
The Mandan City Commission met in regular session at 5:00 p.m. on September 17, 2013 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Frank (arrived at 5:30 p.m.) and Braun. Department Heads present were Finance Director Welch, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development and Communications Director Huber, Planning & Engineering Director Froseth, and Engineering Project Manager Fettig. Absent: Police Chief Bullinger, and Assessor/Building Official Lalim.

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:

1. Wayne Papke, a Mandan resident came forward to comment. He extended an appreciation to Greg Welch for the nice job he does with the Budget process from year to year. Papke commented that the expenditure budget this year went up 14% which is a substantial increase from \$26.638 million to \$30.424 million. He said that is concerning. He stated this is a good time to reflect on the tax policy, in particular the tax incentives given on a discretionary basis. That accounted for \$800,000 in revenue that was forfeited coupled with the YMCA project, of which property taxes could have been reduced 20% if not for these items. He pointed out that those were choices made by the City Commission and that’s the effects of it.

2. DeNae Kautzmann, a Mandan resident came forward and inquired how the Commission would like to proceed with special assessment District 148. She indicated that she is appealing the assessments and asked if it should be brought forward now or when that item is discussed? Mayor Van Beek requested she present her request at this time. Ms. Kautzmann stated she is speaking on two notices of appeal of assessments.

(1) With regard to her personal property, Parcels 1563, 1563A and 1563B. She stated she is appealing the assessments because she believes the assessment exceeds the benefit which is contrary to state law. She provided an example of her parcel vs. River Bend parcels which are equal distance to Mandan Avenue and the River Bend parcels are assessed \$600 lower than her parcels. The second point she made was the water line she is being assessed for is a secondary waterline and that waterline is of no benefit to Parcels 1563A and 1563B as there is no primary waterline to back up at this time. Those parcels are undeveloped at this time. The assessment list is incomplete as there are parcels on 2nd Avenue Northeast that have been missed. She stated she has inquired, but does not know what the resolution was, regarding the steps on Pat Atkinson’s property on Mandan Avenue. Atkinson requested those steps and they only benefit him. That should not be spread throughout the district. Finally, the Park District should be assessed for the City Park within the special assessment district and for the bike trail along Mandan Avenue.

(2) The Special Assessment Commission failed to follow Section 40-23-07 NDCC because it did not levy the assessments to the just proportion of the total cost to be paid by special assessments. Assessments were issued per unit that is not allowable per statute or the established case law.

(3) 1563B was determined by the City to be buildable. They never addressed 1563A. She stated that the problem is that she is landlocked with the property surrounding these lots. All the rights of way that abut these lots have been vacated. There are no streets, water, sewer, or fire protection there. She provided a history of this long-standing problem. Based on the history given, Kautzmann believes the lots are not buildable therefore, they should not be assessed. She mentioned the concerns she brought forth at the August 7th and August 14th Special Assessment Commission Public Hearing and meetings have not been addressed. She believes the Special Assessment Committee has shirked its responsibilities and they failed to act on the objections raised at the public hearing. Finally, the special assessment list filed with the City affirms that it is correct. That's found under Section 40-23-11 and 40-23-12.

(4) Kautzmann stated that she has the same concerns regarding property owned by Kautzmann Property and Management.

Kautzmann requested the Commission consider the comments provided and the objections brought forth regarding her property. Her recommendation is to remand the matters back to the Special Assessment Committee to correct the errors and resubmit the corrected versions to the City Commission.

Bernice Thomas, a Mandan resident residing on 3rd Street Northeast, came forward to comment. She stated she does not understand the assessment process for this project. Her recommendation is for the Commission to scrap this assessment plan and that they go back and refigure it so it is equally shared.

Casey Chapman came forward to report information regarding liquor licenses that he obtained after a discussion with Brian Neugebauer, the City Attorney from West Fargo. He stated that West Fargo has unlimited licenses. West Fargo controls liquor licenses by zoning. They zone in certain areas and let the market take care of it. The fees that are charged for licenses are minimal at between \$1,000 and \$2,000. The West Fargo Commission has taken the position that they are not going to limit the number of liquor licenses in the city.

Deborah Holter, a Mandan resident came forward to comment on the special assessment for District 148. She stated she has 4 parcels that are assessed. She is a member of the Special Assessment Committee even though she did not take part in this special assessment other than to try to move it forward. The reason the objections are here is largely because when she as a commission member and she as a citizen ask questions, she could not get answers. She concurred with the testimony provided by Ms. Kautzmann in that the Special Assessment Committee did not perform its responsibility concerning the objection in looking at the assessments in this district to make sure they were equitable. She provided information on the actions of the Committee when this matter was discussed. She noted that the objections were not dealt with. She voiced concern about the assessments to her property, in comparison to those residents in River Bend. She indicated that she was concerned she received an assessment increase and did not know why. She stated she also has three lots on 3rd Street and the same things apply to them. She indicated that she is being charged for a secondary waterline. Secondly, there is a

16" waterline that runs down Mandan Avenue and the west side of the street has been assessed 70% and the east side of the street has been assessed 30%. She wanted to know why? She provided a transcript of a proceeding that was held in 2007 concerning this. She pointed out discrepancies with the information within the transcript. She believes the west side of Mandan is assessed more than the east side of Mandan and requested the City Commission listen to the objections of the citizens in determining assessments equally.

Commissioner Tibke clarified that a backup taping of any proceeding is good practice. She stated the Commission provides as much transparency as possible to the citizens. Holter replied the concern brought forward is that the problem at the meeting has not been dealt with.

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission meeting held on September 3, 2013.* Commissioner Rohr moved to approve the minutes from the Board of City Commission meeting held on September 3, 2013. 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.

E. PUBLIC HEARING:

1. *Public Hearing scheduled at 6:00 p.m. to review and discuss the Preliminary 2014 Budget. (See Ordinances and Resolutions #1 and #2).* Mayor Van Beek stated this is a public hearing and invited anyone to come forward to speak for or against this matter. A second announcement was made to come forward. Hearing none, this portion of the public hearing was closed. Finance Director Welch stated that the Finance Department has not received any written or oral comments in objection to the proposed 2014 Budget. However, this afternoon he indicated that he did receive and responded to two email questions from Wayne Papke. In response to the public comment that was made this evening he replied that at the meeting on August 20th a comprehensive and detailed Budget was presented to this Board, to the public and to the media. Following that meeting the City's preliminary 2014 Budget was posted on the City's website. The information is available and the Finance Department is transparent with financial information. A summary of the information provided at the August 20th meeting was presented by Mr. Welch.

Commissioner Braun extended a thank you to Mr. Welch for his expertise, dedication and hard work in preparing the 2014 Budget.

F. BIDS:

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 CONVNTN & 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; HEDAHLS 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 AUTORITY - 793.21; MANDAN FIRE DEPARTMENT - 583.33; MANDAN MUNICIPAL COURT - 420.00; MANDAN PARK BOARD - 1,000.00; MANDAN PLUMBING & HEATIN - 230.00; MARINER CONSTRUCTION INC - 13,571.19; MARKS HEATING & COOLING - 2,290.00; MIDCONTINENT COMMUNICATI - 52.05; MIDWEST TESTING LAB INC - 10,043.00; MISSOURI VALLEY PETROLEU - 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 RETRE - 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, RINGSAK & MORRO - 300.00; STANTEC CONSULTING SERVI - 16,565.89; STEIN'S INC - 133.69; TOWNSQUARE MEDIA BISMARC - 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

3. *Consider request from Human Resources Department to destroy documents in accordance with the records retention schedule.*

4. *Consider authorizing a work change order on Street Improvement District No. 174, Project No. 2012-16 (Plainview Heights 13th Addition).*

5. *Consider authorizing a work change order on Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6th and 7th Addition).*

6. Consider approval of the following abatements: (i) Street Appraisal – James Wetsch (ii) Street Appraisal – Monte Binstock (iii) Street Appraisal – Theresa Timmerick.

7. Consider proclamation designating September 21, 2013 as Nickelodeon Worldwide Day of Play in the City of Mandan. Mayor Van Beek read the Proclamation.

Commissioner Tibke moved to approve the Consent Agenda items No. 1, 3, 4, 5, 6, 7 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.

Commissioner Tibke requested Consent Agenda Item No. 2 be removed from the Agenda for discussion: *Consider confirmation of special assessments for Street Improvement District #148.* Commissioner Tibke requested City Staff to assist with this item. She inquired how many parcels this affected. Phyllis Hager, Special Assessment Analyst came forward to provide information. Hager stated that within the street project there were 426 property owners who were assessed. Commissioner Tibke suggested that regarding the two presented objections to this matter, those concerns should be addressed. Subsequently, a meeting should be scheduled soon after to review the outcomes of the questions asked and then bring back the Special Assessment Committee recommendations. She asked about the timeline involved in this process. Hager replied that October 15th would be the last meeting that there could be any activity or approval on this project. Commissioner Tibke recommended setting a meeting for Friday (9/21/13) to discuss the concerns brought up and then there would be time to respond and make a decision based on recommendations.

City Attorney Brown stated he did not attend the August 7, 2013 Special Assessment Commission Public Hearing. He attended the meeting of the Special Assessment Commission on the morning of August 14th stating that Holter was there, Kautzmann was not. He indicated the only information he has been provided was that in their opinion their properties were not benefited by the project and by the assessments. He stated he has been waiting for specific information as to why they thought they were not benefited and this is what we have tonight. Commissioner Tibke recommended City Attorney Brown and staff reviews the concerns at a meeting and then provide a response to the City Commission at an upcoming meeting.

Commissioner Tibke moved to table Consent Agenda Item No. 2. Commissioner Braun seconded the motion. Commissioner Tibke requested a meeting be scheduled at a time agreed upon by those who need to be present and subsequently recommendations will be reviewed at the Commission meeting on October 1st. 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:

1. Discussion regarding liquor licenses. City Administrator Neubauer stated that at the working session several possibilities were discussed with regard to liquor license

issuance. He concurred with Mr. Chapman's earlier information regarding West Fargo license process and fees stating that he also had an opportunity to visit with City Attorney Neugebauer from West Fargo. He stated that Deputy Chief Leingang has visited with the City of Grand Forks and has provided that information in the handouts. Grand Forks also has unlimited number of licenses as West Fargo does. Grand Forks has an application fee and an issuance fee as set by Resolution. Neubauer explained how Mandan determines the number of licenses for the City. As of September 13, 2013, Mandan has seen an increase of 657 water meter units since July 1, 2012. Neubauer reviewed the various ways cities throughout North Dakota have in place stating that they are all a little different. There is one application for a Class A license for consideration at this time. Commissioner Tibke inquired of pros and cons for Grand Forks for the unlimited licenses. Neubauer stated they have 78 licenses out and all are being utilized. Grand Forks and Fargo have server training programs in place. They also do compliance checks on the bars to make sure no one under 21 is being served.

Commissioner Frank stated one of the concerns now is the units being under the 500 number limits. She noted that previous meeting discussions addressed whether to issue a license after the number would hit 500 or if it would be issued at a certain date (June 20th was a suggestion). She stated she is thinking the number of units might be a consideration. Administrator Neubauer mentioned that the May 31st date was picked as the time to determine if the City has met the 500 living units. Subsequently at the next meeting it would be discussed as to whether or not to open up new licenses. If the decision was to open up new licenses that would allow for time to advertise that we had additional licenses so we could get those additional licenses bid and possibly awarded by July 1st, which is the annual renewal time. Commissioner Frank pointed out that there are two decisions to be made: (1) To decide on the Class A liquor licenses and what that really means; and (2) That consideration is given to having the 500 living units being the indicator when to open up, which would allow us at that moment to consider adding license as opposed to waiting on a specific date for them to be available.

Commissioner Frank motioned that the Class A on-sale and off-sale beer and liquor licenses have a requirement of seating for 30 or greater. Commissioner Braun seconded the motion. Commissioner Frank commented that the discussion that occurred regarding measurements of footage would be difficult thus seating requirement will be more manageable considering that the primary focus will be on-sale with off-sale being available. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

Commissioner Rohr motioned to approve unlimited Class D-1 with the fee to be determined. Commissioner Tibke seconded the motion. Commissioner Tibke questioned whether West Fargo has the same classes as Mandan, (Class A, Class D-1, etc.), and are they all unlimited? Neubauer replied "yes" however, they may go by different names. Commissioner Frank indicated that she is unsure if all classes should be given as an unlimited status. Commissioner Braun suggested assigning "Open" and then come up with figures for each class. Administrator Neubauer said an option would be to issue

unlimited licenses for all classes and then charge an issuance fee for new ones. He stated that if the theory on liquor licenses is to provide a source of revenue, because they do have value created by the commission, then a specific amount should be set.

Commissioner Frank concurred that the source of revenue from license fees is an important resource the City has in place. Commissioner Rohr pointed out that Class B and Class C licenses do not have any limits placed on them. Class E and F also have no limits. Commissioner Braun seconded the motion for un-limiting the D-1 licenses and setting a fee (to be determined).

Administrator Neubauer stated that the last time two Class D-1 licenses were put out for public bid, one generated \$40,000 and the other generated \$36,000. Attorney Brown offered a point of reference on this matter stating that Grand Forks has a Class 3 on or off sale and the issuance fee is \$5,320 and the annual fee is \$1,670. However, they do not allow beer sales in a Convenience Store. Administrator Neubauer suggested that with direction from the Board, an ordinance could be drafted and brought back for First and Second readings and then a Resolution would be drafted setting the issuance fees.

Commissioner Rohr moved to amend the motion to set the fee at \$35,000. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: No; Commissioner Frank: Yes; Commissioner Braun: No; Commissioner Van Beek: Yes. The Amended motion passed. Mayor Van Beek returned to vote on the Original motion: to approve unlimited Class D-1 licenses and to add the Amended Motion that allows for a \$35,000 license fee. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: No; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The Original motion passed.

Commissioner Braun motioned to approve the Class A, Class D, Class D-1 that includes the Special B on-sale licenses for unlimited. City Administrator Neubauer suggested the motion could be to request City Attorney Brown to draft an Amendment to the Ordinance to un-limit the number of establishments per class of license and then if that Amendment passes, that will be brought back before the Commission and there could be a determination of the issuance fee for each of those.

Commissioner Braun withdrew his motion and entered a new motion to draft an Ordinance to remove the limitations on the number of licenses that currently have limitations. 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.

Commissioner Frank recommended that when drafting the Ordinance the bid amounts that were previously used be considered as suggested amounts for the Ordinance.

I. NEW BUSINESS:

1. *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. 189, Project No. 2013-30*

(Lakewood 6th Addition Lot 10B Block 2 Replat). (See Resolution No. 3). Engineering Project Manager Fettig stated that the developer is requesting the City to allow special assessment costs to the benefiting properties for the development of Oxbow Trail Southeast. There is about 150 ft. of Oxbow Trail. The location is off 40th and 29th. This will gain access into the adjoining property. The cost of the project is approximately \$50,367.20, the engineering and administration costs are \$17,628.52 bringing the total cost to \$67,995.72. There will be approximately 19 lots receiving \$3,578.72 in assessments.

Commissioner Frank moved to approve 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. 189, Project No. 2013-30 (Lakewood 6th Addition Lot 10B Block 2 Replat). 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.

2. *Consider Amendment No. 1 to Agreement Between Owner and Engineer for Professional Engineering Services of the Mandan Water Treatment Plant, Phase II Optimization Project.* Justin Froseth, Planning & Engineering Director, reviewed with members a request to consider an Amendment to an agreement between the owner and Engineer for Professional Engineering Services of the Mandan Water Treatment Plant, Phase II Optimization Project. Froseth stated that the City has secured a State revolving fund loan to make improvements to the Water Treatment Plant. The scope of the improvements varied and a list of probable costs was provided for review. The scope has changed since the SRF loan application was submitted and approved and as a result of problems that came about after the loan was approved. AE2S anticipates more work will be required in the construction phase of this project. AE2S has completed the plans for the project which is currently out for bid with an opening date of October 10, 2013.

Commissioner Tibke moved to approve Amendment No. 1 to the Agreement for Engineering Services with Advanced Engineering and Environmental Services for the Phase II Optimization Project of the Water Treatment Plant. Commissioner Braun seconded the motion. Froseth stated that the additional funds required due to the amendment can be applied for under the SRF loan application that is in effect. He also stated that this does not affect water quality because this was considered a spring run-off needed for the pre-treatment. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Introduction of new employee, Robert Decker, Principal Planner:* Justin Froseth Planning & Engineering Director introduced Robert Decker as the new Principal Planner effective September 16, 2013. Mayor Van Beek welcomed Mr. Decker to his new position with the City of Mandan.

J. RESOLUTIONS AND ORDINANCES:

1. *Consider the second and final consideration of Ordinance No. 1163 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2014, and ending December 31, 2014, and making the annual tax levy for the year 2013.* Commissioner Frank moved to approve the second and final consideration of Ordinance No. 1163 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2014, and ending December 31, 2014, and making the annual tax levy for the year 2013. 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 rates and charges for services from the Water and Sewer Utility Fund.* Commissioner Frank moved to approve the Resolution establishing rates and charges for services from the Water and Sewer Utility Fund. 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.

3. *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. 189, Project No. 2013-30 (Lakewood 6th Addition Lot 10B Block 2 Replat).* Commissioner Tibke 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. 189, Project No. 2013-30 (Lakewood 6th Addition Lot 10B Block 2 Replat). 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.

Engineering Project Manager Fettig clarified that the following two items do not need action at this time as they were carried over from the Consent Agenda.

4. *Consider authorizing a work change order on Street Improvement District No. 174, Project No. 2012-16 (Plainview Heights 13th Addition).*

5. *Consider authorizing a work change order on Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6th and 7th Addition).*

K. OTHER BUSINESS

There being no further actions to come before the Board of City Commissioners, Commissioner Tibke moved to adjourn the meeting at 6:55 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