
The Mandan City Commission met in regular session at 5:30 p.m. on October 15, 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 Attorney Brown, City Administrator Neubauer, Fire Chief Nardello, Business Development and Communications Director Huber, Planning & Engineering Director Froseth, Planner Decker, Engineering Project Manager Fettig, and Assessor/Building Official Lalim. Absent: Director of Public Works Wright.

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

C. PUBLIC COMMUNICATIONS: No one came forward. This portion of the public communications was closed.

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission regular meeting held on October 1, 2013 and Special Working Session held on September 10, 2013 and October 8, 2013, Special Joint Meeting w/Planning and Zoning Commission.* Commissioner Braun moved to approve the minutes as presented. 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.

E. PUBLIC HEARING:

1. *Consider proposed changes to the Mandan Renaissance Zone available credits and exemptions (see New Business No. 2).* Business Development and Communications Director Huber reviewed with the Board a recommendation from the Mandan Renaissance Zone Committee. She stated that there are two changes as a result of legislation passed by the 2013 Legislative Assembly HB1166. Those changes are a limitation on the maximum amount of income that a taxpayer may exempt for a Renaissance Zone project for a business project. The cap is at \$500,000 for the amount of income per year that a taxpayer may exempt for business or investment locations. There was also change for projects involving the expansion of an existing building, that the exemption be limited to the percentage by which the building was expanded. Huber stated that for the application submitted to the Department of Commerce, Division of Community Services, for the project at Collins and Main, the Commission had placed limits on the amount and duration of the exemption for that project. The apartment portion of the project was limited to 2 years and the commercial portion had a claw back provision in which if the commercial portion is not leased within one year of completion of the building, the Renaissance Zone benefit would be reduced to 50%; and if not completed within two years it would be zeroed out. The Division of Community Services indicated when reviewing the matter, the Mandan Renaissance Zone Development Plan needs to outline provisions for limitations on the amount or duration of an exemption to provide less than the five years at 100% currently indicated in the

plan. The recommendation is for the City of Mandan to reserve the right to limit the amount or duration of the local property tax exemption for projects receiving other local incentives as well as for applications from recipients that have not produced desired results with past projects. Those are the three key changes and the state requires a public hearing if any changes are made to the Renaissance Zone Development Plan. Huber stated that the notice of this public hearing has been published twice in the Mandan News.

Mayor Van Beek announced this is a public hearing and invited anyone to come forward to speak for or against the proposed changes to the Mandan Renaissance Zone available credits and exemptions. A second announcement was made to come forward. Hearing none this portion of the public hearing was closed.

Commissioner Tibke moved to approve the proposed changes to the Mandan Renaissance Zone Program available credits and exemptions. 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 approval of a zone change for a part of the SE ¼ in Section 4, Township 139N, Range 81 West, Auditor's Lot A, less the east 34' thereof and Lot E. North of County 37th Street North and east of Hwy 1806 (First consideration of Ordinance #1167)(See Ordinances No. 10).* Engineering Project Manager Fettig reviewed with the Board a situation wherein there is county industrial zoning at this parcel which is located along 1806 to the north side of the County 37th Street, (referencing map). There is existing industrial right to the north side of it which is the storage units that are currently in the location. The developer is requesting to construct condo shops in the existing area with future storage buildings on the property. Fettig stated that the recommendation is to change to an MA (Light Non-Nuisance Industrial / Heavy Commercial) in order to meet the requirements for this property.

Mayor Van Beek announced this is a public hearing and invited anyone to come forward to speak for or against the proposed changes to the zone change for a part of the SE ¼ in Section 4, Township 139N, Range 81 West, Auditor's Lot A, less the east 34' thereof and Lot E. North of County 37th Street North and east of Hwy 1806. A second announcement was made to come forward. Hearing none this portion of the public hearing was closed.

Commissioner Tibke moved to approve a zone change for a part of the SE ¼ in Section 4, Township 139N, Range 81 West, Auditor's Lot A, less the east 34' thereof and Lot E. North of County 37th Street North and east of Hwy 1806. 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.

F. BIDS:

1. *Consider award of low bids for Mandan Water Treatment Plant, Phase II*

Optimization Project. Planning & Engineering Director Froseth stated that City staff has secured a State Revolving Fund Loan to make improvements to the City's Water Treatment Plant. The scopes of the improvements are varied. Some of the improvements include the pre-treatment basin and a full remodeling of the pre-treatment area. Froseth reviewed other improvements within the project plan. Five bids were received on 10/10/13. The low bids for general construction and the electrical construction were all accepted with a total construction cost of \$1,081,220. Adding in the engineer and inspective services at 30% brings the total project cost to \$1,405,600.

Commissioner Braun moved to award the bid as stated. 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 - 18,473.55; ADVANCED ENGINEERING SVC - 45,013.63; ALLIANCE AG BISMARCK AGR - 616.00; ALTISOURCE SOLUTIONS INC - 112.15; ANDERSON/MARLO - 600.00; BIS-MAN CONVTN & VISITOR - 10,677.20; BISMARCK TRIBUNE/THE - 7,525.30; BULLINGER TREE SERVICE - 12,270.00; C S DOORS INC - 3,586.92; CAPITAL TROPHY INC - 116.35; CEDA INTERNATIONAL - 0.00; CENTURYLINK - 1,720.93; CITY AIR MECHANICAL INC - 818.75; CITY OF BISMARCK - 1,618.17; CITY OF MANDAN - 242.00; COFELL'S PLBG HTG & EXC - 345,859.18; COLE PAPERS INC - 39.01; CRETEX CONCRETE PRODUCTS - 972.00; D & E SUPPLY COMPANY INC - 27.56; DAKOTA AWARDS INC - 269.00; DAKOTA STAFFING SOLUTION - 113.63; FETZER ELECTRIC, LLC - 890.11; FRONT RANGE FIRE APPARAT - 317.34; GRAYMONT CAPITAL INC - 11,554.06; HACH COMPANY - 879.75; HAGEMEYER NORTH AMERICA, - 342.96; HAWKINS INC - 8,446.87; HIT, INC. - 381.92; HOLTER/DEBORAH - 70.00; HUB INTERNATIONAL OF ND - 420.00; INDIGO SIGNWORKS - BISMA - 248.50; INTERSTATE ALL BATTERY C - 104.49; JACOBSEN/CARL - 105.00; JAKE'S AUTO GLASS INC - 50.00; KADRMAS, LEE & JACKSON, - 4,397.93; KEY'S CRANE SERVICE - 180.00; LILLIS ELECTRIC INC. - 39.75; MANDAN NW PIPE FITTINGS - 71.55; MANDAN PARK BOARD - 9,500.00; MARINER CONSTRUCTION INC - 16,944.75; MARKS HEATING & COOLING - 71,899.00; MATTHEW BENDER CO - 21.49; MCLEISH/NATHAN - 1,603.40; MIDCONTINENT COMMUNICATI - 52.05; MIDWEST TESTING LAB INC - 12,991.25; MILLER/CASEY - 9,525.04; MILLER/TRACY - 103.99; MISSOURI VALLEY PETROLEU - 1,263.74; MORTON COUNTY AUDITOR - 1,167.21; MVTL LABORATORIES, INC - 375.00; ND STATE DEPT OF HEALTH - 10.00; ND WATER & POLLTN CONTRO - 560.00; NDACO RESOURCES GROUP - 1,018.70; NORMONT EQUIPMENT CO - 4,450.00; NORTHERN IMPROVEMENT CO - 52,840.08; PAHLKE STEEL, INC. - 33.80; PETE LIEN & SONS INC. - 4,034.56; POUR MOR INC. - 18,635.58; SCHMITCKE MASONRY - 125.00; SCHWEITZER & SONS CONSTR - 11,573.00; SRF CONSULTING GROUP - 135.06; STEIN'S INC - 859.98; TOMAN ENGINEERING CO - 156,460.47; UNITED PRINTING INC - 660.65;

WASTE MANAGEMENT OF ND, - 29,539.08; WE-SHIP-ETC.INC - 16.40; WILLOUGHBY/SHIRLEY - 241.50; WINKS/LOREN K - 105.00; WORKFORCE SAFETY & INSUR - 82.81; MONTANA-DAKOTA UTILITIES - 25,722.34; AT & T - 675.88; CENTURYLINK - 5,859.09; LALIM/DOUG - 715.16; ADVANCED ENGINEERING SVC - 3,963.98; AT & T MOBILITY - 555.64; BALABAN LAW OFFICE - 1,500.00; CENTURYLINK - 150.14; DAKOTA MEDIA ACCESS - 6,658.08; EILER/CHAD J - 8,500.00; FORT DEARBORN LIFE - 454.62; GENERAL TRAFFIC CONTROLS - 1,030.26; GLASS/THOMAS J. - 1,500.00; KELSCH KELSCH RUFF & KRA - 4,000.00; MATTHEW BENDER CO - 60.89; MISSOURI VALLEY PETROLEU - 19,817.72; MORTON COUNTY AUDITOR - 4,545.27; MORTON MANDAN PUBLIC LIB - 63.00; ND BUILDING OFFICIALS AS - 600.00; ND PERS - 91,944.91; NORTHERN IMPROVEMENT CO - 1,145,548.92; NORTHLAND TRAVEL - 1,002.60; POSTMASTER - 2,600.00; SWANBERG CONSTRUCTION IN - 147,973.50; TAND CONSTRUCTION LLC - 233,457.06; VERIZON WIRELESS SERVICE - 240.06; WENCK ASSOCIATES, INC - 5,436.53; NORTHERN IMPROVEMENT CO - 134,200.01; A & B PIZZA INC. - 93.55; ACME ELECTRIC - 52.00; ADVANCED BUSINESS METHOD - 295.57; AIRE MASTER OF ND - 70.00; ALERT-ALL CORP - 999.60; AMERICAN WELDING SUPPLIE - 165.38; AMERIPRIDE LINEN & APPAR - 186.21; AQUA-PURE INC. - 17,794.40; ARMSTRONG SANIT & ROLL O - 39,822.63; ARROWHEAD CLEANERS & LAU - 682.70; ASSOCIATED SUPPLY CO., I - 91.90; AYRES ASSOCIATES - 699.00; BERG'S 24 HOUR TOWING - 180.00; BIS-MDN TRANSIT BOARD - 396.54; BISMARCK TRAILER CENTER - 487.78; BORDER STATES INDUSTRIES - 97.00; BROWN & SAENGER, INC. - 2,586.49; BUTCHER BLOCK MEATS - 18.96; BUTLER MACHINERY COMPANY - 69.40; CBI BUSINESS SERVICES - 6,977.75; CENEX- FUOC BISMARCK-MAN - 172.96; CENTRAL DAKOTA FORENSIC - 80.00; CENTRAL LANDSCAPE SUPPLY - 244.95; CENTURYLINK - 1,717.13; CITY AIR MECHANICAL INC - 418.00; CITY OF BISMARCK - 2,859.00; CITY OF MANDAN - 220.00; COLLECTION CENTER INC - 228.79; COMMAND CENTER, INC - 814.32; COMPUTER PROFESS UNLIMIT - 83.00; CROSS COUNTRY COURIER - 68.21; CROWLEY FLECK PLLP - 4,500.00; CUSTER DISTRICT HEALTH U - 1,037.02; D & E SUPPLY COMPANY INC - 168.07; DAKOTA FLUID POWER INC - 155.83; DAKOTA STAFFING SOLUTION - 287.86; DAKOTA TOWING - 250.00; DAKOTA'S BEST COFFEE - 55.00; DIRECTMED - 469.11; ECOLAB PEST ELIIMINATION - 144.00; EIDE BAILLY - 1,000.00; ELECTRONIC COMMUNCIATION - 356.00; ENTERPRISE SOLUTIONS INC - 1,615.00; ENVIRONMENTAL TOXIITY CO - 275.00; ETHANOL PRODUCTS - 2,409.73; FACTORY MOTOR PARTS COMP - 125.23; FERGUSON ENTERPRISES, IN - 34.06; FERGUSON WATERWORKS #251 - 6,459.37; FETZER ELECTRIC, LLC - 18,259.56; FIRESIDE OFFICE PRODUCTS - 124.50; GATE CITY - 656.70; GERHARDT STORAGE - 390.00; GRAY OIL COMPANY - 3,575.37; HACH COMPANY - 690.03; HAWKINS INC - 11,132.49; HEDAHL'S OF MANDAN INC - 566.90; HIRSCH FLORIST INC. - 55.00; HOBBS INC - 9.74; INDIGO SIGNWORKS - BISMA - 213.00; INFORMATION TECHNOLOGY D - 1,262.19; INFRATECH INC - 17,599.93; INLAND TRUCK PARTS - 510.19; INTERGOVERNMENTAL SHOP - 18,276.59; INTERSTATE POWERSYSTEMS - 220.98; LACAL EQUIPMENT INC - 186.51; LEROY'S TESORO - 30.28; LIBERTY BUSINESS SYSTEM - 1,057.50;

MACS INC - 35.94; MANDAN AIRPORT AUTHORITY - 793.21; MANDAN FIRE DEPARTMENT - 583.33; MANDAN MUNICIPAL COURT - 420.00; MANDAN PARK BOARD - 1,000.00; MANDAN PLUMBING & HEATING - 230.00; MARINER CONSTRUCTION INC - 13,571.19; MARKS HEATING & COOLING - 2,290.00; MIDCONTINENT COMMUNICATIONS - 52.05; MIDWEST TESTING LAB INC - 10,043.00; MISSOURI VALLEY PETROLEUM - 27,270.02; MJM ENTERPRISES - 2,859.76; MOR-GRAN-SOU ELECTRIC CO - 11,425.91; MORTON COUNTY RECORDER - 55.00; MORTON COUNTY SHERIFF - 89.50; MORTON MANDAN PUBLIC LIB - 14,730.62; MVTL LABORATORIES, INC - 289.00; NALCO CHEMICAL CO - 1,402.96; NAPA AUTO PARTS - 162.74; ND LEAGUE OF CITIES - 120.00; ND STATE DEPT OF HEALTH - 320.00; NDACO RESOURCES GROUP - 940.34; NELSON LEASING INC DBA - 1,495.57; NEWMAN TRAFFIC SIGNS - 1,100.00; NEWTON/SCOTT & ROMA - 375.00; NORTHERN IMPROVEMENT CO - 6,662.75; NORTHERN PLAINS EQUIP CO - 40.47; NORTHERN TROPHY & SILK S - 24.75; NORTHWEST TIRE AND RETREAD - 753.74; NORTHWESTERN EQUIPMENT I - 51.14; O'REILLY AUTOMOTIVE, INC - 46.30; ONE CALL CONCEPT INC - 437.80; PAHLKE STEEL, INC. - 58.68; POUR MOR INC. - 15,646.40; PRAXAIR - 28.96; PREBLE MEDICAL SERVICES - 53.00; PRESORT PLUS - 780.49; PRO BUILD COMPANY - 45.31; PRO FORMS - 42.50; PUKLICH CHEVROLET INC - 20.24; QUAM CONSTRUCTION CO INC - 44,725.00; R K ELECTRIC - 1,572.50; RAILROAD MANAGEMENT CO I - 1,373.51; RENNER'S LAWN SPRINKLING - 740.00; RUNNING'S SUPPLY INC - 1,015.30; SEVERIN, RINGSACK & MORROW - 300.00; STANTEC CONSULTING SERVICES - 16,565.89; STEIN'S INC - 133.69; TOWNSQUARE MEDIA BISMARCK - 743.70; TRAFFIC SAFETY SERVICES - 13,500.00; ULTRAMAX - 1,645.00; UNIFORM CENTER & EMBROID - 1,060.60; VERIZON WIRELESS SERVICE - 1,814.67; WASTE MANAGEMENT OF ND, - 25,999.91; WEHRI/RADEANNA - 1,000.00; WELLS FARGO REMITTANCE C - 13,456.73; WENCK ASSOCIATES, INC - 7,328.05; WESCO DISTRIBUTION INC - 13,102.00; WOODMANSEES INC - 79.99;

2. *Consider for approval the special assessments for Weed Cutting of 2013, Sidewalks of 2013 and, Health and Safety of 2013.*
3. *Consider for approval the assessment of delinquent accounts for 2013.*
4. *Consider for approval confirmation of special assessments for Street Improvement Districts #167, #168, #169, #170, #171, #173 and Water & Sewer Improvement District #60.*
5. *Consider authorizing a work change order on Street Improvement District No. 161, Project No. 2010-03 (Diane's).*
6. *Consider appointment of JoAnn Opp to the Morton Mandan Public Library (MMPL) Board of Trustees.*
7. *Consider assignment, assumption and consent agreement for 101 E Main and portions of 103 E Main.*
8. *Consider the following abatements: (i) Homestead Credit Exemption – Betty Taghon (ii) Complete Reassessment – Reduction in Market Value – Deborah Miller.*
9. *Consider allowing a Sole Source Provider for Purchase of Vanguard Assessing Program and conversion.*

10. *Consider transferring Capital Outlay funds from the 2014 Building Inspection Department Budget to purchase Department vehicle in 2013.*

Commissioner Tibke moved to approve the Consent Agenda as presented. Commissioner Braun seconded the motion. Commissioner Tibke noted that on the Consent Agenda an appointment is being made to serve on the Library Board. She encouraged the public to call the City of Mandan to inquire of any committee/board openings should anyone be interested in applying for any openings as they occur. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Update on Remediation Project.* Scott Radig, Director for the State Health Department, (Division of Waste Management), presented in the absence of Dave Glatt who is the State Health Department member of the Mandan Remediation Trust. Radig provided a summary going back to the beginning of the project in 2004 indicating that the plan now is to start shutting down some of the systems. He reported that there is currently only one well left with 1.28 ft. of fuel floating on the water table and that the majority of the downtown area is free of any fuel floating on the water table. Radig summarized that cumulatively since this project went into place there has been 353,962 gallons of hydrocarbon products recovered and over 117,019 lbs. of methane have been recovered. Prior to this part of the project Burlington Northern recovered over 600,000 gallons of product indicating that almost a million gallons of fuel have been cleaned up from underneath downtown Mandan. Radig stated that the areas that will be shut down are the depot and all the area by 1st Street.

The Health Department has set closure criteria goals. The recommendation is to shut down all wells in the manifold and abandon all the wells except 3109 and 3111 which are along the rail yard boundary and to keep those two wells for long term monitoring. Then to abandon & remove the entire manifold building and all the surface piping in that area. The recommendation for this area is to shut down all wells and abandon remote manifold buildings for remote manifold 1-2, 1-4, 2-2 and 2-3. Abandon all the wells in remote manifold 1-3 except 1309 or 1310 and use that as a vacuum source. He indicated that right now they are looking at approximately 1-3 years before they believe the system can be completely shut down. Radig encouraged public comments on this recommendation to start shutting down parts of the remediation system. The next Remediation Trust meeting is set for November 5, 2013. Commissioner Tibke and Mayor Van Beek extended a thank you to the State Department of Health for their assistance in this project.

2. *Consider Mandan Renaissance Zone Committee Recommendations:* Business Development and Communications Director Huber reviewed the following with the Board:

(i) *Changes to available credits and exemptions.* Referenced the action/ approval under Public Hearing No. 1 above.

(ii) *Committee term:* The Renaissance Zone Committee voted to recommend terms be limited to two, 3-year terms with the option of reapplying thereafter for consideration with any other interested persons. Commissioner Frank recommended that after a 3-year term served by any member that that position be opened up, allowing any other Mandan citizen interested in serving to have an opportunity to do so. Commissioner Tibke concurred with Commissioner Frank that when each 3-year term is up, it should be opened to the public wherein an incumbent would have to reapply for each term. Commissioner Braun asked if this arrangement would apply to all other committees as well. He mentioned he was part of the decision making regarding the recommendation for the two, 3-year terms indicating that during discussions it seemed to be a reasonable recommendation. Huber stated that the Renaissance Zone Committee meets on an as-needed basis to review new applications. This recommendation before the Board is the same process that comes through the various other committees such as the Architectural Review Committee and the Growth Fund Committee.

(iii) *Committee re-appointments:* Three members who are up for reappointment are just completing their first, 3-year term and all have expressed interest in continuing to serve on the RZ Committee. The RZ Committee recommended all three be reappointed: Darren Haugen, David Leingang and Bob Vayda for the term of 2014 thru 2016.

Commissioner Frank moved to approve the Renaissance Zone Committee being limited to two, 3-year terms with the option of reapplying thereafter simultaneously opening the position up at the term expiration to the public to apply. 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.

3. *Consider Mandan Growth Fund Committee recommendation for Storefront Improvement Program revisions.* Business Development and Communications Director Huber stated that the Mandan Growth Fund (MGF) recently met to review projects. She stated that this program was first introduced in Mandan in 2006 and that it has provided up to \$10,000 in matching funds to cover up to 50% of the exterior improvements to street building façade fronts. There have been 29 projects completed to date. She summarized the plans Bismarck has put in place revising their program. To remain competitive Huber stated the MGF voted to recommend an equal level of funding for the Mandan program. The applicant is responsible for all bills and expenses and a reimbursement funding mechanism is used. Huber stated that the fiscal impact funding for this program comes from the Economic Development Project category within the Growth Fund which is generated by sales tax dollars. That fund is allocated \$250,000 annually in sales tax dollars. Huber indicated that the intent of the program was to make significant differences in the downtown buildings and that it is a one-time opportunity for the property owner. Huber provided information related to other options and requirements for storefront improvement projects. Huber stated that since the initiated measure was passed requiring automatic doors, the requests for this program have dropped in comparison to the requests before the measure went into effect. Construction costs have also climbed significantly.

Commissioner Braun moved to approve the recommendations from the Mandan Growth Fund Committee for Storefront Improvement Program revisions as presented.

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.

4. *Consider approving the plans and specifications and authorizing the execution of a 3-way agreement for the installation of water & sewer in Macedonia Hills 1st Addition, Project 2013-21. (See Resolution No. 9).* Engineering Project Manager Fettig reviewed with the Board a request for approving the plans and specifications and authorizing the execution of a 3-way agreement for the installation of water & sewer in Macedonia Hills 1st Addition. This project is located to the west of Ft. Lincoln Elementary School and south of 19th Street SW. All the information has been reviewed by the City Engineering Office and meets all the requirements and she recommends approval.

Commissioner Braun moved to approve the plans and specifications and authorizing the execution of a 3-way agreement for the installation of water & sewer in Macedonia Hills 1st Addition, Project 2013-21. 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. *Second consideration and final passage of Ordinance No. 1168, An Ordinance to Amend and Re-enact Portions of Section 12-02-04 and Section 12-02-06 of the Mandan Code of Ordinances Relating to Alcoholic Beverage Licenses.* City Administrator Neubauer presented the second consideration and final passage of Ordinance No. 1168 stating that the limits are being taken off the Class A, Class D and Class D-1 licenses and establishing an issuance fee for those licenses and also require that a Class A license requires retail on and off sale premise license requires a minimum of 30 seats per each of those licenses. Commissioner Frank moved to approve the Second consideration and final passage of Ordinance No. 1168, An Ordinance to Amend and Re-enact Portions of Section 12-02-04 and Section 12-02-06 of the Mandan Code of Ordinances Relating to Alcoholic Beverage Licenses. 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 Resolution establishing license fees for the sale of alcoholic beverages.* City Administrator Neubauer stated that as the limits have been taken off the Class A, Class D and Class D-1 licenses there has been an established issuance fee for a General Class A retail on and off sale beer and liquor license of a fee of \$60,000 per license; Class D for off sale liquor and beer of \$80,000; and Class D-1 exclusive off sale beer and wine licenses of \$40,000. Commissioner Frank moved to approve the Resolution establishing license fees for the sale of alcoholic beverages. 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. *Second consideration and final passage of Ordinance No. 1169 Zone Change for Eagle Ridge 1st Addition – An ordinance to amend and reenact section 21-13-02 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. 1169 Zone Change for Eagle Ridge 1st Addition – An ordinance to amend and reenact section 21-13-02 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. *Second consideration and final passage of Ordinance No. 1170 Zone Change for Sylvesters Industrial Park 3rd Addition Lot 1, Block 1 – An ordinance to amend and reenact section 21-13-02 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. 1170 Zone Change for Sylvesters Industrial Park 3rd Addition Lot 1, Block 1 – An ordinance to amend and reenact section 21-13-02 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.

5. *Second consideration and final passage of Ordinance No. 1171 Zone Change for Midway 14th Addition Lots 1-3 & 6, Block 1 – An ordinance to amend and reenact section 21-13-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.*

Commissioner Rohr moved to approve the Second consideration and final passage of Ordinance No. 1171 Zone Change for Midway 14th Addition Lots 1-3 & 6, Block 1 – An ordinance to amend and reenact section 21-13-02 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.

6. *Second consideration and final passage of Ordinance No. 1158, An Ordinance to Amend and Re-enact Section 21-03-10(1)(a) of the Mandan Code of Ordinances relating to automobile parking.*

Commissioner Braun moved to approve the Second consideration and final passage of Ordinance No. 1158, An Ordinance to Amend and Re-enact Section 21-03-10(1)(a) of the Mandan Code of Ordinances relating to automobile parking. 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.

7. *Introduction and first consideration of Ordinance No. 1165, An Ordinance to Amend and Re-enact Section 16-03-12 of the Mandan Code of Ordinances Relating to Unlicensed Dogs and Cats.* City Attorney Brown stated that the State law was amended to change the time frame from when an animal must be redeemed from 3 days to 5 days. The proposed revision is to bring Ordinance 1165 in compliance with State law. Police

Chief Bullinger stated that today's practice allows for 7-10 days. Commissioner Tibke moved to approve the Introduction and first consideration of Ordinance No. 1165, An Ordinance to Amend and Re-enact Section 16-03-12 of the Mandan Code of Ordinances Relating to Unlicensed Dogs and Cats. 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.

8. *Introduction and first consideration of Ordinance No. 1166, An Ordinance to Amend and Re-enact Chapter 20-15 of the Mandan Code of Ordinances Relating to All-Terrain Vehicles.* City Attorney Brown stated that in 2009 the State law was changed to delete reference to "all-terrain" vehicles and they were now called "off-highway" vehicles. This was brought to the City's attention by Chief Bullinger who recommended changing the ordinance to comply with State law. Commissioner Braun moved to approve the Introduction and first consideration of Ordinance No. 1166, An Ordinance to Amend and Re-enact Chapter 20-15 of the Mandan Code of Ordinances Relating to All-Terrain Vehicles. Commissioner Rohr seconded the motion. Chief Bullinger added that under Section 20-15-06 use of these vehicles on streets are still prohibited from being used on City streets even though State law has permitted licensing of these vehicles so they can be used on certain roadways. Chief Bullinger stated that there is an exception under the emergency clause in the case of threatening weather or if a permit is issued by this Board for a special event. The "recreational vehicles" are not permitted to be driven on the streets or roadways in the City of Mandan. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

9. *Consider Resolution approving plans and specifications and authorizing execution of 3-way agreement for water and sewer Improvement Project 2013-21. (Macedonia Hills 1st Addition).* Commissioner Rohr moved to approve the Resolution approving plans and specifications and authorizing execution of 3-way agreement for water and sewer Improvement Project 2013-21. (Macedonia Hills 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.

10. *First consideration of Ordinance No. 1167 Zone Change for Auditor's Lot A, less the east 34' thereof and Lot E in the SE ¼ in Section 4 Township 139 North Range 81 West – An ordinance to amend and reenact section 21-13-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.* Commissioner Tibke moved to approve the First consideration of Ordinance No. 1167 Zone Change for Auditor's Lot A, less the east 34' thereof and Lot E in the SE ¼ in Section 4 Township 139 North Range 81 West – An ordinance to amend and reenact section 21-13-02 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.

11. *Consider Resolution approving Notice of Award and Contractor's Bonds for Mandan Water Treatment Plant, Phase II Optimization Project.* Commissioner Frank moved to approve the Resolution approving Notice of Award and Contractor's Bonds for Mandan Water Treatment Plant, Phase II Optimization Project. 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.

K. OTHER BUSINESS

1. Remediation Project: Commissioner Rohr commented that with the Remediation Project coming to an end, the initial problem was discovered by Chief Bullinger and himself in the basement of the Police Department. City Administrator Neubauer commented that it went back even further to 1985 when Francis Schwindt was chief of the Environmental Health Section of the ND Health Department. The diesel was found when they were digging the pit for the elevator shaft in the LEC building. He extended a thank-you to the ND Dept. of Health and Francis Schwindt who was instrumental in getting the Remediation project started. Commissioner Rohr extended a thank-you to Administrator Neubauer for his years of efforts dedicated to this project, more so at the beginning of the project than over the few several years. Commissioner Tibke mentioned the critical part of the success of this project was picking the right engineering firm that actually had the patent on this system.

2. Ben Moore, a Mandan resident came forward and expressed a thank you to Mayor Van Beek for all the good things happening in Mandan. He stated he would like to see another park.

There being no further actions to come before the Board of City Commissioners, Commissioner Tibke moved to adjourn the meeting at 6:47 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