

AGENDA
MANDAN CITY COMMISSION
DECEMBER 7, 2010
ED "BOSH" FROELICH MEETING ROOM
5:30 P.M.
www.cityofmandan.com

- A. ROLL CALL:
1. Roll call of all City Commissioners and Department Heads.
- B. MINUTES:
1. Consider approval of the following minutes from the Board of City Commission meetings:
 - i. October 27, 2010 Special Meeting – Working Session
 - ii. November 16, 2010 Regular Meeting
- C. PUBLIC HEARING:
1. Public Hearing to consider a 5-Year Ad Valorem tax exemption for Windriver Properties
- D. BIDS:
- E. CONSENT AGENDA:
1. Consider appointment to Civil Service Commission
 2. Consider approval of Lakewood 6th Addition.
 3. Consider approval of abatement for Stacey Geiger – New construction
 4. Consider personnel actions
 5. Consider amending the Water Treatment Plant (WTP) 2010 Budget
 6. Consider amendment to the Indigent Defense Services contract
- F. OLD BUSINESS:
- G. NEW BUSINESS:
1. Consider an extension of the Joint Powers Agreement between Mandan Public School District and The City of Mandan related to the future of the former Mandan Jr. High building.
 2. Introduction of a new police officer – Jonathen Lahr
 3. Consider Growth Fund Committee recommendation for Storefront Improvement application — 118 E Main — Julie Haibeck (The Golden Comb)
 4. Consider Growth Fund Committee recommendation for appointment to membership
 5. Consider approval of Liquor License from Individual Partnership to a Corporation for The Rice Bowl (Lynco Enterprises Co., Ltd.)
 6. Consider the creation of a Municipal Court portfolio and commissioner assignment.



*Agenda
Mandan City Commission
December 7, 2010
Page 2 of 2*

H. RESOLUTIONS & ORDINANCES:

1. Consider second and final reading of Ordinance No. 1087 Zone Change for TSM Investments Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Municipal Code relating to District Boundaries and Zoning Map

I. OTHER BUSINESS:

J. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. December 21, 2010
2. January 4, 2011
3. January 18, 2011 (5 p.m. start)

K. ADJOURN

Departmental planning meeting will be held the Monday prior to the Commission meeting, all Commissioners are invited, noon, Dykshoorn Conference Room. Please notify the city administrator by 8:30 a.m. that Monday if you plan on attending. If more than two commissioners plan on attending, proper public notice must be given.

The Mandan City Commission met in special working session at 4:30 p.m. on October 27, 2010 at the Lakewood Fire Station No. 2, 2009 40th Ave SE, Conference Room. Commissioners present were Helbling, Tibke, Rohr, Frank, and Jackson. Department Heads present were Finance Director Welch, City Attorney Brown, City Administrator Neubauer, and Business Development Director Huber. Citizens present were Dwight Cook, Wayne Papke and Dustin Gawrylow

NEW BUSINESS:

1. Discussion: (time frames are tentative and are provided as an outline only)

i. *Funding alternatives for new development infrastructure*

Commissioners reviewed how various communities in North Dakota fund infrastructure costs for new residential developments. Those communities included Bismarck, Dickinson, Fargo, Jamestown, Mandan and Williston. Communities use a combination of funds including sales tax, utility funds, general property taxes, special assessments, general property tax and some costs which are paid for at the front end by the developer. Concern stems from the amount of debt that has accumulated related to new residential development in the past ten years. City staff was asked to research what steps would need to be taken in order to possibly mirror Bismarck's policy.

ii. *Tax Incentives & Economic Development*

A survey of the eleven largest cities in North Dakota related to business incentives was reviewed. Those cities include Bismarck, Devils Lake, Dickinson, Fargo, Grand Forks, Jamestown, Mandan, Minot, Valley City, Wahpeton, West Fargo and Williston. Based on a review of this information it would appear that each community has a different set of guidelines if they have guidelines. City staff was asked to review the policy that West Fargo has adopted for property tax exemptions and bring that information back to the Board for their consideration.

Discussion was had regarding the need for additional retail and in turn how additional retail generates sales tax which is utilized to offset property taxes and pay for infrastructure. Additional discussion will be held at a later date regarding this issue.

iii. *Budgetary issues upcoming years*

Discussion was held regarding the increasing of cost of providing the health insurance in the manner set in city ordinance and its implication on subsequent year's budgets. At this time it is unsure what effects the federal health insurance legislation will have upon the city's health care provider. At this time it appears there are negative consequences if the city would change the manner in which it provides health insurance coverage. Human resources will research this topic and bring back additional information to the commission for its consideration.

iv. *Leadership Code*

An example of a Leadership Code for Elected Officials was presented to the Board for its consideration. Due to the lateness of the hour the commission opted to review the proposed document and forward any suggested changes to Administrator Neubauer for discussion at a later date.

There being no further actions to come before the Board, Commissioner Tibke moved to adjourn the meeting at 8:33p.m. Commissioner Rohr seconded the motion. The motion received unanimous approval of the Board members present and the meeting adjourned.

James Neubauer,
City Administrator

Timothy A. Helbling,
President, Board of City
Commissioners

The Mandan City Commission met in regular session at 5:30 p.m. on November 16, 2010 in the Ed “Bosh” Froehlich Room at City Hall. Commissioners present were Helbling, Tibke, Rohr, Frank and Jackson. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Fire Chief Nardello, Business Development Director Huber, Engineering Project Manager Bechtel, and City Assessor Barta. Director of Public Works Wright was absent.

MINUTES: *Consider approval of the minutes for November 2, 2010 meeting of the Board of City Commissioners.* Commissioner Jackson moved to approve the minutes as presented. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present.

PUBLIC HEARING:

1. *Public Hearing on the Memorial Highway Corridor Study and Consideration to receive the study.* Bob Shannon, the project manager for Kadrmas, Lee and Jackson Engineering firm reviewed with commission members the Mandan Memorial Highway Corridor Study. Based on the input from the public received and the information available five areas were analyzed:

- i. Market Study Update (from 2003)
- ii. Land Use
- iii. Environmental
- iv. Drainage
- v. Traffic Operations and Access

Shannon stated that the Market Analysis does not appear to support big box retail and that continued mixed use development appears to be the best alternative. There were 21 zoning recommendations. The Zoning Review included review of: Eliminating over zoning; Revise existing Gateway and Memorial Highway Overlay District; Rezone Twin City Estates from light industrial to mobile home residential. He stated that he believes that the most beneficial part that came out of the study involved the recommendations for managing land use transitions by staying within the zoning “like” zoning perimeters of heavy industrial > light industrial; heavy commercial > light commercial; multi-family > single family.

He further explained that the environmental review focused on equitable distribution of burdens and benefits to groups such as minorities and economically disabled areas. The Drainage Analysis includes a recommendation for an underground storm system and to provide for a clean up of the ditch by having proper drainage.

Shannon stated that the Memorial Highway plan outlines a 5-lane roadway, 2-mile route that includes highway road improvements, walking and biking pathways and traffic flow improvements. He said that the plan allows for a reduction of driveways from 100 down to 76 along that route. Roundabouts were considered but ruled out due to public comment being against putting in roundabouts. However one roundabout recommendation is part of this plan to be at 3rd Street and 24th Avenue where it will assist with the flow of traffic

after events. A roundabout is a self-maintaining alternative as an aid to eliminating traffic lights or stop signs. A part of the plan addresses how permanent easements and temporary construction easements will be needed to realign roadways. Shannon reviewed the results of a recent Messenger Poll that went out to residents with a recent water billing: *Do you generally agree or disagree with the recommendations for the reconstruction of Memorial Highway?* The poll showed that 37% were in agreement and 54% disagreed. Shannon reviewed a projected cost update for the project. He stated that the costs for Memorial Highway have not changed, but additional costs for elements in the corridor study are costs that they didn't have before. Examples of those costs would be for Robin Trail extension; Twin City Estates sidewalk; Ft. Lincoln Trolley extension (a private operation and highly unlikely to be financially feasible).

Shannon outlined the project schedule:

- Mandan City Commission receive the Corridor Study Report
- BMMPO Policy Board consider receiving final Corridor Study Report (12/21/10)

Written questions or comments are to be submitted by 12/1/10 to: Bob Shannon, KL&J, 128 Soo Line Drive, Bismarck, ND 58501 or bob.shannon@kljeng.com or www.mandanmemorialhighway.com.

Mayor Helbling opened the floor for public comments.

Dwayne Wahl, a Mandan resident and a family-owned business owner for 28 years came forward to speak. He stated that he is currently paying @ \$37,000 in special assessments for improvements on his property. He expressed his concern that he and other business owners in that area will possibly consider re-locating their businesses due to future costs of this project if it goes through. He indicated he would not be in favor of the expenses connected to walking or biking tracks simply because the businesses in this area bring in vehicle traffic, not biking or walking clientele.

Scott Berger, a Mandan resident and property owner came forward to speak. He concurred with the remarks brought forward by Dwayne Wahl. He questioned if it would be possible to put together a cost analysis of what costs will be assessed and how they will be assessed.

Alan Thompson, from Central Dakota Cyclists came forward to speak and stated that he was the one who provided some written comments previously to KL&J. He is in favor of looking at the aspect of providing a safer highway. He agreed with the proposed outline of the plan to keep commuters away from traffic and that there is also a path for the slower people.

Bob Shannon provided one additional comment that he neglected to point out during his presentation. He stated that before the commencement of the project, there will have to be environmental clearances, in the form of public hearing and public input comments. In addition the City will have to look at plans for funding this project. In short, there are a lot of activities that the City will have to start doing over the next several years before

any kind of engineering project will begin. He indicated that with the expectations that transportation money will become available, it would be advisable to start financial planning in advance of the decisions that will be eventually needed to be made regarding this project.

Commissioner Tibke inquired as to how the process would work if the plan were to move ahead and cost adjustments had to be made under certain circumstances. Shannon addressed this question stating that the cost estimate table does split out costs as funded under individual items. The plan will include the project being done in different phases as it moves forward. Additionally, enhancements have been separated out from the project costs that will be mandated. Shannon stated that some improvements included within the plan are flexible and can be tailored to work within the City's budget. Shannon explained that by "receiving" this plan the City is not bound to any commitment at this time. It merely is allowing the City an opportunity to review the plan and decide what may or may not be best for the community.

Commissioner Frank commented that she is pleased with the draft plan outline and that it provides alternatives and opportunity for growth development for Mandan. She is in agreement with "receiving" the plan at this time rather than "adopting" it.

Mayor Helbling asked for any additional comments from the public or commission members. Hearing none, this part of the public hearing was closed.

Mayor Helbling commented that it would be to the City's advantage to consider setting aside money for the Memorial Highway Corridor Project. Memorial Highway is a state highway therefore the state is responsible for its maintenance. However, we need to plan for that part of the project and how it will affect the City of Mandan. He reiterated the importance of taking into consideration the input provided by business owners. Mayor Helbling commended the people involved in putting this plan together and now the City Commission can begin digesting the plan and move forward with how it will best suit the needs of the residents, business owners and taxpayers.

Commissioner Jackson moved to receive the Mandan Memorial Highway Corridor Report as presented. Commissioner Rohr seconded the motion.

Commissioner Jackson stated that he has a conflict of interest with the firm of Kadrmas, Lee and Jackson, (the preparers of the report), because of a relative who worked on the report and that he personally knows some of the employees within that firm. However, he does not have any financial interest related to the plan. Mayor Helbling stated that taking into consideration the conflict of interest as outlined, Commissioner Jackson is allowed to vote on the subject matter.

Roll call vote: Commissioner Rohr: Yes, Commissioner Tibke: Yes; Commissioner Jackson: Yes; Commissioner Frank: Yes; Mayor Helbling: Yes. The motion carried.

BIDS:

CONSENT AGENDA:

1. *Consider closing Administrative offices the day after Thanksgiving.* The Board approved closing Administrative offices the day after Thanksgiving.
2. *Consider approval of monthly bills.* The Board approved of the monthly bills.
3. *Consider games of chance for Mandan FFA Alumni-WIC Fundraising for November 20th to November 21st, 2010.* The Board approved of games of chance for Mandan FFA Alumni-WIC Fundraising for November 20th to November 21st, 2010.
4. *Consider a request for a street closure on November 27th for Santa's Arrival.* The Board approved of the request for a street closure on November 27th for Santa's Arrival.
5. *Consider approval of TSM Investments Addition Zone Change. (First reading of Ordinance 1087.)* The Board approved of the TSM Investments Addition Zone Change. (First reading of Ordinance 1087.)
6. *Consider for approval the Abstract of Votes cast by the Voters of City of Mandan in the Consolidated General Election held the 2nd day of November A.D. 2010.* The Board approved of the Abstract of Votes cast by the Voters of City of Mandan in the Consolidated General Election held the 2nd day of November A.D. 2010.
7. *Acceptance of a PSIC Grant in purchasing six (6) Mobile Radio's for the Mandan Police Department.* The Board approved of a PSIC Grant in purchasing six (6) Mobile Radio's for the Mandan Police Department.

9. *Consider proclaiming the week of November 14-20, 2010 as Hunger and Homelessness Awareness Week.* The Board approved proclaiming the week of November 14-20, 2010 as Hunger and Homelessness Awareness Week.

Commissioner Jackson moved to approve the Consent Agenda items 1 through 7 and item No. 9 as presented. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present.

City Assessor Barta requested Consent Agenda No. 8 be removed for discussion:

8. *Consider the following abatements:*
 - i. *Sylvester Foote – Disabled Veteran Exemption:* The fiscal impact should be \$1,341 – the form indicated \$2,556, listed as \$137,200 which would be \$72,000 and improvements that were made is \$65,200 because they only get the exemption up to the first \$120,000. The other one was calculated incorrectly. This is the only correction that needs to be made.
 - ii. *Marlene Gomke – Wheelchair Exemption*
 - iii. *Brandon Leingang – Reevaluation*
 - iv. *Gary Weiler – New Construction*
 - v. *Joe & Agnes Wingerter – Blind Exemption*
 - vi. *Zachary Brown – Disabled Veteran*

Commissioner Frank commented as follows: One of the properties that was re-evaluated was purchased at a price that was less than it currently was assessed at. She requested Assessor Barta explain the difference between the value of the home and the sale price of the home and how that is figured into assessments. Barta stated: “Basically when

somebody questions our value, the first thing we always do is go back through the individual's house and make sure our data is correct. After that we turn around and use our program and we run if there is any information that has changed, we run the program and we come up with a value. If they purchase the property for \$310,000 the end value came out to \$320,000 and since it was fairly close we stay with the \$310,000." For clarification purposes, Commissioner Frank indicated that we try to stay within 95% of the market value of the home when we assess it. Barta stated that her clarification is correct. However, if a home is purchased at a "steal price" that does not necessarily mean that is the valuation placed on the home. If there is an appraisal on the home, we review the appraisal but that does not mean we are going to accept it. In summary, it is based on the market value of the home and we try to be as accurate and consistent as possible to reflect that amount.

Commissioner Rohr moved to approve the abatements as corrected in No. 8(i) and 8(ii-vi) as listed. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes, Commissioner Tibke: Yes; Commissioner Jackson: Yes; Commissioner Frank: Yes; Mayor Helbling: Yes. The motion carried.

OLD BUSINESS:

1. *Consider letter to be sent to legislators regarding texting and driving.* Pursuant to a previous directive from this Board, Police Chief Bullinger provided a draft copy of a letter addressed to the Mandan legislators for District 30, proposing a state ban on texting while driving.

Mayor Helbling stated that he is supportive of the letter as drafted by Chief Bullinger and that he suggests, that if in agreement by all members, that a letter in support also be sent on behalf of the City Commission.

Commissioner Tibke stated that she does not agree with Chief Bullinger's letter. It is her opinion that she would favor a proposal to initiate a statewide use of a "hands-free" wireless device (i.e. blue tooth) thereby eliminating cell phone dialing actions as well and not just limit the proposal to texting while driving. Commissioner Rohr concurred that the dialing action and texting both require a certain amount of distraction and the general populous would have to get used to that technology.

Mayor Helbling commented that it is important that consistency (with the Bismarck ordinance) in fines and enforcement is a key factor for consideration so that the citizens traveling between the two cities and within the state are held to the same/similar standard. He stated that he would not be in favor of Mandan attempting to create an ordinance that would be something different than what Bismarck has enacted. He stated that this subject is one that should be referred to the Morton Burleigh Bismarck Mandan (MBBM) Committee for discussion and possible resolution.

Commissioner Tibke stated she would be in agreement with forwarding this matter to the MBBM and the local legislators if the Commission determines they want to move forward with pursuing this matter.

Commissioner Frank mentioned that the National Safety Council recommends refraining from phone usage at all times while driving. She believes this matter is serious enough to continue discussion and resolution either at the city or state level or both.

Commissioner Jackson motioned to table sending the letter to legislators on texting while driving in order to allow Commissioner Tibke the opportunity to present a proposal to the MBBM Committee. Commissioner Rohr seconded the motion.

Commissioner Jackson stated that his recommendation to refer this matter to the MBBM comes from the suggestion that was presented tonight to ban all use of cell phones while driving rather than just limiting the ban to texting while driving; and to suggest the use of a hands free device while driving. The motion received unanimous approval of the members present.

NEW BUSINESS:

1. *Consider recommendation from the Selection Committee reviewing proposals for regarding former Mandan Jr. High.* Jim Neubauer, City Administrator, reported that the Mandan School Board recently rejected the proposals from CommunityWorks North Dakota and from Erling Haugland to purchase the former junior high building. The School Board will be keeping the facility until a determination is made on enrollment.

Commissioner Jackson moved to approve the recommendations from the Selection Committee rejecting all the proposals regarding the former Mandan Jr. High. Commissioner Tibke seconded the motion. Commissioners Rohr, Tibke, Jackson and Helbling voted in favor of the motion. Commissioner Frank voted in opposition of the motion. The motion passed.

RESOLUTIONS & ORDINANCES:

1. *Consider first reading of Ordinance No. 1087 Zone Change for TSM Investments Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Municipal Code relating to District Boundaries and Zoning Map.* Commissioner Jackson moved to approve the first reading of Ordinance No. 1087 Zone Change for TSM Investments Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Municipal Code relating to District Boundaries and Zoning Map. Commissioner Frank seconded the motion. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes, Commissioner Tibke: Yes; Commissioner Jackson: Yes; Commissioner Frank: Yes; Mayor Helbling: Yes. The motion carried.

OTHER BUSINESS:

1. *Consent Agenda Item No. 9: Consider proclaiming the week of November 14-20, 2010 as Hunger and Homelessness Awareness Week.* Commissioner Tibke stated that there was an event held today at the State Capitol Building regarding the Ruth Meiers Hospitality House. She stated that she would like people in this region to be aware that in Region 7, every night 142 children and 229 adults are homeless. The Ruth Meiers house is in a pinch financially because of increased demands with this issue. She asked the

community to contribute appropriately. Commissioner Rohr said Community Aid is trying to help with this problem as well.

There being no further actions to come before the Board, Commissioner Tibke moved to adjourn the meeting at 6:42 p.m. Commissioner Rohr seconded the motion. The motion received unanimous approval of the Board members present and the meeting adjourned.

James Neubauer,
City Administrator

Timothy A. Helbling,
President, Board of City
Commissioners



Board of City Commissioners

Agenda Documentation

MEETING DATE: December 7, 2010
PREPARATION DATE: November 30, 2010
SUBMITTING DEPARTMENT: Assessing Dept
DEPARTMENT DIRECTOR: Richard L Barta
PRESENTER: Richard L Barta
SUBJECT: 5-Year Ad Valorem Tax Exemption for Windriver Properties

STATEMENT/PURPOSE: To consider a five year tax exemption for a commercial structure pursuant to North Dakota Century Code 40-57.1.

BACKGROUND/ALTERNATIVES: Pat Wachter, Windriver Properties, is asking for an exemption for the construction of a new commercial structure. The Notice to Competitors was published in the November 12th and November 19th editions of the Mandan News. One letter of protest has been received (see attached).

The Mandan Growth Fund Committee reviewed the project during a meeting held October 1, 2010, and voted unanimously to recommend approval of this application.

Also, the County, the School District and the Park District were given notification of this exemption on September 23, 2010 and again on October 26, 2010.

SHORT DISCRIPTION OF PROJECT: Commercial condos/leased space.

OF JOBS TO BE CREATED: Proposing 28 by the year 2015.

This parcel is also known as Lot 3, Block 1, Sylvester's Industrial Park 2nd Addition, on Parcel #8352 at 4518 Memorial Hwy SE.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$13,453 per year.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

Board of City Commissioners

Agenda Documentation

Meeting Date: December 7, 2010

Subject: 5-Year Ad Valorem Tax Exemption for Windriver Properties

Page 2 of 8

RECOMMENDATION: Approval of the requested exemption for Windriver Properties due to meeting all requirements under state statute and by also receiving APPROVAL/DENY from the Mandan Growth Fund Committee.

SUGGESTED MOTION: I recommend a motion to approve the request by Pat Wachter, D/B/A Windriver Properties to receive a five year tax exemption for a newly constructed commercial building due to meeting all criteria under North Dakota Century Code 40-57.1.

**Application For Property Tax Incentives For
 New or Expanding Businesses**

Pursuant to N.D.C.C. Chapter 40-57.1

Project Operator's Application To _____
City or County

File with the City Auditor for a project located within a city; County Auditor for locations outside of city limits.

A representative of each affected school district and township is included as a non-voting member in the negotiations and deliberation of this application.

This application is a public record

Identification Of Project Operator

1. Name of project operator	<u>Windriver Properties</u>		
2. Address of project	<u>4518 Memorial Hwy</u>		
	City <u>Mandan</u>	County <u>MORTON</u>	
3. Mailing address of project operator	<u>PO Box 838</u>		
	City <u>Bismarck</u>	State <u>ND</u>	Zip <u>58502</u>
4. Type of ownership of project	<input type="checkbox"/> Partnership <input type="checkbox"/> Subchapter S corporation <input type="checkbox"/> Corporation <input type="checkbox"/> Cooperative <input type="checkbox"/> Individual proprietorship <input checked="" type="checkbox"/> Limited liability company		
5. Federal Identification No. or Social Security No.	<u>45-0455742</u>		
6. North Dakota Sales and Use Tax Permit No.	_____		
7. If a corporation, specify the state and date of incorporation	_____		
8. Name and title of individual to contact	<u>PAT WACHTER</u>		
Mailing address	<u>PO Box 838</u>		
City, State, Zip	<u>Bismarck</u>	<u>ND</u>	<u>58502</u>
Phone No.	<u>701-663-2600</u>		

Project Operator's Application For Tax Incentives

9. Indicate the tax incentives applied for and terms. Be specific.	<input checked="" type="checkbox"/> Property Tax Exemption <u>5</u> Number of years <u>100%</u> Percent of exemption		<input type="checkbox"/> Payments In Lieu of Taxes _____ Beginning year _____ Ending year _____ Amount of annual payments (attach schedule if payments will vary)
10. Which of the following would better describe the project for which this application is being made:	<input checked="" type="checkbox"/> New business project		<input type="checkbox"/> Expansion of an existing business project

Description of Project Property

11. Legal description of project real property <div style="border: 1px solid black; padding: 5px; margin: 5px 0;">Lot 3 Block 1 Sylvesters Industrial Park 2nd</div>	
12. Will the project property be owned or leased by the project operator? <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Leased If the answer to 12 is leased, will the benefit of any incentive granted accrue to the project operator? <input type="checkbox"/> Yes <input type="checkbox"/> No If the property will be leased, attach a copy of the lease or other agreement establishing the project operator's benefits.	
13. Will the project be located in a new structure or an existing facility? <input checked="" type="checkbox"/> New construction <input type="checkbox"/> Existing facility If existing facility, when was it constructed? _____ If new construction, complete the following: a. Estimated date of commencement of construction of the project covered by this application <u>Nov 2010</u> b. Description of project to be constructed including size, type and quality of construction <div style="border: 1px solid black; padding: 5px; margin: 5px 0;">60x 200 Concrete, Steel, Block & Brick</div> c. Projected number of construction employees during the project construction <u>35</u>	
14. Approximate date of commencement of operations for this project <u>Sept 2011</u>	
15. Estimated market value of the property used for this project: a. Land \$ <u>160,000</u> b. Existing buildings and structures for which an exemption is claimed \$ _____ c. Newly constructed buildings and structures when completed \$ <u>650,000</u> d. Total \$ <u>810,000</u> e. Machinery and equipment \$ _____	16. Estimate taxable valuation of the property eligible for exemption by multiplying the market values by 5 percent: a. Land (not eligible)  b. Eligible existing buildings and structures \$ _____ c. Newly constructed buildings and structures when completed \$ <u>32,500.-</u> d. Total taxable valuation of property eligible for exemption (Add lines b and c) \$ <u>32,500.-</u> e. Enter the consolidated mill rate for the appropriate taxing district <u>.41394 (09)</u> f. Annual amount of the tax exemption (Line d multiplied by line e) \$ <u>13,453.-</u>

Description of Project Business

Note: "project" means a newly established business or the expansion portion of an existing business. Do not include any established part of an existing business.

17. Type of business to be engaged in: Ag processing Manufacturing Retailing
 Wholesaling Warehousing Services

18. Describe in detail the activities to be engaged in by the project operator, including a description of any products to be manufactured, produced, assembled or stored (attach additional sheets if necessary).

Rental of Space for Retail- office - Services
 5-7 Spaces

19. Indicate the type of machinery and equipment that will be installed

20. Projected annual revenue, expense, and net income of the project for each year for the first five years.

Year	2011	2012	2013	2014	2015
Annual revenue	15,000	45,500	63,000	74,100	96,500
Annual expense	38,000	55,000	66,000	68,000	71,000
Net income	(23,000)	(9,500)	(3,000)	6,100	25,500

21. Projected annual average number of persons to be employed by the project at the project location for each year for the first five years and the estimated annual payroll.

Year	2011	2012	2013	2014	2015
No. of Employees (1)	5	10	16	21	28
Estimated payroll (1)	34,000	24,000	40,000	50,000	67,200

(1) - full time
 (2) - part time

Previous Business Activity

22. Is the project operator succeeding someone else in this or a similar business? Yes No *New Project*
23. Has the project operator conducted this business at this or any other location either in or outside of the state? Yes No *New Project*
24. Has the project operator or any officers of the project received any prior property tax incentives? Yes No
- If the answer to 22, 23, or 24 is yes, give details including locations, dates, and name of former business (attach additional sheets if necessary).

1606 43rd Ave SE 1820 40th Ave SE *Maund ND*
 1706 43rd Ave SE

Business Competition

25. Is any similar business being conducted by other operators in the municipality? Yes No

If YES, give name and location of competing business or businesses

Burlington Street Plaza
 Rivarbend Centre

Property Tax Liability Disclosure Statement

26. Does the project operator own real property in North Dakota which has delinquent property tax levied against it? Yes No

27. Does the project operator own a greater than 50% interest in a business that has delinquent property tax levied against any of its North Dakota real property? Yes No

If the answer to 26 or 27 is Yes, list and explain

Use Only When Reapplying

28. The project operator is reapplying for property tax incentives for the following reason(s):

To present additional facts or circumstances which were not presented at the time of the original application

To request continuation of the present property tax incentives because the project has:

- moved to a new location
- had a change in project operation or additional capital investment of more than twenty percent
- had a change in project operators

To request an additional annual exemption for the year of _____ on structures owned by a governmental entity and leased to the project operator. (See N.D.C.C. § 40-57.1-04.1)

Notice to Competitors of Hearing

Prior to the hearing, the applicant must present to the governing body of the county or city a copy of the affidavit of publication giving notice to competitors unless the municipality has otherwise determined there are no competitors.

I, PATRICK WACHTER, do hereby certify that the answers to the above questions and all of the information contained in this application, including attachments hereto, are true and correct to the best of my knowledge and belief and that no relevant fact pertaining to the ownership or operation of the project has been omitted.

Patrick Wachter Signature 8-19-10 Date

In compliance with the Federal Privacy Act of 1974, Public Law 93-579, the disclosure of the individual's social security number on this form is mandatory pursuant to North Dakota Century Code §§ 40-57.1-03 and 40-57.1-07. An individual's social security number is used as an identification number by the Office of State Tax Commissioner for file control purposes and record keeping.

Certification of Governing Body (To be completed by the Auditor of the City or County)

The municipality shall, after granting any property tax incentives, certify the findings to the State Tax Commissioner and Director of Tax Equalization by submitting a copy of the project operator's application with the attachments. The governing body, on the ____ day of _____, 20____, granted the following:

Property Tax Exemption Payments in lieu of taxes

_____ Number of years _____ Beginning year _____ Ending year

_____ Percent of exemption _____ Amount of annual payments (Attach schedule if payments will vary)

_____ Auditor

Board of City Commissioners
Agenda Documentation
Meeting Date: December 7, 2010
Subject: 5-Year Ad Valorem Tax Exemption for Windriver Properties
Page 7 of 8

Public Hearing
1

**Notice To Competitors Of
Hearing On Application
For Property Tax Incentives**
Notice is hereby given that the Mandan City
Commission of Mandan, North Dakota, will
meet at 5:30 p.m. on Dec. 7, 2010 at City
Hall to consider the application of:
Windriver Properties
P.O. Box 838
Bismarck, ND 58502
for property tax relief on the project which
the applicant will use in the operation of:
Rental Retail Space/Commercial Condos
at 4518 Memorial Hwy SE
Lot 3 Block 1 Sylvester's Industrial Park
2nd Addition.
Any competitor of that applicant may
appear and be heard by the Mandan
City Commission at the time and place
designated herein. A competitor may
provide written comments to the governing
body before the scheduled hearing.
This notice is given by the above-named
applicant pursuant to the provisions of
North Dakota Century Code § 40-57.1-03
11/12 & 19 - 4632

Deborah J. Holter
Attorney at Law
P.O. Box 483
Mandan ND 58554

Public Hearing
#1

December 7, 2010

November 1, 2010

Mandan City Commission
Mandan, ND 58554

HAND DELIVERED

RE: Windriver Properties tax exemption

Sir:

This is to register my formal objection to the granting of the tax exemption to Windriver for retail space in that I own The Purse Store in downtown Mandan and by granting this exemption the City would be using tax money to support a competitor to my detriment in violation of the North Dakota Century Code sections providing for this tax exemption.

My retail store sales purses, jewelry and women's accessories. If Windriver does not rent to a store selling the same products I have no objection. But if these products are any part of any of the retail stores rented to by Windriver, I object to the exemption in whole as provided for by the North Dakota Century Code.

If the exemption is granted with the agreement that Windriver does not rent to retail stores selling the same products as my store and, thereafter, Windriver does rent to such an establishment, the agreement allowing the tax exemption must contain language that Windriver will pay all of the taxes exempted for my objection to be withdrawn or modified.

I want to remind the City Commission that we lost five retail establishments in my two block section of West Main this summer and one more will be closing shortly.

Thank you for your time and attention.


Deborah Holter

Please note that my objection continues.

Phone 701 6678894 Email daleks@earthlink.net



Board of City Commissioners

Agenda Documentation

MEETING DATE:	December 7, 2010
PREPARATION DATE:	November 15, 2010
SUBMITTING DEPARTMENT:	Administration
DEPARTMENT DIRECTOR:	Jim Neubauer, City Administrator
PRESENTER:	Jim Neubauer, City Administrator
SUBJECT:	Civil Service Commission Appointment

STATEMENT/PURPOSE: To consider an appointment to the Civil Service Commission.

BACKGROUND/ALTERNATIVES: The Civil Service Commission consists of three members of the public at large. One of the members term has expired, and therefore I am recommending Ms. Kathy Wagner be appointed to another term.

Kathy is a former Mandan resident and now works in the real estate business in the area.

Other members of the Civil Service Commission are Karen Kautzmann, and Rita Lindgren.

ATTACHMENTS: n/a

FISCAL IMPACT: Minimal, each member receives a stipend of \$35/meeting.

STAFF IMPACT: n/a

LEGAL REVIEW: n/a

RECOMMENDATION: I recommend appointing Kathy Wagner to a 5 year term on the Civil Service Commission.

SUGGESTED MOTION: I move to appoint Kathy Wagner to a 5 year term on the Civil Service Commission.



Board of City Commissioners

Agenda Documentation

MEETING DATE: December 7, 2010
PREPARATION DATE: November 23, 2010
SUBMITTING DEPARTMENT: Engineering/Planning
DEPARTMENT DIRECTOR:
PRESENTER: Dave Bechtel
SUBJECT: Consider for approval the final plat of Lakewood 6th Addition.

STATEMENT/PURPOSE: To accept the subject final plat.

BACKGROUND/ALTERNATIVES: Request from Mitzel Builders. A request for a zone change is forthcoming, pending proper notices. This plat was brought before the Planning and Zoning Commission a total of 3 times for discussion, twice as a preliminary plat and once as a final plat. With its the close proximity to the Waste Water Treatment Plant on its immediate south border, the City of Mandan has asked and received a buffer of 300' to restrict any residences from being placed any closer than that 300'. Consideration may be given in the future for commercial or industrial uses in that 300', but as of now we are restricting any building within the buffer. Conversations have also been had with the Engineer about the possibility that the developer will not be allowed to special assess and of the improvements needed for infrastructure due to the concern of the proximity to the plant and the risk that the lots may not sell well. The planning and zoning commission approved the final plat on November 22, 2010.

ATTACHMENTS: 1. Office Report
2. Final Plat
3. Vicinity Map

FISCAL IMPACT: Minimal

STAFF IMPACT: Minimal

LEGAL REVIEW: All of my commission data has been forwarded to the City Attorney for his review.

RECOMMENDATION: This office supports the approval of the subject plat.

SUGGESTED MOTION: I move to approve the Final plat of Lakewood 6th Addition.

Dates of Legal Notices: November 12th & 19th, 2010

Recommendation: The planning office recommends approval.

**MANDAN PLANNING OFFICE REPORT
November 16, 2010**

Applicant: Mitzel Builders, Inc

Owner: Mitzel Builders, Inc.

Developer:

Land Surveyor:

Requested Action: Final plat approval.

Name of Subdivision: Lakewood 6th Addition

Legal Description: A part of Outlot A of Section 1, Township 138N, Range 81W.

Location: west side of 39th Avenue SE, south of McKenzie Drive

Parcel Acreage: 25.67

Number of Blocks: 2 Number of Lots: 26

Preliminary Plat Approval: October 25, 2010

Existing Land Use: vacant (in city limits)

Proposed Land Use: Residential and Agricultural

Adjacent Land Use: Wastewater Treatment Plant, Residential

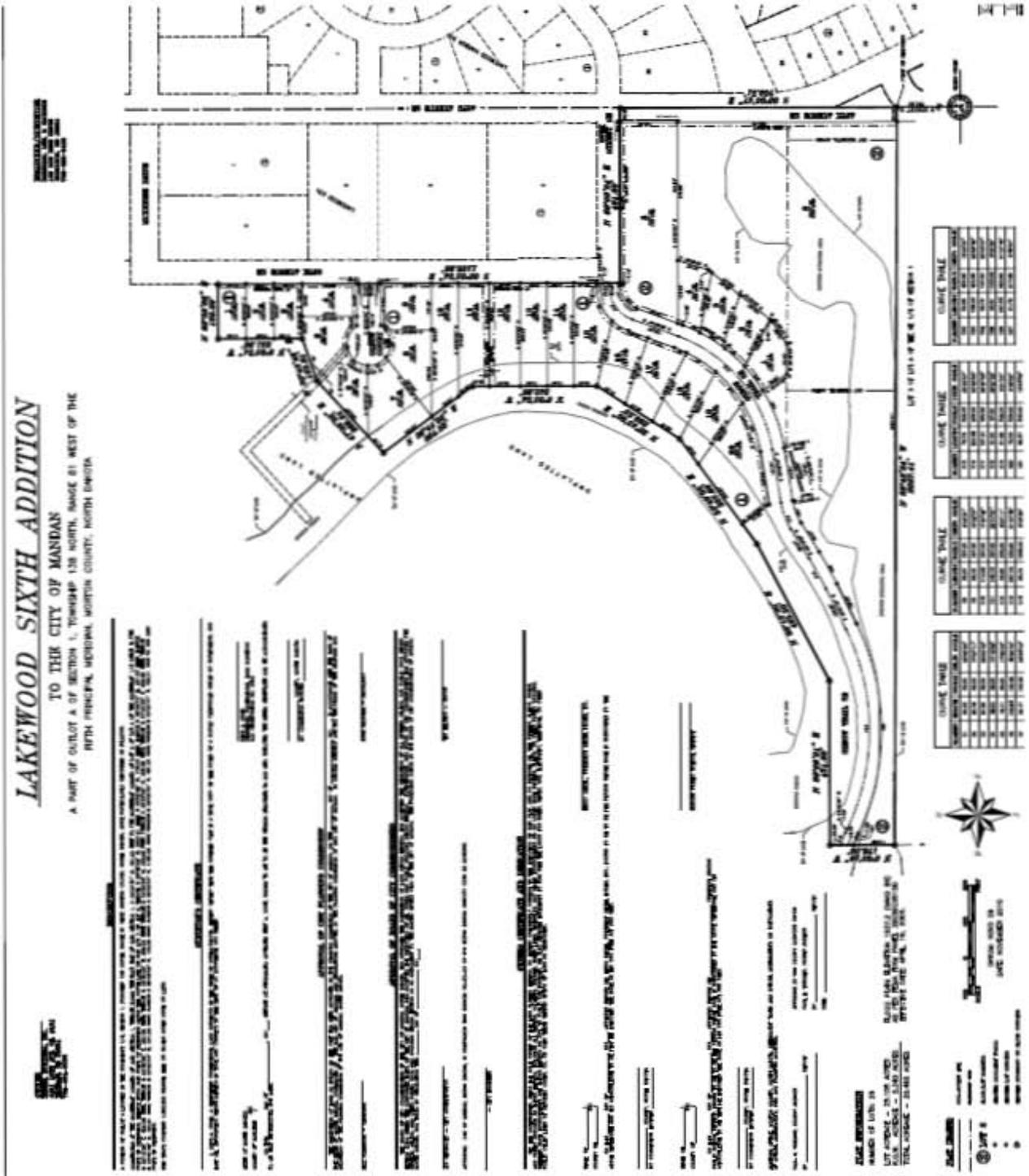
Existing Zoning: A (Agricultural)

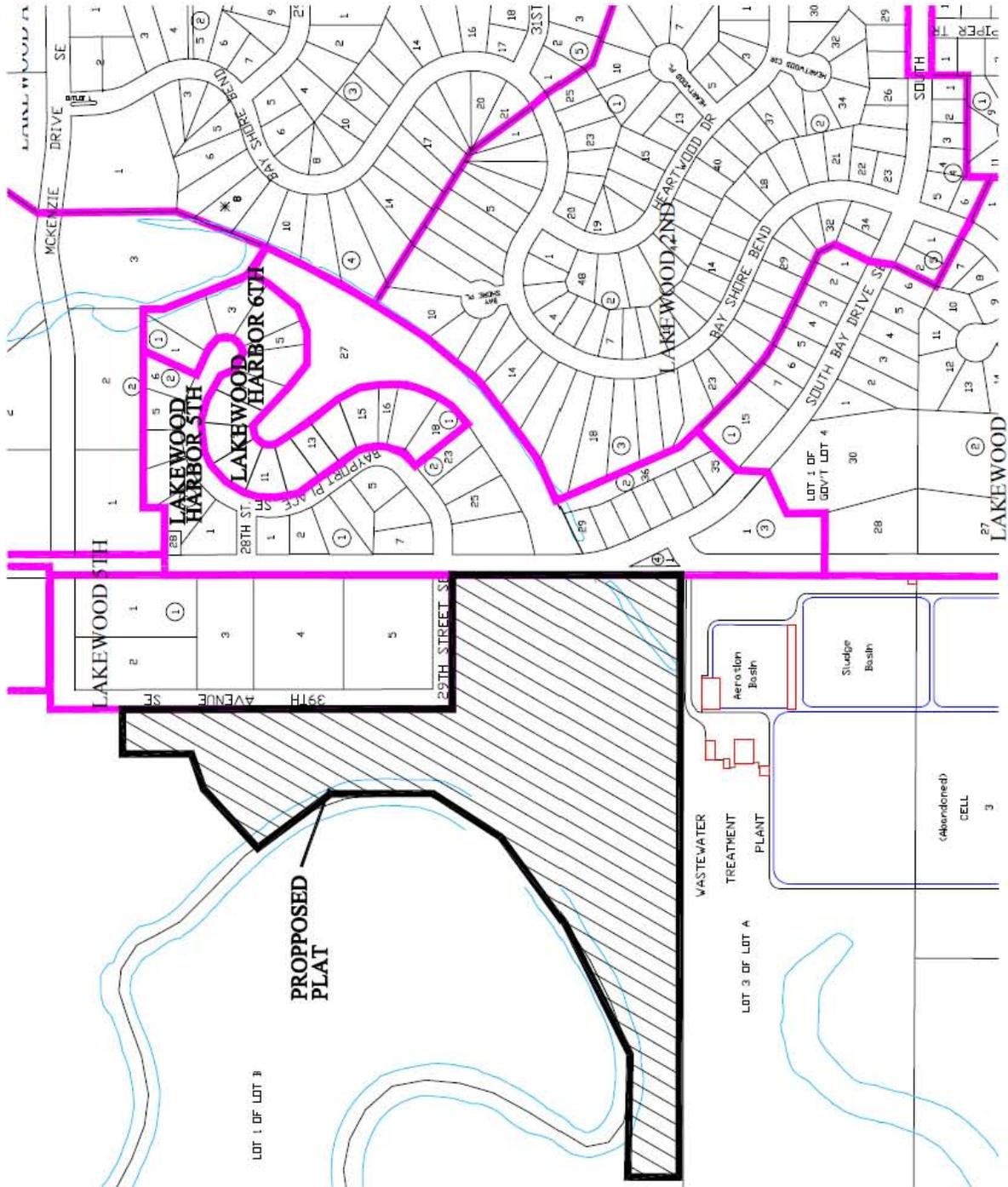
Proposed Zoning: A (Agricultural), R7 (Single Family Residential), RM (Multi-Family Residential).

Adjacent Zoning: A (Agricultural), R7 (Single-Family Residential), RM (Multi-Family Residential).

Fee Required: \$150.00 Date Received: July 30, 2010

Adjacent Property Owner Notification: November 9, 2010







Board of City Commissioners

Agenda Documentation

MEETING DATE: December 7, 2010
PREPARATION DATE: November 30, 2010
SUBMITTING DEPARTMENT: Assessing Dept
DEPARTMENT DIRECTOR: Richard L Barta
PRESENTER: Richard L Barta
SUBJECT: 2-Year Exemption for Stacey Geiger

STATEMENT/PURPOSE: To consider an exemption for new construction of a residential structure for the year 2010.

BACKGROUND/ALTERNATIVES: Ms. Geiger qualifies for an exemption of the first \$75,000 of structure value on a new residential structure.

This parcel is also known as Lot 6, Block 1, Plainview Heights 11th Addition at 2900 Buckskin Rd SE on Parcel #10433.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$ 1,400 with the City losing \$336 of revenue.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval of the requested exemption for an exemption of the first \$75,000 of structure value for the year 2010 on a newly constructed residence due to all qualifications being met.

SUGGESTED MOTION: I recommend a motion to approve the request by Ms. Geiger for an exemption of the first \$75,000 of structure value for the year 2010 on a newly constructed residence due to all qualifications being met.

Application For Abatement And Settlement Of Taxes

North Dakota Century Code § 57-23-04

File with the County Auditor on or before November 1st of the year following the year in which the tax becomes delinquent.

State of North Dakota

County of Morton

Name LONGHORN CONSTRUCTION / *Stacey Geiger*
 Address 2900 BUCKSKIN RD SE
 Legal Description of the property involved in this application

Property ID Number

City 10433

County 65-6103022

Lot: 6
 Block: 3

PLAINVIEW HTS 11TH

Total true and full value of the property described above for the year 2010 is:

Land \$12,500
 Improvements \$77,900
 Total (1) \$90,400

Total true and full value of the property described above for the year 2010 should be:

Land \$12,500
 Improvements *2,900*
 Total (2) *15,400*

The difference of *75,000* true and full value between (1) and (2) above is due to the following reason(s):

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- 2. Residential or commercial property's true and full value exceeds the market value
- 3. Error in property description, entering the description, or extending the tax
- 4. Nonexisting improvement assessed
- 5. Complainant or property is exempt from taxation (Attach a copy of Application for Property Tax Exemption)
- 6. Duplicate assessment
- 7. Property improvement was damaged by fire, flood or tornado (see N.D.C.C. § 57-23-04(1)(g))
- 8. Error in noting payment of taxes, taxes erroneously paid
- 9. Property qualifies for Homestead Credit According to N.D.C.C. § 57-02-08.1 (Attach a copy of Homestead Credit Application)
- 10. Other (Explain) qualifies 2-yr exemption

The following facts relate to the market value of the residential or commercial property described above. For agricultural property, go to question #5.

1. Purchase price of property: \$ _____ Date of Purchase: _____
 Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
 Was there personal property involved in the purchase price? _____ Estimated value: \$ _____
2. Has the property been offered for sale on the open market? _____ If yes, how long? _____
 Asking price: \$ _____ Terms of sale: _____
3. The property was independently appraised: _____ Purpose of appraisal: _____
 Market value estimate: \$ _____
 Appraisal was made by whom? _____
4. The applicant's estimate of market value of the property involved in this application is \$ _____
5. The estimated agricultural productive value of this property is excessive because of the following condition(s): _____

The Applicant asks that _____

By filing this application, I consent to an inspection of the above-described property by an authorized assessment official for the purpose of making an appraisal of the property. I understand the official will give me reasonable notification of the inspection. See N.D.C.C. § 57-23-05.1.

I declare under the penalties of N.D.C.C. § 12.1-11-02, which provides for a Class A misdemeanor for making a false statement in a government matter, that this application is, to the best of my knowledge and belief, a true and correct application.

Signature of Preparer (if other than applicant) _____ Date _____

Stacey A. Geiger 11/24/10
 Signature of Applicant _____ Date _____



Board of City Commissioners

Agenda Documentation

MEETING DATE: December 7, 2010
PREPARATION DATE: November 30, 2010
SUBMITTING DEPARTMENT: Assessing Dept
DEPARTMENT DIRECTOR: Richard L Barta
PRESENTER: Richard L Barta
SUBJECT: 2-Year Exemption for Stacey Geiger

STATEMENT/PURPOSE: To consider an exemption for new construction of a residential structure for the year 2010.

BACKGROUND/ALTERNATIVES: Ms. Geiger qualifies for an exemption of the first \$75,000 of structure value on a new residential structure.

This parcel is also known as Lot 6, Block 1, Plainview Heights 11th Addition at 2900 Buckskin Rd SE on Parcel #10433.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$ 1,400 with the City losing \$336 of revenue.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval of the requested exemption for an exemption of the first \$75,000 of structure value for the year 2010 on a newly constructed residence due to all qualifications being met.

SUGGESTED MOTION: I recommend a motion to approve the request by Ms. Geiger for an exemption of the first \$75,000 of structure value for the year 2010 on a newly constructed residence due to all qualifications being met.

Application For Abatement And Settlement Of Taxes

North Dakota Century Code § 57-23-04

File with the County Auditor on or before November 1st of the year following the year in which the tax becomes delinquent.

State of North Dakota

County of Morton

Name LONGHORN CONSTRUCTION / *Stacey Geiger*
 Address 2900 BUCKSKIN RD SE
 Legal Description of the property involved in this application

Property ID Number

City 10433

County 65-6103022

Lot: 6

Block: 3

PLAINVIEW HTS 11TH

Total true and full value of the property described above for the year 2010 is:

Land \$12,500
 Improvements \$77,900
 Total (1) \$90,400

Total true and full value of the property described above for the year 2010 should be:

Land \$12,500
 Improvements \$77,900
 Total (2) \$90,400

The difference of \$0 true and full value between (1) and (2) above is due to the following reason(s):

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- 2. Residential or commercial property's true and full value exceeds the market value
- 3. Error in property description, entering the description, or extending the tax
- 4. Nonexisting improvement assessed
- 5. Complainant or property is exempt from taxation (Attach a copy of Application for Property Tax Exemption)
- 6. Duplicate assessment
- 7. Property improvement was damaged by fire, flood or tornado (see N.D.C.C. § 57-23-04(1)(g))
- 8. Error in noting payment of taxes, taxes erroneously paid
- 9. Property qualifies for Homestead Credit According to N.D.C.C. § 57-02-08.1 (Attach a copy of Homestead Credit Application)
- 10. Other (Explain) qualifies 2-yr exemption

The following facts relate to the market value of the residential or commercial property described above. For agricultural property, go to question #5.

1. Purchase price of property: \$ _____ Date of Purchase: _____
 Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
 Was there personal property involved in the purchase price? _____ Estimated value: \$ _____
2. Has the property been offered for sale on the open market? _____ If yes, how long? _____
 Asking price: \$ _____ Terms of sale: _____
3. The property was independently appraised: _____ Purpose of appraisal: _____
 _____ Market value estimate: \$ _____
 Appraisal was made by whom? _____
4. The applicant's estimate of market value of the property involved in this application is \$ _____
5. The estimated agricultural productive value of this property is excessive because of the following condition(s): _____

The Applicant asks that _____

By filing this application, I consent to an inspection of the above-described property by an authorized assessment official for the purpose of making an appraisal of the property. I understand the official will give me reasonable notification of the inspection. See N.D.C.C. § 57-23-05.1.

I declare under the penalties of N.D.C.C. § 12.1-11-02, which provides for a Class A misdemeanor for making a false statement in a government matter, that this application is, to the best of my knowledge and belief, a true and correct application.

Signature of Preparer (if other than applicant) _____ Date _____

Stacey A. Geiger
 Signature of Applicant

11/24/10
 Date



Board of City Commissioners

Agenda Documentation

MEETING DATE: December 7, 2010
PREPARATION DATE: November 30, 2010
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Personnel Actions

STATEMENT/PURPOSE: To consider personnel actions.

BACKGROUND/ALTERNATIVES: There are two actions that would require board action:

- 1) Consider upholding the recommendation from the Civil Service Commission regarding the termination of Robert King. The Civil Service Commission held a hearing on November 10, 2010 and issued its findings and recommendations on November 15, 2010. The time period for Mr. King to appeal such findings and recommendations has expired. It is now up to the board to consider its findings and recommendations.
- 2) Consider accepting the resignation/retirement of Gary Zander effective January 14, 2011. Mr. Zander has worked the City of Mandan for roughly 42 years. We shall now begin the hiring process for this position.

ATTACHMENTS: n/a

FISCAL IMPACT: n/a

STAFF IMPACT:

LEGAL REVIEW: Attorney Brown has been involved in the Civil Service Commission recommendation.

RECOMMENDATION: I recommend approving the Civil Service Commission findings and recommendation, and accept the resignation/retirement of Mr. Gary Zander.

SUGGESTED MOTION: I move to approve the Civil Service Commission findings and recommendation, and accept the resignation/retirement of Mr. Gary Zander.



Board of City Commissioners

Agenda Documentation

MEETING DATE: December 7, 2010
PREPARATION DATE: December 1, 2010
SUBMITTING DEPARTMENT: Water Treatment Plant
DEPARTMENT DIRECTOR: Gary Zander, WTP Superintendent
PRESENTER: Gary Zander, WTP Superintendent
SUBJECT: Water Treatment Plant Budget Amendment

STATEMENT/PURPOSE: To consider amending the Water Treatment Plant (WTP) 2010 Budget.

BACKGROUND/ALTERNATIVES: Included in the 2010 WTP budget is \$53,900 for Building improvements. Included in at were 1/2 cost share with Tesoro Refinery to replace the traveling screen, the total cost of the screen was less than the contractors quote. Would like to utilize the unspent funds for the following projects:

Item	Estimated Cost
1. Electric gate for security fence	\$5200
2. Update unit alarm software for remote auto dialer.	\$4192
3. Replace Chlorine feed panel #2 plant	\$3710
4. Purchase a portable lift	\$400
5. Update turbidity meter	\$2500
6. Chlorine test kit	\$420
7. Replace 2 windows	\$2012
8. Snow Plow	\$5600
9. Intake pump Repair	\$8500
 Total	 \$32,534

None of the above items are above \$25,000 and will not require a public bid. However, I will be obtaining 3 quotes for each item where acceptable.

ATTACHMENTS: N/A

FISCAL IMPACT: Estimated cost of these projects is \$32,534. We currently have \$33,631 in the 2010 budget which would cover these costs.

STAFF IMPACT: N/A

LEGAL REVIEW: All commission data has been forwarded to the City Attorney for review

RECOMMENDATION: Permission to use funds in 2010 Capital Outlay Building Improvements fund to do the projects outlined above.

SUGGESTED MOTION: Move to use funds in 2010 Capital Outlay Building Improvements fund to do the projects outlined above.



Board of City Commissioners

Agenda Documentation

MEETING DATE: December 7, 2010
PREPARATION DATE: December 3, 2010
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Indigent Defense Contract Amendment

STATEMENT/PURPOSE: To consider an amendment to the Indigent Defense Service Contract.

BACKGROUND/ALTERNATIVES: The term of the contract for Indigent Defense is set to expire on December 31, 2010. The original contract was dated January 1, 2007. The proposed amendment would only extend the term from January 1, 2011 – December 31, 2014. This amendment does not change the contract amount which is \$36,000/year split 50/50 between the two attorneys.

The court has been pleased with the work of Steven Balaban and Thomas Glass.

ATTACHMENTS: Amendment

FISCAL IMPACT: n/a

STAFF IMPACT: n/a

LEGAL REVIEW: n/a

RECOMMENDATION: I recommend approval of the amendment to the term of the attached contract.

SUGGESTED MOTION: I move to approve of the amendment to the term of the attached contract.

**AMENDMENT TO
INDIGENT DEFENSE SERVICE CONTRACT
SPECIFICATIONS AND PROCEDURES
FOR THE CITY OF MANDAN, NORTH DAKOTA**

This Amendment is made and entered into, effective January 1, 2011, between Steven Balaban, Attorney at Law, and Thomas Glass, Attorney at Law, and the City of Mandan.

The Indigent Defense Service Contract, dated January 1, 2007, as amended is hereby renewed pursuant to Section 4. The contract term is from January 1, 2011 to December 31, 2014.

IN WITNESS WHEREOF, the Parties do hereby execute this Amendment to the Indigent Defense Service Contract of January 1, 2007.

CITY OF MANDAN

BY: _____
Tim Helbling, President
Board of City Commissioners

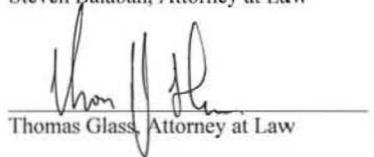
Date: _____

Attest: _____
James Neubauer, City Administrator

CONTRACT ATTORNEYS

BY: 
Steven Balaban, Attorney at Law

Date: 11/10/10

BY: 
Thomas Glass, Attorney at Law

Date: 11/10/10



Board of City Commissioners

Agenda Documentation

MEETING DATE:	December 7, 2010
PREPARATION DATE:	November 30, 2010
SUBMITTING DEPARTMENT:	Administration
DEPARTMENT DIRECTOR:	Jim Neubauer, City Administrator
PRESENTER:	Jim Neubauer, City Administrator
SUBJECT:	Extension of Joint Powers Agreement between the City & School District

STATEMENT/PURPOSE: Consider extending the Joint Powers Agreement with the Mandan School District.

BACKGROUND/ALTERNATIVES: A joint powers agreement was entered into on March 2, 2010 to assist the School District in marketing the former Mandan Jr. High. The agreement was entered into was to allow all of the options available for the future of the former Mandan Jr. High School an airing. The School District has limited options; the City has broader options. The goal would be to optimize the future utilization of the facility.

Recently the two proposals were rejected by the School District and the City Commission. By extending the agreement for two years allows the exploration of all available options to continue. The School District could on its own put the property up for sale or by extending this agreement could chose to have some control over future use of the facility.

ATTACHMENTS:

- Joint Powers Agreement

FISCAL IMPACT: n/a

STAFF IMPACT: n/a

LEGAL REVIEW: City Attorney Brown and Tom Bair, legal representation for the Mandan School District have drafted the original agreement.

RECOMMENDATION: I recommend extending the Joint Powers Agreement

SUGGESTED MOTION: I move to approve an extension of the Joint Powers Agreement between the City of Mandan and the Mandan School District to December 31, 2012.

JOINT POWERS AGREEMENT

THIS AGREEMENT is made as of the _____ day of _____ 2010, between the Mandan Public School District #1 (School District), and the City of Mandan (City).

Preliminary Statement

The School District is a public school district under North Dakota Century Code Chapter 15.1-07. The City is a municipality under North Dakota Century Code title 40. The City and School District have authority to enter into a Joint Powers Agreement pursuant to North Dakota Century Code Chapters 54-40 and 54-40.3 and Article VII, Section 10 of the North Dakota Constitution.

The parties enter into this agreement to provide for the preparation, adoption and implementation of a development and renewal plan for real property owned by the School District known as the former Mandan Jr. High. This plan is governed by the provisions of North Dakota Century Code Chapter 40-58. It is expected that implementation of the plan will result in the transfer of ownership of the former Mandan Jr. High to a third party.

The parties agree as follows:

1. Purpose. The purpose of this agreement is to provide for the preparation, adoption and implementation of a development and renewal plan for the former Mandan Jr. High.
2. Effective Date and Term. This agreement shall become effective as of the above date upon the signatures of the parties and shall continue in effect until completion of the plan by transfer of the ownership of the former Mandan Jr. High, but no later than December 31, 20102.
3. Former Mandan Jr. High. The former Mandan Jr. High is located at 406 4th St. NW, Mandan, North Dakota. The real property subject to this agreement is legally described as All of Block 55, Original Town, now City of Mandan, Morton County, North Dakota.
4. Ownership. The School District is and shall continue to be the owner of the former Mandan Jr. High until ownership is transferred to a third party. The School District will be responsible for all costs of insurance, operation and maintenance of the real property until such transfer occurs.
5. Miscellaneous. This agreement states the entire agreement of the parties and may only be amended or modified in writing signed by all parties.

Board of City Commissioners

Agenda Documentation

Meeting Date: December 7, 2010

Subject: Extension of Joint Powers Agreement between the City & School District

Page 3 of 4

Mandan Public School District #1:

By: _____
Its Board President

City of Mandan:

By: _____
Its Commission President

Actions necessary by the School Board & City Commission relative to the disposition of the former Mandan Jr. High	
DATE	ACTION
Monday, March 01, 2010	→ School Board consider Joint Powers Agreement
Tuesday, March 02, 2010	→ City Commission consider Joint Powers Agreement
Tuesday, March 02, 2010	→ City Commission consider authorizing publication to amend the boundaries of Urban Renewal area
Friday, March 12, 2010	→ Publication of Amendment to Urban Renewal Plan Boundaries & call for Public Hearing
Tuesday, March 16, 2010	→ City Commission Public Hearing to Amend the Boundaries of the Urban Renewal area
Tuesday, March 16, 2010	→ City Commission consider resolution amending the boundaries of Urban Renewal area
Monday, April 05, 2010	→ School Board consider approval to issue Request For Qualifications (RFQ)
Tuesday, April 06, 2010	→ City Commission consider approval to issue Request For Qualifications (RFQ)
Friday, April 09, 2010	→ Publication of RFQ
Friday, May 07, 2010	→ RFQ's due
<i>Dates below are tentative based on RFQ's received</i>	
May 7 – May 21	→ Committee Review RFQ's, Recommendation to School Board & City Commission
Tuesday, June 01, 2010	→ City Commission consider recommendation regarding RFQ's
Tuesday, June 01, 2010	→ School Board consider recommendation regarding RFQ's
	→ Request for Proposals (RFP): Price, Project, Timeline
Friday, July 09, 2010	→ RFP's Due
July 9 – July 23	→ Committee Review RFP's, Recommendation to School Board & City Commission
Monday, August 02, 2010	→ School Board consider committee recommendation
Tuesday, August 03, 2010	→ City Commission consider committee recommendation

New Business 7

Jim Neubauer

From: Wayne Papke
Sent: Friday, December 03, 2010 6:05 PM
To: Jim Neubauer; Sandy Tibke; Commissioner Jackson; Dot Frank; Dennis Rohr; Tim Helbing
Cc: Dustin Gawrylow; North Dakota Policy Council; brenario@policynd.org; brenario@vzw.blackberry.net; 'Curly Haugland'
Subject: Extension of joint powers agreement
Importance: High

What reason other than possible abuse of the power, would there be for extending the joint powers agreement? These are the kind of abuse's that will get acted on in this next legislative session. Please Don't be one of the embarrassing examples they use. We can't absorb the embarrassment in Mandan.

We did everything the school district asked for in the motivation to create the joint powers agreement. Any "re-approach" is belittling the democratic process. We went thru a year long process and we obtained results. If there is another approach someone wants to take, then dissolve this joint powers agreement and recreate a new one. At least you have left the appropriate trail by doing this.

I don't think I can make the Tuesday meeting so I ask you consider my thoughts in your decisions. Thank you.

Wayne Papke



Board of City Commissioners

Agenda Documentation

MEETING DATE: December 7, 2010
PREPARATION DATE: November 17, 2010
SUBMITTING DEPARTMENT: Police
DEPARTMENT DIRECTOR: Chief Dennis A. Bullinger
PRESENTER: Deputy Chief Paul Leingang
SUBJECT: Introduction of Police Officer

STATEMENT/PURPOSE:

Introduction of a new Police Officer to the Board of City Commission.

BACKGROUND/ALTERNATIVES:

Jonathen Lahr, is a graduate from Valley City State University College, with a bachelor's degree in Human Resources and Psychology. He is a 2010 graduate of the Lake Region Law Enforcement Academy. Jonathen is also a member of the U.S. Marine Reserve Military Police Unit, in Wahpeton, ND.

Jonathen is currently in the police departments, Field Training Program.

ATTACHMENTS: N/A

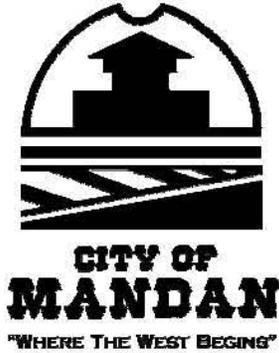
FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: N/A

SUGGESTED MOTION: N/A



Board of City Commissioners

Agenda Documentation

MEETING DATE: December 7, 2010
PREPARATION DATE: December 2, 2010
SUBMITTING DEPARTMENT: Business Development
DEPARTMENT DIRECTOR: Ellen Huber, Business Development Director
PRESENTER: Ellen Huber, Business Development Director
SUBJECT: Growth Fund Recommendation Regarding Storefront Improvement Application

STATEMENT/PURPOSE: To consider a Mandan Growth Fund Committee recommendation for approval of a Storefront Improvement Program application.

BACKGROUND/ALTERNATIVES: The MGF met Nov. 24, 2010, to review Storefront Improvement applications received by a deadline of Nov. 1, 2010.

The committee reviewed and recommends funding of the following application:

- Julie Haibeck (Golden Comb), 118 E Main Street — Total cost of the façade project is estimated at \$22,725 to reface the front and rear of the building. Planned improvements to the front include the addition of a brick/block veneer to cover current filler board (lavender area) around doors and windows, removal of the existing aluminum canopy, and replacement with a new awning made of gold metal roofing material. Improvements to backside include removal of a shed entry to be filled in and cemented, removal of the air conditioning unit, and a new canopy over the door. The rear will be sandblasted to remove the lavender-colored paint. If the sandblasting is not successful, the alternative plan is to paint it a color similar to the brick. An electronic door at the rear of the building also is included. New signs are also planned for the front and rear. The owner plans to keep the east facing side of the building with the sign and lavender wizard and unicorn mural as is.

The Mandan Architectural Review Commission gave preliminary approval of the project contingent upon the front sign being above and behind the awning, but not on the roof of the awning as had been the initial intent. Or an alternate plan for signage may be submitted. Secondly, the discussion and motion for preliminary approval by MARC indicated that if the mural begins to deteriorate that it should be removed, not maintained, unless MARC approval is received.

Additionally, the MGF Committee reviewed and recommends approval with contingencies of three other projects for improvement of 116 E Main, 114 E Main and 112 E Main. These projects are inter-related and linked to a letter of agreement with Western Edge Development for acquisition and redevelopment of 116 E Main, a city-owned property. The projects require additional research and legwork on the part of the applicants. They anticipate having sufficient information for City Commission consideration by the Dec. 21, 2010, meeting.

ATTACHMENTS: Golden Comb application.

FISCAL IMPACT: The recommended matching funds in the amount of \$10,000 will be drawn from \$77,896 remaining available for the Storefront Improvement Program in 2010.

STAFF IMPACT: Minimal. Reimbursement to participants requires a review of actual expenditures by the Business Development Director and inspection by the Building Inspection and Assessing Department. The project has received a preliminary review from the Mandan Architectural Review Commission.

LEGAL REVIEW: The application includes an automatic door as required by an initiated ordinance approved by voters in November 2008.

RECOMMENDATION: The MGF voted unanimously to recommend approval of the Golden Comb application for the maximum \$10,000 in matching funds contingent upon final approval of building and sign plans by the Mandan Architectural Review Commission.

SUGGESTED MOTIONS: I move to approve the Growth Fund recommendation to provide \$10,000 in matching funds for the Golden Comb Storefront Improvement project, contingent upon final approval of building and sign plans by the Mandan Architectural Review Commission.



2009-2010 STOREFRONT IMPROVEMENT APPLICATION

PRIMARY CONTACT INFORMATION FOR THIS APPLICATION

Name: Julie Haibeck
Address: 118-East Main Street
Phone: 663-0555 Fax: 663-0555 - call first
E-mail: j2gold@earthlink.net

Applicant Name:
(name of person/entity to receive grant) Julie Haibeck - The Golden Comb
Property Owner: Julie Haibeck
Property Address: 118-East Main Street
Architect/Firm:
(if applicable) _____

Description of Property

Current tenant(s): Commercial The Golden Comb/Body Rage
 Residential # occupied: X # vacant: _____

Building History (if available): Built 19 - It's been a clothing store, a storage unit, sandwich shop, a thrift store and a furniture store

Total Cost of
façade renovation: \$ 22,725

Forgivable
Loan Amount of
Requested: \$ 10,000

Is the façade renovation part of a larger project?

Yes No, the façade is the only work I am doing

If yes, please describe comprehensive project.

Summary of Existing Condition of Façade: (please attach pictures – Attachment 1)

purple front & Back - 2 old doors & old canopy

Summary of Proposed Scope of Work: (materials, color schemes, etc.) Please attach colorized drawings that include pre- and post- rehab detail, indicating specifically what will be modified and how (Attachment 2). Bids or official estimates from licensed commercial contractors or other providers of needed services and materials are required. (Attachment

2) New canopies, new door, sandblast off all old paint - 2 new signs - Automatic door opener (Back) - Back extension to shop total removed, filled in & cemented - remove air conditioner from Back - dispose of all materials

Historic Character: How will proposed project affect historic character? (if applicable)

NOT

How will your project complement downtown redevelopment efforts? It won't be

purple anymore - IT'LL BLEND

For more information, call Business Development Director Ellen Huber at 701-667-3485.

Signature of applicant: Julie Halesch Date: 11-1-10

Signature of property owner (if different than applicant) Julie Halesch Date: 11-1-10

Special Notices

- 1) Properties are eligible only once to receive Storefront Improvement funds.
- 2) Voters in the Nov. 4, 2008, election in the City of Mandan approved an initiated ordinance that states, "Installation of electric handicap accessible entrance doors are required on every building open to the public that has received public funds in any form whatsoever." Any property receiving Storefront Improvement funds since Nov. 14, 2008, is subject to the requirement. Include an estimate for an automatic door at least for the main entrance if you do not have one.

118 E Main — Golden Comb — viewed from southeast



118 E Main — Golden Comb Building — viewed from north

New sign

my canopy will resemble this one, but gold color

will be covered



canopy likes Ohm's new sign

Sand Blast off



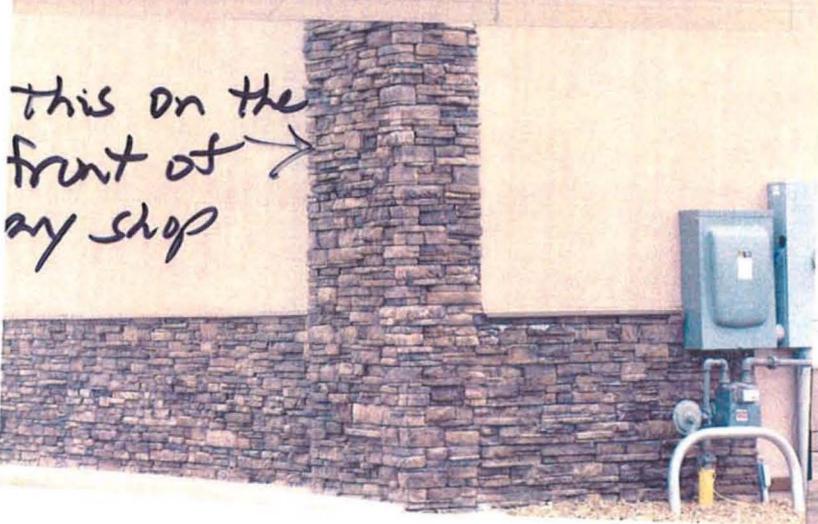
Ohm's new sign & canopy will match the front one

will match the front one

removed filled with cement

NEW DOOR

this on the front of my shop



same



*2009-2010 STOREFRONT
IMPROVEMENT APPLICATION*

**ATTACHMENT 3:
BIDS & COST
ESTIMATES**



PROPOSAL

DATE	NUMBER
11/1/2010	2834

TO:

Golden Comb
 118 East Main Street
 Mandan, ND 58554

DESCRIPTION

Storefront Improvement Project 118 East Main Street, Mandan

Improvements for the Front of the Golden Comb. Remove Existing Overhang and Dispose. Materials and Labor to Build New Canopy Roof 6' x 20'. Metal Roofing and Soffit. Brick/Block Veneer to Cover Filler Board Around Main Floor Doors and Windows. Soffit Lighting and Electric Door Opener.

Building Permit, Framing Materials, Roof Trusses, Framing Labor	5,555.00
Metal Roof Allowance	1,875.00
Metal Soffit Allowance	700.00
Electrical Materials and Labor Allowance	1,200.00
Automatic Door Opener Allowance	1,300.00
Ledgestone Allowance 140 SF	4,200.00
Project Insurance by Owner	

TOTAL	\$14,830.00
--------------	--------------------

Bowers Excavating, LLC

2463 High Country Dr N
Mandan, ND 58554

Estimate

Date	Estimate #
11/1/2010	435

Name / Address
Golden Comb 118 Main St E Mandan ND 58554

Project

Description	Qty	Cost	Total
Demo and removal of shed		2,000.00	2,000.00
Total			\$2,000.00

Customer Signature _____

Proposal
 Bob Schmalz
dba. S & K CONSTRUCTION
 407 7TH Ave NW
 Mandan ND 58554
 Licensed & Bonded No. 9438
 Bob Schmalz 663-6345

PROPOSAL SUBMITTED TO Golden Comb PHONE _____ DATE 11/1/10
 STREET 118 East Main St. JOB LOCATION _____
 CITY, STATE AND ZIP CODE Mandan ND. 58554

WE HEREBY SUBMIT SPECIFICATIONS AND ESTIMATES FOR

to Remove air unit Rear of Building Top of Garbage area	600 ⁰⁰
to Build New Rear Canopy 4'x4' Metal Roofing + Soffit	1000 ⁰⁰
to Install Front Entry to Match Golden Comb Entry	900 ⁰⁰
to Pour Cement Slab Rear of Bldg Removal area 11'x6'	300 ⁰⁰
to Sand Blast Rear of Bldg to Remove 2 Layers Paint	1500 ⁰⁰
<u>option</u> to Paint Rear of Bldg Natural Color	600 ⁰⁰

(Believe Paint wont Come off Brick Completely)

Total \$ 4900⁰⁰

WE PROPOSE HEREBY TO FURNISH EQUIPMENT MATERIAL AND LABOR COMPLETE IN ACCORDANCE WITH ABOVE SPECIFICATIONS, FOR THE SUM OF: DOLLARS (\$ 4900⁰⁰)

PAYMENTS TO BE MADE AS FOLLOWS 1/2 Down 1/2 upon Completion
 AUTHORIZED SIGNATURE Bob Schmalz MUST BE ACCEPTED WITHIN 60 DAYS

ACCEPTANCE OF PROPOSAL _____ SIGNATURE _____
 DATE OF ACCEPTANCE _____ SIGNATURE _____

PERMIT APPLICATION

This design is the property of Bismarck Mandan Sign Pro LLC (dba Sign Pro) and may not be reproduced or copied without written consent from Sign Pro. All rights reserved, © 2010.



- MATERIAL:** 0.080" Solid Aluminum with powder coated surface, 3M vinyl lettering w/outdoor durable print, 0.75" sequins
SIGN SIZE: 36" tall x 144" wide
COLORS: White background, Metallic gold & black lettering & graphics, Mirrored gold sequins applied over gold areas
MOUNTING: Sign will be affixed to metal frame and mounted to building structure as shown above

SIGN PRO
Celebrating 15 Years
MAKING YOUR BUSINESS LOOK GOOD
IS OUR NUMBER ONE PRIORITY.

3900 MEMORIAL HIGHWAY, MANDAN ND 58554
PHONE: 701.663.9765 FAX: 701.663.9766
E-MAIL: SIGNPROND@MIDCONETWORK.COM

GOLDEN COMB

LOCATION: 118 EAST MAIN STREET, MANDAN

DATE: 11.08.10 **PENDING**

SIGN PRO

QUOTATION

Quote Number: 08-80
 Quote Date: Nov 8, 2010
 Page: 1

Voice: 701-663-9765
 Fax: 701-663-9766
 E-mail: signprond@midconetwork.com

3900 Memorial Highway
 Mandan, ND 58554

Quoted To:
Golden Comb 118 East Main Mandan, ND 58554

Customer ID	Good Thru	Payment Terms	Sales Rep
goco	12/8/10	Net 30 Days	Carol Sundberg

Quantity	Item	Description	Unit Price	Amount
1.00	alum	0.080" Aluminum sign 3' x 12', white powder-coated finish, gold & black text & graphics	600.00	600.00
1.00	misc	Sequins, 3/4" gold, to cover gold areas of sign	150.00	150.00
1.00	inst	Installation charge to install sequins on sign	200.00	200.00

Quote approved (signature): _____
 Print name: _____
 Date approved: _____

Subtotal	950.00
Sales Tax	45.00
TOTAL	995.00



Board of City Commissioners

Agenda Documentation

MEETING DATE: December 7, 2010
PREPARATION DATE: November 29, 2010
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Mandan Growth Fund Recommendation – Appointment

STATEMENT/PURPOSE: The Mandan Growth Fund (MGF) passes recommendations for funding assistance to the Board of City Commissioners for consideration and final approval. The MGF recommends approval of the action outlined below; therefore, their recommendation is before the Board of City Commissioners.

BACKGROUND/ALTERNATIVES: The MGF met on November 24, 2010 considered the potential vacancy of one committee assignment. The term of Todd Steinwand expires on December 31, 2010. Mr. Steinwand has served on the committee since 1999, and is interested in continuing his service. Mr. Steinwand works for Wells Fargo Bank and former president of the Mandan branch.

The MGF was informed that Mr. Wayne Papke has expressed an interest in serving on this committee.

ATTACHMENTS: Current listing of MGF Members and Liaisons

FISCAL IMPACT: n/a

STAFF IMPACT: n/a

LEGAL REVIEW: n/a

RECOMMENDATION: The MGF recommends the reappointment of Todd Steinwand to another three year term.

SUGGESTED MOTION: I move to appoint Todd Steinwand to a three year term on the MGF beginning January 1, 2011.

Board of City Commissioners
 Agenda Documentation
 Meeting Date: December 7, 2010
 Subject: Mandan Growth Fund Recommendation – Appointment to the MGF
 Page 2 of 2

<i>Committee Member</i>		<i>Term Began</i>	<i>Term Ends</i>
Dennis Friesz 801 23rd St SE Mandan, ND 58554	(H) 663-2199 (C) 226-8569 (Fax) 663-2199 songman@btinet.net	1 st Term: January 1, 1998 2 nd Term: January 1, 2001 3 rd Term: January 1, 2004 4 th Term: January 1, 2007 5 th Term: January 1, 2010	December 31, 2000 December 31, 2003 December 31, 2006 December 31, 2009 December 31, 2012
Timothy Spilman Chairman 2601 Hwy 1806 South Mandan, ND 58554	(W) 667-9378 (H) 663-4948 tspilman@bis.midco.net tspilman@keitu.com	1 st Term: April 7, 1998 2 nd Term: January 1, 2001 3 rd Term: January 1, 2004 4 th Term: January 1, 2007 5 th Term: January 1, 2010	December 31, 2000 December 31, 2003 December 31, 2006 December 31, 2009 December 31, 2012
Michael J.B. Schaff Schaff Tax & Financial Services, Inc. Mandan, ND 58554	(W) 667-5294 (C) 226-7882 (Fax) 667-5295 mschaff@woodburyfinancial.net	1 st Term: February 16, 2010	December 31, 2012
Todd Steinwand Wells Fargo PO Box 788 Mandan, ND 58554	(W) 222-5136 (Fax) 222-5551 todd.j.steinwand@wellsfargo.com	1 st Term: April 14, 1999 2 nd Term: January 1, 2002 3 rd Term: January 1, 2005 4 th Term: January 1, 2008	December 31, 2001 December 31, 2004 December 31, 2007 December 31, 2010
Jeff Erickson Security First Bank 614 W Main Mandan, ND 58554	W 667-7000 jeff@securityfirstbank.com	1 st Term: January 1, 2009	December 31, 2011
Jay Simes 500 West Main Street Mandan, ND 58554	(W) 663-5870 (Fax) 663-5870 jsimes@midco.net	1 st Term: February, 2007 2 nd Term: January 1, 2010	December 31, 2009 December 31, 2012
Todd Humphrey Starion Financial 109 1 St NW Mandan, ND 58554	(W) 663-6434 (Fax) 667-1663 ToddH@starionfinancial.com	1 st Term: January 1, 2009	December 31, 2011
Rick Horn Morton County Housing Corp 1500 3 rd Ave NW Mandan, ND 58554	(W) 663-7494 (Fax) 663-7495 Rick4hjlmgmt@aol.com	1 st Term: January 1, 2009	December 31, 2011
Annette Behm-Caldwell Open Road Honda 4120 Memorial Highway Mandan, ND 58554	(w) 663-4023 Sales@OpenRoad-Honda.com	1 st Term: February 19, 2008 2 nd Term: January 1, 2009	December 31, 2008 December 31, 2011

In general representatives from Downtown, Memorial Highway, Northeast (Industrial Park) and Financial Institutions should be represented.

----- *Liaisons (non voting)* -----

Tim Helbling, Mayor, City of Mandan 904 23rd Street SE Mandan, ND 58554 (W) 667-7460 corralrv@midco.net	Russ Staiger, BMDA 400 E Broadway Avenue PO Box 2615 Bismarck, ND 58502 (W) 222-5530 (Fax) 222-3843 rstaiger@bmda.org	Greg Welch, CPA Finance Director City of Mandan 205 2nd Ave NW Mandan, ND 58554 (W) 667-3213 (Fax) 667-3223 gwelch@cityofmandan.com	Jim Neubauer City Administrator City of Mandan 205 2nd Ave NW Mandan, ND 58554 (W) 667-3215 (Fax) 667-3223 jneubauer@cityofmandan.com
	Malcolm Brown City Attorney 209 E Broadway Ave P. O Box 2692 Bismarck, ND 58501 (W) 224-8825 mhblaw@btinet.net	Ellen Huber Business Development Director City of Mandan 205 2nd Avenue NW Mandan, ND 58554 Phone 701-667-3215 Fax 701-667-3223 ehuber@cityofmandan.com	Brent Ekstrom LCRDC, Director of Commercial Lending 200 1st Avenue NW Mandan, ND 58554 Phone (701) 667-7624 bekstrom@lewisandclardrdc.org

New Business No. 5

Corporation Liquor License Application

1. Type of License:

Liquor On-Sale _____ Off-Sale _____ Class: A B C D E F (Circle One)

Beer On-Sale X Off-Sale _____ Class: A B C D E F

2. Duration of License: Annual: (July 1, 10 to June 30, 11) Part of Year from: _____, 20 To _____, 20

3. Name of Business Establishment at which license will be used: RICE ROAD RESTAURANT

4. Corporate Identification Information: Please complete all of the following:

- a. Name of Corporation: LYNCO ENTERPRISES CO., LTD
b. Date of Incorporation: _____
c. State of Incorporation: NORTH DAKOTA
d. Amount of Authorized Capital Stock: 50,000
e. Amount of Paid Capital: _____
f. If subsidiary, Name of Parent Corporation: _____
g. Purpose of Incorporation: _____

5. Description of Licensed Premises: Address: 659 W MAIN ST MARION

Legal Description: (Lot & Block): _____ (Also Submit on an attached page a Diagram of the physical layout of the licenses premises including, A minimum: doors, storage areas, & areas where liquor/beer is purchased and consumed.)

6. List Names, Current Addresses, and Dates of Birth, ages & citizenship of all the Officers, Directors, Managers, Agents, and all Persons Holding 1% or more of the Capital Stock in the Corporation. (Note: Separate Notarized List of each individual's Name, Social Security Number and Addresses for last 5 years is required, the Privacy of which will be maintained by City but is required for Background Check-

SAMMI WOL 2209 10 AVE SE MARION IA 7-24-75 USA
FRANKIE HUANG 609 D MAIN ST Marion IA 2-13-79 USA

7. List Names, Current Addresses, Dates of Birth, ages & citizenship of All Persons Who will have charge, management or control of the establishment for which the license is requested. (Note: Separate Notarized List of each individual's Name, Social Security Number and Addresses for last 5 years is required, the Privacy of which will be maintained by City but is required for Background Check:

MC AS ABOVE: HLG

8. Name of individual who is to be in Charge of the Day-to-Day Operations and management of the licensed premises: and will be responsible for complying with the municipal ordinances and state laws covering the operation of the premises:

Name: Michael Williams Address: 2209 10 Ave SE
City: MANDAN State: ND Age: 35 DOB: 1-24-75 Citizenship: USA

If naturalized, give date and Place of Naturalization: 5-9-2000 MANDAN USA ND
5-1-05 - 6-15-07

List all Other Places of Residence within last 5 Years: 2209 10 Ave SE MANDAN ND 58040
6-17-07 - 7-9-10 302 No. 67 SHELBY RD ELLIOTT ND 58041
7-9-10 - PRESENT 2209 10 Ave SE MANDAN ND 58040

9. List the occupations and employers of each of the individuals listed in answer to questions 6, 7 and 8 during the last 5 years. (Use a separate page to answer this question).

10. Ownership/Lease: If licensed premises is owned by Applicant, provide date of purchase. _____
(If licensed premises is leased, attach copy of executed and dated Lease.)

11. Does Applicant certify that all property taxes have been paid to date on the licenses premises?
Yes X No _____

12. Have any of the individuals identified in answer to Questions 6, 7, and 8 ever engaged in the sale or distribution of alcoholic beverages (as an owner, manager, or employee) at a location other than in the City of Mandan at any time prior to this application. Yes: _____ No: X (If yes, explain in detail on a separate page location, type of business and dates of license or employment).

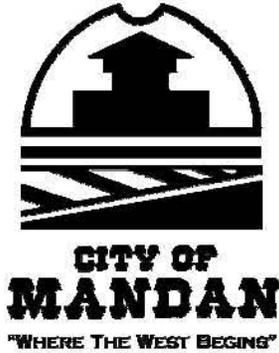
13. Have any of the individuals identified in answer to Questions 6, 7 and 8 ever had a license of any kind (including alcoholic beverage license, other business licenses or motor vehicle license) suspended, revoked or non-renewed by any political subdivision, state or federal agency. Yes: _____ No: X (If yes, explain in detail on a separate page)

14. Have any of the individuals identified in answer to Questions 6, 7 and 8 ever been convicted of a violation of any law of the United States, or of any state or political subdivision, other than minor traffic violations, (but including reckless driving or driving under the influence). Yes _____ No: X (If yes, explain the violation in detail on a separate page.)

15. Do any of the individuals named in answer to questions 5, 6 or 7 have any interest whatsoever in any other liquor establishment, either at wholesale or retail, within or without the state of North Dakota. (The interest which must disclose also includes a right of inheritance by law or by will). Yes _____ No: X
If, yes please explain in detail on a separate page.

16. Does anyone other than the Corporation applying for this alcoholic beverage license or the business owning the premises have any right, estate, or interest in the lease hold, building, or furniture, fixtures or equipment, in the premises for which the license is requested. Yes _____ No: X (If yes, explain in detail on a separate page).

17. Does the Corporation applying for this alcoholic beverage license have any agreement, contract, understanding or intention to have any agreement, contract or understanding, with any person, partnership, or corporation to obtain for any other person, partnership or corporation, or to transfer to any other person, partnership or corporation the license for which this applications is made or to obtain for any other person, partnership or corporation, for any other purpose other than for the specified use of the applicant. Yes _____ No: X (If yes, explain in detail on a separate page).



Board of City Commissioners

Agenda Documentation

MEETING DATE: December 7, 2010
PREPARATION DATE: December 3, 2010
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Creation of Municipal Court Portfolio

STATEMENT/PURPOSE: To consider the creation of a Municipal Court Portfolio.

BACKGROUND/ALTERNATIVES: To our knowledge there has not been a Municipal Court portfolio nor has there ever been a commissioner assigned to such a portfolio. There are instances within our Municipal Code where having such a portfolio created and a commissioner assigned is advantageous.

City Attorney Brown and Municipal Court Judge Kautzmann and I have met and decided this would be a recommendation to forward to the commission for your consideration.

Commissioner Jackson has indicated his willingness to have this assignment if it is the wishes of the Commission.

ATTACHMENTS: n/a

FISCAL IMPACT: n/a

STAFF IMPACT: n/a

LEGAL REVIEW: City Attorney Brown is in support of the recommendation.

RECOMMENDATION: I recommend creating a Municipal Court Portfolio and appoint Commissioner Jackson to this portfolio.

SUGGESTED MOTION: I move to create a Municipal Court Portfolio and to appoint Commissioner Jackson to this portfolio.

ORDINANCE NO. 1087

AN ORDINANCE TO AMEND AND REENACT SECTION 21-03-02 OF THE MANDAN MUNICIPAL CODE RELATING TO DISTRICT BOUNDARIES AND ZONING MAP.

BE IT ORDAINED By the Board of City Commissioners of the City of Mandan, North Dakota, as follows:

SECTION 1. AMENDMENT. Section 21-03-02 of the Mandan Municipal Code is amended to read as follows:

The following described property located within the City of Mandan shall be excluded from the RM (Multi-Family Residential) zoning and shall be included in the MA (Light Non-Nuisance Industrial/Heavy Commercial) namely,

Lots 1 & 2, Block 1 of TSM Investments Addition in Section 26, Township 139N, Range 81W. Located on 1st Street SE

and as so amended said section is hereby reenacted. The purpose of the zone change is to match the current use of Lot 1 and build a storage building on Lot 2. The city administrator is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

President, Board of City Commissioners

Attest:

City Administrator

Publication Dates:	<u>November 5th & 12th, 2010</u>
Public Hearing:	<u>November 16th, 2010</u>
First Reading:	<u>November 16th, 2010</u>
Second Reading:	<u>December 7th, 2010</u>
Publication Date:	<u>December 17th, 2010</u>
Recording Date:	_____

