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The Mandan City Commission met in regular session at 5:30 p.m. on November 20, 2012 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, and Rohr. 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, and Engineering Project Manager Kim Fettig. Absent: Commissioner Frank, Commissioner Braun, City Attorney Brown and City Assessor Barta.

MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission meetings: November 6, 2012 – Regular meeting.* Commissioner Tibke moved to approve the minutes of the November 6, 2012 Regular meeting. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

PUBLIC HEARING:

1. *Consider approval of Heart Ridge 2<sup>nd</sup> Addition Zone Change. (First consideration of ordinance #1134).* Kim Fettig, Engineering Project Manager, presented a request to consider changing the zoning of Lots 15 & 16, Block 2, Heart Ridge Second Addition from R7 (single-family residential) to RM (multi-family residential) restricted to 10 units per acre on Lot 15 and R3.2 (two family residential) on Lot 16. Some of the concerns brought forward by the Planning and Zoning (P&Z) Committee were saturation and multi-family being located between R7 single family zoning on both sides. In addition, there were also concerns from residents who had already built there regarding the view of looking at rooftops. She noted that Dave Patience from Swenson & Hagen had also been present for the Planning & Zoning Committee meetings discussions.

Mayor Van Beek announced that this is a public hearing and invited comments from the public. A second and third announcement was made to invite comments from the public. Hearing none, this portion of the public hearing was closed.

BIDS:

CONSENT AGENDA:

1. *Consider approval of monthly bills.* The Board approved of the monthly bills. POST BOARD - 15.00; MONTANA-DAKOTA UTILITIES - 6,263.12; ADVANCED ENGINEERING SVC - 5,967.47; AGVISE LABORATORIES - 14.50; AMERIPRIDE LINEN & APPAR - 89.89; BARTA/RICHARD - 288.00; BELOHLAVEK LANDSCAPING - 550.00; BERG-JOHNSON ASSOCIATES - 1,744.66; BIS-MAN CONVTN & VISITOR - 5,755.73; BIS-MDN TRANSIT BOARD - 698.57; DAKOTA STAFFING SOLUTION - 144.00; DAKOTA SUPPLY GROUP - 4,937.48; DUPPONG/TODD - 54.60; EAGLE COMPRESSORS, INC - 281.89; ECOLAB PEST ELIIMINATION - 139.94; EDLING ELECTRIC INC - 205.00; ETHANOL PRODUCTS - 1,940.76; FETZER ELECTRIC, LLC - 1,177.21; FUSION INTEGRATED TECHNO - 11,000.00; GALLS, AN ARAMARK COMPAN - 148.75;

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HAWKINS INC - 7,202.25; INTERSTATE ALL BATTERY C - 59.88; KNIFE RIVER - 117.81; KUNTZ/LEROY - 350.00; LEMIER/SUSAN - 350.00; MANDAN AIRPORT AUTHORITY - 1,397.55; MANDAN PARK BOARD - 150,375.70; MARINER CONSTRUCTION INC - 280.32; MIDCONTINENT COMMUNICATI - 52.41; MIDWEST TESTING LAB INC - 6,402.75; MORTON MANDAN PUBLIC LIB - 15,787.98; MTI DISTRIBUTING CO - 75.89; NAPA AUTO PARTS - 290.11; NDACO RESOURCES GROUP - 971.39; NORTHERN IMPROVEMENT CO - 59,850.00; OFFICE OF THE STATE AUDI - 165.00; PAHLKE STEEL, INC. - 16.33; ROUGH RIDER INDUSTRIES - 83.74; RUNNING'S SUPPLY INC - 248.90; SCHWAN BUICK GMC CADILLA - 1,166.54; STARION - 128,009.88; STEIN'S INC - 149.18; TRANSTRASH - 450.00; ULTRAMAX - 2,260.00; UNITED PRINTING INC - 1,374.44; VERIZON WIRELESS SERVICE - 233.19; VOGELPOHL/STEVEN L - 4,650.98; NORTHERN IMPROVEMENT CO - 634,070.98; MONTANA-DAKOTA UTILITIES - 49,404.96; AT & T - 658.97; CENTURYLINK - 5,882.10; ND PERS - 79,272.47; AT & T MOBILITY - 450.20; BALABAN LAW OFFICE - 1,500.00; CENTURYLINK - 147.28; CHRISTIAN/HARVEY - 112.01; COMPANION LIFE - 10.00; DAKOTA MEDIA ACCESS - 6,302.17; ENTERPRISE FLEET MANAGEM - 516.86; FORT DEARBORN LIFE - 448.12; GLASS/THOMAS J. - 1,500.00; H & S CONTRACTING, INC. - 45,996.20; HOLTER/DEBORAH - 70.00; INTERSTATE ENGINEERING - 21,029.60; JACOBSEN/CARL - 70.00; JOHN'S REFRIG & ELECTRIC - 30,170.75; KADRMAS, LEE & JACKSON, - 2,937.44; KELSCH KELSCH RUFF & KRA - 4,000.00; MANDAN SPORTING GOODS - 400.00; MCLEISH/NATHAN - 897.31; ND STATE TAX COMMISSIONE - 490.00; OLSON/DUSTIN - 927.61; PETTY CASH - 311.46; POSTMASTER - 2,300.00; WINKS/LOREN K - 70.00; POST BOARD - 50.00; SLETTEN CONSTRUCTION - 268.00; A & B PIZZA INC. - 53.75; ABC SEPTIC - 300.00; ACME ELECTRIC - 84.92; ADVANCED BUSINESS METHOD - 193.87; ADVANCED ENGINEERING SVC - 13,341.45; AIRE MASTER OF ND - 70.00; AMERICAN WATER WORKS ASS - 70.00; AMERICAN WELDING SUPPLIE - 59.43; AMERIPRIDE LINEN & APPAR - 215.72; ARMSTRONG SANIT & ROLL O - 37,949.01; ARROWHEAD CLEANERS & LAU - 683.00; AUDIOVISUAL INC. - 185.24; BILL BARTH FORD INC - 114.12; BIS-MAN AREA CHABR OF CO - 25.00; BIS-MDN TRANSIT BOARD - 1,457.04; BISMARCK LAW ENFORCEMENT - 170.00; BOBCAT OF MANDAN INC - 56.07; BORDER STATES INDUSTRIES - 103.11; BOWERS EXCAVATING, LLC - 4,180.00; BRIDGESTONE/FIRESTONE - 4,178.00; BROWN/MALCOLM H. - 4,500.00; BUTCHER BLOCK MEATS - 17.25; BUTLER MACHINERY COMPANY - 359.74; CAPITAL TROPHY INC - 220.00; CBI BUSINESS SERVICES - 6,737.27; CENEX- FUOC BISMARCK-MAN - 25,474.35; CENTURYLINK - 1,709.80; CITY OF BISMARCK - 2,695.54; CITY OF MANDAN - 240.90; CLOVERDALE FOODS COMPANY - 216.00; COLE PAPERS INC - 237.63; COMPUTER PROFESS UNLIMIT - 80.00; CRESCENT PRNT & OFFICE P - 1,459.25; CUSTER DISTRICT HEALTH U - 1,014.17; D & E SUPPLY COMPANY INC - 55.04; DAKOTA FIRE STATION INC - 33.45; DAKOTA STAFFING SOLUTION - 180.60; DAKOTA TOWING - 310.00; DAN'S SUPERMARKET - 64.83; DIRECTMED - 66.77; DIRK PLUMBING & HEATING - 183.00; DOUGHERTY & COMPANY LLC - 1,500.00; DTC WORLDWIDE - 3,050.00; ECONOMIC DEVEL. ASSOC OF - 125.00; ED

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ROEHR SAFETY PRODUCTS - 527.49; ENTERPRISE SOLUTIONS INC - 2,125.00; ENTZEL TRUCKING - 2,860.00; FACTORY MOTOR PARTS COMP - 109.17; FETZER ELECTRIC, LLC - 6,285.37; FIRE SAFETY USA - 6,715.00; FRIESZ/DUANE - 5.00; FUSION INTEGRATED TECHNO - 23,342.49; GALLS, AN ARAMARK COMPAN - 148.75; GRAND CENTRAL, INC. - 437.46; GRAND FORKS FIRE EQUIPME - 214.46; HACH COMPANY - 550.60; HALFTONED APPAREL INC. - 100.00; HAWKINS INC - 2,165.31; HEDAHL OF MANDAN INC - 1,045.62; HOBBS INC - 417.88; INFORMATION TECHNOLOGY D - 1,241.08; INTERGOVERNMENTAL SHOP - 16,984.86; INTERSTATE ALL BATTERY C - 139.96; INTERSTATE POWERSYSTEMS - 372.42; INTRNTL ASSOCIATION OF - 175.00; KEY'S CRANE SERVICE - 160.00; KNIFE RIVER - 2,000.00; KOSTELECKY/EVE - 516.00; LASER SPECIALIST - 48.00; MANDAN AIRPORT AUTHORITY - 2,914.65; MANDAN FIRE DEPARTMENT - 583.33; MANDAN MUNICIPAL COURT - 850.00; MANDAN PARK BOARD - 6,200.00; MANDAN PROGRESS ORGANIZA - 530.00; MANDAN TIRE CENTER - 1,137.10; MARSHALL & SWIFT PUBLISH - 544.20; MET PRO CORPORATION - 7,167.69; MIDCONTINENT COMMUNICATI - 53.46; MIDWEST BUSINESS SYSTEMS - 99.99; MIDWEST TESTING LAB INC - 7,169.50; MILLER/CASEY - 40.98; MISSOURI VALLEY PETROLEU - 141.95; MISSOURI WEST WATER SYST - 46.50; MJM ENTERPRISES - 1,694.25; MONTANA-DAKOTA UTILITIES - 11,794.95; MOR-GRAN-SOU ELECTRIC CO - 11,628.40; MORTON COUNTY HIGHWAY DE - 5,035.40; MORTON COUNTY RECORDER - 26.00; MORTON MANDAN PUBLIC LIB - 18,442.81; MOTION INDUSTRIES - 117.13; MVTL LABORATORIES, INC - 2,862.00; NAPA AUTO PARTS - 489.80; ND STATE DEPT OF HEALTH - 320.00; NELSON LEASING INC DBA - 470.81; NEWMAN TRAFFIC SIGNS - 1,000.00; NORTH DAKOTA WATER USERS - 125.00; NORTHERN IMPROVEMENT CO - 879,088.55; NORTHERN PLAINS EQUIP CO - 1,976.94; NORTHWEST TIRE AND RETRE - 1,871.96; O'REILLY AUTOMOTIVE, INC - 38.46; OFFICE & TECHNOLOGY - 265.76; ONE CALL CONCEPT INC - 321.25; PAHLKE STEEL, INC. - 1,124.25; PEPSI AMERICAS - 163.78; PIZZA RANCH - 60.00; POSITIVE PROMOTIONS - 1.40; POSTMASTER - 190.00; POWERPLAN - 1,287.94; PRAIRIE BUSINESS - 702.00; PRAXAIR - 324.30; PRECISION DOOR & HARDWAR - 1,354.00; PRESORT PLUS - 714.89; QUEST ENGINEERING INC - 21.50; RAILROAD MANAGEMENT CO I - 132.87; RIGGING & TOOLS INC - 94.64; ROUGH RIDER INDUSTRIES - 542.80; RUNNING'S SUPPLY INC - 619.74; SCHANTZ/ERICK - 10.00; SCHLOSSER EXCAVATING INC - 4,410.00; SCHMIDT/GARY - 5.00; SEVEN SEAS INN & CONF CE - 420.00; SHERWIN-WILLIAMS COMPANY - 65.88; SIEMENS INDUSTRY, INC - 682.04; SIGN PRO - 209.25; STEIN'S INC - 164.90; TIME RENTAL - 36.00; TITAN MACHINERY INC - 1,862.80; TRACE ANALYTICS INC - 312.00; UNIFORM CENTER & EMBROID - 3,916.79; VERIZON WIRELESS SERVICE - 1,657.44; W.W. WALLWORK INC - 48.70; WASTE MANAGEMENT OF ND, - 26,205.47; WE-SHIP-ETC.INC - 20.80; WEHRI/RADEANNA - 585.00; WELLS FARGO REMITTANCE C - 12,420.76; WEST DAKOTA UTILITY SERV - 78.97; WESTERN EDGE ELECTRIC IN - 68.00; WOODMANSEES INC - 218.51; ZANDER BODY SHOP INC - 6,988.49;

2. *Consider proclamation of Small Business Saturday on Nov. 24.* Business Development and Communications Director Huber stated that in addition to Small Business Saturday, Santa arrives on Main Street in Mandan at 10:30 a.m. There will be a Santa Sweepstakes with more than \$2,000 in gift cards and prizes available from 32 participating stores and eateries. The Board approved the proclamation of Small Business Saturday on Nov. 24.
3. *Consider games of chance for ND Chapter of Wildlife Soc. at the Seven Seas Motel on February 13, 2013.* The Board approved of games of chance for ND Chapter of Wildlife Soc. at the Seven Seas Motel on February 13, 2013.
4. *Consider transferring funds from Fiscal Year 2012 to Fiscal Year 2013 for WTP Capital Outlay Budget.* The Board approved of transferring funds from Fiscal Year 2012 to Fiscal Year 2013 for WTP Capital Outlay Budget.
5. *Consider budget amendment request for fire department 2012 training funding.* The Board approved of the budget amendment request for fire department 2012 training funding.
6. *Consider time extension request to complete Street Improvement District No.161 & 167.* The Board approved the time extension request to complete Street Improvement District No. 161 & 167.
7. *Consider approval of specifications and authorization of advertisement for bids on outdoor warning siren system for the City of Mandan.* The Board approved of specifications and authorization of advertisement for bids on outdoor warning siren system for the City of Mandan.

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

OLD BUSINESS:

NEW BUSINESS:

1. *Consider proposals for redevelopment of Collins & Main property.* Business Development and Communications Director Huber reviewed some of the background history on this topic. In summary, through the Renaissance Zone and Storefront Improvement Plan there have been a total of 44 new and improved buildings in downtown Mandan. The Collins and Main property request for proposal is a continuum of the whole process that had been established in 2003 when the Downtown Development Plan for Mandan was adopted to increase density in the downtown area. She stated there are two proposals to come before the Commission at this meeting and she reviewed with the Board the selection criteria for these developments stating they are both consistent with the City of Mandan Vision.

The following two proposals were presented in detail:

(1) *BNC National Bank, presented by Dave Hoekstra, President and Jason Arenz, Senior VP.* Jason Arenz came forward and introduced himself and provided a brief history of BNC Bank since its inception in 1988/1989. He said that BNC would like to

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join the Mandan Community and would like to offer a full service bank including a drive-through that would involve consumer banking, mortgage banking, along with a strong commercial and Ag banking opportunities. Arenz stated that BNC is interested in constructing a facility similar to its office located on Century Avenue in Bismarck. He indicated that it will meet the building requirements stating that it will be 23 feet high and the colors will enhance the atmosphere around the area. There will be 16 additional parking spaces for downtown Mandan parking. It will be a larger facility than the one on Century Avenue. As far as the project is concerned, Arenz mentioned that this been in the process for about two years now and BNC feels that they have complied with all the rules and regulations to get to this point. He commented that they will not be requesting any tax incentive dollars but rather they are looking for a strong business partnership with the City of Mandan. They are looking at employing 12-15 employees housed at that facility. Dave Hoekstra also came forward and reiterated all points alluded to by Arenz. He indicated that Arenz will become the President of the Bank at this location and will bring years of experience to the community for all full service banking needs. He provided the architectural footprints of the building. If awarded the property, construction is expected to begin in the late spring/early summer of 2013. Arenz mentioned that eventually they would like to open branches in both the north and south sides of town. The costs for this project are estimated to be approximately \$1.5 million.

(2) *Dakota Commercial & Development Co. presented by Kevin Ritterman, Lead Developer and Community Contractors presented by Craig Tweten, Lead Contractor.* Kevin Ritterman of Dakota Commercial and Development came forward to present his project stating that he had been contacted by Business Development Director Huber in 2008 and since then the Mandan Place mixed-use property was constructed. For a comparison project to the current proposal, Ritterman reviewed with the Board a similar structure located in Grand Forks, ND. The proposed Mandan project will be a 3,000 sq. ft. of commercial facility with alternatives to be expandable on Main Street. The units would start on Collins Avenue. The building will be 4 stories of approximately 29 units with a height of about 46 ft. and will be similar to the features of the Mandan Place building and will fit well in downtown Mandan. He anticipates the project would start in the spring of 2013 and it will take approximately one year to complete. He stated there have been five similar facilities built in downtown Grand Forks and those are all doing very well. The project cost is estimated at about \$4.2 million.

One of the downfalls is that there isn't any parking associated with this building. The parking lot to the northeast would have to be utilized. The reserved parking for Mandan Place is the lot on the other side of the Old Town Tavern. Ritterman stated that Dakota Commercial Company will be requesting tax incentives for this project, via the request similar to that granted for the Mandan Place. The plan is for the main floor to house a commercial type business and the upper levels will house residents. Ritterman stated that the company would be interested in partnering with the BNC Bank or looking at options that would provide opportunities for both businesses. Business Development Director Huber stated that the Mandan Place utilized the Renaissance Zone incentive; a five-year exemption on the value of the building, taxes on the land in all cases, and tax increment financing providing an extended exemption for the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> stories of the building

in years 6 through 15. The main level of the building was worth significantly more than the previous structure there and when that comes on to the tax role in year 6 it will generate far more than what the previous structures did. Ritterman explained that the tax incentives are needed in order to assist with the cost of constructing the project. For example, the Mandan Place dirt removal cost about \$100,000 which was not anticipated. Commissioner Tibke commented that tax incentives are given to improve the scope of the project.

Commissioner Tibke recommended that the Board take these two proposals under advisement. She recommended the two project managers get together and at least have a discussion about the possibility of joining the two projects to make one project. She stated she would like the project developers to come back to the December 18<sup>th</sup> meeting with any possibility of combining the projects. Commissioner Tibke stated she would also like the commissioners who are absent to be given the opportunity to listen to the two project plans. Commissioner Tibke stated that if the two developers feel they can be ready by December 4<sup>th</sup> meeting, it could be brought before the Board at that time rather than wait until December 18<sup>th</sup>.

2. *Consider purchase agreement with Harmony Properties, LLC, for the former water reservoir property.* Business Development and Communications Director Huber reviewed with the Board the proposed purchase agreement with Harmony Properties for the sale and demolition of the reservoir structure located at the intersection of Old Red Trail and 8<sup>th</sup> Avenue NW. This matter was approved at a previous meeting in September. Huber stated that under the agreement the closing would be delayed until after demolition of the reservoir with a payment of \$5,000 as earnest money at the time the purchase agreement is executed. The agreement gives the buyer the right to cease the demolition project and terminate the agreement if any hazardous substances would be discovered during the demolition process. Huber stated that these issues were discussed at a department head meeting earlier this week and Duane Friesz, Water Treatment Plant Superintendent, stated that there are no hazardous substances found to date nor he does expect any will be found during the demolition. She indicated that City Attorney Brown has recommended that the agreement be approved because it has the least risk and highest benefits given the scenario and alternatives presented.

Commissioner Rohr motioned to approve the purchase agreement with Harmony Properties, LLC, for the sale and demolition of the former water reservoir structure. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Absent; Commissioner Van Beek: Yes. The motion passed.

3. *Presentation by Mike Manstrom, Dougherty & Company LLC, regarding the sale of \$480,000 Refunding Improvement Bonds, Series SCG-2012. (See Resolutions #4).* Mike Manstrom reviewed with the Board the sale of \$480,000, Refunding Improvement Bonds, Series SCG-2012 authorizing the sale of and approving the resolution awarding the sale of warrants and bonds to finance sidewalk, curb and gutter of 2011 construction, repairs and rebuilding in the amount of \$245,926.61 and bonds to finance sidewalk, curb

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and gutter of 2012 construction, repairs and rebuilding in the amount of \$234,073.39. The net interest cost is at 1.33%. Manstrom stated that Attorney Steven Vogelpohl has prepared the Resolution for review and consideration. Dougherty & Company has offered and agreed to purchase the warrants.

4. *Consider appointment to the Morton Mandan Public Library (MMPL) Board of Trustees.* Kelly Steckler, Library Director presented a request to appoint Margaret Focht to the Morton Mandan Public Library Board of Trustees. Steckler stated that Focht submitted a letter of interest to fill the vacant position on the MMPL. Focht is a retired Hebron School Board member and will bring that expertise with her to the MMPL Board. Steckler recommended Focht as a qualified candidate to fill the vacant position on the MMPL Board of Trustees.

Commissioner Tibke moved to approve the appointment of Margaret Focht to the Morton Mandan Public Library (MMPL) Board of Trustees to a three-year term to be held through June 2015. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

5. *Update by Kurt Keifer, Dynatest Consulting Inc., on the MicroPAVER pavement management system.* Kim Fettig, Engineering Project Manager, introduced Kurt Keifer, from Dynatest Consulting Inc. to provide an update on the MicroPAVER Pavement Management Project. This project was implemented in March 2012. Keifer stated that the scope of this project was to implement a pavement management system for the City of Mandan. He mentioned that they also completed a study for the City of Bismarck and the project was funded by the Bismarck-Mandan MPO. The first step was to create a pavement management system and after that an evaluation was conducted on the streets. He explained that the idea for implementing a pavement management system not only looks at the conditions of the roads in their current state but also assists with the creation of a preventative maintenance program and incorporating that into the way the City does business. Keifer provided an overview PowerPoint presentation showing that the primary objectives of this project were to (1) Implement the MicroPAVER pavement management system, and (2) Perform a network level pavement condition survey of the City's roadway pavements. Both objectives were completed successfully and the City has an up-to-date implementation in place of the MicroPAVER payment management system populated with recent pavement condition data. Kiefer reported that the City's pavements were found to be adequate, some roads better than others. Of the pavement inventory, 87% is contributed to asphalt-surface pavements.

Keifer provided the following recommendations:

- (1) Identify an in-house MicroPAVER champion who would be responsible for maintaining the system and to train staff to use MicroPAVER. There is training available through Dynatest at Colorado State University.
- (2) Perform regular pavement condition inspections.
- (3) Customize MicroPAVER.
- (4) Expand the existing Preventative Maintenance Program. It was also recommended that the City adopt preventative maintenance activities for its concrete pavements such as

joint seal replacement and crack sealing.

Commissioner Rohr moved to approve the report presented by Kurt Keifer, Dynatest Consulting Inc., on the MicroPAVER pavement management system. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Absent; Commissioner Van Beek: Yes. The motion passed.

RESOLUTIONS & ORDINANCES:

1. *Consider second consideration and final passage of Ordinance No. 1132 - An Ordinance to create and Enact Chapter 14-12 of the Mandan Code of Ordinances Relating to Prohibition against Occupying a Recreational Vehicle or Camper Vehicle for the Purpose of a Residence within the City Limits of Mandan as amended.*

Commissioner Tibke moved to approve the second consideration and final passage of Ordinance No. 1132 - An Ordinance to create and Enact Chapter 14-12 of the Mandan Code of Ordinances Relating to Prohibition against Occupying a Recreational Vehicle or Camper Vehicle for the Purpose of a Residence within the City Limits of Mandan as amended. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: absent; Commissioner Van Beek: Yes. The motion passed.

2. *Consider first consideration of Ordinance No.1134 Zone Change for Heart Ridge 2<sup>nd</sup> Addition, Lots 15 & 16 – 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 asked how many units are being considered for the multi-family. Fettig replied they are looking at 4-unit apartment buildings for the RM. Rohr commented that there seems to be an indication to leave it single family so he has a concern with the change. Mayor Van Beek stated that the discussion at the two Planning & Zoning Committee meetings was concerning the multi-family units being right up next to the single family homes. Also, that there would not be more than four down at the bottom of the coulee so they were not built up so high. Another concern discussed was the traffic entrance & exit on only one road. Commissioner Tibke voiced concern about the request for the zone change. There are single family homes adjacent on each side of the request. She stated she has concerns with placing RM in between two R7's. Commissioner Tibke pointed out that when this geographic area was discussed before regarding the outer rims of this neighborhood the Commission was flexible with the developer because it was on the outside. But now with regard to the discussion on the inside, it is her opinion that it would be best just to have single family residential all the way through for this development.

Dave Patience from Swenson Hagen came forward and stated they discussed this with the Planning & Zoning Committee several times over the last couple years. He said they were trying to accommodate the neighbors all along 8<sup>th</sup> Ave trying to work out the multi-families. When you annex to the City of Mandan, it is instantly single family. Subsequently the property will have to be re-zoned. So they proceeded with putting

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together a site plan and brought that back to the P & Z Committee and then met with the residents to come up with a plan to put twin homes in, which according to P & Z is a neighbor to single family. That is how this evolved along with the recommendation from the P & Z Committee: to have twin homes on top and have a restricted density RM down at the bottom of the coulee. Hence the density of 10 units to the acre. Commissioner Tibke commented that she would not say all the neighbors were happy about these plans. She requested a clarification of where the twin homes would be placed. An explanation was given that the buildings would be on the other side of the coulee-creek running behind the single family cul-de-sac area, thus the request for RM.

At the last public hearing there was only one person, a resident on 8<sup>th</sup> Street, who was present in opposition. He came back later to see if the limited density was proposed. Commissioner Tibke stated she is concerned about spot zoning. As a City Commission they rely on the Planning and Zoning to consider what is best for the neighborhood and to take into consideration the requests of the developer. Commissioner Rohr stated that it is not really clear how it comes out to play within the neighborhood, whether it is really a detriment or an advantage. Mayor Van Beek commented that he voted against this zone change on two occasions because of the location and land access in and out of the area if there will be ten (10) fourplexes in that area with only one access road. Commissioner Rohr inquired how this compares to access in and out to the Lohstreter area. Mayor Van Beek commented that there are more accesses out of Lohstreter Street. He indicated that he thought the developer was willing to work with the buffer-zone. Commissioner Rohr commented that due to two commissioners being absent, there is a disadvantage to coming to a resolution or recommendation on this matter. Commissioner Tibke stated she is not in favor of the zone change as presented because it does not fit in that neighborhood.

Commissioner Tibke moved to table this matter until the meeting scheduled for December 4, 2012, to allow for discussion and comments from Commissioners Frank and Braun. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Absent; Commissioner Van Beek: Yes. The motion passed.

3. *Second and final reading of resolution to correct an unnamed street on Lakewood 6<sup>th</sup> Addition plat. Approval of the Resolution will name the street 34<sup>th</sup> Avenue Southeast.* Commissioner Rohr moved to approve the second and final reading of the resolution to correct an unnamed street on Lakewood 6<sup>th</sup> Addition plat. Approval of the Resolution will name the street 34<sup>th</sup> Avenue Southeast. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Absent; Commissioner Van Beek: Yes. The motion passed.

4. *Consider Resolution Awarding Sale of Warrants and Bonds for Sidewalk, Curb and Gutter of 2011 and Sidewalk, Curb and Gutter of 2012.* Commissioner Tibke moved to approve the Resolution Awarding Sale of Warrants and Bonds for Sidewalk, Curb and Gutter of 2011 and Sidewalk, Curb and Gutter of 2012. Commissioner Rohr seconded

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

5. *Consider introduction and first consideration of Ordinance 1135 - An Ordinance to create and Enact Chapter 14-12 of the Mandan Code of Ordinances Relating to Neighborhood Recreation and Open Space Requirements.* Cole Higlin, Director of Parks and Recreation, presented information related to this ordinance. The main purpose of this ordinance is to protect the community green space. Higlin pointed out that with all the construction going on in the community, not a lot of consideration is being given to green space throughout the development of properties.

*Statement/Purpose:* Consider for approval implementing a land dedication/green space ordinance for the city of Mandan. The purpose of a land dedication is to protect the future of Mandan by allocating green space for residential and community needs today and into the future.

*Background Information:* The current Ordinance has been in effect since 1983 and the City Commission was required to set the dollar amount which is currently at \$100 per unit. Higlin presented the land dedication in 2007 which was approved by the Planning and Zoning Committee. The item was held off from going before City Commission because of special assessment matters with Lakewood bridges and because the current City Commission felt the timing wasn't right. Recently the Park District purchased 46 acres of land for \$300,000 which required a loan to acquire the property. In the last five years the Park District has generated \$57,100 from the \$100 park development fees. Based on the trend, it would take 26 years to pay off the \$300,000 land purchase. The Park District is anticipating \$700,000 of construction costs to develop the property. Other matters addressed by Higlin within the Ordinance:

- The ordinance addresses the net developable area, minus the streets.
- The developer would have to come before the Park District before they go to the Planning and Zoning Committee.
- A portion of the green space can be considered for trails to tie them in.
- This is only for residential and commercial – does not include industrial.
- Land dedication at 7% or cash in lieu at market value.
- The City Commissioners have the final authority to determine the land dedication.
- Payment of land dedication should be provided prior to annexation.

Higlin stated that the only other concerns he would have with the ordinance would be to partner with the City lift stations and things of that nature related to maintenance, etc.

Higlin explained how the 7% ties into the tax allocation for operation and maintenance of the parks. In 2012 the amount levied was \$1,625,902. He provided the following data:

Tax Revenues:

Fund:	Amt. Levied:
General Fund	\$1,033,376
Capital Improvement	<u>\$ 214,839</u>

	<b>Subtotal:</b>	<b>\$1,248,215</b>
	<b>Park Revenues:</b>	<b><u>\$ 11,000</u></b>
	<b>Total:</b>	<b>\$1,259,215</b>
	<b>Expenditures:</b>	
	<b>O &amp; M of Parks</b>	<b>\$ 169,764</b>

Divide O & M expenditures (\$169,764) by revenues (\$1,259,215) = Equals 13% of taxes allocated towards parks. A \$150,000 home in the city of Mandan would pay \$255 in taxes to the Mandan Park District. The total amount allocated to park improvements would be \$33.15 per year. 24 actual parks and trails equals \$1.38 for each park throughout the City of Mandan.

**List of Parks** (Excludes golf courses)

- |                           |                         |
|---------------------------|-------------------------|
| 1. Archery Range          | 13. Little Haven Park   |
| 2. Base Ball Field        | 14. Nicola Park         |
| 3. Borden Park            | 15. Optimist Park       |
| 4. Dakota Centennial Park | 16. Roughrider Park     |
| 5. Dev. West Park         | 17. Soccer Fields       |
| 6. Eagle Park             | 18. Soft Ball Fields    |
| 7. H.A. Kautzmann         | 19. Spirit of Life Park |
| 8. KC Park                | 20. Star Gazer Park     |
| 9. Kiwanis Park           | 21. Teamster Park       |
| 10. Legion Park           | 22. Tennis Courts       |
| 11. Lions Park            | 23. Ventures Park       |
| 12. Little Haven          | 24. WM.Bauknecht Park   |

*Higlin reviewed for the Commission the status of Mandan Park District 2012 Park Acreage:*

	<i>Current</i>	<i>5% acreage</i>
City of Mandan Population	20,000	
Total Acreage for the City of Mandan	7,600	
Mandan Park District Acreage	377	
Mandan Park District Percentage of Acres	5%	
Future Population Increase		
*City of Mandan Population	30,000	30,000
**Total acreage for City of Mandan	11,400	11,400
Mandan Park District Acreage	377	570
Mandan Park District Percentage of Acres	3%	5%
Acreage difference to purchase		193

Without land dedication to maintain % increases in acreage	
Acres to purchase	193
Land Purchase (\$10,000 per acre)	\$1,930,000.00

Land Development Costs (\$15,000 per acre)	<u>\$2,895,000.00</u>
Total Cost:	\$4,825,000.00

\*20,000 x50% = 10,000 plus 20,000 population

\*\*7,600 x50% = 3,800 plus 7,600 acreage

Mayor Van Beek commented that it is his opinion that parks are important for everyone and this is an important area for Mandan to consider. He stated he is in favor of Higlin's presentation. Higlin mentioned that the property taxes generated from residents will be applied toward this. He commented that new developments in Fargo assess the residents in those areas so that could be a consideration for Mandan to do the same. Commissioner Tibke stated she is in favor of the plan and it will be a benefit to the community.

Commissioner Rohr moved to approve the introduction and first consideration of Ordinance 1135 - An Ordinance to create and Enact Chapter 14-12 of the Mandan Code of Ordinances Relating to Neighborhood Recreation and Open Space Requirements pending approval of Bismarck passing their land dedication. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Absent; Commissioner Van Beek: Yes. The motion passed.

#### OTHER BUSINESS:

1. *Consider rescheduling January 1, 2013 City Commission Meeting.*

Commissioner Rohr motioned to move the January 1, 2013, City Commission meeting to Tuesday, January 8, 2013, for the first meeting in January. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present.

2. Mayor Van Beek encouraged anyone who is able to, to attend the Small Business Saturday event scheduled for November 24, 2012.

~~2. — Consider moving into executive session under North Dakota Century Code Section 44-04-19.1 for attorney consultation regarding contract negotiations and instructions related to the proposals for development of city-owned property located at the corner of Collins Ave & Main Street.~~

There being no further actions to come before the Board of City Commissioners, Commissioner Tibke moved to adjourn the regular meeting at 7:43 p.m. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

/s/ James Neubauer

James Neubauer,  
City Administrator

/s/ Arlyn Van Beek

Arlyn Van Beek,  
President, Board of City  
Commissioners