process for the resolution for annexation to be presented at the June 4, 2013 meeting. If approved, the residents would have 30 days to protest the annexation of which 75% of the property area would have to agree to the annexation to make that happen. The information was forwarded to Dawn Rhone, (Morton County Auditor), and Mike Kemnitz of the Missouri River West Water Systems.

Commissioner Rohr moved to direct City Attorney Brown to prepare a resolution of annexation to be considered at the June 4, 2013, City Commission meeting. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

5. *Consider the creation of, approval of the feasibility report for, approve the plans and specifications, approve engineer's report, direct advertisement for bids and approve sufficiency of petition for Street Improvement District No. 182, Project No. 2013-16 (Meadow Ridge 1st Addition). (See Resolution No. 7).* Engineering Project Manager Fettig reviewed with the Board a request for the creation of, approval of the feasibility report for, approve the plans and specifications, approve engineer's report, direct advertisement for bids and approve sufficiency of petition for Street Improvement District No. 182. The developers indicated they will be building twin-homes on those lots.

Commissioner Rohr moved to approve the creation of, approval of the Engineer's Report, to approve the plans and specifications for, approve the sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 182, Project No. 2013-16 (Meadow Ridge 1st Addition). Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

6. *Consider identifying and prioritizing future street maintenance projects within the City of Mandan.* Director of Public Works Wright presented updates regarding future projects within the City of Mandan on arterial and collector streets with money received from the State of North Dakota this year in the amount of \$845,000. The funding was provided for street repairs above and beyond normal maintenance of the streets. He reviewed the asphalt and cement street recommendations at 46th Avenue Southeast; 2nd Street NW and Collins Avenue and 40th Avenue Southeast. The minor concrete repairs that can now be completed came from stimulus money from before which includes areas on Main Street; Mandan Avenue NE; 10th Avenue SW and 6th Avenue SE. All of these streets are Urban Road Funding so we will be working with the DOT priority list for funding. Wright requested a continuation of these projects.

Commissioner Frank moved to approve to continue estimating and planning to complete these proposed projects and bring information back to the City Commission for final approval at a later date. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

J. RESOLUTIONS AND ORDINANCES:

1. *Consider second consideration and final passage of Ordinance No. 1147, An ordinance annexing certain adjoining lands to the City of Mandan, North Dakota, and extending the corporate boundaries thereof (tract of land being a part of Section 2, Township 138 North, Range 81 West).* Commissioner Frank moved to approve the second consideration and final passage of Ordinance No. 1147, An ordinance annexing certain adjoining lands to the City of Mandan, North Dakota, and extending the corporate boundaries thereof (tract of land being a part of Section 2, Township 138 North, Range 81 West).

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

2. *Consider second consideration and final passage of Ordinance No. 1148 Zone Change for a part of Government Lot 1 and the NE ¼ of the NE ¼ of Section 3, Township 138N, Range 81W (proposed Lincoln Ridge Estates 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 Tibke moved to approve the second consideration and final passage of Ordinance No. 1148 Zone Change for a part of Government Lot 1 and the NE ¼ of the NE ¼ of Section 3, Township 138N, Range 81W

(proposed Lincoln Ridge Estates 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 Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider second consideration and final passage of Ordinance No.1149 Zone Change for Government Lot 2, less Outlot A and the NW ¼ of the NE ¼ in Section 3, Township 138 North, Range 81West (Macedonia Hills Masterplan) – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.* Commissioner Braun moved to approve the second consideration and final passage of Ordinance No.1149 Zone Change for Government Lot 2, less Outlot A and the NW ¼ of the NE ¼ in Section 3, Township 138 North, Range 81West (Macedonia Hills Masterplan) – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.

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

4. *Consider first consideration of Ordinance No. 1150, An ordinance annexing certain adjoining lands to the City of Mandan, North Dakota, and extending the corporate boundaries thereof (tract of land being a part of Section 3, Township 138 North, Range 81West).* Commissioner Tibke moved to approve the first consideration of Ordinance No. 1150, An ordinance annexing certain adjoining lands to the City of Mandan, North Dakota, and extending the corporate boundaries thereof (tract of land being a part of Section 3, Township 138 North, Range 81West).

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

5. *Consider first consideration of Ordinance No.1151 Zone Change for parts of Meadow Ridge 3rd 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 Braun moved to approve the first consideration of Ordinance No.1151 Zone Change for parts of Meadow Ridge 3rd 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: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

6. *Consider first consideration of Ordinance No.1152 Zone Change for School District 5th 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.1152 Zone Change for School District 5th 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 Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

7. *Consider the Resolutions creating district, approving engineer’s report, determining sufficiency of protest, approving the plans and specifications and directing advertisement for bids for Street Improvement District No. 182, Project No. 2013-16 (Meadow Ridge 1st Addition).* Commissioner Frank moved to approve the Resolutions creating district, approving engineer’s report, determining sufficiency of protest, approving the plans and specifications and directing advertisement for bids for Street Improvement District No. 182, Project No. 2013-16 (Meadow Ridge 1st Addition).

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

K. OTHER BUSINESS

There being no further actions to come before the Board of City Commissioners, Commissioner Frank moved to adjourn the meeting at 7:55 p.m. Commissioner Tibke 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