



AGENDA
MANDAN CITY COMMISSION
AUGUST 2, 2011
ED "BOSH" FROEHLICH 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 minutes from the July 19, 2011 Board of City Commission meeting.
- C. PUBLIC HEARING:
- D. BIDS:
- E. CONSENT AGENDA:
1. Consider for approval an application for beer garden and street dance.
 2. Consider approval of the replat of Lot 3, Block 2, Lakewood Commercial Park 2nd Addition.
 3. Consider site authorization for Prairie Public Broadcasting at the Mystique Lounge LLC for August 1, 2011 through June 30, 2012.
- F. OLD BUSINESS:
1. Consider an extension of the purchase and business incentive agreements for 116 E Main Street.
- G. NEW BUSINESS:
1. Consider allowing the negotiation of and enter into an Engineering Services Agreement for Street Improvement Project 2010-03 District #161 (North Mandan).
 2. Consider the approval of the feasibility report for, approve the plans and specifications for, and authorize the call for bids on Water & Sewer Improvement District No. 58, Project No. 2011-07 (Shoal Loop extension).
 3. Consider the Mandan Airport Authority's 2012 Budget.
 4. Consider filing an intent to apply for the U.S. Treasury Department's Small Business Credit Initiative
 5. Consider budget amendment to the 2011 asphalt budget for increased street repairs.
 6. Consider Mandan Wastewater Treatment Plant Phase I – Interim Improvements Project
 7. Consider personnel actions

*Agenda
Mandan City Commission
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H. RESOLUTIONS & ORDINANCES:

1. *Consider second and final consideration of Ordinance No. 1100 Zone Change for Sunset Commercial Park & School District 5th Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.*
2. *Consider second and final consideration of Ordinance No. 1099 Zone Change for Seven Seas 1st Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.*
3. *Consider second and final consideration of Ordinance 1101 an ordinance to create a new section to the Title 12, Alcohol and Gaming Licenses and Permits, of the Mandan Code of Ordinances relating to the on or off sale of distilled spirits.*
4. *Consider second and final consideration of Ordinance No. 1097 Zone Change for Heart Ridge First Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.*

I. OTHER BUSINESS:

J. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. August 16, 2011
2. September 6, 2011 – 5 p.m. start
3. September 20, 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 July 19, 2011 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, 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 July 5, 2011, regular meeting.* Commissioner Jackson moved to approve the minutes of July 5, 2011, Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present.

PUBLIC HEARING:

BIDS:

CONSENT AGENDA:

1. *Consider approval of the pledge of securities reports as required by NDCC 21-04.* The Board approved of the pledge of securities reports as required by NDCC 21-04.
2. *Consider approval of the monthly bills.* The Board approved of the monthly bills.
3. *Consider Acceptance of Grant from the Department of Human Services, for the Enforcement of Underage Drinking, Contract #2011-1.* The Board approved of the Acceptance of Grant from the Department of Human Services, for the Enforcement of Underage Drinking, Contract #2011-1.
4. *Consider approval of Sunset Commercial Park & School District 5th Addition Zone Change. (First consideration of ordinance 1100).* The Board approved of the Sunset Commercial Park & School District 5th Addition Zone Change. (First consideration of ordinance 1100).
5. *Consider approval of Seven Seas 1st Addition Zone Change. (First consideration of ordinance 1099).* The Board approved of Seven Seas 1st Addition Zone Change. (First consideration of ordinance 1099).

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

OLD BUSINESS:

1. *Update on status of Diane’s Addition street maintenance project.* Engineering Project Manager Bechtel provided an update on this project. He stated that the months of May and June were spent working on the flood project in the city. He stated that in looking at putting this project up for bids, contractors and consultant engineers cautioned that this project may not be very prudent at this time, and in particular, projects related to streets. The projects that are currently being bid right now are about three times what would normally be paid for product. Any projects that are out there with timelines - many of those contractors are saying they do not want a time line and they do not want to

bid it; and if there is a timeline they are telling us what it is rather than us dictating when that is. Regarding projects that are being bid this year and that are spanned into next year, the contractors are willing to bid but will speculate basically on oil prices, concrete prices and other prices for projects. Therefore, you can expect to see escalated prices on those products. Those are the factors working against us at the present time. If we were looking at starting immediately, that would most likely be around September 1st, and we would have approximately 8-10 weeks to do the areas we are looking at. The Diane's project would not be completed in that 8-10 week period of time. Bechtel proposed moving this project in with a larger district next year, breaking that district up into three, four or five different sub-districts. Bechtel stated that it would be brought to bid possibly in January or February to see what the market is at that time with plans to move forward with the project in the spring of 2012. In collaborating with the Public Works Department, Bechtel stated that it would be proposed, depending on the project district, that there would be some temporary patching or repairs done to get through the winter months in these areas. Bechtel indicated that they will be working on the new district and anticipates having it ready at the next meeting for approval.

Mayor Helbling commented that he is not pleased with how this project has been delayed, now into its third year, noting that the project should have been completed prior to the flood this past spring. He recommended that the staff look at hiring an outside engineering firm to complete this project. He stated that going on three years is unacceptable and that a plan to complete the project should have been in place by spring and the project itself completed in the spring. Mayor Helbling said that after three years, he does not feel confident that the engineering staff is capable of taking on this project and getting it completed. He recommended that at the next meeting a decision needs to be made as to whether an outside engineering firm is to be hired to complete the project stating that he thinks it is too large and to get it done correctly, outside help is necessary.

Commissioner Rohr indicated that he drove around the area and agreed that there may be serious problems if repairs to the streets are not completed before winter. Bechtel stated that there are some areas in the city that are newer than the Diane's Addition but they are in worse condition and probably have a higher priority for attention.

Mayor Helbling commended Bechtel and the engineering department for their efforts extended during the flooding. However, he recommended that this project be brought back at the next meeting to look at different alternatives and to consider hiring an outside firm to oversee this and other larger projects.

Commissioner Jackson asked Bechtel if he has seen any of the bids coming in on projects in general. Bechtel replied that he has not personally seen them but he has had discussions with firms such as Northern Improvement and Toman Engineering regarding jobs that have been bid recently. He indicated that those engineering bids are considerably higher than the standard engineering bids at this point. This is affecting the whole state of North Dakota, not just the Bismarck-Mandan area. Commissioner Jackson mentioned that he is aware of some projects going ten times as high as normal and in fact comments have been made that they are "going through the roof". There are at least two

dozen counties with roads under water... roads in need of repair everywhere. He stated that he does not want to see the City spend money on a private engineering firm only to have a bid come back four to five times higher and then to have the Commission end up saying that it does not make any sense anyway. Jackson stated that his notes indicate that the project goes back to 2009 and it was not just the City dragging its feet because there was at least one occasion in which the project was protested out. Mayor Helbling agreed with Commissioner Jackson regarding keeping the costs down. However, the concern is that no bid specifications are ready to go on the project and if the plan was to bring this back as part of a bigger project last spring, the city should have been ready to do that. He pointed out that we need to do what we told the people we were going to do. Mayor Helbling requested this matter be placed on the next Agenda for discussion.

NEW BUSINESS:

RESOLUTIONS & ORDINANCES:

1. *Consider second and final consideration of Ordinance No. 1098 an ordinance to create a new Chapter to Title 17, Public Nuisances, of the Mandan Code of Ordinances.* Commissioner Tibke moved to approve the second and final consideration of Ordinance No. 1098 an ordinance to create a new Chapter to Title 17, Public Nuisances, of the Mandan Code of Ordinances. Commissioner Jackson seconded the motion. Roll call vote: Commissioner Rohr: No; Commissioner Tibke: Yes; Commissioner Frank: No; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed. *(A copy of the ordinance is on file open for public inspection during regular working hours in the Office of the City Administrator.)*
2. *Consider first consideration of Ordinance No. 1100 Zone Change for Sunset Commercial Park & School District 5th Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Municipal Code relating to District Boundaries and Zoning Map.* Commissioner Tibke moved to approve the first consideration of Ordinance No. 1100 Zone Change for Sunset Commercial Park & School District 5th 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. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.
3. *Consider first consideration of Ordinance No. 1099 Zone Change for Seven Seas 1st 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 consideration of Ordinance No. 1099 Zone Change for Seven Seas 1st Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Municipal Code relating to District Boundaries and Zoning Map. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

4. *Consider first consideration of Ordinance 1101 an ordinance to create a new section to the Title 12, Alcohol and Gaming Licenses and Permits, of the Mandan Code of Ordinances relating to the on or off sale of distilled spirits.* City Attorney Brown stated that Business Development and Communications Director Huber recently notified him that someone had expressed interest in opening a distillery. The City of Mandan does not have an ordinance to permit a distillery. However, state law permits licensing of a facility to make distilled spirits. He indicated that an ordinance has been created so that if someone wants to open a distillery they can do so. Mayor Helbling mentioned that at this time, there is no one who wants an actual license but that the City is approaching this proactively rather than reactively. Huber stated that there is an entrepreneur looking at a start-up business of this nature and the individual wanted to make sure that the licensing would be in place before entering into any lease agreements for property or other investments related to the business. Commissioner Jackson moved to approve the first consideration of Ordinance 1101 an ordinance to create a new section to the Title 12, Alcohol and Gaming Licenses and Permits, of the Mandan Code of Ordinances relating to the on or off sale of distilled spirits. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed.

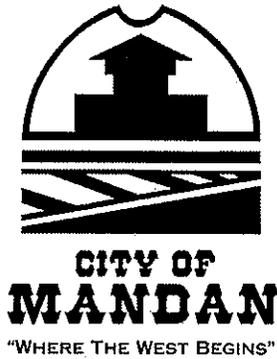
5. *Consider a resolution to establish a license fee for the sale of distilled spirits.* Commissioner Jackson moved to approve a resolution to establish a liquor license fee in the amount of \$600 for the sale of distilled spirits. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Yes. The motion passed. *(A copy of the resolution is on file open for public inspection during regular working hours in the Office of the City Administrator.)*

OTHER BUSINESS:

There being no further actions to come before the Board, Commissioner Rohr moved to adjourn the meeting at 5:50 p.m. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present.

James Neubauer,
City Administrator

Timothy A. Helbling,
President, Board of City
Commissioners



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 2, 2011
PREPARATION DATE: July 22, 2011
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR:
PRESENTER: Dave Bechtel
SUBJECT: Consider for approval an application for beer garden and street dance.

STATEMENT/PURPOSE: To consider approval of the requested beer garden and street dance activity.

BACKGROUND/ALTERNATIVES: Representatives of the Auditors Office, Police Dept., Fire Dept, Custer Health, and the Engineering Dept. reviewed the above listed beer garden and street dance applications; and found them to be in compliance with the ordinance governing their operation. We have 1 applicant requesting 1 event.

Gina Leingang – West Side Bar & Grill – street dance and beer garden application for August 19 & 20.

The request is similar to past years and have been reviewed by the appropriate City officials for compliance. The application appears to be in order and requirements appear to be met for the events.

ATTACHMENTS: Application

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 all the subject beer garden and street dance request as attached.

SUGGESTED MOTION: I move to approve all of the beer garden and street dance applications as recommended by the departments.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 2, 2011

Subject: Consider for approval an application for beer garden and street dance.

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9. Please provide an estimate of the number of persons that the person conducting the event has determined can be safely accommodated at the site and also estimate of the number of persons expected to attend:

Maximum Capacity 300
Expected Attendance 250

10. Is there going to be advance ticket sales? Yes _____ No X

If yes, please list the maximum amount to be sold: _____

11. What plans are there to limit attendance if there are no advance ticket sales, security

12. Please list the number and provide on the site plan the placement of sanitary toilet facilities:

Number of toilet facilities 6

13. Has the City Health Officer reviewed your plan to determine if your proposed toilet facilities are adequate to meet the attendance?

Yes X (previous dances) No _____

14. Fencing & Barricades should be supplied on site plan.

15. List below a description of the signing which is proposed to control pedestrian and vehicular traffic, parking and notices to the persons in attendance. _____

16. Security: Do intend to use private security or city police officers.

Private X City Police _____

17. List the number of security people you plan on using. Street dances provide for the use of police officers:

Private 3 City Police _____

18. Street Dances & Concerts: Have you enclosed fees for the charges for city police officers? List the amount _____

[Signature]
Signature of applicant

6-28-11
Date

Telephone number

Board of City Commissioners

Agenda Documentation

Meeting Date: August 2, 2011

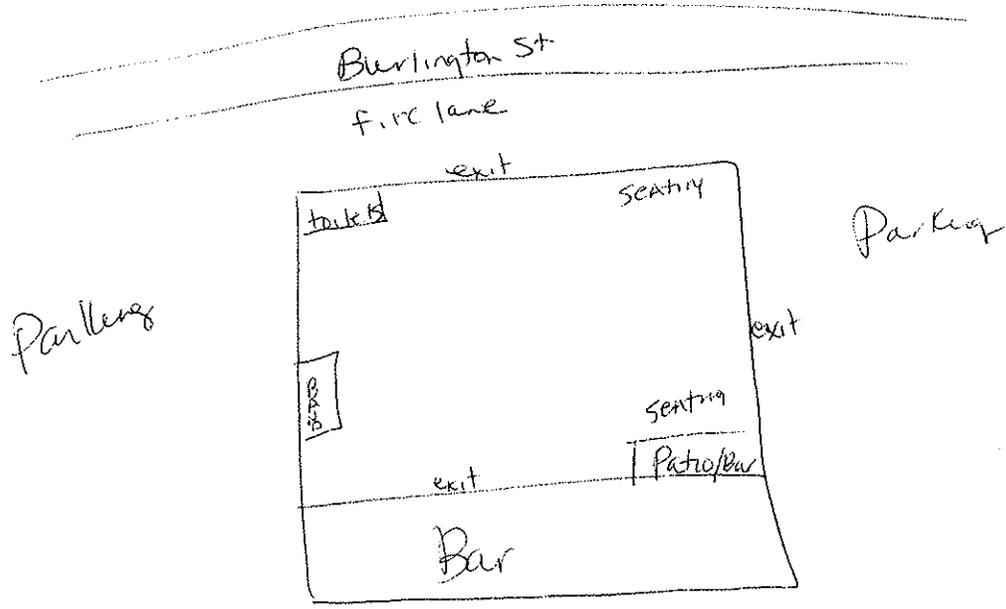
Subject: Consider for approval an application for beer garden and street dance.

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B. SITE PLAN FOR STREET DANCE APPLICATION:

Please provide a site plan which details the exact placement of the stage, lighting and other electrical equipment, audience seating, toilet facilities, fencing or other barricades, parking, marked fire lanes, and the proximity of public roadways. The site plan submitted by the applicant shall be reviewed by the city engineer who shall submit his recommendations to the board of City Commissioners.

Same as previous page





Board of City Commissioners

Agenda Documentation

MEETING DATE: August 2, 2011
PREPARATION DATE: July 26, 2011
SUBMITTING DEPARTMENT: Engineering/Planning
DEPARTMENT DIRECTOR:
PRESENTER: Dave Bechtel
SUBJECT: Consider for approval the final replat of Lot 3,
Block 2, Lakewood Commercial Park 2nd.

STATEMENT/PURPOSE: To accept the subject final plat.

BACKGROUND/ALTERNATIVES: Request from Art Goldammer. Final plat was approved by the Planning and Zoning Commission June 27, 2011. Residential development.

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 Lot 3, Block 2, Lakewood Commercial Park 2nd.

June 22, 2011

Applicant: Art Goldammer

Owner: same

Developer:

Land Surveyor:

Requested Action: Final replat approval.

Name of Subdivision: Replat of Lot 3, Block 2, Lakewood Commercial Park 2nd

Legal Description: Replat of Lot 3, Block 2, Lakewood Commercial Park 2nd Addition, Section 6, Township 138N, Range 80W

Location: Southwest of McKenzie Drive SE and Bay Shore Bend SE

Parcel Acreage: 4.11

Number of Blocks: 1 Number of Lots: 14

Preliminary Plat Approval: Short Form

Existing Land Use: vacant

Proposed Land Use: Residential

Adjacent Land Use: Industrial and Agricultural

Existing Zoning: RM (Multi-Family Residential)

Proposed Zoning: same

Adjacent Zoning: A (Agricultural) and MC (Light Non-Nuisance Industrial/Heavy Commercial).

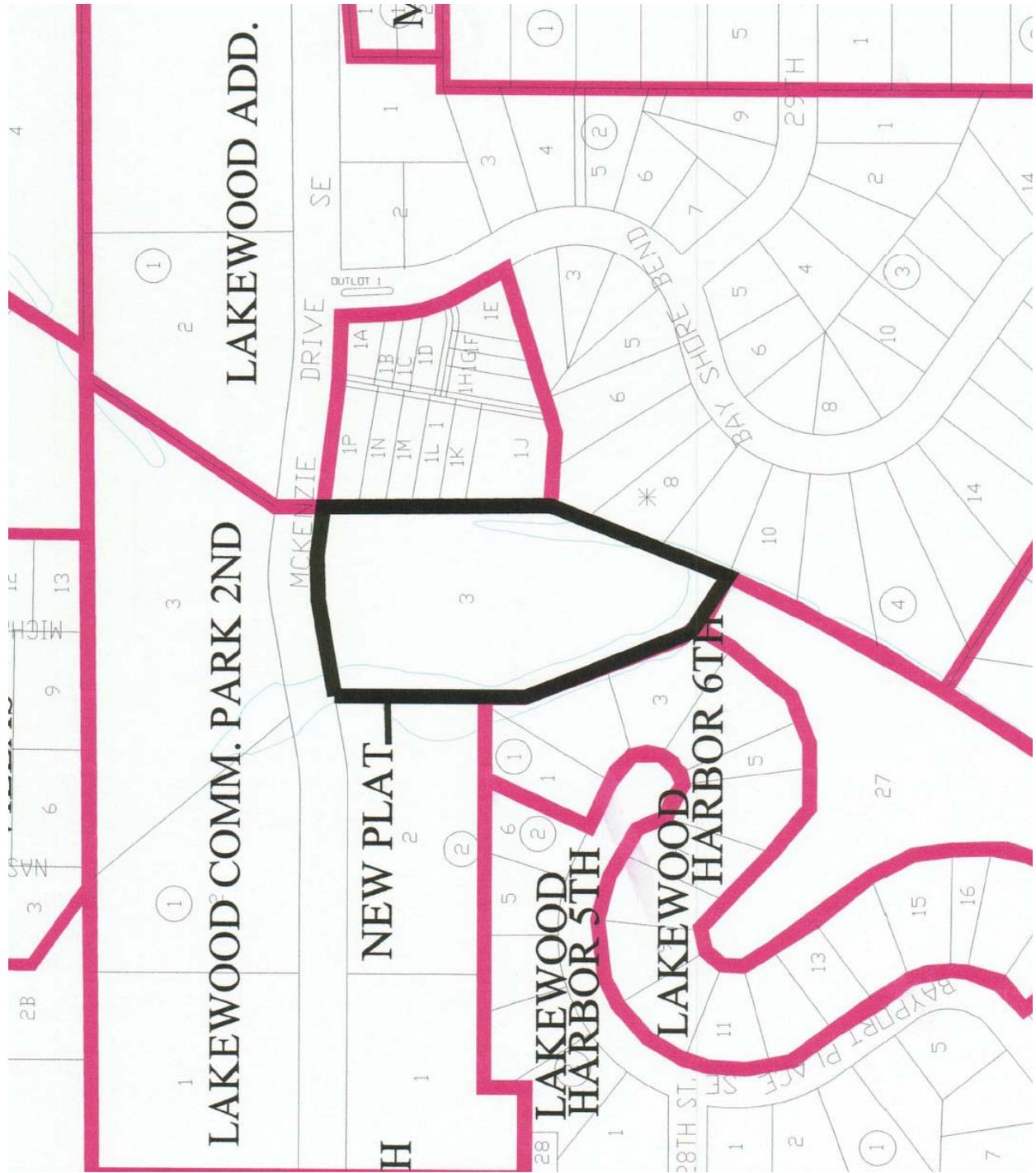
Fee Required: \$150.00

Date Received: 5-25-2011

Adjacent Property Owner Notification: June 15, 2011

Dates of Legal Notices: June 3rd & 10th, 2011

Recommendation: Planning office recommends approval.





GAMING SITE AUTHORIZATION
OFFICE OF ATTORNEY GENERAL
SFN 17996 (02-2011)

G- _____ (_____) _____
Site License Number
(Attorney General Use Only)

Mystique Lounge LLC is hereby authorized to conduct games of
(Full, Legal Name of Gaming Organization)

chance under the license granted by the Attorney General of the State of North Dakota at the following
location: 210 W Main the address of which is:

Mandan ND 58554 Morton
(Street) (City) (Zip Code) (County)

Date(s) Authorized: Beginning 8/1/11 Ending 6/30/12

Specific location where games of chance will be conducted and played at the site (required): _____
The gaming area consists of the entire bar, excluding the rest areas

Number of twenty-one tables (required) (if zero, enter "0") : 1

RESTRICTIONS: (to be completed ONLY if restrictions are set by the local governing body)
1. Days of week of gaming operations _____
2. Hours of gaming _____
3. List each specific game type prohibited _____

Attorney General Date Signature of City/County Auditor Date

PRINT Name / Official Position of person signing above

INSTRUCTIONS:

- 1. City/County Auditors - Retain a **copy** of the Site Authorization for your files.
- 2. City/County Auditors - Return the **original** Site Authorization form to the Organization.
- 3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval.

RETURN ALL DOCUMENTS TO:

Office of Attorney General
Licensing Section
600 E Boulevard Ave, Dept. 125
Bismarck, ND 58505-0040
Telephone: 701-328-2329 OR 800-326-9240



RENTAL AGREEMENT
 OFFICE OF ATTORNEY GENERAL
 SFN 9413 (Rev. 06-2010)

STATE USE ONLY
SITE LICENSE NO. G- _____ (____) _____

Site Owner (Lessor) <i>MYSTIQUE LOUNGE LLC</i>		Site Name <i>China King</i>		Site Phone Number <i>701-202-1048</i>	
Site Address <i>210 W. MAIN ST.</i>		City <i>MANDAKA</i>		State <i>ND</i>	Zip Code <i>58554</i>
Organization (Lessee) <i>Prairie Public Broadcasting</i>		Rental Period <i>Aug 2011 to July 1 2012</i>		County <i>McIntosh</i>	
				Monthly Rent Amount	
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes		\$	
2. Is a raffle drawing going to be conducted at this site?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$	
3. Is Prize Boards involving a dispensing device conducted at this site?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$	
4. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____		<input type="checkbox"/> No <input type="checkbox"/> Yes		\$	
Number of Tables with wagers over \$5 <u>1</u> X Rent per Table \$ <u>100</u>				\$ <u>100</u>	
5. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		<input type="checkbox"/> No <input type="checkbox"/> Yes		\$	
6. Is Pull Tabs involving both a jar bar and dispensing device conducted at this site? If "Yes," skip questions 7 & 8.		<input type="checkbox"/> No <input type="checkbox"/> Yes		\$	
7. Is Pull Tabs involving only a jar bar conducted at this site?		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ <u>100</u>	
8. Is Pull Tabs involving only a dispensing device conducted at this site?		<input type="checkbox"/> No <input type="checkbox"/> Yes		\$	
TERMS OF RENTAL AGREEMENT:				Total Monthly Rent \$ <u>200</u>	
This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.					
The LESSOR agrees that no game will be directly operated as part of the lessor's business.					
The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab or prize boards involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.					
The LESSOR agrees that the lessor's oncall or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.					
If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.					
The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.					
The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.					
At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.					
Signature of Lessor <i>[Signature]</i>		Title <i>OWNER</i>		Date <i>7-6-11</i>	
Signature of Lessee (Top Executive Official) <i>[Signature]</i>		Title <i>President & CEO</i>		Date <i>7/12/11</i> (over)	



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 2, 2011
PREPARATION DATE: July 28, 2011
SUBMITTING DEPARTMENT: Business Development & Communications
DEPARTMENT DIRECTOR: Ellen Huber, Business Development & Communications Director
PRESENTER: Ellen Huber, Business Development & Communications Director
SUBJECT: Extension of Agreements for 116 E Main

STATEMENT/PURPOSE: To consider a request for extension of the deadline for closing on the sale of 116 E Main in purchase and business incentive agreements.

BACKGROUND/ALTERNATIVES: At its June 21, 2011, meeting, the City Commission approved purchase and business incentive agreements with MM Restaurant Group for the transfer of the 116 E Main property. The purpose is for operation of Mama Maria's Italian Restaurant. DeLanis and Linda Thomas, owners of the restaurant, have since been advised to purchase the property personally and lease it to the restaurant business. Restaurant representatives have also requested an extension of the deadline for closing on the sale of the property to allow additional time to obtain contractor bids and secure financing. The deadline had been on or before July 31, 2011. They would like the deadline for closing extended to Aug. 19, 2011.

ATTACHMENTS: Revised agreements.

FISCAL IMPACT: n/a

STAFF IMPACT: Minimal.

LEGAL REVIEW: Attorney Brown prepared the revised agreements.

RECOMMENDATION: I recommend approval of the revised purchase and business incentive agreements for the transfer of the 116 E Main property to DeLanis and Linda Thomas with the deadline for closing extended to Aug. 19, 2011.

SUGGESTED MOTION: I move to approve the revised purchase and business incentive agreements with DeLanis and Linda Thomas for the transfer of the 116 E Main property with the deadline for closing extended to Aug. 19, 2011.

BUSINESS INCENTIVE AGREEMENT

This Agreement, made and entered into this ____ day of _____, 2011, by and between DeLanis Thomas and Linda Thomas, husband and wife, and MM Restaurant Group, Inc., whose principal office is located at 211 DeMers Avenue, East Grand Forks, MN 56721 ("Developer") and the City of Mandan, a North Dakota Municipal Corporation, of 205 Second Avenue NW, Mandan, ND 58554 ("City").

WHEREAS, The City has agreed to sell to Developer for a purchase price of \$1.00 the real property located at 116 E. Main Street, which is owned by the City, and described below:

Lot 7, Block 6, Mandan Proper (Original Town), now City of Mandan,
Morton County, North Dakota

WHEREAS, The parties acknowledge that said property has a current assessed value of \$65,900.00; and

WHEREAS, The City has offered the property for sale and determined that the purchase offer most favorable to the City of Mandan was that submitted by MM Restaurant Group, Inc., based upon the commitment for investment in rehabilitation of the property, the planned use of casual dining being a top demand by residents, the potential for restaurant and lodging tax collections, and the projected employment; and

WHEREAS, the Developer will purchase the above described property for the sum of \$1.00 while assuming responsibility for all building rehabilitation costs; and

WHEREAS, The public purpose is to help revitalize downtown Mandan by increasing both the daytime and evening populations through rehabilitation of a commercial property and a restaurant operation, which is consistent with recommendations in the 2003 URS redevelopment plan. This incentive will be used to offset a portion of the Developer's estimated \$250,000.00 investment building renovations to include installation of a fire service water line and fire suppression system; and

WHEREAS, The parties desire to enter into a Business Incentive Agreement to assist in the rehabilitation of said property.

The parties agree:

As minimum standards for this project, the Developer will:

1. Conclude purchase of the above described property for the sum of \$1.00 on or before _____, 2011.
2. Enter into a long-term lease for use of the above described property with DeLanis Thomas and Linda Thomas.
3. Provide a \$5,000.00 deposit at closing, which will be refundable upon completion of the building rehabilitation (based upon a certificate of occupancy for the main level and second story).
4. Provide proof of financing at closing in the amount of at least \$150,000.00 to cover exterior and interior building renovations.
5. Begin building renovations no later than October 1, 2011.
6. Have building renovations substantially complete by March 1, 2012.
7. Agree to waive the right to apply for the City of Mandan's Retail and Restaurant Incentive Program, recognizing that the sale of the building for \$1.00 is in lieu of such incentive.
8. Establish a restaurant business at the site that creates at least 5 new jobs by December 31, 2012, or lease the commercial space to active retail/restaurant businesses that employ at least five persons on site in connection with occupant's business.

City will:

1. Transfer the above described real property owned by the City to the Developer for the consideration of \$1.00, subject to the terms of a Purchase Agreement of even date.
2. Assist Developer in the application process for Renaissance Zone tax benefits and Storefront Improvement matching funds.

In the event Developer has not started construction by October 1, 2011:

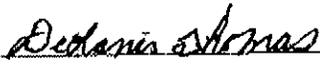
- (a) The property will revert back to the City of Mandan; and

If the Developer has not substantially completed the project by March 1, 2012, Developer will:

- (a) Reimburse the City for the \$25,000.00 market value of the property, unless caused by an act of God or terrorism event.

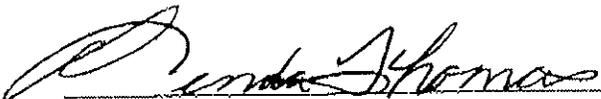
DEVELOPER:

CITY OF MANDAN



 DeLanis Thomas

By: _____
 Timothy Helbling, President
 Board of City Commissioners



 Linda Thomas

MM RESTAURANT GROUP, INC.

ATTEST:

By: _____
 Its _____

 James Neubauer, City Administrator

STATE OF NORTH DAKOTA)
) ss
 COUNTY OF _____)

On this _____ day of _____, 2011, before me personally appeared DeLanis Thomas and Linda Thomas, husband and wife, known to me to the same persons described in and who executed the within and foregoing instrument and acknowledged to me that they signed the same.

 Notary Public

PURCHASE AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 2011, between City of Mandan, a North Dakota Municipal Corporation, of 205 Second Avenue NW, Mandan, ND 58554, whether one or more, "SELLER," and DeLanis Thomas and Linda Thomas, husband and wife, of 211 DeMers Avenue, East Grand Forks, MN 56721, whether one or more, "BUYER," under which Seller agrees to sell and Buyer agrees to purchase, upon the terms and conditions hereinafter set forth the following described real property located in the County of Morton, State of North Dakota:

Lot 7, Block 6, Mandan Proper (Original Town), now City of Mandan

(the "Property").

The terms and conditions of such sale and purchase are as follows:

1. **PURCHASE PRICE:** The purchase price shall be \$1.00, payable in cash, subject to adjustments herein set forth, at closing. Payment shall be in certified funds or by wire transfer.

2. **AS IS:** Buyer has made or will make an inspection of the Property and is relying on its own inspection and judgment as to the condition of the premises and not on any representations of Seller. This sale is made "as is" and without any warranties of any kind, except those set out in this Agreement, and without any implied warranties whatsoever, including those of fitness or merchantability. Furthermore, Seller has not made any representations as to the presence of hazardous substances located on the Property, and Buyer agrees to rely solely upon Buyer's own examination and testing (which is to be done, if at all, at Buyer's expense) in regard to the possible existence of hazardous substances upon the Property. Hazardous substances is intended to include, but not be limited to, the following: asbestos, urea formaldehyde, polychlorinated biphenyls, nuclear fuel or materials, chemical waste, radioactive materials, explosives, known carcinogens, petroleum products or other dangerous, toxic or hazardous pollutant, contaminant, chemical material or substances defined as hazardous pollutant, contaminant, chemical material or substances defined as hazardous or as a pollutant or contaminant in, or the release of disposal of which is regulated by any law or regulation. The provisions of this paragraph shall survive the closing of this Purchase Agreement regardless of whether it appears in any further documentation implementing the closing of this Purchase Agreement. Should Buyer in its inspection of the premises, discover unacceptable environmental conditions/hazardous substances, or unacceptable soil conditions which would prevent utilization of the property as planned, then

Buyer, at its option, may cancel this Agreement prior to closing and demand the return of all monies paid to Seller by Buyer.

3. **ABSTRACT OF TITLE:** Within 10 days after execution hereof, Seller shall furnish Buyer with an abstract of title to the Property showing marketable title in Seller free and clear of all liens, encumbrances and defects except easements, and mineral grants and reservations of record, and any liens or encumbrances to be satisfied by Seller prior to or at closing.

4. **EXAMINATION OF ABSTRACT:** Buyer shall have the abstract of title examined prior to closing and complete said examination 10 days prior to the closing date as hereinafter specified. Buyer shall deliver a copy of the title opinion to Seller when Buyer receives it. If title to the Property is unmarketable, Seller shall have a period of 90 days in which to correct the title and make it marketable. If the title to said Property cannot be made marketable within said period of time or such further time as may be granted by Buyer in writing, Buyer shall be entitled to the return of the earnest money paid under this contract, and this contract shall be wholly null, void, and unenforceable.

5. **TAXES AND SPECIAL ASSESSMENTS:** Taxes and installments of special assessments for 2010 and all prior years shall have been paid by date of closing. Taxes and installments of special assessments for the year 2011 and subsequent years shall be the responsibility of the Buyer. Buyer shall be obligated for the balance of unpaid special assessments on the Property.

6. **CLOSING AND POSSESSION:** Closing and possession of the Property shall occur on or before July _____, 2011, subject to any extension of time herein granted in the event that title to the Property should be found unmarketable and subject to change by mutual agreement of Seller and Buyer.

7. **CLOSING COSTS:** Seller shall be responsible for the following closing costs:

- (a) abstract continuation(s),
- (b) preparation of warranty deed,
- (c) preparation and recording of all releases, satisfactions and corrective documents.

Buyer shall be responsible for title examination fees and recordation of warranty deed to Buyer.

Any closing cost not specifically enumerated herein shall be the responsibility of the party ordering such item or contracting therefor. In the special event that Buyer or Buyer's

lender requires title insurance, the cost thereof shall be entirely paid by Buyer with the exception of the furnishing of a continued abstract by Seller.

8. OTHER CONDITIONS:

- (a) This Purchase Agreement is subject to all the terms and conditions of a Business Incentive Agreement of even date with MM Restaurant Group, Inc., which terms and conditions shall survive the completion of this Purchase Agreement.
- (b) Buyer agrees to reimburse the Seller the sum of \$1,500.00 for payment of real estate commission.
- (c) This Agreement subject to the Buyer entering into a long-term lease agreement for the subject premises with MM Restaurant Group, Inc., for use of the premises as a restaurant and related business activities.

9. **BINDING EFFECT:** This Purchase Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective personal representatives, successors and assigns.

10. **GOVERNING LAW:** This Purchase Agreement shall be governed by the laws of the State of North Dakota.

11. **COUNTERPARTS:** This Purchase Agreement shall be executed in counterparts (duplicate originals) with both Seller and Buyer having a fully executed counterpart.

12. **TIME:** Time is of the essence of each provision of this entire contract and of all the conditions thereof.

IN TESTIMONY WHEREOF, Seller and Buyer have hereunto set their hands the day and year first above written.

“SELLER”

BUYER:

CITY OF MANDAN

DeLanis Thomas

DeLanis Thomas

By: _____

Linda Thomas

Its _____

Linda Thomas



New Business No. 1

Board of City Commissioners

Agenda Documentation

MEETING DATE: August 2, 2011
PREPARATION DATE: July 22, 2011
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR:
PRESENTER: Dave Bechtel
SUBJECT: Consider allowing the negotiation of and enter into an Engineering Services Agreement for Street Improvement Project 2010-03 District #161 (North Mandan)

STATEMENT/PURPOSE: To allow staff to negotiate a cost and enter into an agreement for Engineering services on the above stated project.

BACKGROUND/ALTERNATIVES: At the Mayor's direction at the July 19th City Commission meeting, an RFQ was submitted to 8 Engineering firms. The RFQs were sent to those firms on July 20th and the RFQ they received gave them a deadline for submittal as July 27th. A committee was assembled to review the RFQs and provide a recommendation to the Commission for your approval. The committee received 5 proposals, from the firms of Houston Engineering, Interstate Engineering, Kadrmas, Lee & Jackson, Toman Engineering/Wenck and Ulteig Engineers. The committee reviewed the proposals and ranked them from 1 to 5, to rank and number a firm to provide the Engineering services. I will present, who the firm that was selected, is at the meeting, as not all of the rankings were in at the time this documentation was needed. At this time, myself and the City Administrator would be looking for authorization to discuss the fees and scope of services that would become part of the ESA with the chosen firm. Once the scope and fees can be agreed upon, the firm can begin the field work for the project and move towards a project estimate and bid date for the project.

ATTACHMENTS: 1. Copies of the proposals will be on hand at the Engineering office if anyone would like to review them prior to the meeting.

FISCAL IMPACT: No fiscal impacts at this time.

STAFF IMPACT: Minimal

Board of City Commissioners

Agenda Documentation

Meeting Date: August 2, 2011

Subject: Consider allowing the negotiation of and enter into an Engineering Services Agreement for Street Improvement Project 2010-03 District #161.

Page 2 of 2

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

RECOMMENDATION: Allow for a negotiation of the Engineering fees and enter into a ESA once a agreement of cost and services is arrived upon.

SUGGESTED MOTION: I move to approve the negotiation of and enter into an Engineering Services Agreement for Street Improvement Project 2010-03 District #161.



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 4, 2009
PREPARATION DATE: July 29, 2009
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR:
PRESENTER: Dave Bechtel
SUBJECT: Consider the approval of the feasibility report for, approve the plans and specifications for, and authorize the call for bids on Water & Sewer Improvement District No. 58, Project No. 2011-07 (Shoal Loop extension).

STATEMENT/PURPOSE: To approve the required documents to bid this specific project.

BACKGROUND/ALTERNATIVES: The district was presented and approved before the City Commission on July 5th, 2011. In order to bid the project, the Commission must approve the feasibility report, plans and specifications and the advertisement for bids.

We possibly expect to see higher prices than is typical for a project of this nature, due to its location in the Lakewood area and that fact that the ground water is high from the flood event. The project will be special assessed therefore the owners may have some thoughts on how much is too much in regards to specials for this project, and we will have that conversation with them once bids are received and analyzed. The City will also have to scrutinize the bids also as we will have some direct expense from the over-depth scenario in play with this project. Dewatering will be the direct expense the City will pay for. The commission may want to discuss the agreement for the dewatering cost as even regular depth excavation in this area may require dewatering this year. If that is the case the Commission could ask the developers to pick up half the costs depending on the depth the ground water is discovered at. This would defray some City expense. Those costs will be presented to the Commission once bids have been received and a decision of award of the contract will need to be discussed.

ATTACHMENTS: 1. Feasibility Report
2. Advertisement for bids

FISCAL IMPACT: The Engineers estimate for the construction portion of the project would be \$63,445.00. Of this, the estimate provides for the over depth items of

Board of City Commissioners

Agenda Documentation

Meeting Date: August 2, 2011

Subject Consider the approval of the feasibility report for, approve the plans and specifications for, and authorize the call for bids on Water & Sewer Improvement District No. 58, Project No. 2011-07 (Shoal Loop extension).

Page 2 of 5

dewatering and over depth installation which total \$29,750.00, which would be City costs, \$33,695.00 to the developer. When you add Engineering fees, administration and 10% contingency to the total, the grand total becomes \$79,306.25.

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 approve the feasibility report for, approve the plans and specifications for, and authorize the call for bids on Water & Sewer Improvement District No. 58, Project No. 2011-07.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 2, 2011

Subject Consider the approval of the feasibility report for, approve the plans and specifications for, and authorize the call for bids on Water & Sewer Improvement District No. 58, Project No. 2011-07 (Shoal Loop extension).

Page 3 of 5

1.) General Nature of Project

The District has been created to add improvements to the water and sewer distribution network for the primary use of the platted and unplatted parcels the lie west of Shoal Loop SE. The extension of the water and sewer mains from the intersection of 40th Avenue SE & Shoal Loop SE to their new location 200' west of this intersection will facilitate development of the properties farther west.

2.) Location of Proposed Construction

The proposed construction will take place on the western 200' of the extension of Shoal Loop SE. This project will extend water and sewer west from their current locations at of 40th Avenue SE & Shoal Loop SE, west approximately 200 feet.

3.) Environmental Impact

It is anticipated that there will be some dirt, noise and pollutants during the construction period as a result of the use of the necessary equipment. There will also be some surplus or waste construction materials that will need to be disposed of by the contractor at his or her expense. The contractors will be responsible for leaving the area in an attractive and neat condition. The contractor will provide access to the area at all times. The area is currently impacted by high groundwater conditions. Sensitivity to contaminants from construction will be addressed with the contractor of the job as part of the storm water management permitting procedures. Also the need to discharge any ground water dewatering and the appropriate manner in which to do that will also be addressed.

4.) Feasibility of Project

In the opinion of the undersigned this project is feasible and needed for the area. This project will allow for further development of the area to the west of 40th Avenue SE by allowing use of the water and sewer being installed on this project. Groundwater issues impact the feasibility of the project at this time, along with the costs. Those impacts will be addressed at the time in which the bids for the work are received, the job may become infeasible at that time, if costs are too high or groundwater is too high to logically dewater.

5.) Estimates of Costs

Attached is a map showing the area and district boundary. The construction costs are estimated at \$63,445.00. Other costs of making the improvement including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; publication of legal notices printing of warrants; contingency; and all expenses incurred in the making of the improvement and levy of assessments, and contingencies therefore are estimated at \$15,861.25. The total cost for the improvement is estimated at \$79,306.25.

Dave Thompson
Acting City Engineer

**ADVERTISEMENT FOR BIDS FOR
WATER AND SEWER IMPROVEMENT DISTRICT NO. 58**

Board of City Commissioners

Agenda Documentation

Meeting Date: August 2, 2011

Subject Consider the approval of the feasibility report for, approve the plans and specifications for, and authorize the call for bids on Water & Sewer Improvement District No. 58, Project No. 2011-07 (Shoal Loop extension).

Page 4 of 5

MANDAN, NORTH DAKOTA

Notice is hereby given, that the City of Mandan, North Dakota will receive sealed bids at the office of the City Administrator until Tuesday, August 30th, 2011, at 3:30 PM, local time for the purpose of opening sealed bids for the furnishing of materials, labor and skill needed for the installation of new water and sewer mains, and related work in accordance with the plans and specifications for Water and Sewer Improvement District 58 (Project No. 2011-07).

Plans and Specifications are on file in the office of the City Administrator and the City Engineer. Plans may be obtained, at the office of the City Engineer, 205 2nd Avenue Northwest, Mandan, North Dakota 58554, upon a non-refundable deposit of \$25.00.

The bid proposals must be submitted to the City Administrator by 3:30 PM, local time, Tuesday, August 30th, 2011 and shall be sealed and endorsed "Proposal for Water & Sewer Improvement District No. 58." Bids shall be delivered or mailed to: City Administrator, City of Mandan, 205 2nd Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 3:30 PM, local time, on August 30th, 2011. All bidders are invited to be present at the public opening of the Bids.

All Bidders must be licensed for the highest amount of their Bids, as provided by Section 43-07-05 of the North Dakota Century Code. The Bidder shall include a copy of his license or certificate of renewal thereof enclosed in the required bid bond envelope as required pursuant to Section 43-07-12 of the North Dakota Century Code, as amended.

Each bid shall be accompanied by a separate envelope containing a bidder's bond in the amount of five (5) percent of the highest amount of the bids as required by Section 48-01.1-05 (3), North Dakota Century Code, as amended, and executed by the Bidder as principal and by a surety, conditioned that if the principal's bid is accepted and the contract awarded to the principal, the principal, within ten days after Notice of Award, shall execute and effect a contract in accordance with the terms of the bid, and a Contractor's Bond as required by law. No bid may be read or considered if it does not fully comply with the requirements of Section 48-01.1-05 of the North Dakota Century Code and any deficient bid must be resealed and returned to the bidder immediately.

Bids shall be made on the basis on cash payment for the work to be done. All work under this advertisement shall be started on a date to be specified in a written order from the Board of City Commissioners, or no later than ten (10) days after written notice to proceed has been received from the city.

Work shall be completed on or before the dates specified with liquidated damages assessed if any completion dates are exceeded. Liquidated damages of \$500.00 per day will be assessed if any completion dates are exceeded.

Should the contractor fail to complete all of the work in a District according to the completion date time, or within such additional time as may have been granted by formal extensions of time approved by the City Engineer, there shall be deducted from any money due the contractor, the above mentioned sum for each calendar day the completion of the Work is delayed, for each

Board of City Commissioners

Agenda Documentation

Meeting Date: August 2, 2011

Subject Consider the approval of the feasibility report for, approve the plans and specifications for, and authorize the call for bids on Water & Sewer Improvement District No. 58, Project No. 2011-07 (Shoal Loop extension).

Page 5 of 5

District. Liquidated damages will continue to accumulate until the City Engineer determines winter weather prevents further construction. Liquidated damages will restart on the first day of construction in the Spring of 2012 and continue to accumulate until final project acceptance. The Contractor and his surety shall be liable for any excess. Such payments shall be deducted from the final payment and shall be charged as liquidated damages and not as a penalty.

The Board of City Commissioners will meet on Tuesday, September 6th, 2011, at 5:30 PM, local time, to review the Bids submitted, consider the engineer's recommendation, and to award the contract to the successful Bidder. The contract will be awarded on the basis of the low Bid submitted by a responsible and responsive Bidder deemed most favorable to the City's interest.

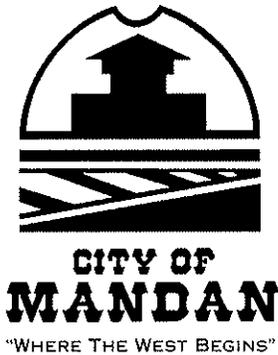
The Board of City Commissioners reserves the right to hold all bids for a period of thirty (30) days after the date fixed for the opening thereof, and to reject any or all bids and to waive irregularities whenever it is in the best interest of the City of Mandan.

City of Mandan, North Dakota

BY: James Neubauer

City Administrator

To Be Published: August 5th & 12th, 2011



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 2, 2011
PREPARATION DATE: July 28, 2011
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Jim Lawler, Airport Manager
SUBJECT: Mandan Airport Authority's 2012 Budget

PURPOSE

To consider the Mandan Airport Authority's 2012 Budget.

BACKGROUND

The Mandan Airport Authority manages the local airport facility. The Authority's five member board is appointed by the City Commission. The Authority is fiscally dependent upon the City because the City Commission levies taxes and must approve any bond issuances. The Authority is reported as a component unit in the City of Mandan's audited financial statements.

The Authority's Board approved the 2012 Budget on July 11, 2011.

ATTACHMENT

Mandan Airport Authority's 2012 Budget

FISCAL IMPACT

The City of Mandan has included the following revenues for the Mandan Airport Authority in the City's 2012 Budget:

- Property Taxes (4 Mills) = \$170,600
- Delinquent Taxes = \$8,100
- Mobile Home Taxes = \$2,100
- State Aid Distribution = \$5,600
- Disabled Veterans Credit = \$600
- Homestead Credit = \$1,800
- Operating Subsidy = \$16,000
- Total = \$204,800

STAFF IMPACT

None

LEGAL REVIEW

None

RECOMMENDATION

To consider the Mandan Airport Authority's 2012 Budget.

SUGGESTED MOTION

Move to consider the Mandan Airport Authority's 2012 Budget.

Mandan Airport Authority
Budget Report
 January through December 2012

	<u>Jan - Dec 2012</u>
Revenue	
Revenue	
800.31.101 Property Tax	199,200.00
800.33.301 Federal Grants	150,000.00
800.33.303 State Aid	9,500.00
800.34.418 Fuel Sale	230,000.00
800.36.601 Interest Income	1,500.00
800.36.602 Hangar Rent	99,000.00
800.36.602 Land Lease	3,824.00
Total Revenue	693,024.00
Expense	
51001 Payroll Expenses	
Health	5,500.00
Pension	4,500.00
Social Security/Medicare	5,000.00
Term Life	48.00
Unemployment	800.00
Workers Comp	550.00
51001 Payroll Expenses - Other	62,000.00
Total 51001 Payroll Expenses	78,398.00
52001 Fees & Services Charges	
Auditor Fees	800.00
Bank Service Charges	4,500.00
Garbage	1,000.00
Legal Fees	250.00
Postage Fees	600.00
Web Page	180.00
Total 52001 Fees & Services Charges	7,330.00
53001 Insurance	
Automobile	350.00
Building	1,500.00
Fuel Tank	400.00
Inland Marine	1,500.00
Liability	2,200.00
Total 53001 Insurance	5,950.00
55001 Travel & Training	
Mileage	1,000.00
	6,000.00
Total 55001 Travel & Training	7,000.00
56001 Utilities	
Cable TV	830.00
Electric	17,000.00
Propane	7,500.00
Telephone	2,750.00
Water	1,800.00
Total 56001 Utilities	29,880.00
57001 Publishing & Printing	
Advertising/Public Relations	2,500.00
Legal Notices	250.00
Total 57001 Publishing & Printing	2,750.00

Mandan Airport Authority
Budget Report
 January through December 2012

	<u>Jan - Dec 2012</u>
58001 Dues and Subscriptions	2,500.00
59001 Supplies & Maintenance	
Avgas	200,000.00
AWOS Maintenance	3,000.00
Diesel Fuel	5,000.00
Electrical Supplies	2,000.00
Grounds Supplies	4,000.00
Hardware	250.00
Janitorial Supplies	1,000.00
Miscellaneous Supplies	500.00
Motor Vehicle Supplies	1,000.00
Office Supplies	3,000.00
Safety	500.00
Shop Supplies	1,000.00
Signage	500.00
Small Tools	2,000.00
Total 59001 Supplies & Maintenance	<u>223,750.00</u>
60001 Repairs & Maintenance	
Building Repairs	10,000.00
Electrical	3,500.00
Equipment Repairs	5,000.00
Fire Ext.	250.00
Fuel System	2,500.00
Plumbing & Septic System	1,500.00
Total 60001 Repairs & Maintenance	<u>22,750.00</u>
62001 Capitol Outlay	
Machinery, Equipment, Const.	30,000.00
Total 62001 Capitol Outlay	<u>30,000.00</u>
62001 New Construction	
FAA Project	
Advertising	500.00
Construction	140,000.00
Engineering	15,000.00
Testing	2,000.00
Total FAA Project	<u>157,500.00</u>
Architect	0.00
Electrical	0.00
General Construction	0.00
Testing	0.00
Total T-hangar	<u>0.00</u>
Total 62001 New Construction	<u>0.00</u>
63001 Debt Service	
Interest Revenue Bonds	43,463.26
Principal Revenue Bonds	66,663.95
Total 63001 Debt Service	<u>110,127.21</u>
64001 Misc	
Possessory Leasehold Tax	15,000.00
Total 64001 Misc	<u>15,000.00</u>
Total Expense	<u>692,935.21</u>

Mandan Airport Authority
Budget Report
January through December 2012

Jan - Dec 2012

Other Expense	
Other Expenses	<u>0.00</u>
Total Other Expense	<u>0.00</u>
	<u>0.00</u>
	<u>0.00</u>
Net Revenue	88.79



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 2, 2011
PREPARATION DATE: July 28, 2011
SUBMITTING DEPARTMENT: Business Development & Communications
DEPARTMENT DIRECTOR: Ellen Huber, Business Development & Communications Director
PRESENTER: Ellen Huber, Business Development & Communications Director
SUBJECT: Small Business Credit Initiative

STATEMENT/PURPOSE: To consider filing a “Notice of Intent to Apply” as a participating municipality in the U.S. Department of Treasury’s Small Business Credit Initiative.

BACKGROUND/ALTERNATIVES: The Small Business Credit Initiative is part of the Small Business Jobs Act of 2010, funded to provide support for lending to small businesses and small manufacturers. A municipality may apply for funding if the state in which the municipality is located failed to submit an application by June 27, 2011. Only the states of North Dakota and Wyoming did not apply. The U.S. Treasury Department conducted an outreach conference call with municipalities in our two states on July 14 in which I participated. The total allocation for North Dakota is \$13.1 million.

The initiative is intended to leverage private financing to help small businesses and manufacturers attain the loans or investments they need to expand and create jobs. Allowed use is as follows:

- Capital access programs
- Collateral support programs
- Loan participation programs
- Loan guarantee programs
- Venture capital programs

Municipalities may contract for the administration of their SBCI-supported programs with an authorized agent of, or entity supervised by the state, territory or municipality. I have been in early discussions with the Director of Commercial Lending at the Lewis and Clark Regional Development Council about the possibility of administering the program on the City’s behalf. The LCRDC has experience in managing portfolios for seven different federally funded loan pools including two \$1 million revolving loan programs established with funds from the City of Mandan and USDA Rural

Development. LCRDC staff report clean audits and a demonstrated 16:1 ratio of public to private investment on current portfolios.

The LCRDC staff member and I have discussed the possibility of inviting other central and western North Dakota cities to participate in a joint application, which would be stronger and is more apt to be awarded funding, or a larger share of the available funding, due to the larger population that would be represented. We believe a locally controlled effort would be most beneficial to business attraction, start-up and expansion efforts.

No payback is required on SBCI funding allocated to a municipality. Approved municipalities must demonstrate that programs funded through the initiative result in a minimum \$10 of new small business lending for each \$1 of federal funds. The allocation is made available to a municipality in thirds. If sufficient progress is not made in year 1, second and third payments would not be provided. The same is true in year 2 regarding the third payment. Progress reports are required though March 31, 2017. Thereafter, the applicant may retain the funds for a continuation of its credit support programs.

The U.S. Treasury Department requests a “Notice of Intent to Apply” be filed by Aug. 15, 2011. This enables Treasury to offer technical assistance to those municipalities that have indicated their intent to apply. The deadline for the formal application is Sept. 27, 2011. In the time between now and then, the LCRDC would be asked to prepare program plans and to assist in communicating with other cities about the opportunity.

ATTACHMENTS: An FAQ document and program guidelines are available upon request. All info is available at <http://www.treasury.gov/resource-center/sb-programs/Pages/ssbci.aspx>

FISCAL IMPACT: No expense would be incurred, but the possibility exists to secure as much as \$13.1 million for loans and investments (without a local match) to be administered by an experienced third party for small businesses in Mandan (and potentially other participating North Dakota cities).

STAFF IMPACT: Staff time will be required to further explore options and devise a plan and application in cooperation with the LCRDC and other North Dakota cities.

LEGAL REVIEW: All information will be provided to Attorney Brown for review prior to the submittal of any actual application, which has a deadline of Sept. 27, 2011.

RECOMMENDATION: I recommend the City of Mandan file a “Notice of Intent to Apply” for the U.S. Department of Treasury’s Small Business Credit Initiative.

SUGGESTED MOTION: I move the City of Mandan file a “Notice of Intent to Apply” for the U.S. Department of Treasury’s Small Business Credit Initiative.



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 2, 2011
PREPARATION DATE: July 27, 2011
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Jeff Wright
PRESENTER: Jeff Wright, Public Works Director
SUBJECT: Consider budget amendment to the 2011 asphalt budget for increased street repairs.

STATEMENT/PURPOSE: Consider amending the 2011 asphalt budget to cover the increased costs for street repairs throughout the city.

BACKGROUND/ALTERNATIVES: The cost of the additional street repair needed within the city due to an overly extended wet cycle we are in cannot be absorbed within the existing asphalt budget within the street department. I have conducted a survey of the needed repairs and approximated the quantities and assistance needed to make these repairs in a timely manner.

Repair breakdown will consist of temporary repairs and permanent repairs.

- The temporary repairs will be conducted in areas of proposed street improvement projects and will consist of full depth milling in place, re-compacting and adding additional material as needed to provide an even driving surface. These repairs will be milled with the assistance of a milling contractor and re-compacted and leveled by the street department. The approximate cost is \$3,500 for milling.
- The permanent repairs will be in areas not included in a proposed street improvement district for 2012 and will consist of placing recycle asphalt for the sub base and top with asphalt pavement. Some asphalt paving will be conducted by a paving company, such as Boundary Rd. The approximate cost is \$35,000.
- The repairs on 37th Ave NW will be milled in place and re-compacted and leveled by the street department as a temporary repair until ground water removal can be designed and constructed under a proposed 2012 street improvement project for this area. The approximate cost is \$2,500 for milling.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 2, 2011

Subject: Consider budget amendment to the 2011 asphalt budget for increased street repairs.

Page 2 of 2

ATTACHMENTS: N/A

FISCAL IMPACT: Finance Director Welch recommends using Sales Tax dollars for this additional funding request.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend amending the 2011 asphalt budget for the additional \$41,000 needed to make these needed repairs in a timely manner.

SUGGESTED MOTION: Move to amend the 2011 asphalt budget for the additional \$41,000 needed to make these needed repairs in a timely manner.



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 2, 2011
PREPARATION DATE: July 28, 2011
SUBMITTING DEPARTMENT: Wastewater Treatment Plant
DEPARTMENT DIRECTOR: Steve Himmelspach, Superintendent WWTP
PRESENTER: Steve Himmelspach, Superintendent WWTP
SUBJECT: Mandan Wastewater Treatment Plant Phase I –
Interim Improvements Project

STATEMENT/PURPOSE: To consider hiring an engineering firm to design plans and specifications for improvements at the waste water treatment plant.

BACKGROUND/ALTERNATIVES: The older site piping includes the use of butterfly valves. After video inspection, it was found that the valves were coated with film and debris. The obstruction in the valves has caused a diminished hydraulic capacity of the pretreatment units. The utility maintenance department has tried repeatedly to jet clean the valves. There was no real improvement each time this was tried. Replacing the butterfly valves with knife gate or plug valves would remedy this problem.

The grit classifier auger and electrical panel have experienced severe corrosion. The paddle drive on the grit trap does not function properly. All components associated with the grit removal system are in need of replacement.

The rate analysis includes a revenue adequacy evaluation and rate design to complete the financial evaluation that was started with the previously completed cost of services analysis.

ATTACHMENTS: Letter dated July 27, 2011 from Advanced Engineering and Environmental Services, Inc. Pictures of grit auger.

FISCAL IMPACT: There is \$344,449 remaining in the SRF loan from the current 10-inch south side force main project. The ND Department of Health has verified the funds are available for some immediate improvements if they can be utilized in 2011. This dollar amount has been built into the existing rate structure.

STAFF IMPACT: None.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 2, 2011

Subject: Mandan Wastewater Treatment Plant Phase I – Interim Improvements Project

Page 2 of 2

LEGAL REVIEW: None.

RECOMMENDATION: To recommend hiring Advanced Engineering and Environmental Services, Inc. The project would include final design, bidding, and construction services for removal of the existing buried butterfly valves and replacement with knife gate or plug valves, a complete replacement of the grit removal system, and completion of the utility rate modeling.

SUGGESTED MOTION: Move to hire Advanced Engineering and Environmental Services, Inc. for final design, bidding, and construction services for removal of the existing buried butterfly valves and replacement with knife gate or plug valves, a complete replacement of the grit removal system, and completion of the utility rate modeling.

July 27, 2011

To the President and Commission
of the Mandan Board of City Commissioners
c/o Jim Neubauer, City Administrator
205 2nd Avenue NW
Mandan, ND 58554

**Re: Mandan Wastewater Treatment Facility
Phase I – Interim Improvements Project**

Dear Mr. Neubauer:

Thank you for the continuous opportunity to provide professional engineering services to the City of Mandan. Per our previous meetings with Commission members, we have prepared and updated opinions of total project cost for the referenced project. As a refresher, funding for the initial capital improvements identified in the master plan was considered problematic upon review of the current level of debt service. However, we identified available funding in a current SRF wastewater loan (left from the 10-inch south side force main project). The ND Department of Health has verified the funds are available for some immediate improvements if we they can be utilized in 2011.

To this end the Commission is intending to take individual tours of the wastewater treatment facilities to see the intended project. The proposed project includes removal of the existing buried butterfly valves and replacement with knife gate or plug valves, a complete replacement of the grit removal system, and completion of the utility rate modeling (the cost of service has been completed). We would bid as alternatives new controls for the existing solids screen and a new solids screen as alternates for evaluation. We are aware of the available funds and the alternative approach will allow the city to select the best improvements package within the budget.

The two base items represent the immediate needs to continue operations and fix some serious problems at the facility. The current opinion of construction cost is \$275,000. This amount includes budget-level quotes for materials and estimates of current local labor costs. The related engineering phases include Final Design, Bidding, and Construction services, estimated to be \$42,000 with an additional \$12,000 for the rate modeling. The opinion of total project costs is \$317,000 without construction contingencies. We recommend a total project budget of \$346,000 which includes contingencies for unknowns during construction. The current funding amount available is \$346,256, however we will revisit during design prior to bidding. We have been asked to attend the August 2nd Commission Meeting with Steve Himmelspach to answer any questions.

Jim Neubauer

**Re: Mandan Wastewater Treatment Facility
Phase I – Interim Improvements Project**

May 24, 2011

Page 2 of 2

We would also like to make the City aware we are over budget by \$45,000 on the Collection System and Wastewater Treatment Plant Master Plan Project. This overage is partly due to lengthy problems with field equipment and data gathering. However, time was also spent at several additional meetings with City staff and Commission members and the subsequent work to discuss impacts of potential industrial users, multiple prioritizing of the capital improvements, and aligning the plan with available City finances and schedules. AE2S monitors projects closely and we have two other current projects with the City of Mandan that under budget demonstrating our emphasis on project management. If you are willing we are open to discuss the matter with you at your convenience.

In discussions with Greg Welch, the subject of potential FEMA flooding impact reimbursements and the city matching dollars came up. Greg mentioned that in-kind services would be eligible as compensation for the local portion of the flood control projects. We have tracked our flood fighting efforts for the City of Mandan and will send you an invoice to contribute. We do not expect payment as it was intended as volunteer service to our community.

Once again, thank you again for this opportunity! Should you have any questions concerning the information provided herein, please don't hesitate to call us at 701-221-0530.

Submitted In Service,

AE2S

Russell Sorenson, PE
Operations Manager

Cc: Steve Himmelspach, City of Mandan



07/28/2011



07/28/2011



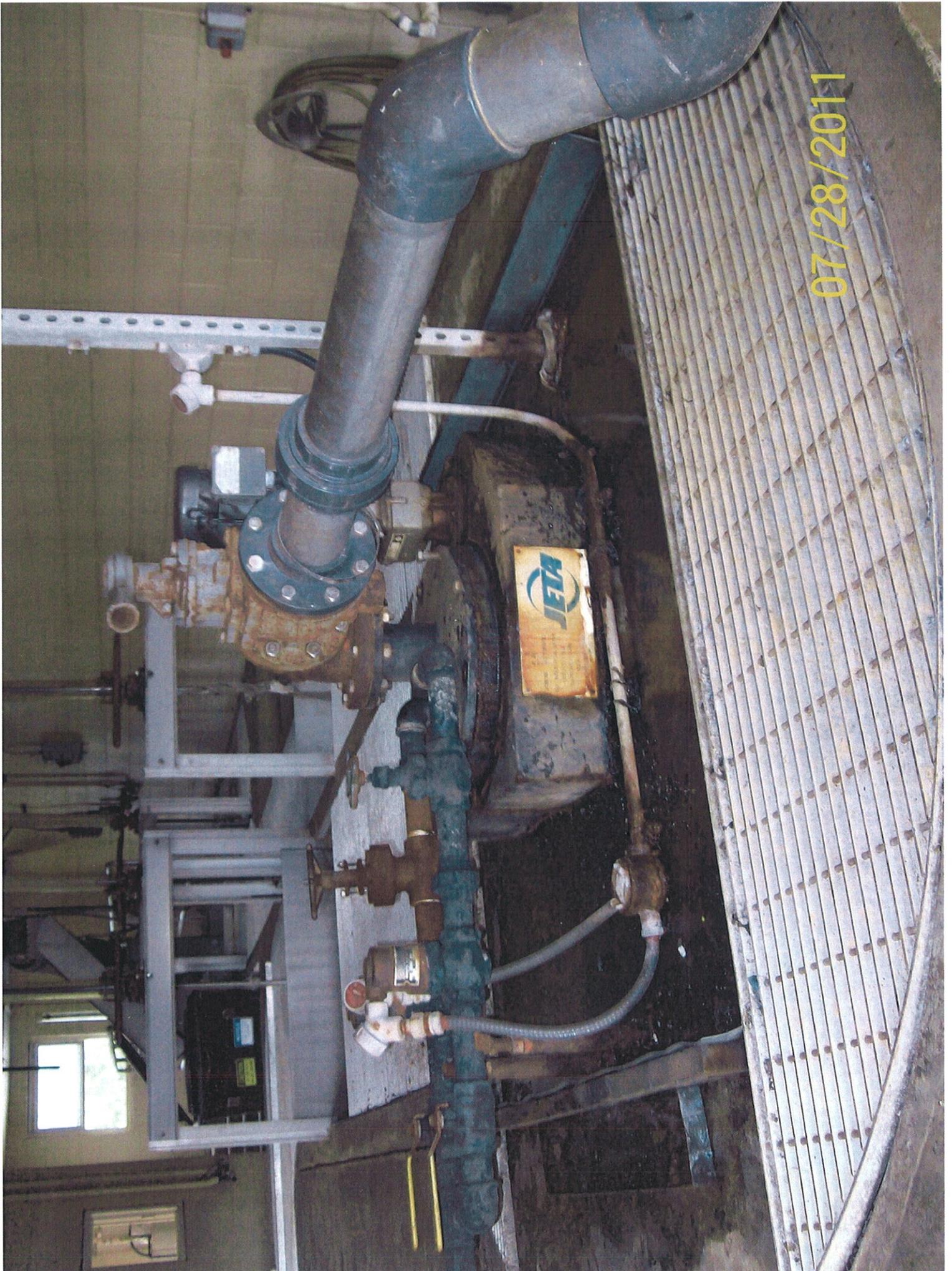
CAUTION
DO NOT RUN
ON OIL LEAKS

07/28/2011



07/28/2011

JETA
JETA CORPORATION
1000 JETA DRIVE
MILWAUKEE, WI 53219
TEL: 414-224-2200
FAX: 414-224-2201



07/28/2011



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 2, 2011
PREPARATION DATE: July 29, 2011
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:

Due to flooding issues this spring and summer exempt employees have accumulated an excess of 60 hours of compensatory leave. Mandan Code of Ordinances § 04-07-06 (3):

The city has exempted elected, appointed, executive and administrative employees from overtime payment requirements of the Fair Labor Standards Act. However, these exempt employees may also accumulate compensatory leave at an hour-for-hour rate for time worked beyond the standard workweek. These exempt employees will not be permitted to carry more than sixty hours. Exempt employees will not be paid for unused compensatory leave and all unused compensatory leave will be forfeited at the end of each calendar year. (Amended during 1994 codification; Ord. 737 1 (part), 1988: MCC 1979 16-07-06)

In consultation with Human Resources, I would like to recommend that we compensate those exempt employees that have in excess of 60 hours of comp time accumulated due to flood related activities. We have five employees and cost approximately \$5,300.

I would also like to propose an amendment to the Mandan Code of Ordinances relative to the carryover of unused annual leave. Unused annual leave up to 120 hours may be carried forward at the end of each year. Our proposal would move the January 1st date to the hiring date of the employee. Issues arise each year as employees tend to have to use a significant amount of annual leave in December or lose hours which causes scheduling problems. Changing the date to hiring date would ease those scheduling issues. Mandan Code of Ordinances § 04-07-03 (9)

Unused annual leave up to a total of one hundred twenty hours (fifteen days) may be carried forward at the end of each year. The cutoff date for leave purposes shall be January 1st.

ATTACHMENTS:

FISCAL IMPACT:

- ✓ Comp time payout, \$5,300
- ✓ Changing date of unused annual leave n/a
- ✓ Tuition Assistance, unknown at this time

STAFF IMPACT: The change from carryover of unused annual leave from January 1st to an employee's hiring date will aid in scheduling in the later months of the year.

LEGAL REVIEW: City Attorney Brown would prepare an amendment to the Mandan Code of Ordinances relative to the date of unused annual leave.

RECOMMENDATION: I recommend the pay out of compensatory time to exempt employees that have spent considerable time working additional hours on flood related issues, approve the proposed tuition assistance policy, and recommend City Attorney Brown draft an amendment to the Mandan Code of Ordinances the cutoff date for leave purposes from January 1st to the hiring date.

SUGGESTED MOTION: I move to approve the pay out of compensatory time as recommended, the proposed tuition assistance policy and to bring back an amendment to the Mandan Code of Ordinances related to the cutoff date for leave purposes from January 1st to the hiring date.

City of Mandan
Tuition Assistance Policy:

The city recognizes the importance of employee educational growth to maintain and advance professional, technical, and managerial competence and to prepare employees for promotional or career change opportunities within the city.

A. Policy

- a. Through the tuition assistance program, the city may provide assistance to employees who:
 - i. Undertake a course of study which leads to an associate's, bachelor's or master's degree in an occupation for which the city normally recruits employees; and the class work is in an area which relates to the employee's field of work.

B. Standards

- a. All classes/courses must be offered by institutions accredited by the Accrediting Agency Evaluation Branch of the U.S. Department of Education and/or the Council of Higher Education Accreditation.
- b. Participants in the tuition assistance program will do so on their own time and are not to receive pay for time spent in attendance at course work authorized under this program.
- c. Irregular work schedules may be authorized by the supervisor and personnel director upon review of the employee's written request.
- d. Tuition assistance will only be provided for courses receiving prior approval from the employee's immediate supervisor, department head, human resource department, personnel director and the portfolio commissioner.
- e. To qualify for tuition assistance, employees must meet the following employment conditions:
 - i. The employee must have completed probationary status
 - ii. The employee must be on the payroll at the beginning and at the end of the course.
 - iii. The employee must be working for the city a minimum of 30 hours per week.
 - iv. A letter grade of "C" or better must be achieved. In courses that are ungraded, satisfactory completion is necessary to qualify for tuition assistance.
 - v. The course must qualify under this policy.
 - vi. The employee must not have been required to repay funds under this program within six months of a new request for tuition assistance.
- f. The city authorizes tuition assistance on an approved course on the following basis:
 - i. 100% for a grade of C or higher
 - ii. 50% for ungraded courses satisfactorily completed
- g. Travel costs to and from the course, the cost of books and lab fees are not eligible under this policy.

ORDINANCE NO. 1100

AN ORDINANCE TO AMEND AND REENACT SECTION 21-03-02 OF THE MANDAN CODE OF ORDINANCES 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 Code of Ordinances is amended to read as follows:

The following described property located within the City of Mandan shall be excluded from the RM (Multi-Family) zoning and shall be included in CB (Heavy Commercial), restricted to nursing facilities and office space, namely,

Lot 1, Block 2 of Sunset Commercial Park 1st Addition and Lot 1, Block 4 of School District 5th Addition in Section 21, Township 139N, Range 81W .

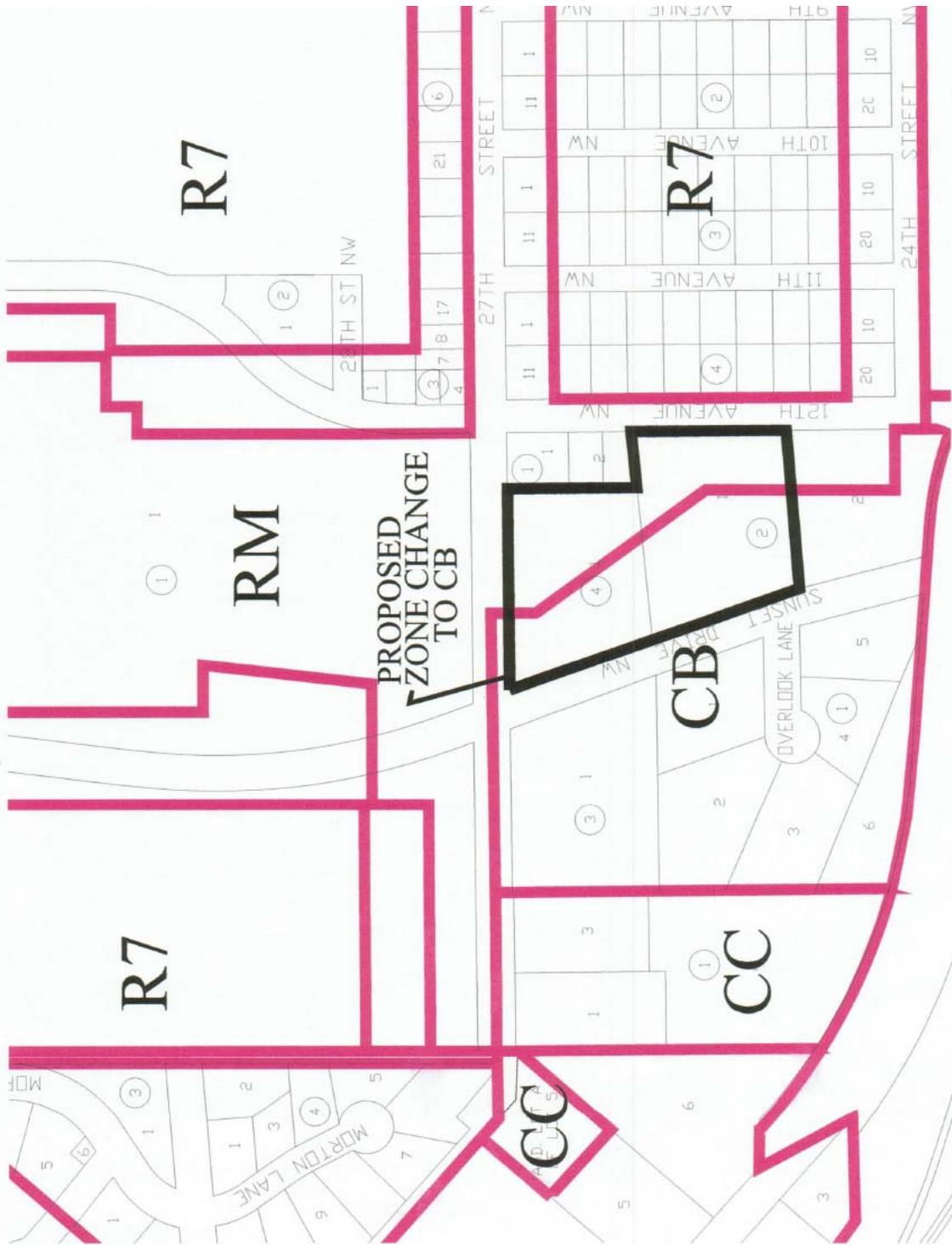
And as so amended said section is hereby reenacted. The purpose of the zone change is to build an office building. The city administrator is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

President, Board of City Commissioners

Attest:

City Administrator

Public Hearing:	<u>June 27, 2011</u>
First Consideration:	<u>July 19, 2011</u>
Second Consideration and Final Passage:	<u>August 2, 2011</u>
Publication Date:	<u>August 26, 2011</u>



ORDINANCE NO. 1099

AN ORDINANCE TO AMEND AND REENACT SECTION 21-03-02 OF THE MANDAN CODE OF ORDINANCES 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 Code Of Ordinances is amended to read as follows:

The following described property located within the City of Mandan shall be excluded from the CB (Heavy Commercial) zoning and shall be included in the CC (Heavy Commercial) with the following requirements:

- A 100' side-yard setback.
- An established tree row with 6' to 8' fence on the east side of the tree row.
- An access gate between Lot 11 of Sunview Heights Addition and Lot 1 of Seven Seas 1st Addition.

namely,
Lot 1, Block 2 of Seven Seas 1st Addition in Sections 16 & 21, Township 139N, Range 81W .

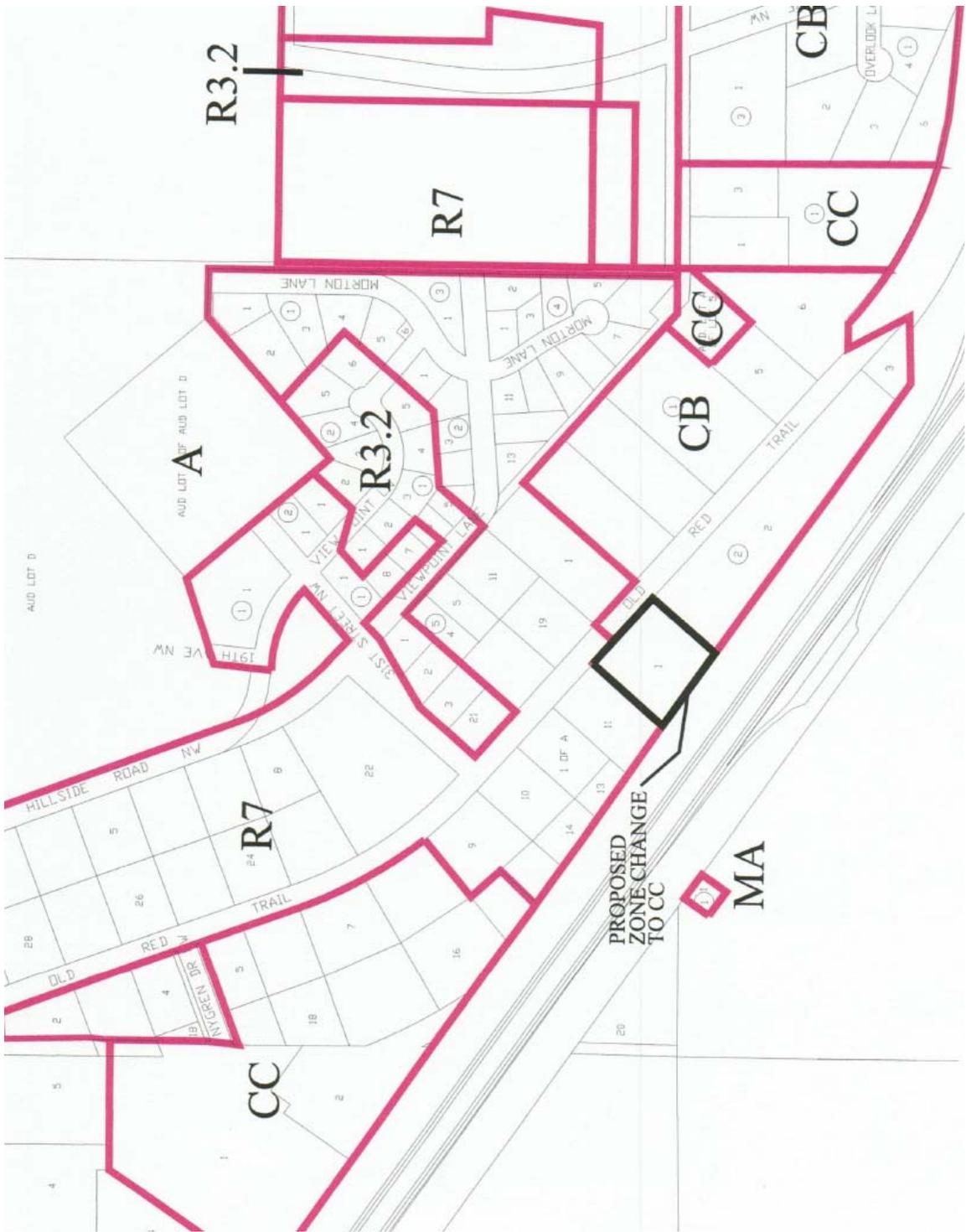
and as so amended said section is hereby reenacted. The purpose of the zone change is the construction of a condo/lease building and a cold storage building. The city administrator is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

President, Board of City Commissioners

Attest:

City Administrator

Public Hearing:	<u>June 27, 2011</u>
First Consideration:	<u>July 19, 2011</u>
Second Consideration and Final Reading:	<u>August 2, 2011</u>
Publication Date:	<u>August 26, 2011</u>



ORDINANCE NO. 1101

DISTILLER'S LICENSE

An Ordinance to create a new Section to Title 12 of the Mandan Code of Ordinances, Alcohol and Gaming Licenses and Permits, relating to the on or off sale of distilled spirits.

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

12-02-04.3. Class DY. A Class DY license shall authorize the licensee to produce distilled spirits, and to sell said distilled spirits at a location within the City of Mandan, subject to the following restrictions and conditions:

1. A Class DY license may be issued only to a business who obtains a license from the Office of the State Tax Commissioner allowing the production of distilled spirits.

2. A Class DY license will authorize the licensee to only sell distilled spirits.

3. The Class DY license shall be governed by all the provisions of state law and of this chapter generally applicable to all license qualifications.

4. The fee for a Class DY license shall be as determined by resolution of the Board of City Commissioners.

By: _____
President Board of City Commissioners

ATTEST:

City Administrator

First Consideration: July 19, 2011
Second Consideration and Final Passage: August 2, 2011

ORDINANCE NO. 1097

AN ORDINANCE TO AMEND AND REENACT SECTION 21-03-02 OF THE MANDAN CODE OF ORDINANCES 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 Code of Ordinances is amended to read as follows:

The following described property located within the City of Mandan shall be excluded from the A (Agricultural) zoning and shall be included in the following:

- Lots 27-32, Block 1 to RM (Multi-Family Residential), restricted to 5 units per acre.
- Lots 1-4, Block 1 to R3.2 (Two-Family Residential).
- Lot 1, Block 2 & Lot 1, Block 3 to R3.2 (Two-Family Residential).
- Lots 5-26, Block 1; Lots 2-13, Block 3; Lots 4-9, Block 4, Lots 1-4, Block 5 to R7 (Single-Family Residential).

namely,

Heart Ridge Addition in Section 34, Township 139N, Range 81W .

And as so amended said section is hereby reenacted. The purpose of the zone change is residential development. 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

Public Hearing:	<u>May 23rd, 2011</u>
First Consideration:	<u>June 21st, 2011</u>
Second Consideration and Final Passage:	<u>August 2, 2011</u>
Publication Date:	<u>August 26, 2011</u>

