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The Mandan City Commission met in regular session at 5:00 p.m. on September 2, 2014 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Laber, and Braun. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Business Development & Communications Director Huber, Planning & Engineering Director Froseth, Planner Decker, and Assessor Shaw. Absent: Fire Chief Nardello, Building Official Lalim and Director of Public Works Wright.

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

C. PUBLIC COMMUNICATIONS: Mayor Van Beek invited anyone to come forward to address items on the Agenda. A second announcement was made to come forward to speak for or against items on the Agenda. Hearing none, this portion of the Public Communications forum was closed.

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission regular meeting held August 19, 2014.* Commissioner Tibke moved to approve the minutes as presented. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

1. *Bismarck-Mandan Metropolitan Planning Organization presentation of draft report of the Fringe Area Road Master Plan Study.* Bill Troe, Transportation Planner with the SRF Consulting Group, Minneapolis, Minnesota, stated they have been working with the Metropolitan Planning Organization and the 5-member jurisdictions of the MPO which includes the City of Mandan, Morton County, City of Bismarck, Burleigh County and the town of Lincoln in conducting what has been called the Fringe Area Road Master Plan. The purpose of the plan is to establish a collector and arterial roadway infrastructure system within the areas that are outside the cities of Bismarck and Mandan and the town of Lincoln over the next 20-30 years to be developed. The intent is to identify a collector and arterial system that would provide accessibility to these areas.

He reviewed the area of land that would be included in the Fringe Area Road plan. One of the tasks that have been completed is identifying the primary goal of the study which is the arterial and collector roadway system over the next 20-30 years and what the need is for it. Essentially, the plan is to look at long term planning at a very high level as opposed to saying we need 2-lane or 4-lane roads, etc. The one-mile section line roads have been identified along with the major collector system, which is the half-mile or half-section roads that are included in the area. The anticipated product is a half-mile grid network, or a half-mile network, depending on the topography of an area of the collectors and the arterials through the entire fringe area. He explained the two different levels of hierarchy of continuity of roadway system and that this plan is different than the long-

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range plan. This study is looking at a geographic area in which the one mile collector and arterials.

One of the criteria used to develop this system had to do with design criteria of the roadways. Other criteria includes taking into consideration barriers that are both natural as in the Missouri River/streams and also criteria such as railway crossings and the I-94 corridor. Since the kickoff of the study last December, there have been several opportunities provided for public hearings. A steering committee was developed which was comprised of staff from each of the five jurisdictions along with the NDDOT, and the Federal Highway. There have been at least two workshops held with the entire group as they were going through developing corridors and making modifications from the original concepts based on understanding and local knowledge of specific locations within the region. There were also two public information meetings held over the course of the study. One was in April 2014 when preliminary ideas and concepts and public input was taken. There were revisions made and then another public meeting was held in July 2014. A website at [www.fringeroadplan.com](http://www.fringeroadplan.com) has included all information and concepts for the public to gather information. The anticipation for the roadways that reside further out in the Ag areas would not be developed until the areas themselves would be determined. This body would have to approve the incorporation of a series of checks: the concept that a developer would come in with – is it consistent or inconsistent with the fringe plan that has been identified? The MPO is continually brought into this process so they are up-to-date. So as the plan is implemented they will be responsible for the maps within the jurisdictions for all five members.

Commissioner Rohr commented that this Master Plan provides an outline to follow for growth within the community and that it is necessary to have one in place. Troe stated that this plan will be integrated with the long range plan for traffic flow which is also a critical element for consideration.

Mayor Van Beek announced this is a public hearing and invited anyone to come forward to speak for or against the Bismarck-Mandan Metropolitan Planning Organization presentation of draft report of the Fringe Area Road Master Plan Study. A second announcement was made to come forward to speak for or against this matter. Hearing none, this portion of the public hearing was closed.

2. *Proposed rezoning of Lots 2-4, Block 1 Lakewood Commercial Park.* Planner Decker reviewed with the Board a request to rezone this area from MA to PUD District 2014-01. The Planning Commission recommended that it move forward but with some conditions. A draft PUD Ordinance was presented to the Planning & Zoning Commission and that has been recommended back to the City Commission for consideration. Planner Decker explained that the PUD specifies certain conditions. One of the issues discussed with the Park Board was the issue of pedestrian crossings at this location. A recommendation was to consider the HAWK pedestrian signal which comes before this Board for approval.

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Mayor Van Beek announced this is a public hearing and invited anyone to come forward to speak for or against the matter of the proposed rezoning of Lots 2-4, Block 1 Lakewood Commercial Park. A second announcement was made to come forward to speak for or against this matter. Hearing none, this portion of the public hearing was closed.

F. BIDS:

G. CONSENT AGENDA

1. *Plat of Mandan Industrial Park 9<sup>th</sup> Addition.*
2. *Plat of Plainview Heights 15<sup>th</sup> Addition.*
3. *Consider Application from Grant Wilz for Property Tax Exemption for Improvements to Residential Building.*
4. *Consider request from the Finance Department to destroy old documents in accordance with the Records Management and Retention Plan.*

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

H. OLD BUSINESS:

1. *Consider approving the proposal by Wenck Associates, Inc. for expanded engineering services for SID #196, Mandan Industrial Park.* Planning & Engineering Director Froseth reviewed with the Board consideration for approval by Wenck & Associates for the added scope, design modifications and rebid of Mandan Industrial Park, SID #196. The project was advertised for bid with a bid opening date of May 27, 2014, of which no bids were received, thus the project did not move forward. Director Froseth reviewed the reasons given by potential bidders for not bidding the project. Wenck & Associates will address the concerns. The project will be bid this fall in order to be ahead of projects bid for the 2015 season. Wenck & Associates will redesign without the integral curb and gutter. As part of the total costs, the services will be paid for by the benefiting properties by special assessments.

Commissioner Rohr asked whether if the project is bid into the next season, will there be much of an increase in the estimation for the cost of the project. Director Froseth replied that by bidding in the fall that may prevent cost increases expected in the 2015 construction season.

Commissioner Laber moved to approve the proposal by Wenck Associates, Inc. for expanded engineering services for SID #196, Mandan Industrial Park. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

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I. NEW BUSINESS:

1. *Consider Growth Fund Committee (MGF) Recommendations:* Business Development & Communications Director Huber presented the following MGF requests:

*i. Retail & Restaurant Incentive application by Brea for 306 W Main:* The applicant is requesting an expansion of retail square footage at 305 W. Main from Eve Kostelecky, the owner of Brea from its current location to 306 W. Main. The application is for the main floor to increase for retail space of 1,600 sq. ft. This application has been reviewed by the Mandan Growth Fund Committee rated on 13 different criteria. Among the criteria are store hours. There are plans to work with the Harvest Grill for special events as well as style shows that will be scheduled in the future. The private investment the applicant is investing in includes acquiring the building, storefront improvement, interior remodel and exterior brick refurbishing. Both storefront improvement and interior and exterior remodel is being planned. In general, the private investment level is approximately \$230,000 so the public to private ratio is over 10%. The Mandan Growth Fund Committee recommended approval of the application based on filling a gap for clothing stores in the community. The building has an automatic door. The owners were available to answer any questions.

Commissioner Braun moved to approve \$6,000 as an incentive for BREAA women's clothing boutique, payable in 12 equal monthly installments following each month of operations in the new expanded location. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

*ii. Storefront Improvement application by Larson's Creative Concepts for 216 W Main.* This is an application for matching funds for exterior improvements to the Main Street side of 216 West Main. This was a thrift store and was previously called George's Bakery. Jon and Amber Larson recently purchased the building and plan to move their tattooing and piercing services to this location. The application for matching funds is seeking \$13,533. The exterior improvements include the addition of a corrugated steel awning, refurbishing the front window frames, replacement of non-brick materials on the storefront with stained wood tongue and groove siding, a wall mount sign and goose-neck lights. There is an automatic door in the building. The Mandan Architectural Review Commission has approved of the plan and signage. In addition, cosmetic improvements are being made to the interior of the building so the applicant will not be applying for the Renaissance Zone funding. The owners anticipate having the improvements completed by December 2014.

Under this program, the applicants have one year from the date of City Commission approval to complete their project. The Mandan Growth Fund Committee voted to approve the application for storefront improvement funds at 50% match rate up to \$13,533 to be provided as a forgivable loan upon project completion. Jon and Amber Larson were available to answer any questions. Commissioner Laber voiced concern about the skull and crossbones part of the signing indicating that symbols such as that not be misconstrued or benefit something that portrays negative for Mandan community. She

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commented she would like it if that was not on the signage, clarifying that she is not opposed to tattooing or piercing, but would rather not see a presence of skull and crossbones (within the signage as presented) on Main Street thus she would be hesitant of granting \$2,000 if the signage contains a skull and crossbones in it.

Amber Larson came forward and stated that the Mandan Architectural Review Commission discussed this same issue. She stated there is an existing store already in Mandan and that is a feature of their logo, which is part of their brand for their business. She stated that the discussion that came from the Mandan Architectural Review Commission is that based on their current business, it was decided that they would continue to maintain their business in a positive way, when it moves to Main Street.

Commissioner Tibke stated she has the opposite view pointing out that she is in favor of the skull and crossbones as it replicates the uniqueness of “Mandan”. Director Huber stated that when the Mandan Architectural Review Commission reviewed the application, they looked at it only in terms of the exterior appearance and not the public consideration of using public dollars to fund part of that. The current location signage was funded solely by the Larson’s and that would be the only difference.

Commissioner Tibke moved to approve Storefront Improvement application by Larson’s Creative Concepts for 216 W Main at a 50% match rate to the actual investment, for up to \$13,533 in matching funds, to be provided as a forgivable loan upon project completion. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: No; Commissioner Tibke: Yes; Commissioner Laber: No; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

*iii. Memorial Highway Storefront & Landscape Improvement Program proposal.*

This request comes from the Mandan Tomorrow Leadership, Pride and Image Committee who had sought private funding for the creation of a program such as this earlier this year through the Bush Foundation Community Innovation Grant program. Subsequently, the Committee learned it did not make the finals for that program. It then presented requests for support to the Community Beautification Committee and the Mandan Architectural Review Commission who each passed motions of support at their meetings earlier this summer. This program is proposed as a means of improving Mandan’s overall competitiveness for business expansion, attraction and retention of residents and visitors to the area. Input received from a commercial real estate agent round table to public surveys indicate that the condition of some properties in that area presents a negative image and in need of improvements. This program is proposed as a means of improving Mandan’s overall attraction of businesses and retention of residents and visitors. The Mandan Growth Fund (MGF) discussed these aspects and it was unanimous in support for the idea of establishing a program but it was a matter of what the parameters should be. Their consensus was to focus funding more directly on Memorial Highway itself and then 46<sup>th</sup> Avenue north of 21<sup>st</sup> Street and 40<sup>th</sup> Avenue north of 19<sup>th</sup> Street. The MGF felt that if \$30,000 was the amount available for downtown funding, then that same amount should be available for this district. Thus \$30,000 maximum per project was the level recommended.

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There was discussion on whether any certain amount should be set aside within the MGF that is available for economic development or whether it should compete with other types of applications on a first-come first-serve basis. They were in favor of setting aside \$200,000 for this program with the idea that any future funding for it would be reviewed after that. The program would be subject to annual review. In summary, there were three key recommendations: (i) the boundaries being the Memorial Highway 46<sup>th</sup> Avenue SE north of 21<sup>st</sup> Street SE and 40<sup>th</sup> Avenue SE, north of 19<sup>th</sup> Street SE; (ii) \$30,000 per project and (iii) \$200,000 being set aside within the MGF. More detailed parameters are detailed within the proposal itself. Landscaping will also be more of an emphasis in the Memorial Highway project than has been with other projects. Director Huber indicated that there have been five inquiries of which some may be not be eligible based on parameters that have been presented but that was with very limited based on grant applications being made. However, with adequate publicity about this program being made available in the future to establish such, it is anticipated there will be a strong level of interest. At this time it is felt that \$200,000 is an adequate amount to get the program started and that amount may increase in the future depending on the interest in the program by the community.

Commissioner Tibke moved to approve the Memorial Highway Storefront & Landscape Improvement Program proposal with boundaries as indicated, a maximum of \$30,000 in matching funds per project and to set aside \$200,000 for the program in the Mandan Growth Fund. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Presentation by Eide Bailly for the City's 2013 Audit.* Katie Moch, CPA, Eide Bailly stated that the City of Mandan's 2013 Audit of City's Financial Statements, Internal Controls and Federal Awards has been completed. The opinion of the financial statements is included in the independent auditor's annual report. Eide Bailly's opinion was unmodified pending opinion on the financial statements which indicates the financial statements have been prepared using generally accepted accounting principles (GAAP) and do not contain material misstatements and are prepared fairly. The City is also required to have an audit of its federal awards programs which is in accordance with the audit and the City received an unmodified opinion in compliance with the major federal funding award program, commonly referred to as a single audit. A copy of the 2013 audited financial statements is available on the City's website.

Commissioner Laber moved to accept the City of Mandan's 2013 audit as performed by Eide Bailly. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider request for written qualifications from professional architectural firms for facility needs analysis.* City Administrator Neubauer stated discussions on facility needs are on-going. What is being asked of the Commission is permission to approve a request for qualifications for professional architectural firms for services related to

facility needs analysis for the City of Mandan. He stated that the City would like to firm up the cost estimates for City Hall renovations, improvements or building new; along with a new Fire Station on the north side of Mandan. The Mandan Sales Tax Committee held a facility focus meeting on August 13, 2014 to gather input from a cross section of community members and stakeholders on capital improvement projects of which about 65% supported a sales tax increase. Projects receiving the most support were a new indoor hockey area, a new or improved City Hall and a fire station in north Mandan. Advertising for this would be published in the Mandan News on September 5<sup>th</sup> and 12<sup>th</sup> with anticipation of receiving responses by September 23<sup>rd</sup>. The top three firms and/or candidates would be interviewed between September 23<sup>rd</sup> and October 1<sup>st</sup> with a recommendation before the City Commission on October 7<sup>th</sup>. Administrator Neubauer requested approval to proceed with gathering qualifications by contacting all the architectural firms in the area to make sure they are aware of the advertisement and it will also be posted on the City of Mandan's website.

Commissioner Rohr moved to approve the request for written qualifications from professional architectural firms for facility needs analysis. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

J. RESOLUTIONS AND ORDINANCES:

1. *Consider for approval update of Planning and Zoning Fees.* Robert Decker, Principal Planner stated that the Planning and Zoning fees have not been adjusted for a period of time. Morton County adjusted theirs in the fall of 2013 thus a similar schedule has been prepared for the City of Mandan based on Morton County and the City of Bismarck's more comprehensive plan. The fees proposed match the costs incurred by the City of Mandan in staff time to adequately look at projects plus implementing fees for reviews that currently are not assessed a fee. The proposed costs represent what is actually incurred to review an application. Commissioner Braun moved to approve the request for the update of Planning and Zoning Fees. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Second Consideration of Ordinance 1190 Big Sky Estates Rezoning.* Commissioner Tibke moved to approve the Second Consideration of Ordinance 1190 Big Sky Estates Rezoning. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: No; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider approval of Resolution Approving Contract and Contractor's Bond for Street Improvement District 190, Project 2014-02 (Keidel's South Heart Terrace 3<sup>rd</sup> Addition).* Planning & Engineering Director Froseth stated that a Special City Commission meeting was held on August 7, 2014, to consider the low bid for Street Improvement District 190 Keidel's South Heart Terrace 3<sup>rd</sup> Addition. Absent at that time

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within the verbiage of the motion was to approve the Contract and Contractor's Bond although the project was approved. This is an item to approve the resolution approving the Contractor and Contractor's Bond.

Commissioner Tibke moved to approve the Resolution Approving Contract and Contractor's Bond for Street Improvement District 190, Project 2014-02 (Keidel's South Heart Terrace 3<sup>rd</sup> Addition). Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Consider approval of Ordinance 1191 Plainview Heights Annexation.* Robert Decker, Principal Planner stated this matter relates to Consent Agenda Item No. 2 which was the approval of the plat of Plainview Heights 15<sup>th</sup> Addition annexation of that area. The area needs to be annexed so the plat can be recorded.

Commissioner Rohr moved to approve Ordinance 1191 Plainview Heights Annexation. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Laber: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

5. *Consider approval of Ordinance 1187 Lakewood Commercial Park rezoning.* Commissioner Tibke moved to approve of Ordinance 1187 Lakewood Commercial Park rezoning. Commissioner Laber seconded the motion. Roll call vote: Commissioner Rohr: Absent; Commissioner Tibke: Yes; Commissioner Braun: Yes; Commissioner Laber: Yes; Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS

There being no further actions to come before the Board of City Commissioners, Commissioner Tibke moved to adjourn the meeting at 6:30 p.m. Commissioner Braun 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