



AGENDA
MANDAN CITY COMMISSION
MAY 3, 2011
ED "BOSH" FROEHLICH MEETING ROOM
5:30 P.M.
www.cityofmandan.com

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- A. ROLL CALL:
1. Roll call of all City Commissioners and Department Heads.
- B. MINUTES:
1. Consider approval of the minutes from the April 19, 2011 Board of City Commission meeting.
- C. PUBLIC HEARING:
1. A Public Hearing to consider for approval the resolution to vacate the utility easement located between Lots 8 & 9, Block 2 as platted in Nicola's 4th Addition.
 2. A Public Hearing to determine the sufficiency of protests for Street Improvement District No. 165, (14th Street NW).
- D. BIDS:
1. Consider award of bids for Street Improvement District #165 (14th Street NW).
- E. CONSENT AGENDA:
1. Consider approval of the replat of Big Sky 3rd Addition.
 2. Consider approval of the plat of Lakewood Commercial Park 5th Addition.
 3. Consider proclamation designating May 12, 2011 as Arbor Day in the City of Mandan.
 4. Consider approval of Sunday openings for the Silver Dollar Bar for June 12, 2011 and July 3, 2011
 5. Consider approval of Games of Chance for Saidin Shrine Unit (El Zagal Shrine) for May 4, 2011 to August 30, 2011.
 6. Consider a resolution of appreciation for Dave Ressler
 7. Consider for approval, the requests submitted by the Mandan Progress Organization for the Mandan Sports & Recreation Show.
- F. OLD BUSINESS:
- G. NEW BUSINESS:
1. Consider proposals for city-owned properties received by Oaktree Realtors
- H. RESOLUTIONS & ORDINANCES:

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I. OTHER BUSINESS:

J. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. May 9, 2011 Working Session of Board (location to be announced)
2. May 17, 2011
3. June 7, 2011

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 regular session at 5:30 p.m. on April 19, 2011 in the Ed “Bosh” Froehlich Room at City Hall. Commissioners present were Helbling, Tibke, Frank, Rohr, and Jackson. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development and Communications Director Huber, Engineering Project Manager Bechtel, and City Assessor Barta.

MINUTES: *Consider approval of the minutes for April 5, 2011, Regular Meeting of the Board of City Commissioners and April 14, 2011, Special Meeting of the Board of City Commissioners.* Commissioner Frank moved to approve the minutes as presented. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present.

PUBLIC HEARING:

BIDS:

CONSENT AGENDA:

1. *Consider approval of monthly bills.* The Board approved of the monthly bills as submitted.
2. *Consider approval of annual Liquor License, Special B Liquor Permit and Special Sunday Permit for Dacotah Speedway.* The Board approved of the annual Liquor License, Special B Liquor Permit and Special Sunday Permit for Dacotah Speedway.
3. *Consider approval of a site authorization for ABATE of North Dakota at the Hide-a-Way from July 1, 2011 through June 30, 2012.* The Board approved of the site authorization for ABATE of North Dakota at the Hide-a-Way from July 1, 2011 through June 30, 2012.
4. *Consider approval of the following site authorizations: (i) American Foundation for Wildlife at the Lakewood Bar & Grill from July 1, 2011 through June 30, 2012 and (ii) American Foundation for Wildlife at the Last Call Bar from July 1, 2011 through June 30, 2012.* The Board approved of the site authorizations as presented.
5. *Consider request from Business Development and Communications Office to amend 2011 budget.* The Board approved of the request from Business Development and Communications Office to amend the 2011 budget.
6. *Consider for approval the plans and specifications for and the execution of a 3-way agreement for the installation of water & sewer in Lakewood 6th Addition (Water & Sewer Imp Project #2011-05).* The Board approved of the plans and specifications for and the execution of a 3-way agreement for the installation of water & sewer in Lakewood 6th Addition (Water & Sewer Imp Project #2011-05).

Commissioner Rohr moved to approve the Consent Agenda as presented. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present.

OLD BUSINESS:

NEW BUSINESS:

1. *Safety Committee Update.* Duane Friesz, Safety Chairman, provided a summary of the Safety Committee. He stated that the committee meets monthly. He acknowledged the members of the committee: Nancy Moser, Engineering Department; Mary Henderson, Library; Jay Gruebele, Police Department; Steve Himmelspach, Waste Water Plant; Brian Dirk, Public Works Dept; Jim Lawler, Airport; George Railsback, Assessing Dept; Eddy Olson, City Hall; Mary Himmelspach, Meter Dept; Gary Schmidt, Water Treatment Plant; Clayton Schaff, Fire Dept; and Kevin Wilson/Barb Stenberg, HR Department. Ben Sand of Workforce Safety has been instrumental in getting the Workforce Safety Program established and focused in the right direction. The goals of the Safety Committee are to provide a safe environment for employees and to reduce the number of accidents. In addition, by having a Safety Program in place, the city is entitled to a 20% discount on insurance premiums. Friesz reviewed various activities that have implemented requiring employee participation. In closing, Friesz presented each of the Commissioners with a safety vest in recognizing the efforts of promoting safety within the City.

2. *Consider entering into a Cost Participation and Maintenance Agreement with the NDDOT for the maintenance of Highway 1806 from 14th Street NW to city limits.* Engineering Project Manager Bechtel presented a request to enter into a cost participation and maintenance agreement with the NDDOT for the maintenance of Highway 1806 at the cost of approximately \$5,595. The funding would come from the City Sales Tax fund. He explained this would be a chip-seal project from 14th Street NW to about 11 miles north. The City of Mandan would be responsible for 10% of the costs for the project within city limits. He stated that the county is also responsible for a portion of the cost that lie within Morton County.

Commissioner Tibke moved to approve the entering into a Cost Participation and Maintenance Agreement with the NDDOT for the maintenance of Highway 1806 from 14th Street NW to city limits. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed. Commissioner Jackson seconded the motion.

3. *Consider the creation of Street Improvement District No. 166 Project # 2011-04. (Lakewood 6th Addition).* Engineering Project Manager Bechtel reviewed with the Board a petition received from LeeRoy Mitzel requesting the special assessment of the streets within Lakewood 6th Addition. The roads to be paved would be Oxbow Court SE and Oxbow Trail SE. He stated that these requests typically are standard projects and brought here for approval. Based upon discussions in attempts to lower the city's special assessment debt some options for this request are being provided. Bechtel noted that Bismarck has implemented a plan wherein funds are collected before the start of a project. Bechtel reviewed the three options: (1) Do nothing – do not create a district. That will force the entire cost of the project to the developer and the city will not have any assessment burden. (2) Create the district and special assess 100% of the costs to the benefiting lots (normal procedure); and (3) Create the district and follow the procedures

set by Bismarck that would require the developer to prepay certain costs. Bechtel requested guidance from the Board as to the direction they wish to proceed in this matter.

Mayor Helbling commented that this item is one of the items on the Board Retreat list of topics to review and discuss. Commissioner Jackson inquired if a calculation has ever been done regarding how much of a savings there would be to the city if those costs were paid up front by the developer? Bechtel stated that calculations were roughly calculated in this project as a comparison as to what the City of Bismarck does. He guesstimated that an average savings would be approximately 25% in a project such as this and that different projects would vary.

Greg Welch, Finance Director, offered the following process when specials are assessed to projects. The City will sell bonds for a 15 year period and that would match the typical special assessment variable. The City's borrowing rate is @ 4% and an additional 1.5% is added in as allowed by law and that percentage is what is used to special assess the property owner's benefits from the assessment. Mayor Helbling stated that Bismarck is also requiring a bond from the developer to guarantee the cost of the installation. Mayor Helbling pointed out that the City has not had a huge default rate on special assessment projects on any developer-driven projects. Bechtel noted that he discussed this matter with LeeRoy Mitzel who commented that this subdivision is almost entirely sold. Bechtel stated that no decision has to be made at this meeting at this time.

Commissioner Tibke commented that discussions held at the retreat included balancing as well as reducing debt in respect to the City's debts. She stated that a plan should be in place in the near future for developers so that they know while making their business plan, they will know what costs they will incur. She stated her preference is to follow what Bismarck is doing in collecting up front costs and also to continue doing what has been done with street lights in the past. Commissioner Frank noted that an important factor to keep in mind is access to capital by a business owner and what that might be. Mayor Helbling commented that access to capital would be that they would use their own cash or a line of credit that would have to be obtained at their bank. He stated that his concern is the length of term that the City extends in these cases. Finance Director Welch stated that the bond consultants indicated that if the City would reduce its bonding period by five years, it could reduce its borrowing rate by 1%, which is significant. Commissioner Jackson stated that in his review of the debt service allocation, that we have a fair amount of debt. Not all of that is our street improvement districts. By his rough calculations, he would estimate that it would show a savings of \$10 million if a program such as this would have been implemented. Wherein the developer would be contributing approximately 25% of the cost and, over the long term, that would be a significant savings. At that, he agrees that the developer should be paying more of the up front costs.

Commissioner Jackson moved to table this discussion until the meeting resumes following the Board of Equalization Meeting. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present.

Commissioner Tibke moved to recess the Board of City Commission meeting at 6:00 p.m. until after the Board of Equalization meeting concludes. Commissioner Jackson seconded the motion. The motion received unanimous approval of the members present.

The Mandan City Commission meeting reconvened at 6:12 p.m.

Mayor Helbling stated that there are several options before them to address the Street Improvement District No. 166 Project # 2011-04, (Lakewood 6th Addition). He stated his preference would be to shorten the term to ten (10) years. The developer or the homeowner would have an option to prepay the specials. Commissioner Jackson stated that his preference would be to require the developer to pay some of the costs up front pointing out that the developer is getting a benefit by building these lots and presumably there is an economic benefit to that individual. He stated that this is consistent with what other cities require and it will assist in reducing the long-term debt of the City of Mandan. Because of this, he feels the prepayment recommendation as outlined by Mr. Bechtel should be accepted. Mr. Bechtel recited the policy from the Policies and Procedures to Develop Subdivisions as followed by Bismarck: *Prepaid curb and gutter or utility charges may be met with a Bank Certificate of Deposit (CD) in the City's name and possession for 100% of the prepayment. The security will be held until the lots are built on by the developer, or sold to other builders and private individuals, or cashed for non-payment of yearly special assessment installments. A portion of the CDs may be returned to the owner upon partial completion of a subdivision or sold.* Bechtel proposed that the street lights be included within the initial costs and special assess them; not to the developer, but within the initial cost of the project. If not, it becomes a two part process with additional costs. Finance Director Welch explained how a Letter of Credit would impact the project from beginning to completion of the project.

LeeRoy Mitzel came forward and provided a clarification as to how many lots are available stating that there are only two non-water lots existing. There are many water lots with plans to move those this year. He expressed concern about being cautious about the special assessments in this development because assessments come over from Lakewood 1st and 2nd wherein this property is carrying some of the debt already.

Brian Eiseman from the Kadrmas, Lee and Jackson Engineering Firm, came forward to provide an explanation as to how the Bismarck prepayment process works stating that it is very similar to how Mandan does theirs. In both communities, the developer is required to entirely pay up front the grading, the water and sewer. Then it becomes another process if there is oversized sewer line and such. For curb and gutter, Bismarck requires a bond, CD and Letter of Credit put up by the developer not to install it, not to prepay for it, just as assurance. The City will still special assess that and as the lots are sold they will lease the Letter of Credit back to the developer. So it is still tacked onto the specials. It is just like an insurance policy. They do not require a Letter of Credit for the entire special assessment district. Regarding the street lights, Bismarck waits until 50% of the lots are sold before they create the special assessments to do the street lights.

Mayor Helbling reviewed the options to resolve this, stating that a combination of options may be used indicating that this is not setting a precedence for these types of requests.

Rather they will be handled one by one until the Board is comfortable with the process.

The options for this project are:

- (1) Leave it as it is;
- (2) Ask for a prepayment
- (3) Shorten the term length (from 15 years to 10 years)

Commissioner Tibke recommended that a policy be developed that will warrant further discussion on this matter. She indicated she is leaning towards adapting what Bismarck has in place with the curb and gutter and street lights; in addition to accepting the suggestion from Finance Director Welch regarding the 1% reduction to 10 years. She recommended that until a policy is in place that this project be handled as has been done in the past, indicating that a policy be developed very soon in order to accommodate any future project requests that come before this Board.

Mayor Helbling recommended creating the street improvement for this project and subsequently handle the other issues at another time. Bechtel concurred that the district be created now which will allow Mitzel to move forward and that additional time be allowed to work on the other aspects of this matter.

Commissioner Jackson moved to approve the creation of Street Improvement District No. 166 Project # 2011-04. (Lakewood 6th Addition). Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present.

4. *Discussion related to possible contract with Retail Attractions Inc. and or Crossroads Communications, LLC.* Business Development and Communications Director Huber stated that at the Board's Retreat in October, 2010, there was discussion as to whether or not the city would take different approaches within its entire economic development plan. She acknowledged that the Bismarck Mandan Development Association (BMDA) which has as its primary focus the creation of new jobs and new wealth. They have also been helpful to the City in other categories including redevelopment of the downtown area and assisting us with our retail recruitment effort. In 2006, the City Commission held a public hearing asking citizens if they wanted to be more aggressive on retail recruitment and commercial development for the City and at that time the Business Development Director position was created. This is brought to our attention because retail growth has been hugely important to this area as is documented in the 2008 Household Survey as the No. 1 factor to improving Mandan. Businesses and citizens alike have voiced their opinions. Again in 2010, a survey of businesses indicated that the lack of retail was the No. 1 weakness for Mandan. From review of market statistics, there are significant retail gaps between the demand or the expenditures that originate from Mandan and Morton County as compared to the supply that is here. Huber stated that she is convinced that Mandan has retail potential but assistance is needed in addressing some of the categories that we are not able to get our arms around directly. Huber recommended that in addition to the efforts of the BMDA and the Business Development and Communications position, she would like to recommend the services of

national retail recruitment experts to aid in the marketing and recruitment process for attracting national retail business to the City of Mandan. Huber provided the following breakdown of roles and responsibilities for Mandan economic development:

- Bismarck Mandan Development Association
 - Primary Sector focused for new jobs and wealth creation
 - Retail and service sector business retention visits
 - City Business Development & Communications Director
 - Local contact
 - Shepherd development projects within city departments
 - Manage local incentive programs
 - Maintain list of available properties
 - Communications with business community and residents
 - Recruitment and assistance to local, state, regional fronts
 - Community marketing
- Proposed National Retail Recruitment Consultant
 - Provide a demographic and trade area analysis
 - Provide national retail representation
 - Recruit retail targets

Huber stated she has looked at a number of firms that provide retail consulting services. She has found such a company named Retail Attractions, LLC, Owasso, Oklahoma, which has experience with rural communities in Oklahoma that are similar to those in North Dakota. A Project Proposal has been developed and received from Retail Attractions and is before the Board today for discussion and review. Retail Attractions will provide (i) A third-party unbiased assessment of the community; (ii) Assist with the development of two different trade areas to include one with those types of services in a convenient and short drive time and another for those in a broader area more destination orientation; (iii) They will provide insight as to Mandan's strengths in retail area development. The fiscal impact would be \$53,500 of which the funds could come from the economic portion of the Growth Fund which currently has a balance of \$230,000. This would be an allocation of dollars within the Growth Fund, not a request for new funds. The Project Proposal allows for a 60-day "out clause" if there were concerns brought forward by the Board. There is some urgency to the consideration for this proposal because there is an opportunity for representation by the consulting firm at the deal-making sessions offered in conjunction with the 2011 International Council of Shopping Centers' Global Retail Real Estate Convention being held in Las Vegas on May 22-25, 2011. Retail Attractions would need a commitment from the City of Mandan no later than April 25, 2011 to conduct a site visit and research and confirm the types of retail most feasible for Mandan.

Administrator Neubauer commented that Retail Attractions will have the capability to identify the needs for retail, where the locations are best suited to be located and they will make contact with those retail investors. He stated that realistically an opinion from a third-party is desirable and he is in support of recommending approval of the contract proposal received from Retail Attractions, LLC.

Mayor Helbling commented that he is in favor of having a third-party review the data that Mandan has available and to provide insight as to what Mandan is in need of to enhance its retail and business community. Neubauer explained that the \$53,500 represents \$10,000 as the initial fee for the contract execution and that includes their travel time and costs to Mandan and to evaluate the community. The consultant fee is a per-month charge at the rate of \$3,500 for an 11-month period; in essence, it is a fee for a one-year contract. The \$5,000 is attributed to Mandy Vavrinack, a partner of Crossroads Communications, who would put together the demographic analysis, customized trade areas and one-sheet summary documents.

Commissioner Tibke stated that with the all work that has been done since she has been on the Commission since 2003, there should be a substantial amount of information and relationships available for this Retail Attractions to come up with recommendations to enhance the Mandan community. She stated she is in favor of pursuing this matter.

Commissioner Frank agreed with the motive and initiative that occurred in the past to enhance Mandan's business retail development. She stated her concerns as follows: (1) the city goes out and hires a consultant – they represent us at an event and we come back with interested retailers but we have problems with site development or we lack funds to seal a deal. We need to be in a position where there is accessibility of land and also that we know what costs will go over and above the \$53,500. (2) In their 2011 workplan, the BMDA has been requested to dedicate a fair amount of their time into Mandan retail and business development; (3) What has Bismarck seen as indicators to move forward and what did Mandan miss out on in order for the retailer to locate in Bismarck?

Commissioner Rohr commented that he would like to look closer at what BMDA has to offer and how effective they are in assisting Mandan in expanding or attracting retail development and business. He is of the opinion that Mandan has a lot of good and useful information available at this time.

Mayor Helbling commented that he believes there are opportunities to be had and then gave an example of the shortage of hotel rooms in both Bismarck and Mandan and questioned what can be done to accommodate visitors coming to the community? He stated he would approve that this project be funded by the Growth Fund that is supported and presented by Director Huber.

Commissioner Jackson asked what particular line items this money would be coming out of within the Growth Fund budget. Huber replied that within the MGF budget, there are four categories; in particular, the Economic Development Category that has unallocated funds available for businesses that apply for funding projects, this is where she would recommend these dollars be pulled from.

Commissioner Jackson questioned whether spending this money is better utilized through this agreement to Retail Attractions rather than using it towards an interest buy-down project? Huber stated that there would be \$180,000 left in the budget to designate towards those projects if necessary. Huber recommended the signing of the contract with

Retail Attractions for this project.

Commissioner Jackson inquired if there were any negotiations with Retail Attractions to reducing their rates? Director Huber replied that the first proposal was quoted at \$60,000 plus. Subsequently, Retail Attractions reviewed the programs that we currently have available and after that review they recognized that we have made quite a bit of progress with an economic development tool kit. We are in need of a gap analysis from Retail Attractions that indicates where customers flow and for what purposes - determined by Retail Attractions in order for the City to move forward. Huber stated that the initial contract has already been reduced by \$15,000.

Commissioner Jackson questioned the effectiveness of Retail Attractions. Huber replied that they offered to participate in conference calls with staff and some of the elected city leaders and that they are accustomed to working with cities in states with open meeting laws and records as we do, so written reports must be kept somewhat general to avoid revealing business sensitive information.

Retail Attractions has provided an example of a monthly report that is quite extensive and impressive and likened to the business reports that are provided to the City Commission.

Commissioner Jackson rephrased his question as to how successful Retail Attractions are? Huber replied that by reviewing the deliverables and types of retail successes they have had with other similar cities the size of Mandan, they will provide us with information that will fit. After that, evaluations will be based on progress and the success they have had with other retailers. Huber stated that in essence, it is a continuum.

Commissioner Jackson stated that within the contract there is similarity in terminology of job duties. How would you define your duties as the local Business Development Director? Huber replied that Retail Attractions will still need someone locally, to work within the community, to provide information and shepherd them through the project. Retail Attractions is a complimentary effort to everyone we are currently working with locally in order to be able to open those doors.

Commissioner Tibke commented that this contract outlines the obtaining of their expertise and their connections with national retail services. She pointed out that BMDA has stated their expertise is not in retail and they do not have the national connections. We are looking at the connections to that national retailer. BMDA is looking for retail development in Mandan – but they specialize in primary sector jobs and development which enriches the community.

Commissioner Rohr questioned whether any one has contacted retailers about Retail Attractions. Huber stated that she has contacted the communities, not retailers, because of the difficulty in getting through to the national retailers. She gave a summary of information received from the three communities that she has been in contact with.

Commissioner Jackson summarized, in his opinion, that this request is one of moving funds from within an approved budget item, not linked to any particular line item, but that is typically used for interest rate buy-downs to essentially “get the rolodex” from this individual, Mr. Hayes, to do additional studies of the Mandan community.

Commissioner Tibke stated that from her perspective, it would be for the connections because of all the other activities that have occurred since 2003.

Commissioner Tibke moved to approve the proposed contracts with Retail Attractions, LLC for \$48,500; and with Crossroads Communications, LLC for \$5,000. The motion died for lack of a second.

Commissioner Rohr commented that he is not comfortable in making a decision without additional information and more of a consensus among the Board members. Even though Administrator Neubauer and Business Development and Communications Director Huber support a contract with Retail Attractions, Commissioner Rohr indicated it would be helpful to have Mr. Hayes present for questioning. Huber stated that a conference call with Rickey Hayes of Retail Attractions could be arranged with the Board at their convenience.

Commissioner Jackson asked Director Huber how much was left in her unallocated funds line item. She stated that within the Economic Development category the balance of funds available is approximately \$230,000. The amount of this project is \$53,500.

Commissioner Jackson motioned to remove \$88,500 from that particular line item; \$36,000 of which has to be specifically allocated at a later date by the Board of City Commissioners, \$55,000 of which can be used for the payment to Retail Attractions, LLC. The Motion was clarified assigning the allocations as follows: \$48,500 can be used for the payment to Retail Attractions, LLC and \$5,000 can be used for the payment to Crossroads Communications, LLC. Commissioner Tibke seconded the motion.

Commissioner Jackson provided the following explanation for the purpose of the motion: last year there was approximately \$36,000 that the taxpayers essentially did not have to spend, or the City Commission did not have to ask for their taxes for economic development. He stated that he believes the City should try to have a similar amount held over in 2011. The dollars are not being pulled entirely from the budget; it's that the Board will have to decide how to use it at a later date. In other words, there is an additional burden being put on the Business Development Office essentially saying that the \$36,000 doesn't exist anymore, so hypothetically that saves the taxpayers \$36,000 unless it is something that this Board truly feels is something that we should use it for. And, the other \$55,000 is applied towards the proposal.

Finance Director Welch commented that as a matter of budget policy, whatever dollars are left over, for example the Development Director's operations, those dollars automatically stay in the Mandan Growth Fund. They get shifted over to the Economic Development portion of the MGF and those dollars cannot be spent anyway unless they are authorized by the Board for expenditure. So by default, any dollars that come out of

the economic development portion of the MGF would automatically have to come before the Board of City Commissioners for approval for any expenditure.

Commissioner Jackson asked Huber how much is left in the other line items of the MGF budget and if the Storefront Improvement has to come before the Commission and the restaurant and retail does not? Huber replied that \$60,000 has been set aside for the Restaurant and Retail Incentive Program but that would have to be applied for by application reviewed by the Growth Fund Committee and their recommendation would come before the City Commission for approval before any dollars would actually be expended. Discussion ensued regarding the roll-over of funds from year to year if there remains an excess in any given departmental budget. Finance Director Welch offered the possibility of transferring from the Economic Fund within the Growth Fund Budget to the General Fund, which would be appropriate for this project; thereby, none of the operating line items in the Development Office operations would have to be reduced.

Commissioner Jackson commented that what he is trying to accomplish here is that the money that was saved from 2010 to 2011 should be saved as well, or try to guarantee as much as possible, to the taxpayers that that money is going to be saved as well.

Commissioner Jackson amended the amendment to the motion made - that \$36,000 come out of the Mandan Growth Fund Economic Development allocation to be placed into the General Fund – not into the Mandan Growth Fund as the original motion stated.

Commissioner Tibke seconded the amendment to the motion.

Commissioner Frank commented that she is concerned that the City will not be prepared to offer the incentives that could come as a result of the project and with this motion there would be even less incentives available.

Mayor Helbling repeated the Amended Motion which is to take \$36,000 from the Business Development Office line item Growth Fund and place it into the General Fund. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: No; Commissioner Jackson: Yes; Commissioner Helbling: No. The motion passed.

Roll Call vote on the Original Motion: Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: No; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

RESOLUTIONS & ORDINANCES:

1. *Consider correction on second and final reading of Ordinance 1091 to implement changes to Ordinance 1013 relating to the Establishment of Downtown Core and Fringe Districts and establishment of zoning regulations for the DC Downtown Core District and DF Downtown Fringe District; and providing for Severability and an Effective Date.* Commissioner Jackson moved to approve the correction on second and final reading of Ordinance 1091 to implement changes to Ordinance 1013 relating to the Establishment of Downtown Core and Fringe Districts and establishment of zoning regulations for the DC Downtown Core District and DF Downtown Fringe District; and

providing for Severability and an Effective Date. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

2. *Consider second and final reading of Ordinance No. 1092 an ordinance to amend and reenact sections 7-01-01 and 7-01-07 of the Mandan Code of Ordinances, relating to adoption of a Uniform Fire Code and amendments to the International Fire Code and to provide an effective date.* Commissioner Jackson moved to approve the second and final reading of Ordinance No. 1092 an ordinance to amend and reenact sections 7-01-01 and 7-01-07 of the Mandan Code of Ordinances, relating to adoption of a Uniform Fire Code and amendments to the International Fire Code and to provide an effective date. Commissioner Frank seconded the motion. Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

OTHER BUSINESS:

There being no further actions to come before the Board, Commissioner Tibke moved to adjourn the meeting at 8:02 p.m. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present.

James Neubauer,
City Administrator

Timothy A. Helbling,
President, Board of City
Commissioners



Public Hearing No. 1

Board of City Commissioners

Agenda Documentation

MEETING DATE: May 3, 2011
PREPARATION DATE: April 12, 2011
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR:
PRESENTER: Dave Bechtel
SUBJECT: Consider for approval the resolution to vacate the utility easement located between Lots 8 & 9, Block 2 as platted in Nicola's 4th Addition.

STATEMENT/PURPOSE: To vacate the utility easement for church addition.

BACKGROUND/ALTERNATIVES: Request by Todd Kuester, American Lutheran Church. MDU has agreed to relocate utilities, at the cost of American Lutheran Church. It will require a new 10' easement on the west side of the property.

ATTACHMENTS: 1. Resolution
2. 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 vacation.

SUGGESTED MOTION: I move to approve the resolution vacating the utility easement between Lots 8 & 9, Block 2 as platted in Nicola's 4th Addition.

**RESOLUTION OF VACATION
Board of City Commissioners
City of Mandan, North Dakota**

WHEREAS, American Lutheran Church has submitted to the Board of City Commissioners of the City of Mandan a verified petition asking that a utility easement between Lots 8 & 9, Block 2, in Nicola's 4th Addition, of Section 35, T139N, R81W of the 5th Principal Meridian, City of Mandan, Morton County, North Dakota be vacated. Fully described as follows:

Beginning at the northeast corner of Lot 9, Block 2, Nicolas 4th Addition; thence south 0 degrees 0 minutes 0 seconds west a distance of 83.08 feet; thence south 89 degrees 57 minutes 41 seconds west a distance of 10.00 feet; thence north 0 degrees 0 minutes 0 seconds east a distance of 83.08 feet; thence n 89 degrees 57 minutes 41 seconds east a distance of 10.00 feet to the point of beginning.

WHEREAS, The Board having deemed it expedient to consider such petition and having ordered that said petition be heard by the Board at its regular meeting held at City Hall in the City of Mandan, North Dakota, on May 3, 2011, at 5:30 o'clock p.m., CT, and the City Administrator having published notice of the filing of the petition and the object therein in the official newspaper once each week for four (4) consecutive weeks, as required by law, which notice stated that the petition would be heard and considered on the date and time aforesaid, at which time any persons interested might appear and be heard, and proof of such publication of the notice having been made and filed; and

WHEREAS, on the 3rd day of May, 2011, at 5:30 o'clock p.m., CT, being not less than thirty days after the first publication of the notice aforesaid, the Board of City Commissioners proceeded to hear the testimony and evidence of persons interested and no one having appeared against said petition of vacation, and it appearing to the satisfaction of the Board of City Commissioners that said petitioners are the owners in fee simple of the property adjoining the street to be vacated; that no objections by the immediately adjoining landowner to the requested vacation were raised at the public hearing, that said petition was accompanied by a map of the area proposed to be vacated; which map is on file in the office of the City Administrator of Mandan; and the facts and reason for the vacation of such area as established by the petition and the testimony and evidence are good and sufficient to justify the vacation of such area;

NOW, THEREFORE, BE IT RESOLVED By the Board of City Commissioners of the City of Mandan, North Dakota, that the above described utility easement between Lots 8 & 9, Block 2, Nicola's 4th Addition in the City of Mandan, Morton County, North Dakota be and the same are hereby vacated.

BE IT FURTHER RESOLVED, That the within and foregoing Resolution shall become effective from the time of its passage and publication.

Approved and passed May 3rd, 2011, by at least two-thirds vote of all the members of the Board of City Commissioners.

President, Board of City Commissioners

ATTEST:

City Administrator

Public Notice Dates: April 8th, 15th, 22nd, 29th, 2011
Public Hearing: May 3rd, 2011
Final Passage: May 3rd, 2011
Publication Date: May 27, 2011

STATE OF NORTH DAKOTA)
COUNTY OF MORTON)ss.
CITY OF MANDAN)

CERTIFICATE

James Neubauer, the duly appointed city administrator and city auditor of the City of Mandan, Morton County, State of North Dakota, does hereby certify that attached hereto is a true and correct copy of a Resolution of Vacation of the City of Mandan, which was duly and finally passed and adopted by said Board of City Commissioners after notice of the public hearing on the request for vacation of the utility easement described therein had been duly published in the official newspaper of said City prior to the public hearing and final passage of said Resolution.

I do further certify that notice of the Board's approval to vacate said utility easement has been published and the original copy of said Resolution is on file in the office of the City Administrator of the City of Mandan.

Dated at Mandan, North Dakota, this 3rd day of May, 2011.

James Neubauer, City Administrator
City of Mandan, North Dakota

**PUBLIC NOTICE OF
STREET VACATION**

Notice is hereby given that the Mandan City Commission, on Tuesday, May 3rd, 2011 following a public hearing, approved a resolution vacating the utility easement between Lots 8 & 9, Block 2, Nicola's 4th Addition to the City of Mandan, Morton County, North Dakota more fully described in the resolution.

This resolution is available for inspection and copying during normal working hours in the office of the City Administrator.

Dated this 3rd day of May, 2011.

By: James Neubauer, City Administrator

Please Note: The city administrator is to cause the above notice to be published once following adoption of the utility vacation resolution.



Board of City Commissioners

Agenda Documentation

MEETING DATE: May 3, 2011
PREPARATION DATE: April 29, 2011
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR:
PRESENTER: Dave Bechtel
SUBJECT: A public hearing to determine the sufficiency of protests for Street Improvement District No. 165, (14th Street NW).

STATEMENT/PURPOSE: To determine if there is sufficient opposition to protest out the subject special assessment district for the funding of the projects.

BACKGROUND/ALTERNATIVES: The window of opportunity to protest the special assessments for the subject project closed on April 18, 2011. We received 2 letters of protest for District 165, that letter represented less than 1% of the district that is eligible to be special assessed for benefits of the project. That number is well below the 50% required to protest out the district.

ATTACHMENTS: None

FISCAL IMPACT: Assessments may be levied against the properties within the special assessment district.

STAFF IMPACT: Minimal

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

RECOMMENDATION: This office supports moving forward with the project.

SUGGESTED MOTION: I move to find the protests received for the district as insufficient to protest out the subject district.



Bids #1

Board of City Commissioners

Agenda Documentation

MEETING DATE: May 3, 2011
PREPARATION DATE: April 29, 2011
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR:
PRESENTER: Dave Bechtel
SUBJECT: Consider award of bids for Street Improvement District #165 (14th Street NW).

STATEMENT/PURPOSE: This is an acceptance of bids and the recommendation to award the contract for the project to Northern Improvement as low bidder.

BACKGROUND/ALTERNATIVES: Bids were received on April 15th for the District and Northern Improvement was low bidder with an amount of approx \$529,937.80. Engineer's estimate was \$463,103.76 without contingency. In this case we would add the contingency to the bid to get a total of \$509,414.40. Meaning the bid is approximately \$20,500 over our bid contingency.

ATTACHMENTS: Bid Tabulation

FISCAL IMPACT: Being bids were over the Engineers Estimate, but only by approximately \$20,500, the estimated specials for the prepared districts would be within the amounts provided by the letter mailed to those within the district. Of that amount the City would pick up approximately \$7500 through property and sales tax and the remainder absorbed within the special assessment district.

STAFF IMPACT: Minimal

LEGAL REVIEW:

RECOMMENDATION: I would recommend award of the project to the low bidder.

SUGGESTED MOTION: I move to award of the project to Northern Improvement as the low bidder.

Board of City Commissioners

Agenda Documentation

Meeting Date: May 3, 2011

Subject: Consider award of bids for Street Improvement District #165 (14th Street NW).

Page 2 of 6



North Dakota Department of Transportation

Francis G. Ziegler, P.E.
Director

Jack Dalrymple
Governor

DAVE B

April 19, 2011

Mr. James Neubauer
City Administrator
205 2nd Avenue NW
Mandan, ND 58554

PROJECT: SU-1-988(027)039 – MANDAN, 14TH STREET NW FROM SUNSET DRIVE TO COLLINS AVENUE

Bids for the construction on the above noted project were received by the NDDOT on April 15, 2011. A copy of the Contract Detail Estimate and Abstract of Bids is enclosed.

The low bid for Milling, Pavement Reinforcement Fabric, Bituminous Surfacing, Chip Sealing, & Incidentals was submitted by Northern Improvement Company of Fargo, ND in the amount of \$529,937.80. According to the agreement with the City of Mandan, the City's cost share is estimated to be \$267,931.58. Federal funds obligated for this project shall not exceed 80.93 percent of the total eligible project cost up to a maximum of \$320,000. The balance of the project cost is the obligation of the City.

The Department will review the low bidder's proposal to assure that the Disadvantaged Business Enterprise Program requirements have been met. Upon review of the contractor's Disadvantaged Business Enterprise Program, the Department will advise you whether this project may be awarded.

Questions should be addressed to the Construction Services Division at (701)328-2566.

Handwritten signature of Cal J. Gendreau in blue ink.

CAL J. GENDREAU, P.E. - CONSTRUCTION SERVICES ENGINEER

80/cjg/lp
Enclosure

Board of City Commissioners

Agenda Documentation

Meeting Date: May 3, 2011

Subject: Consider award of bids for Street Improvement District #165 (14th Street NW).

Page 3 of 6

4/18/2011

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
CONTRACT DETAIL ESTIMATE UPON WHICH PROJECT AGREEMENT IS TO BE BASED

Page 1 of 3

North Dakota **FEDERAL AID**

Project Number: **SU-1-988(027)039**

PCN: **17921**

Bid Opening Date: **4/15/2011**

Job Number: **11**

English/Metric: **ENGLISH**

Contract with **NORTHERN IMPROVEMENT CO FAR FARGO, ND**

Signed Date:

County(s): **MORTON**

Location: **MANDAN 14TH ST NW FROM SUNSET DRIVE TO COLLINS AVE**

Board of City Commissioners

Agenda Documentation

Meeting Date: May 3, 2011

Subject: Consider award of bids for Street Improvement District #165 (14th Street NW).

Page 4 of 6

4/18/2011

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
CONTRACT DETAIL ESTIMATE UPON WHICH PROJECT AGREEMENT IS TO BE BASED

Page 2 of 3

North Dakota **FEDERAL AID**

Project Number: SU-1-988(027)039

PCN: 17921

Bid Opening Date: 4/15/2011

Job Number: 11

English/Metric: ENGLISH

Roadway: URBAN

STA 5+00 TO 34+45

Type: MILLING, PAVEMENT REINFORCEMENT FABRIC, BITUMINOUS SURFACING, CHIP SEALING AND INCIDENTALS

Participating: Y

Spec Code	Item Description	Quantity	Unit	Unit Price	Amount
103 0100	CONTRACT BOND	1.000	L SUM	\$1,325.00	\$1,325.00
202 0112	REMOVAL OF CONCRETE	880.000	SY	\$14.30	\$12,584.00
202 0130	REMOVAL OF CURB & GUTTER	1,100.000	LF	\$7.70	\$8,470.00
202 0132	REMOVAL OF BITUMINOUS SURFACING	1,300.000	SY	\$7.10	\$9,230.00
203 0126	REMOVE & SALVAGE TOPSOIL	650.000	SY	\$32.60	\$21,190.00
230 0300	SUBGRADE PREPARATION-TYPE A	1.000	STA	\$1,267.40	\$1,267.40
302 0120	AGGREGATE BASE COURSE CL 5	160.000	TON	\$41.40	\$6,624.00
401 0150	SS1H OR CSS1H OR MS1 EMULSIFIED ASPHALT	1,200.000	GAL	\$2.20	\$2,640.00
408 0185	HOT BITUMINOUS PAVEMENT CL 29	2,000.000	TON	\$42.40	\$84,800.00
408 0198	HOT BITUMINOUS PAVEMENT PATCHING	325.000	TON	\$140.00	\$45,500.00
408 0445	PG 58-28 ASPHALT CEMENT	140.000	TON	\$530.00	\$74,200.00
411 0105	MILLING PAVEMENT SURFACE	11,500.000	SY	\$2.90	\$33,350.00
420 0101	CRS2 EMULSIFIED ASPHALT	6,300.000	GAL	\$2.50	\$15,750.00
420 0125	COVER COAT MATERIAL CL 41	210.000	TON	\$41.60	\$8,736.00
420 0160	BLOTTER MATERIAL CL 44	50.000	TON	\$29.50	\$1,475.00
702 0100	MOBILIZATION	1.000	L SUM	\$27,980.90	\$27,980.90
704 0100	FLAGGING	200.000	MHR	\$28.20	\$5,640.00
704 1000	TRAFFIC CONTROL SIGNS	3,134.000	UNIT	\$0.80	\$2,507.20
704 1052	TYPE III BARRICADE	32.000	EA	\$82.50	\$2,640.00
704 1067	TUBULAR MARKERS	40.000	EA	\$11.00	\$440.00
708 1500	INLET PROTECTION-SANDBAG	17.000	EA	\$66.00	\$1,122.00
708 2900	SEEDING-HYDRO MULCH	650.000	SY	\$1.40	\$910.00
722 0315	MANHOLE CASTING	11.000	EA	\$691.60	\$7,607.60
722 6140	ADJUST GATE VALVE BOX	24.000	EA	\$294.70	\$7,072.80
722 6160	ADJUST INLET	5.000	EA	\$275.00	\$1,375.00
722 6200	ADJUST MANHOLE	25.000	EA	\$393.70	\$9,842.50
748 0140	CURB & GUTTER-TYPE I	1,100.000	LF	\$19.40	\$21,340.00
748 1030	VALLEY GUTTER 72IN	310.000	SY	\$82.50	\$25,575.00
750 0115	SIDEWALK CONCRETE 4IN	555.000	SY	\$52.80	\$29,304.00
750 1000	DRIVEWAY CONCRETE	65.000	SY	\$66.00	\$4,290.00
750 2115	DETECTABLE WARNING PANELS	130.000	SF	\$33.00	\$4,290.00
750 2120	DETECTABLE WARNING PANELS-RETROFIT	170.000	SF	\$38.50	\$6,545.00
762 1325	PREFORMED PATTERNED PVMT MK 24IN LINE-GROOVED	504.000	LF	\$28.60	\$14,414.40
950 9694	PAVEMENT REINFORCING FABRIC	11,500.000	SY	\$2.60	\$29,900.00
				Subtotal	\$529,937.80

Board of City Commissioners

Agenda Documentation

Meeting Date: May 3, 2011

Subject: Consider award of bids for Street Improvement District #165 (14th Street NW).

Page 5 of 6

4/18/2011

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
 CONTRACT DETAIL ESTIMATE UPON WHICH PROJECT AGREEMENT IS TO BE BASED

Page 3 of 3

North Dakota **FEDERAL AID**

Project Number: **SU-1-988(027)039**

PCN: **17921**

Bid Opening Date: **4/15/2011**

Job Number: **11**

English/Metric: **ENGLISH**

Eng and Contg **\$52,993.78**

Total **\$582,931.58**

Length **0.5580 Miles**

Estimated Cost		<u>Construction</u>
		\$582,931.58
SU FEDERAL FUNDS	LIMITED	\$320,000.00
CITY FUNDS	19.07%	\$262,931.58

Type: **SPECIAL ITEMS**

Item Description			Amount
ESTIMATED COST OF REPAIR AND RESTORATION OF HAUL ROADS			\$5,000.00
Funding Splits:	SU FEDERAL FUNDS	LIMITED	\$0.00
	CITY FUNDS	19.07%	\$5,000.00

Summary for Project

Length **0.5580 Miles**

Estimated Total Construction Cost:	\$529,937.80
Estimated Total Eng and Contg:	\$52,993.78

Estimated Cost	<u>Construction</u>	<u>Special Items</u>	<u>Total</u>
	\$582,931.58	\$5,000.00	\$587,931.58
SU FEDERAL FUNDS	\$320,000.00	\$0.00	\$320,000.00
CITY FUNDS	\$262,931.58	\$5,000.00	\$267,931.58

NDDOT TO MAKE CONTRACTOR PAYMENTS. SU FEDERAL FUNDS ARE LIMITED TO \$320,000. ANY COST OVER THIS LIMITED AMOUNT WILL BE CITY RESPONSIBILITY.



Board of City Commissioners

Agenda Documentation

MEETING DATE: May 3, 2011
PREPARATION DATE: April 26, 2011
SUBMITTING DEPARTMENT: Engineering/Planning
DEPARTMENT DIRECTOR:
PRESENTER: Dave Bechtel
SUBJECT: Consider for approval the final Replat of Big Sky
3rd Addition.

STATEMENT/PURPOSE: To accept the subject final replat.

BACKGROUND/ALTERNATIVES: Request from Terry Morton. Final replat was approved by the Planning and Zoning Commission April 25, 2011.

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 Replat of Big Sky 3rd.

April 19, 2011

Applicant: Terry Morton

Owner: same

Developer:

Land Surveyor:

Requested Action: Final Plat Approval.

Name of Subdivision: Replat of Big Sky 3rd Addition

Legal Description: Replat of Lots 4-8, Block 4 of Big Sky Estates 3rd Addition along Jude Lane (previously Morton Lane) and part of Lot 5, Block 1 of Seven Seas Addition. Section 21, Township 139N, Range 81W.

Location: North of 27th Street NW.

Parcel Acreage: 2.83

Number of Blocks: 2

Number of Lots: 5

Preliminary Plat Approval: February 28, 2011

Existing Land Use: Residential

Proposed Land Use: Residential

Adjacent Land Use: Single Family, Two Family and Multi Family Residential

Existing Zoning: R7 (Single Family Residential)

Proposed Zoning: same

Adjacent Zoning: R7 (Single Family Residential), RM (Multi-Family Residential), R3.2 (Two Family Residential).

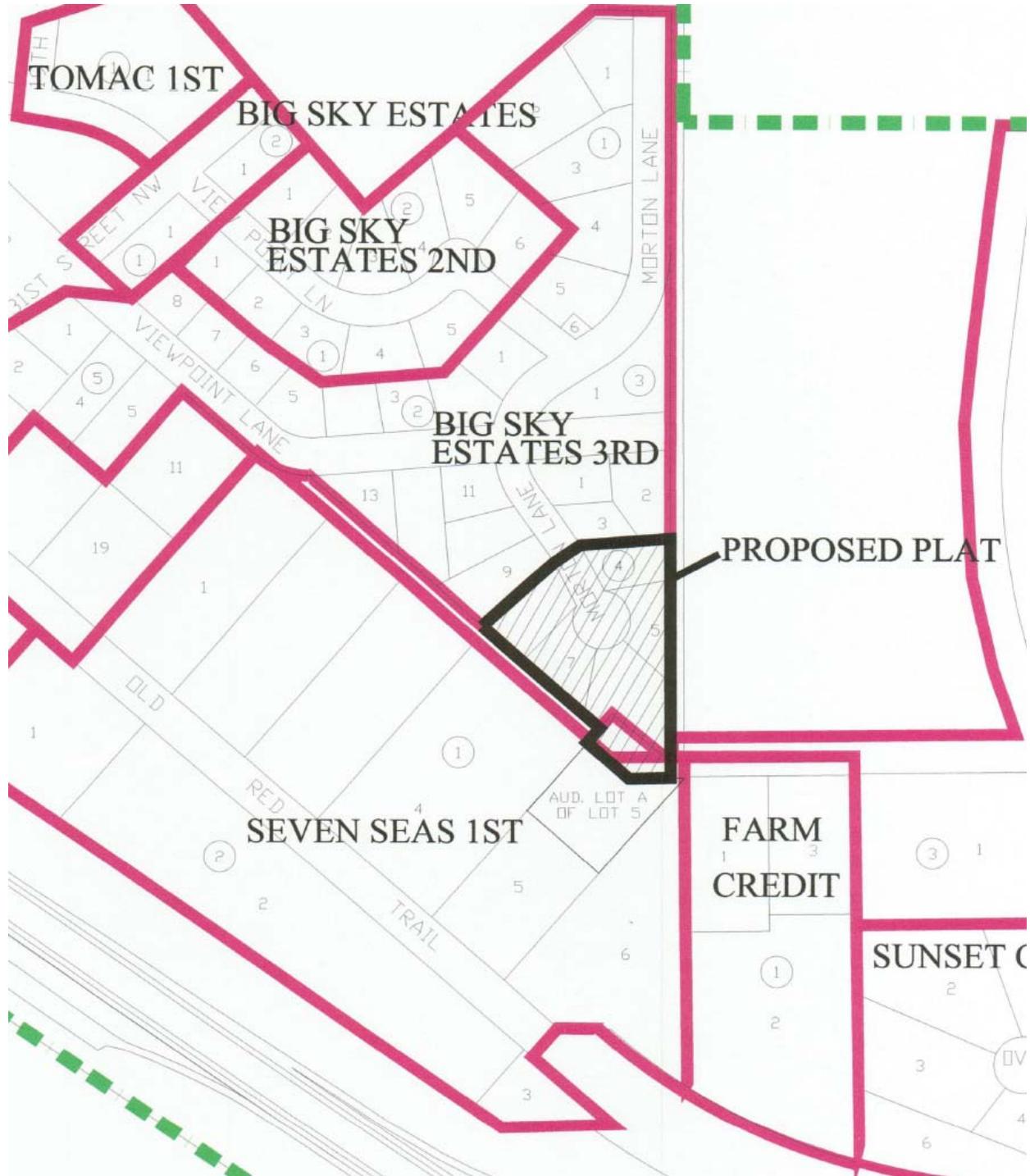
Fee Required: \$150.00

Date Received: 1-14-2011

Adjacent Property Owner Notification: April 11, 2011

Dates of Legal Notices: April 15th & 22nd, 2011

Recommendation: Planning office recommends approval.





Board of City Commissioners

Agenda Documentation

MEETING DATE: May 3, 2011
PREPARATION DATE: April 26, 2011
SUBMITTING DEPARTMENT: Engineering/Planning
DEPARTMENT DIRECTOR:
PRESENTER: Dave Bechtel
SUBJECT: Consider for approval the final plat of Lakewood Commercial Park 5th Addition.

STATEMENT/PURPOSE: To accept the subject final plat.

BACKGROUND/ALTERNATIVES: Request from Patrick & Michael Wachter. Final plat was approved by the Planning and Zoning Commission April 25, 2011.

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 Commercial Park 5th Addition.

April 19, 2011

Applicant: Patrick & Michael Wachter, Jessara, LLC

Owner: same

Developer:

Land Surveyor:

Requested Action: Final plat approval.

Name of Subdivision: Lakewood Commercial Park 5th

Legal Description: Lot 2, Block 2, Lakewood Commercial Park 4th and Auditor's Lot "K" of Government Lot 1 and the NE ¼ of Section 1, Township 138N, Range 81W.

Location: Northwest corner of 40th Avenue SE and Shoal Loop.

Parcel Acreage: 3.35

Number of Blocks: 1 Number of Lots: 1

Preliminary Plat Approval: Short Form

Existing Land Use: vacant

Proposed Land Use: Apartment complex

Adjacent Land Use: Commercial and Multi-Family Residential

Existing Zoning: CB Restricted (Heavy Commercial) and A(Agricultural)

Proposed Zoning: CB Restricted (Heavy Commercial)

Adjacent Zoning: CB Restricted (Heavy Commercial), CB (Heavy Commercial), A (Agricultural).

Fee Required: \$150.00

Date Received: March 31, 2011

Adjacent Property Owner Notification: April 11, 2011

Dates of Legal Notices: April 15th & 22nd, 2011

Recommendation: Planning office recommends approval.



Whereas, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, Timothy A. Helbling, Mayor of the City of Mandan, ND, do hereby proclaim May 12, 2011 as

Arbor Day

In the City of Mandan, ND, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 3rd day of May, 2011
 Mayor _____

SUNDAY ALCOHOLIC BEVERAGE PERMIT

Date of Application: 4-27-11

Name of Licensee: Silva Dulla Bar To Luba Began

Address of Licensee: 200 EAST MAIN

Address of public facility if used: SAME

State the purpose of organization: SUNDAY OPENING

Date(s) of requested Sunday(s): JUNE 12 2011
JULY 3 2011

Time of day which the applicant desires the permit to be in effect: 12 NOON - TUE 1 AM

Description of the rooms on the premises, which have been specifically reserved, for the dispensing of alcoholic beverages and dancing during the term of the permit: TKR W/LOT BUILDING

State whether the applicant requests permission to open to the general public, and if so an explanation of the reasons for the request: GENERAL PUBLIC BUSINESS

If applicable, estimated number of police officers necessary to provide security at the dance to be open to the public: _____

I the applicant will abide to the following conditions:

- a. Alcoholic beverages may be distributed for consumption on the premises and Dancing may be permitted only in those rooms specifically reserved for event activities;
- b. Dancing and the dispensing of alcoholic beverages shall be permitted only between the hours of twelve noon on the date specified in the permit and one a.m. on the following Monday;
- c. Any conditions or circumstances delineated by the Board relating to the conduct of the event or to the admission of the general public to the event.



LOCAL PERMIT OR CHARITY LOCAL PERMIT
OFFICE OF ATTORNEY GENERAL
 SFN 17926 (9-2009)

Consent No. 5

Type: Local Permit * Charity Local Permit

Permit Number
2011-23

Name of Organization Saidin Shrine Unit		Date(s) Authorized (Read Instruction 2)		
Contact Person Taylor Lee	Business Phone Number (701) 870-2735	5/4/2011 Beginning	to 8/30/2011 Ending	
Mailing Address 1208 West Owens Avenue, Unit 8		City Bismarck	State ND	Zip Code 58501-0000
Site Name Captain Freddy's		Site Address 2500 Pirates Loop Se		
City Mandan	State ND	Zip Code 58554-0000	County Morton	
Check the Game(s) Authorized: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.				
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker* <input type="checkbox"/> Twenty-one* <input type="checkbox"/> Paddlewheels*				
Restriction:				
Requirement: For a "Charity Local Permit," the organization must file a "Report on a Charity Local Permit" with the city or county auditor <u>and</u> Office of Attorney General within 30 days of the event.				
Date 4/19/2011	Signature of: <input checked="" type="checkbox"/> City Auditor <input type="checkbox"/> County Auditor <i>Jay Gruebele</i>	Printed Name of City or County Auditor Jay Gruebele		Auditor Telephone Number (701) 667-3250

Please see the instructions on the backside of this form on how to complete the Permit.
 For a raffle or calendar raffle, read "Information Required to be Preprinted on a Standard Raffle Ticket" below.

 cut along this line

INFORMATION REQUIRED TO BE PREPRINTED ON A STANDARD RAFFLE TICKET:

1. Name of organization;
2. Ticket number;
3. Price of the ticket, including any discounted price;
4. Prize, description of an optional prize selectable by a winning player, or option to convert a merchandise prize to a cash prize that is limited to the lesser of the value of the merchandise prize or four thousand dollars. However, if there is insufficient space on a ticket to list each minor prize that has a retail price not exceeding twenty dollars, an organization may state the total number of minor prizes and their total retail price;
5. For a licensed organization, print "office of attorney general" and license number. For an organization that has a permit, print the authorizing city or county and permit number;
6. A statement that a person is or is not required to be present at a drawing to win;
7. Date and time of the drawing or drawings and, if the winning player is to be announced later, date and time of that announcement. For a calendar raffle, if the drawings are on a same day of the week or month, print the day and time of the drawing;
8. Location and street address of the drawing;
9. If a merchandise prize requires a title transfer involving the department of transportation, a statement that a winning player is or is not liable for sales or use tax;
10. If a purchase of a ticket or winning prize is restricted to a person of minimum age, a statement that a person must be at least "___" years of age to buy a ticket, or win a prize;
11. A statement that a purchase of the ticket is not a charitable donation;
12. If a secondary prize is an unguaranteed cash or merchandise prize, a statement that the prize is not guaranteed to be won and odds of winning the prize based on numbers of chances; and
13. If a prize is live beef or dairy cattle, horse, bison, sheep or pig, a statement that the winning player may convert the prize to a cash prize that is limited to the lesser of the market value of the animal or four thousand dollars.

Rec-4-19-11

2011-23

400-8520

Damian Huey
Please call when done



APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT
OFFICE OF ATTORNEY GENERAL
SFN 0338 (08-2010)

Application for: Local Permit Charity Local Permit (one event per year)

Name of Non-profit Organization <i>Saidin Shrine Unit (El Zagal Shrine)</i>		Date(s) of Activity <i>May 1, 2011 to Aug 30, 2011</i>	
Person Responsible for the Gaming Operation and the Disbursement of Net Income <i>Taylor Lee, President</i>		Title	Business Phone Number
Business Address <i>1208 W Owens Ave Unit 8</i>		City <i>Bismarck</i>	State <i>ND</i>
Mailing Address (if different)		City	Zip Code <i>58501</i>
Name of Site Where Game(s) will be Conducted <i>Captain Freddy's</i>		Site Address <i>2500 Pirates Loop SE</i>	
City <i>Mandan</i>		State <i>ND</i>	Zip Code <i>58559</i>
County <i>Morton</i>			
Check the Game(s) to be Conducted: * Poker, Twenty-one, and Paddlowheels may be Conducted only by a Charity Local Permit.			
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker* <input type="checkbox"/> Twenty-one* <input type="checkbox"/> Paddlowheels*			

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize	Game Type	Description of Prize	Retail Value of Prize
Raffle	G. Loomis IMX 50R Fishing Rod 722	\$245.00			
Raffle	G. Loomis IMX 50R 721	\$245.00			
Raffle	Garmin Nuvi 1300 SR	\$249.98			
Raffle	Dakota 20 GPSSR	\$299.99			
Raffle	Schools Outfitters 18-45 x 70cm Backpack	\$299.99			
Raffle	Schools Outfitters Backpacks Blind	\$279.99			
Raffle	Guided Fishing Trip w/ Dave Jensen	\$350.00			
	OR Lake Sakakawea				
Total: <i>\$1,969.95</i>					(Limit \$12,000 per year)

Intended uses of gaming proceeds: *Children with medical needs*

Does the organization presently have a state gaming license? No Yes - If "Yes," the organization is not eligible for a local permit or charity local permit and should call the Office of Attorney General at 1-800-426-6240.

Has the organization received a charity local permit from this or another city or county for the fiscal year July 1 through June 30? No Yes - If "Yes," the organization does not qualify for a local permit or charity local permit.

Has the organization received a local permit from this or another city or county for the fiscal year July 1 through June 30? No Yes - If "Yes," indicate the total value of all prizes previously awarded: \$ _____ This amount is part of the total prize limit of \$12,000 per year.

Signature of Organization's Top Executive Official <i>Taylor Lee</i>	Date <i>4/16/11</i>	Title <i>President</i>	Business Phone Number <i>701-870-2735</i>
---	------------------------	---------------------------	--

701 870-2735



CITY OF MANDAN

MANDAN CITY HALL - 205 2nd Avenue NW
MANDAN, NORTH DAKOTA 58554
701-667-3215 • FAX: 701-667-3223 • www.cityofmandan.com

CITY DEPARTMENTS	
ADMINISTRATION	667-3215
ASSESSING/BUILDING INSPECTION	667-3230
BUSINESS DEVELOPMENT	667-3485
CEMETERY	667-6044
ENGINEER/PLANNING & ZONING	667-3225
FINANCE	667-3213
FIRE	667-3260
HUMAN RESOURCES	667-3217
LANDFILL	667-0184
MUNICIPAL COURT	667-3270
POLICE	667-3455
PUBLIC WORKS	667-3240
WASTEWATER TREATMENT	667-3278
SPECIAL ASSESSMENTS	667-3271
UTILITY BILLING	667-3219
WATER TREATMENT	667-3275

RESOLUTION OF APPRECIATION

Presented May 3, 2011

WHEREAS, Dave Ressler has made numerous contributions to local organizations within the Mandan area, including but not limited to: National Guard, United Way, Boy Scouts, Bismarck Cancer Center, Mandan Rotary, Aid, Inc., Girl Scouts, Mandan Baseball Club, Abused Adult Resource Center, Cystic Fibrosis, North Dakota Nurses Association, Central Dakota Humane Society, ND Peace Officers Memorial, Dakota Star Gymnastics, Big Brother/Big Sister, ND Teen Challenge, Ruth Meiers Hospitality House, Mental Health Association, Make-a-Wish, ND Veteran's Cemetery, ND 4-H Foundation, American Legion Open Your Heart, and

WHEREAS, Those contributions include such items as electronic signage boards, a bus, and over \$300,000 in cash to local non-profit organizations, and

WHEREAS, numerous (anonymous) donations have been made by the Ressler family to individuals with catastrophic health problems including monetary donations, lodging for loved ones and many other services, and

WHEREAS, Dave Ressler is providing a free concert for the citizens of Mandan on June 25, 2011.

NOW, THEREFORE, I, Timothy A. Helbling, Mayor of the City of Mandan on behalf of the Board of City Commissioners and all our citizens, do hereby extend this expression of our thanks for your generosity, and

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the City of Mandan this 3rd day of May, 2011.

BY: _____
Timothy A. Helbling, Mayor

Attest:

James Neubauer, City Administrator



Consent No. 7

Board of City Commissioners Agenda Documentation

MEETING DATE: May 3, 2011
PREPARATION DATE: April 29, 2011
SUBMITTING DEPARTMENT:
DEPARTMENT DIRECTOR:
PRESENTER: Del Wetsch
SUBJECT: Consider for approval, the requests submitted by the Mandan Progress Organization for the Mandan Sports & Recreation Show.

STATEMENT/PURPOSE: Obtain authorization to utilize City owned and administered property in downtown Mandan for the Mandan Sports & Recreation Show.

BACKGROUND/ALTERNATIVES: Del Wetsch has outlined and provided information about the event in the attachments.

ATTACHMENTS:

1. Letter of Request
2. Map of event

FISCAL IMPACT: Minimal

STAFF IMPACT: Public Works and Police departments are being requested for specific needs.

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

RECOMMENDATION: This office supports the indicated requests as listed.

SUGGESTED MOTION: I move to authorize the requests as listed.

Board of City Commissioners

Agenda Documentation

Meeting Date: May 3, 2011

Subject: Consider for approval, the requests submitted by the Mandan Progress Organization for the Mandan Sports & Recreation Show.

Page 2 of 3



MANDAN PROGRESS ORGANIZATION
SPORT & RECREATION SHOW
411 West Main
Mandan, ND 58554
Phone: 751-2983

April, 2011

Members of the City Commission:

The Mandan Progress Organization is sponsoring a Sport and Recreation Show on Saturday, May 14, 2011.

We are submitting the following requests to make this event happen:

Friday, May 13th 2011

Posting of no parking signs from 4th Avenue NW to 1st Ave. NW on Main Street and on 1st, 2nd, 3rd, 4th, Avenues NW and the half block on Collins Ave.

We would suggest that the signs be posted the night before Saturday, May 14th prior to midnight.

"No parking" is requested from 6:00 am Saturday the 14th of May until the removal of barricades on Saturday following the completion of the event at 6:00 pm.

Posting of "No Parking" in the city lot between Papa Murphy's and John Iverson building.

Saturday, May 14th 2011

Closing off of Main Street from 4th Ave NW to 1st Ave. NE

Closing off of 1st, 2nd, 3rd, 4th, Avenues NW, and half of Collins Avenue.

The use of the Heritage Park city owned parking lot on south side of Main.

City shop to provide detour signs on west and east ends of Main and stop signs at 3rd Avenue NW and 1st St. NE.

Board of City Commissioners

Agenda Documentation

Meeting Date: May 3, 2011

Subject: Consider for approval, the requests submitted by the Mandan Progress Organization for the Mandan Sports & Recreation Show.

Page 3 of 3

Request of the Mandan Police Department
Prior to the event

To notify patrons that have rented spaces in city lots, not to use those lots during the requested times. MPO will cover costs of notification.

To assist with the removal of vehicles in the NO PARKING ZONES starting after 1:00 am on Saturday the 14th of May.

Provide traffic cones with delivery by the PD at 6:30 am Saturday the 14th (meet M&H)
Two bike patrol officers if possible. Times determined by PD

To assist in traffic control and street closure Saturday the 14th of May at 6:30am and reopening the streets at 6:30 pm after vendors have cleared Main Street.

I have met with Police Chief Dennis Bullinger and others prior to this request and we have worked out all the logistics of the event.

The possibility of having Main Street cleaned prior to the May 14th event.

Thank you for your considerations of the following requests for the show.

Del Wetsch
Mandan Progress Organization
Executive Director
411 West Main
Mandan, ND 58554
220-2959
751-2983
dwetsch@mandanprogress.org



Board of City Commissioners

Agenda Documentation

MEETING DATE: May 3, 2011
PREPARATION DATE: April 28, 2011
SUBMITTING DEPARTMENT: Business Development & Communications
DEPARTMENT DIRECTOR: Ellen Huber, Business Development & Communications Director
PRESENTER: Pat Maddock and/or Karen Fleck, Oaktree Realty
SUBJECT: Consider proposals for city-owned properties

STATEMENT/PURPOSE: To receive an update and consider any offers that may be received by Oaktree Realty for city-owned properties currently offered for sale.

BACKGROUND/ALTERNATIVES: The City Commission voted at its Feb. 15, 2011, meeting to enter into a real estate listing agreement with Pat Maddock and Karen Fleck of Oaktree Realty for the sale of properties : 1) parcels cleared for redevelopment at 100 Collins Avenue, 104 E Main, 106 E Main, 108 E Main, and 2) a building at 116 E Main. The supplemental property information documents indicated that the properties needed to be listed for at least 60 days. The listing agreements run through Aug. 17, 2011.

The listing realtors have been asked to present and update regarding activities to promote and sell the properties including any offers received to date.

ATTACHMENTS: 116 E Main property information sheet

No offers have been submitted at this time. It's possible that one or more offers for the 116 E Main building may be submitted prior to or at the City Commission meeting on May 3. Offers on the Collins and Main parcels are not yet anticipated.

FISCAL IMPACT: To be determined.

STAFF IMPACT: As Business Development Director, I intend to send a special mailing on the Collins and Main parcels to development firms, architects and others who may come in contact with potentially interested parties within the next month, but more importantly will make appointments with such entities in Mandan, Bismarck, Fargo, and Minot to provide an overview of this opportunity and others in our community.

LEGAL REVIEW: Legal review of any offers received will be required.

RECOMMENDATION: I recommend that the City Commission take any offers received at the May 3 meeting under advisement to allow for full consideration of all factors involved, consultation as may be needed with Attorney Brown, or possible negotiating instructions to staff or the real estate agents. Or it may be that only a status report is provided.

SUGGESTED MOTION: I move to take offers for acquisition of city-owned property under advisement for consideration at the Commission's May 17 meeting to allow for legal consultation.

Subject Building



PROPERTY INFORMATION

For parties interested in Acquisition & Renovation
of City-Owned Building at 116 E Main, Mandan, North Dakota



**CITY OF
MANDAN**

"WHERE THE WEST BEGINS"

Issued Feb. 17, 2011

City of Mandan
205 Second Avenue NW
Mandan, North Dakota 58554
Phone: 701-667-3215
www.cityofmandan.com

Seeking Buyers Interested in Redevelopment of Downtown Building

The City of Mandan is seeking buyers interested in acquisition and rehabilitation of a building at 116 E Main Street. The main level is suited to a retail business. The second story has two apartments.

The building is located in our city's central business district, near city hall, the county courthouse, professional services and niche retail. The City of Mandan is committed to having the properties placed on the Bismarck Mandan Realtors Association Multiple Listing Service for a minimum of 60 days before offers will be considered, through at least April 18, 2011; and for as long as 6 months, through Aug. 19, 2011. Submit offers to:

Oaktree Realtors
3015 Memorial Highway
Mandan, ND 58554

Listing Agents

Karen Fleck
Office: 701-663-3535
Cell: 701-400-7066

Pat Maddock
Office: 701-223-7422
Cell: 701-391-8867

REQUIREMENTS

Asking price · \$50,000

Deposit · In addition to the purchase price, a deposit of \$5,000 will be required to be made at closing and refundable upon completion of building rehabilitation (certificate of occupancy for main level and apartments).

Timeline for renovation · The City Commission reserves the right at its sole discretion to extend the timeline if warranted.

Start of building rehabilitationOctober 1, 2011
(Property reverts back to City of Mandan if deadline is not met and deposit retained.)

Building substantially complete byMarch 1, 2012
(Deposit returned to buyer)

All offers are subject to review and consideration by the Mandan City Commission. The City reserves the right to: 1) conduct interviews with some or all parties who submit offers, 2) reject any and all offers or portions thereof, 3) hold all offers or responses for a period of thirty (30) days after receipt to allow for scheduling of City Commission meetings, 4) negotiate modifications of project descriptions to a lesser or greater magnitude than described in the response, 5) accept the response(s) deemed most favorable to the best interest of the City of Mandan, and 6) advertise for new offers/responses as may be deemed necessary.

Be advised as per North Dakota open records law that responses may be released to the public if requested except for portions subject to NDCC 44-04-18.4 pertaining to confidentiality of trade secret, proprietary, commercial, and financial information.

Site Profile



Additional Property Information

- Block 6, Lot 7, Mandan Proper
- Lot is 3,250 ft² (25qX 130q)
- Building is 25qX 80q(2,000 sf per floor, two stories and a basement), vacant since 2006.
- Irwin Marcovitz Building constructed in 1926, on list of contributing properties to Mandan's historic district.
- Sells as is; roof has a leak.

Property Tax Estimates (2010 levy of 409 mills equal to 2.045% of value)
Full and true value: land, \$14,900; building, \$51,000. Annual taxes are \$1,348.

Special Assessments

Payoff balance figured to 1/31/2011 of \$2,872.22; annual payment of \$646.29

Zoning

The site is in an area zoned CB, which is commercial permitting a variety of commercial, retail and multi-family residential uses.

Also subject to DC Downtown Core District zoning overlay (Mandan Municipal Code, 21-04-17) requirements for building design and renovation. Improvements to exterior subject to application for consideration by Mandan Architectural Review Commission.

Parking

Off-street parking is not required for properties within the Downtown Parking District (Mandan Municipal Code 21-03-10.6).

Customer parking restricted to 90 minutes is available on Main Street and the avenues. Parking is enforced Mondays through Fridays during daytime hours. A courtesy ticket is issued to those who park overtime in a time-restricted area if the vehicle has not been associated with a violation in the previous 180 days.

Public parking areas are located in close proximate to the parcels. Following is their status as of early February 2011:

- Lot C (south of Main Street between Collins Avenue and First Avenue NW) · 52 spaces with 7 for public parking restricted to 90 minutes, and 45 available free of charge for all-day parking with exception of no overnight parking allowed two to three nights a week.
- Lot D (west of Collins Avenue) · contains 26 spaces including 17 spaces available to the public with a 90-minute restriction and 9 spaces rented spaced for all-day parking.
- Lot E (south side of Fire Station) · 11 spaces; all currently rented at \$20 per month.
- Lot F (east side of Fire Station) · 11 spaces reserved for firefighters; 46 spaces available for rent at \$20 per month; only 21 spaces are currently rented.

A parking map is available.

Utilities

Site maps with utility easement agreements and maps with locations for sewer and water service lines and mains are available for reference.

Institutional Control Ordinance

The property is within the city's Environmental Institutional Control District as defined by the Mandan Code of Ordinances Chapter 21-10 (created by Ordinance 1002) which establishes requirements for liability assurances. Any new construction must be slab on grade with a contingency plan that may need to incorporate vapor barriers, a venting system, groundwater suppression/collection, and specialized HVAC as determined by a professional engineer.

Liability Protection

North Dakota Century Code 23-20.3-03.1 as amended during the 2005 state legislative session provides that a purchaser of property cannot be held liable for the cleanup of an environmental condition as long as the party does not contribute to or worsen the condition. Pursuant to this legislation, property owners, prospective owners, lenders, and tenant/operators may submit a Request for Responsibility Exemption and Regulatory Assurance (SFN 59226) from the North Dakota Health Department.

A complete copy of all property information, including supporting documentation and maps, is available on the City of Mandan website at www.cityofmandan.com.

Development Incentives

The City of Mandan is poised to help owners of commercial properties and businesses succeed with several tools. Each is subject to application and consideration by the appropriate review committee and the Mandan City Commission.

- **Renaissance Zone Incentives:** Five-year, 100% property tax exemption on the taxable value of the proposed building(s) and a five-year, 100% state exemption on income derived from business activity within the building(s). The lease of a property for a new or expanding business is also a qualifying event for the incentives. Exemptions may transfer with the property to a qualified user on a prorated basis.
- **Downtown Storefront Improvement Program:** Storefront funds are provided in the form of a maximum \$10,000 forgivable loan for up to 50 percent of the investment in rehabilitating a building façade. The interest-free loans are pro-rated and forgiven over the course of three years contingent on project completion and the building remaining intact during this period. Qualifying improvements must be to areas visible from the public right of way and may include replacement of exterior finishes, reconfiguring entrances, door and window replacement, awnings, lighting, paint, signs and landscaping. Deadlines for applications in 2011 are Feb. 1, May 2, Aug. 1, and Nov. 1.
- **Retail and Restaurant Incentive Program:** New and expanding businesses that fill a gap in the city's market profile and that meet other program criteria may apply to receive assistance for up to \$5 per square foot of operating space for their first 12 months, not to exceed \$20,000 per property. The budget for the program in 2011 is \$60,000 and thus funding may not be available at the time of a request.

Other Incentives

- **Revolving loan pool:** The Lewis and Clark Regional Development Council administers an intermediary loan program from USDA Rural Development attained specifically for business development in Mandan. Owner equity of at least 10 percent of total project costs is required. The IRP loan can be no more than 50 percent of total financing needs not to exceed \$250,000 per project. For more info, call 701-667-7624.

Resource Contact Information

<u>Title</u>	<u>Name</u>	<u>Phone</u>
City Staff		
City Administrator	Jim Neubauer	701-667-3215
Business Development Director	Ellen Huber	701-667-3485
Engineering and Planning -Project Director	Dave Bechtel	701-667-3225
Building Inspection and Assessing	Richard Barta	701-667-3230
Finance Director	Greg Welch	701-667-3213
Public Works	Jeff Wright	701-667-3240
Fire Chief	Steve Nardello	701-667-3288
Advisors/Consultants		
Economic Development	Bismarck-Mandan Development Association Richard Mower	701-222-5530
Environmental Remediation	N.D. Health Dept. Scott Radig	701-328-5166

For additional information such as the City of Mandan's Downtown Redevelopment Plan, site plan and building design requirements, and remediation reports, visit www.cityofmandan.com. If you have other questions not answered here, please contact Ellen Huber, City of Mandan Business Development & Communications Director at 701-667-3485 or ehuber@cityofmandan.com.