

**AGENDA**  
**MANDAN CITY COMMISSION**  
**MAY 1, 2012**  
**ED "BOSH" FROEHLICH MEETING ROOM**  
**5:30 P.M.**  
**[www.cityofmandan.com](http://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 17, 2012 Board of City Commission meeting.
- C. PUBLIC HEARING:
1. Public hearing to consider tax increment financing request (TIF) by Alvin W. Leingang for improvements to 101 E Main Street and a portion of 103 E Main Street (see New Business No. 1ii)
- D. BIDS:
- E. CONSENT AGENDA:
1. Consider approval of annual Liquor License, Special B Liquor Permit and Special Sunday Permit for Dacotah Speedway
  2. Consider proclamation designating May 4, 2012 as Arbor Day in the City of Mandan.
  3. Consider for approval the applications for beer garden and street dance events.
  4. Consider for approval the final plat of Lakewood 7<sup>th</sup> Addition.
  5. Consider for approval the final plat of Plainview Heights 13<sup>th</sup> Addition.
  6. Consider placing City vehicles in public auction.
- F. OLD BUSINESS:
- G. NEW BUSINESS:
1. Consider Growth Fund Committee recommendations:
    - i. Revisions to Tax Increment Financing (TIF) policy
    - ii. TIF & business incentive agreements with Alvin W. Leingang for improvements to 101 E Main Street and a portion of 103 E Main Street
  2. Consider for approval, a request for City cooperation for the Rodeo Days and Buggies N Blues Events.
  3. Consider recommendation from the Mandan Visitor's Committee regarding funding assistance for the Old Red/Old Ten Scenic Byway Committee.
  4. Consider Weed Cutting Proposal

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H. RESOLUTIONS & ORDINANCES:

1. *Second consideration and final passage of Ordinance No. 1121 Zone Change for West Hills Estates 2<sup>nd</sup>* – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map
2. Second consideration of Ordinance No. 1120 – An ordinance to amend and re-enact Section 12-02-04 and to repeal Section 12-02-05 of the Mandan Code of Ordinances relating to alcoholic beverage licenses as amended.
3. Resolution establishing rates and charges for services from the Solid Waste Utility Fund.

I. OTHER BUSINESS:

J. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. May 15, 2012
2. June 5, 2012
3. June 19, 2012

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.*

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The Mandan City Commission met in regular session at 5:30 p.m. on April 17, 2012 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. 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, Business Development and Communications Director Huber (arrived at 5:31 p.m.), Engineering Project Manager Bechtel, and City Assessor Barta. Absent: Fire Chief Nardello.

MINUTES: *Consider approval of the minutes for the April 3, 2012, regular meeting.* Commissioner Rohr moved to approve the minutes of the April 3, 2012 minutes. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present.

PUBLIC HEARING:

1. *Public Hearing to consider an Ad Valorem tax exemption for Windriver Properties.* City Assessor Barta presented a request for an Ad Valorem Tax Exemption request from Pat Wachter, Windriver Properties at 2201 40<sup>th</sup> Avenue Southeast, Mandan, ND, in the Lakewood Addition. Barta stated that the Mandan Growth Fund has recommended approval and there has been no written opposition received. Barta recommended approval of the new property tax exemption request to approve a 100% five year exemption subject to verification of meeting the job requirements by the end of year two and sustained through year five.

Mayor Helbling announced that this is a public hearing to determine an Ad Valorem tax exemption for Windriver Properties. He invited anyone from the audience to come forward to speak for or against the project. Mayor Helbling clarified that in order to get the 100% exemption for year 3 through year 5, it would have to meet the job requirements. Pat Wachter came forward to answer questions. He stated that these are rentals, (not condos), and thus they will not be sold. Mayor Helbling again announced the public hearing and invited anyone else to come forward. Hearing none, this portion of the public hearing was closed.

Commissioner Tibke moved to approve a 100% exemption for Windriver Properties in accordance with the recommendation from the Mandan Growth Fund Committee to approve a 100% five year exemption subject to verification of meeting the job requirements by the end of year 2 and sustained through year 5. Without at least one new job per \$100,000 in structural value subject to exemption (10.6 jobs) by the end of year 2, the exemption would be reduced to 75% in year 3, 50% in year 4, 25% in year 5, by meeting all criteria under the City of Mandan’s Commercial Property Tax Exemption Policy and Guidelines, and also under state statute. Commissioner Frank seconded the motion.

Commissioner Jackson stated that he would recommend that the Commission consider scaling back on these tax exemptions. The Commission just completed a working session wherein the suggestion to scale back on these exemptions failed by a 3-2 vote. The policy remains intact for granting these exemptions. Commissioner Tibke commented

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that she feels that the scale back or the compromise discussions at the meeting was the 100-100-75-50-25. Commissioner Jackson mentioned that he agrees that was the original compromise arrived at 18 months ago. However, he feels it should be scaled back even further.

Commissioner Rohr concurred with Commissioner Jackson stating that he agrees that the Commission should revisit this matter and also recommended that consideration be given to scaling back on the tax exemptions being given. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

BIDS:

CONSENT AGENDA:

1. *Consider entering into an Engineering Services Agreement with Advanced Engineering.* The Board approved of entering into an Engineering Services Agreement with Advanced Engineering.
2. *Consider approval of monthly bills.* The Board approved of the monthly bills.
3. *Consider games of chance for Bismarck Mandan Stock Car Association at Dacotah Speedway April 18-May 25, 2012.* The Board approved of the games of chance for Bismarck Mandan Stock Car Association at Dacotah Speedway April 18-May 25, 2012.
4. *Consider approval of site authorization for Abate of ND at the Hideaway Bar from July 1, 2012 through June 30, 2013.* The Board approved of the site authorization for Abate of ND at the Hideaway Bar from July 1, 2012 through June 30, 2013.
5. *Consider approval of the West Hills Estates 2<sup>nd</sup> Zone Change. (First consideration of ordinance #1121).* The Board approved of the West Hills Estates 2<sup>nd</sup> Zone Change. (First consideration of ordinance #1121).
6. *Consider reappointing Sue Balcom and Cameo Skager to the Dakota Media Access Board of Directors thru July 1, 2016.* The Board approved of the reappointment of Sue Balcom and Cameo Skager to the Dakota Media Access Board of Directors thru July 1, 2016.

Commissioner Frank moved to approve the Consent Agenda as presented. Commissioner Rohr seconded the motion.

Based on Item No. 7 having been added to this evening's final paper copy of the Agenda and not the online version that he had previously reviewed, Commissioner Jackson requested Item No. 7 be removed for discussion.

Commissioner Frank moved to amend the Motion to approve Items 1 through 6 of the Consent Agenda as presented and to remove Item 7 for discussion. Commissioner Rohr seconded the Amended Motion. The motion received unanimous approval of the members present.

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7. *Consider for approval a Renaissance Tax Exemption for CRT Investments, LLC.* City Assessor Barta stated that this is an apartment building located downtown with the retail space underneath it. The owner has paid his 2011 taxes, thus a refund is due. City Attorney Brown indicated that this Project was previously approved but they were waiting for the state to formalize their approval. Now it is before this Board to formalize the City's approval. Because it took so long the owner paid the 2011 taxes.

Commissioner Frank moved to approve the request from CRT Investments, LLC to receive a 100% tax exemption for the year 2011 due to meeting all requirements for a Renaissance Zone exemption. Commissioner Jackson seconded the motion.

Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

OLD BUSINESS:

NEW BUSINESS:

1. *Consider the purchase of a vehicle for Parking Enforcement.* Police Chief Bullinger reviewed with the Board four vehicle options for the purchase of a new specialty vehicle that will be used for policing and marking parked cars pursuant to the parking ordinances in downtown Mandan. He reviewed each of the pros, cons and costs for each of the four vehicles. Chief Bullinger recommended the purchase of the GO-4 Interceptor by the police department in the amount of \$24,400. Cushman Motors in Minneapolis is the nearest dealer of these vehicles. He stated that it is possible that the KIA dealership in Mandan will be able to service the vehicle.

Commissioner Rohr motioned to approve the purchase of the GO-4 Interceptor by the police department in the amount of \$24,400 for parking enforcement purposes. Commissioner Tibke seconded the motion. Commissioner Frank inquired if the vehicle could be used for community events if there is a need for a smaller type vehicle such as this. She also suggested that it be used for children's events such as school events when appropriate and there is a need for such. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

RESOLUTIONS & ORDINANCES:

1. *Second consideration and final passage of Ordinance No. 1114 – An ordinance to amend and re-enact Section 12-01-04(1) of the Mandan Code of Ordinances relating to location.* City Attorney Brown stated that this was amended at the first consideration to add the Class D-1. The first draft included the Class A and Class D licenses. Subsequently, a Class D-1 was added. The recommended motion would be to approve the second consideration as amended. Commissioner Jackson moved to approve the second consideration and final passage of Ordinance No. 1114 – An ordinance to amend and re-enact Section 12-01-04(1) of the Mandan Code of Ordinances relating to location as amended. Commissioner Rohr seconded the motion. Roll call vote: Commissioner

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Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

2. *Second consideration and final passage of Ordinance No. 1115 – An ordinance to create and enact Section 12-02-07(7) of the Mandan Code of Ordinances relating to drive-up window sales.* City Attorney Brown stated there have been no revisions to the first consideration as passed by this Board previously. Commissioner Tibke moved to approve the second consideration and final passage of Ordinance No. 1115 – An ordinance to create and enact Section 12-02-07(7) of the Mandan Code of Ordinances relating to drive-up window sales. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

3. *Second consideration and final passage of Ordinance No. 1116 – An ordinance to amend and re-enact Section 12-01-02 of the Mandan Code of Ordinances relating to application of chapter.* City Attorney Brown stated that there are no changes to the first consideration that was approved previously. Commissioner Frank moved to approve the second consideration and final passage of Ordinance No. 1116 – An ordinance to amend and re-enact Section 12-01-02 of the Mandan Code of Ordinances relating to application of chapter. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

4. *Second consideration and final passage of Ordinance No. 1117 – An ordinance to create and enact Section 12-02-05.1 of the Mandan Code of Ordinances relating to certification of food sales.* City Attorney Brown stated that this is the same consideration as previously passed by this Board. Commissioner Rohr moved to approve the second consideration and final passage of Ordinance No. 1117 – An ordinance to create and enact Section 12-02-05.1 of the Mandan Code of Ordinances relating to certification of food sales. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

5. *Second consideration and final passage of Ordinance No. 1118 – An ordinance to amend and re-enact Section 12-02-08-(1), (2) and (3) of the Mandan Code of Ordinances relating to transfers of licenses limited.* City Attorney Brown mentioned that this ordinance was discussed at the last meeting regarding a request to define “immediate family.” He stated he found a definition in the North Dakota Century Code. The recommended motion would be to approve the second consideration as amended. Commissioner Jackson moved to approve the second consideration and final passage of Ordinance No. 1118 – An ordinance to amend and re-enact Section 12-02-08-(1), (2) and (3) of the Mandan Code of Ordinances relating to transfers of licenses limited as amended. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

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6. *Second consideration and final passage of Ordinance No. 1119 – An ordinance to amend and re-enact Section 12-02-06 of the Mandan Code of Ordinances relating to license fee.* City Attorney Brown indicated that the only change is in the third line of the first paragraph, a comma was taken out so it is clearer that the amount of the issuance fee is at the Board's discretion. The recommended motion would be to approve the second consideration as amended. Commissioner Jackson moved to approve the second consideration and final passage of Ordinance No. 1119 – An ordinance to amend and re-enact Section 12-02-06 of the Mandan Code of Ordinances relating to license fee as amended. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

7. Removed from the Agenda.

8. *Consider first consideration of Ordinance No.1121 Zone Change for West Hills Estates 2<sup>nd</sup> – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.* Commissioner Jackson moved to approve the first consideration of Ordinance No.1121 Zone Change for West Hills Estates 2<sup>nd</sup> – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances 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 Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

OTHER BUSINESS:

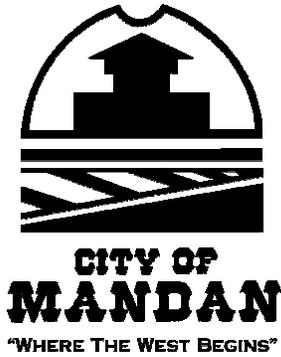
1. Spring cleanup is scheduled for the week of April 30th – May 4<sup>th</sup>. There being no further actions to come before the Board of City Commissioners, Commissioner Tibke moved to adjourn the meeting at 6:00 p.m. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present.

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James Neubauer,  
City Administrator

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Timothy A. Helbling,  
President, Board of City  
Commissioners



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 1, 2012  
**PREPARATION DATE:** April 26, 2012  
**SUBMITTING DEPARTMENT:** Business Development & Communications  
**DEPARTMENT DIRECTOR:** Ellen Huber, Business Development & Communications Director  
**PRESENTER:** Ellen Huber, Business Development & Communications Director  
**SUBJECT:** Public Hearing to Consider Leingang TIF Exemption Request

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**STATEMENT/PURPOSE:** To consider an application from Alvin W Leingang for a tax increment financing (TIF) exemption for 101 E Main Street and a portion of 103 E Main Street to offset improvement costs to include rehabilitation of the existing building, addition of an elevator tower, site and parking lot upgrades.

**BACKGROUND/ALTERNATIVES: Procedures** — Per the City's policy, the first step in the application process is for the individual or entity seeking TIF to submit a letter of request to the City Commission describing the project including its overall cost and the amount of public assistance requested. The City Commission on March 6, 2012 granted preliminary approval to invite a full application.

Leingang submitted a formal application along with a \$5,000 non-refundable deposit. At a meeting on March 27, 2012, the Mandan Growth Fund Committee reviewed the application. The request is for TIF assistance in the form of a property tax exemption on the improved portion of the property for years six to 15 of project operation. The building improvements have been approved for a Renaissance Zone exemption in years 1 to 5.

**Project Summary** — Building owner Al Leingang and development partner Loran Galpin plan to renovate the building at 101 E Main Street for use as a professional office center. The building is three stories with a basement, 8,000 sf per floor for a total of 32,000 sf. Phase I renovation plans were approved at the Commission's Feb. 21 meeting as a Renaissance Zone project for the 5-year, 100% property tax exemption on the building as improved. Phase I improvements consist of an estimated \$2.1 million investment in electrical and HVAC for the entire building, remodeling of the building shell, new windows, the addition of an elevator tower, and renovation/build-out of the first floor. Additional plans are for

parking lot and courtyard landscaping and enhancements, and renovation of the second and third stories. These improvements will also impact the west 194 feet of the adjacent lot owned by Leingang, 103 E Main.

Remediation extraction and monitoring wells, pipelines and two remote manifolds are located on the property. The Mandan Remediation Trust and N.D. Health Department officials have reviewed remediation progress in the area. The lack of free product, rare occurrence and/or minimal thickness of observed free product likely negates the need for continued remedial activity to the east of the building and for remote manifolds on both sides of the building. The City of Mandan has issued a request to the N.D. Health Department to discontinue remedial operations in the area and to begin decommissioning the wells and remote manifolds.

**TIF Request** — The requested exemption is estimated at \$73,577 annually or \$735,765 in total over 10 years. The exemption is requested to offset a portion of the estimated \$3,648,000 in hard capital costs for the project. The MGF voted March 27 to recommend approval of a TIF exemption for years six to 15 with a maximum exemption equal to 15% of capital costs as per current local policy with a reduction in the administrative fee to 1% (as compared to 5% in the current policy).

*Note: The MGF met April 24 to review the TIF policy. Recommended changes are outlined in documentation associated with New Business No. 1i and include removal of the 15% cap for TIF exemption projects, a reduction in the administrative fee to 1%, and a reduction in the application fee to \$500 (which is applied toward the administrative fee, if the TIF is approved).*

A public hearing was set for May 1, 2012, with legal notices published in the Mandan News on April 6 and 13, 2012.

The project and application meet multiple objectives of the City's TIF policy:

- To facilitate the development process and to achieve development on sites that would not be developed without TIF assistance.
- To remove blight and/or encourage redevelopment of commercial and industrial areas in the City that result in high quality redevelopment and private reinvestment.
- To offset increased costs of redevelopment over and above the costs normally incurred in development.
- To contribute to the implementation of other public policies, as adopted by the City from time to time, such as the promotion of quality urban or architectural design, energy conservation, and decreasing capital and/or operating costs of local government.

ATTACHMENTS:

1. Draft TIF agreement (Note: anticipated market value increase should be indicated as \$3.6 million)
2. Draft business incentive agreement
3. Notice of public hearing
4. Spreadsheet of property tax projections

*Leingang TIF application available in the Business Development Office upon request.*

FISCAL IMPACT:

- The current value of the subject property (land and building) is \$299,832.
- The estimated increase in the value of the property after project completion is \$3,648,000 with about \$3,224,150 attributable to the building and \$423,850 to site improvements.
- Taxes on the total improvements are estimated at \$73,577 annually (based on the current levy of 403 mills) for a 10-year total over the course of the building's life in its 6<sup>th</sup> to 15<sup>th</sup> year of \$735,770. *Note: The mill levy may fluctuate in future years. The exemption will equate to the prevailing levy in each year 6 to 15. Mandan's existing TIF policy caps assistance at 15% of hard construction costs. In this case, that maximum is estimated at \$547,200, which means the exemption would run out after approximately 7-8 years.*
- Without the requested TIF incentives, the project may not occur. When the entire project is subject to property taxation, it will generate roughly 13 times more than the current tax revenue.
- If the project is approved as recommended by the MGF, the applicant will be required to pay a 1% administrative fee. With the cap on assistance of 15% of capital costs in play, the amount due is estimated at \$5,472 less the \$5,000 deposit already received for a net amount due of \$472. *Without the cap on the amount of assistance as a percentage of hard capital costs, the estimated admin fee is \$7,358 with a net amount due of \$2,358.*

STAFF IMPACT: Minimal.

LEGAL REVIEW: Attorney Brown drafted the proposed agreements.

RECOMMENDATIONS:

1. The MGF on March 27 voted 6-0 to recommend approval of a TIF exemption for years six to 15 with a maximum exemption equal 15% of capital costs and a reduction in the administrative fee to 1%.
2. Business incentive agreements are required when public assistance of \$25,000 or more is provided for a project.

SUGGESTED MOTIONS:

1. I move to approve the Tax Increment Financing Agreement with the provisions as recommended by the Growth Fund Committee to assist with improvements to 101 E Main Street and a portion of 103 E Main Street.
2. I move to approve the business incentive agreement associated with the TIF exemption for improvements to 101 E Main Street and a portion of 103 E Main Street.

**TAX INCREMENT FINANCING AGREEMENT  
(TAX EXEMPTION)**

**THIS AGREEMENT**, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2012, by and between Alvin Leingang, whose principal office is located at 2603 Twin City Drive SE, Mandan, ND 58554 (“Owner”); and the City of Mandan, of 205 Second Avenue NW, Mandan, ND 58554, a North Dakota Municipal Corporation (“City”);

**RECITALS**

A. Owner has submitted for approval a proposal to City relating to remodeling and improvement of commercial space on the property located on Lot 9 and the west 194 feet of Lot 10, Block 1, BNSF Commercial Park 3<sup>rd</sup> Addition to the City of Mandan, North Dakota.

B. Following a public hearing on May 1, 2012, City has determined that said property consists of commercial or industrial property that is unused or underutilized and that the development, rehabilitation, conservation or redevelopment of the property is necessary and in the interests of the public economy, health, safety, morals, and welfare of the residents of the City. The City has further determined that development is necessary and appropriate in accordance with Chapter 40-58 of the North Dakota Century Code.

At said public hearing, the City agreed to provide tax increment financing (tax exemption) for the cost of development which is a part of this project, as provided in §40-58-20(11) of the North Dakota Century Code.

C. City has agreed to provide tax increment financing in the form of a property tax exemption to fund certain costs of development which are a part of this project, as provided in §40-58-20(11) of the North Dakota Century Code.

D. The development of the property described herein, and the fulfillment of the terms of this agreement, are in the vital and best interests of City and the health, safety, morals, and welfare of its residents, and in accord with the public purposes and provisions of applicable federal, state and local laws under which this agreement is being undertaken and assisted.

**NOW, THEREFORE,** in consideration of the mutual covenants and agreements contained herein, the parties hereto agree as follows:

**1. Development Area.** City has taken all steps necessary to establish a development area pursuant to the provisions of Chapter 40-58 of the North Dakota Century Code. Such area shall be designated as the Alvin Leingang Project and shall consist of the real property described in paragraph A above.

**2. Development of Property.**

(a) Development of the Property shall be in accordance with the Development Plan (as presented to the City of Mandan Growth Fund), with a goal of providing commercial/retail space. Owner projects the construction costs to be approximately \$3.6 million. Owner understands and acknowledges that the amount of tax exemption which will be available is dependent upon the cost of development of the property and accordingly such development will increase the market value by approximately \$3.2 million (existing land and existing improvements), for an estimated minimum market value after completion of the project of \$3.9 million.

(b) Owner represents to the City that the tax increment financing (tax exemption) will be used to offset the following development costs that will be expended by Owner:

- 15% of project construction costs with a maximum estimate of \$547,200.00.

(c) The terms of the Business Incentive Agreement (BIA) between the parties dated \_\_\_\_\_, 2012, are, to the extent not inconsistent with the terms of this Agreement, incorporated by reference.

**3. Public Assistance - Tax Increment Financing.**

(a) The parties hereto agree that the amount of tax exemption which shall be granted to Owner, pursuant to § 40-58-20(11), N.D.C.C., pursuant to the terms of this agreement shall be at the rate of 100% over a period not to exceed 15 years. Owner has applied for and received Renaissance Zone assistance and the tax increment exemption shall commence upon the expiration of year 5 of the Renaissance tax exemption.

(b) The tax increment exemption shall be based upon the difference between the market value as established for the 2012 calendar year and the market value when completed. The “tax increment exemption” shall be used to offset the costs of development and a 1% administrative fee to the City. The tax increment exemptions shall commence in the sixth year of occupancy, subsequent to Renaissance Zone project approval providing a tax exemption in years one through five. Estimated exemption based on the increase in market value will be approximately \$73,577.00 per year.

**4. Commencement Date.** Owner agrees to commence construction of the project on or before May 1, 2013, and to complete construction of the project on or before December 31, 2016. Owner agrees for itself, its successors and assigns, and every successor in interest to the property, or any part thereof, that Owner, and such successors and/or assigns, shall promptly begin and diligently prosecute to completion the development of the property through the construction of the development improvements therein, and that such construction shall in any event be commenced and materially completed within the time period provided herein. Until construction of the development improvements has been completed, Owner shall make periodic reports, in such detail and at such times as may reasonably be requested by City, as to the actual progress of Owner with respect to such construction.

**5. Requirements of Owner.** Owner will acquire, construct, operate, and maintain the development improvements in accordance with the terms of this Agreement,

the preliminary plans, and all local, state, and federal laws and regulations including, except for any variances necessary to construct the improvements contemplated in the preliminary plans as approved by City. Owner will also comply with all requirements set forth herein.

**6. Approvals and Permits:** Owner will obtain in a timely manner and pay for all required permits, licenses, and approvals, and will meet, in a timely manner, all requirements of all applicable local, state, and federal laws and regulations which must be obtained or met before the development improvements may be lawfully constructed. Nothing herein shall relieve Owner from its obligations to prepare and construct the development improvements in accordance with the construction plans as may be required under City's normal construction permitting process.

**7. Alteration of Plans.** In the event Owner desires to make any material changes in the preliminary plans after their approval by City, Owner shall submit the proposed changes to City for its approval. If such changes conform to the requirements of this Agreement and all applicable federal, state, and local laws and regulations, City shall approve the proposed changes and notify Owner in writing of its approval, provided that the proposed changes do not materially reduce the value of the project. All work with respect to the development improvements to be constructed or provided by Owner on the property shall be in conformity with the construction plans as submitted by Owner and approved by City.

**8. Payment of Taxes and Special Assessments.** Owner will pay when due all real property taxes and any special assessments payable with respect to the Property described herein subject to the execution of this Agreement.

**9. Default.** In the event of default in any of the terms of this Agreement, the parties shall be entitled to any and all available remedies, whether legal or equitable. It is further understood and agreed by and between the parties hereto that in the event of default by Owner in failing to construct a project in accordance with this Agreement or of default in any other material respect, City shall be entitled to terminate the tax increment as provided

in paragraph 4 above, and seeks full and complete reimbursement for all costs and expenses incurred.

**10. Remedies.** No remedy herein conferred upon or reserved to City is intended to be exclusive of any other available remedy or remedies, but each and every remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity or by statute. No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient. In order to entitle City to exercise any remedy reserved to it, it shall not be necessary to give notice except as may otherwise be provided by law.

**11. Representations of Owner.** Owner represents and agrees that its undertakings pursuant to this Agreement are for the purpose of development of the property. Owner further recognizes that, in view of (a) the importance of the development of the property to the general welfare of City; and (b) the substantial financing and other public aids that were made available by City for the purpose of making such development possible, the qualifications and identity of Owner are of particular concern to City. Owner further recognizes that it is because of such qualifications and identity that City is entering into this Agreement with Owner, and, in so doing, is further willing to accept and rely on the obligations of Owner for the faithful performance of all undertakings and covenants hereby to be performed.

**12. Release of Liability.** Owner hereby releases City from any and all claims or causes of action, which may result from a loss of the tax increments as provided herein, whether by legislative action or judicial decision. Owner understands and agrees that the tax increment financing which is to be provided to Owner pursuant to North Dakota Century Code Chapter 40-58 is solely dependent upon the validity of said provisions and compliance with all of the provisions contained therein and Owner has satisfied itself as to such validity

and compliance and hereby waives any and all claims which it has or may have against City in the event of loss of the tax increments for any reason.

**13. Indemnification.** Except for any willful misconduct or any willful or wanton misconduct of the indemnified parties, Owner hereby releases and holds harmless City and the governing body members, officers, agents, servants, and employees thereof from, and covenants and agrees that the indemnified parties shall not be liable for, and agrees to indemnify and hold harmless such parties against any loss or damaged property or any injury to or death of any person arising out of or resulting from the construction, installation, operation, ownership, or maintenance of the project.

Except for any willful misrepresentation of any willful or wanton misconduct of the indemnified parties, Owner agrees to protect, indemnify, defend, and hold harmless the indemnified parties and further agrees to hold the indemnified parties harmless from and against, any loss, damage, cost, including reasonable attorney's fees, claim, demand, suit, action, or other proceeding whatsoever initiated by any person or entity whatsoever other than City or a person or entity claiming by, through, or on behalf of City, and arising or purportedly arising out of (1) any violation by Owner any agreement or condition of this Agreement, or (2) the acquisition, construction, installation, ownership, maintenance, and operation by Owner of the project, or (3) the issuance, sale, and delivery of bonds for public improvements or for advances, or any disclosure statement with respect thereto or from any violation or alleged violation of federal or state laws governing the issuance or sale of the bonds or from the presence on any portion of the property described herein of any dangers, toxic or hazardous pollutants, contaminants, chemicals, waste, materials, or substances, as defined in or governed by the provisions of any federal, state, or local law, statute, code, ordinance, regulation, requirement, or rule relating thereto.

**14. Assignability.** It is understood and agreed by the parties that the Owner shall not sell, assign, or transfer said project or this agreement without the express written consent of City, other than to another entity controlled by or under common control with Owner

(which may be conveyed without the consent of City.) Any assignee shall expressly acknowledge, in writing, acceptance of the terms of this Agreement. City shall not unreasonably withhold such consent.

**15. Non-Merger.** None of the provisions of this Agreement shall be merged by reason of any deed or other instrument transferring any interest in the development of the property or any such deed shall not be deemed to affect or impair the provisions and covenants of this Agreement.

**16. Applicable Law.** This Agreement shall be governed and construed in accordance with the laws of the State of North Dakota.

**17. Entire Agreement.** This Agreement contains all of the terms of the agreement between City and Owner and supersedes all oral negotiations. The provisions hereof shall be binding upon the successors and assigns of the parties hereto.

**18. Savings Clause.** If any of the provisions of this Agreement shall be held to be unenforceable or contrary to law by any court of competent jurisdiction, or shall be mutually determined to be unenforceable by the parties upon the advice of their legal counsel, the remaining provisions hereof shall remain in full force and effect.

Dated the day and year first above written.

**OWNER:**

**CITY OF MANDAN**

\_\_\_\_\_  
Alvin Leingang

By: \_\_\_\_\_  
Timothy Helbling, President  
Board of City Commissioners

ATTEST:

\_\_\_\_\_  
James Neubauer, City Administrator



**EXHIBIT "A"**

**REAL PROPERTY  
LEGAL DESCRIPTION**

Lot 9 and the west 194 feet of Lot 10, Block 1, BNSF Commercial Park 3<sup>rd</sup>  
Addition to the City of Mandan, Morton County, ND.

## **BUSINESS INCENTIVE AGREEMENT**

This Agreement, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2012, by and between Alvin Leingang of 2603 Twin City Drive SE, Mandan, ND 58554 (“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 assist Developer in improving the real property described below:

Lot 9 and the West 194 feet of Lot 10, Block 1, BNSF Commercial Park 3<sup>rd</sup> Addition to the City of Mandan, Morton County, North Dakota (“Property”), aka 101 & 103 East Main Street.

WHEREAS, the Developer has applied for a 5 year Renaissance Zone tax exemption and up to ten years Tax Increment Financing assistance in order to fully develop the Property.

WHEREAS, the parties acknowledge that a Business Incentive Agreement is required by Chapter 54-60.1, NDCC, in order for the City to justify the use of the tax exemption and Tax Increment Financing; and

WHEREAS, the parties desire to enter into a Business Incentive Agreement to assist in the development of the Property.

The parties agree:

As goals for this project, the Developer will:

1. Pay to the City an administration fee of 1% of the value of the tax exemption.
2. Commence construction and remodeling of the first floor of the building located at 101 East Main Street on or before May 1, 2013, of a mixed use commercial office, retail and/or restaurant development ultimately consisting of a total of 32,000 square feet of building space to be fully completed by December 31, 2016.
3. Agree to the investment of a total of \$4.2 million in the development of the Property for office, retail and/or restaurant uses, including \$3.6 million in estimated construction costs.

4. Agree to a "claw back" agreement to enable the City to recover the cost of the tax exemption if the Property is sold to a non-profit tax exempt entity within 15 years after the expiration of the tax exemption.

City will:

1. Allow a 100% tax exemption (real estate tax exemption) for the first 5 years after completion of the project and a 10 year tax exemption equal to 15% of the total capital investment in the Property for a total 15 year period.

In the event Developer has not started improvements (i.e. site preparation, building permit) by May 1, 2013, the tax exemption shall be withdrawn.

The term of this Agreement may be modified by mutual agreement of the parties.

With the consent of the City, Developer may assign all or any part of its interest in the Property and said assignee shall be responsible for all obligations of this Agreement.

DEVELOPER:

CITY:

CITY OF MANDAN

\_\_\_\_\_  
Alvin Leingang

By: \_\_\_\_\_  
Tim Helbling, President  
Board of City Commissioners

ATTEST:

\_\_\_\_\_  
James Neubauer, City Administrator

NOTICE OF PUBLIC HEARING  
MANDAN CITY COMMISSION

Notice is hereby given that the City of Mandan has received an application from Alvin W. Leingang for Tax Increment Financing (TIF) at 101 East Main Street and a portion of 103 East Main Street for rehabilitation of the existing building, addition of an elevator tower, plus site and parking lot improvements. TIF assistance is being requested in the form of a property tax exemption on the improved portion of the property for years six to 15 of project operation. The requested exemption is estimated at \$73,577 annually or \$735,765 in total. The exemption is requested to offset a portion of the estimated \$3,648,000 in hard capital costs for the project.

Notice is further given that the Mandan City Commission shall meet at Mandan City Hall on Tuesday, May 1, 2012, at 5:30 p.m. to consider said matter at which time and place any person may appear to be heard thereon. A copy of said application is on file at the office of the City Administrator and available for review during regular office hours from 8:00 a.m. to 5:00 p.m.

City of Mandan, North Dakota

BY: Ellen Huber  
Business Development &  
Communications Director

Dated this 29th day of March, 2012

To be published on April 6, 2012 and April 13, 2012

101 E Main Redevelopment Project - Alvin Leingang																
3/19/2012																
CURRENT TAXES	Land	Building	Total	Total												
101 E Main	\$1,010	\$3,068	\$1,010	\$4,078												
103 E Main (54%)	\$1,969	\$0	\$1,969	\$1,969												
Total	\$2,980	\$3,068	\$2,980	\$6,047												
Based on 403.38 mills - 100% years 6 to 15 on entire building - NO MAXIMUM CAP																
Property	Assessed Land Value	Beginning Assessed Building Value	Base Property Value	Proposed Building Investment	Proposed Land Upgrades	Estimated Building Value w/ Investment	Estimated Land Value w/ Investment	Estimated Total Property Value	Annual Property Tax	Annual Exemption on Improvements	*Estimated 5-Yr Property Tax RZ Benefit 100% Building Value	Estimated 5-Yr Income Tax RZ Benefit	TIF Years 6-15	Total Exemption	Exemption to Investment Ratio	Annual Taxes Collected Year 6-15
101 E Main	\$50,100	\$152,100	\$202,200	\$3,224,150	\$423,850	\$3,376,250	\$571,582	\$3,947,832	\$79,624	\$73,577	\$340,478	\$20,000	\$735,765	\$1,096,243		\$6,047
& part of 103 E Main 100% commercial	\$97,632		\$97,632													
Total	\$147,732	\$152,100	\$299,832	\$3,224,150	\$423,850	\$3,376,250	\$571,582	\$3,947,832	\$79,624	\$73,577	\$340,478	\$20,000	\$735,765	\$1,096,243	30%	\$6,047
Projected 5% Admin	\$36,788															
TIF share of hard capital costs - 20.2%																
Based on 403.38 mills - 100% years 6 to 15 on entire building -MAXIMUM CAP AS PER POLICY OF 15% OF HARD CAPITAL COSTS																
Property	Assessed Land Value	Beginning Assessed Building Value	Base Property Value	Proposed Building Investment	Proposed Land Upgrades	Estimated Building Value w/ Investment	Estimated Land Value w/ Investment	Estimated Total Property Value	Annual Property Tax	Annual Exemption on Improvements	*Estimated 5-Yr Property Tax RZ Benefit 100% Building Value	Estimated 5-Yr Income Tax RZ Benefit	TIF Years 6-15	Total Exemption	Exemption to Investment Ratio	Annual Taxes Collected w/ TIF
101 E Main	\$50,100	\$152,100	\$202,200	\$3,224,150	\$423,850	\$3,376,250	\$571,582	\$3,947,832	\$79,624	\$73,577	\$340,478	\$20,000	\$547,200	\$907,678		\$6,047
& part of 103 E Main 100% commercial	\$97,632		\$97,632													
Total	\$147,732	\$152,100	\$299,832	\$3,224,150	\$423,850	\$3,376,250	\$571,582	\$3,947,832	\$79,624	\$73,577	\$340,478	\$20,000	\$547,200	\$907,678	25%	\$6,047
Projected 5% Admin	\$27,360															
Note: TIF policy limits assistance to 15% of hard capital costs of development.																
This appears to be \$3,224,150 for the building & \$423,850 for the site for a total of \$3,648,000																
15% maximum \$547,200																
Exemption would appear to run out after 7.43 years																
* RZ assumes exemption on complete building, but will actually depend upon how quickly floors 2-3 are completed.																

Corporation Liquor License Application

1. Type of License:

Liquor On-Sale X Off-Sale \_\_\_\_\_ Class: A B C D E F WB MP DY  
(Circle One)

Beer On-Sale X Off-Sale \_\_\_\_\_ Class: A B C D E F WB MP DY

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

3. Name of Business Establishment at which license will be used: Dacotah Speedway

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

- a. Name of Corporation: Bismarck - Mandan Stock CAR Assoc. Inc.
- b. Date of Incorporation: 1988
- c. State of Incorporation: N. D.
- d. Amount of Authorized Capital Stock: \_\_\_\_\_
- e. Amount of Paid Capital: \_\_\_\_\_
- f. If, subsidiary, Name of Parent Corporation: \_\_\_\_\_
- g. Purpose of Incorporation: \_\_\_\_\_

5. Description of Licensed Premises: Address: 2500 Longspur Trail - Mandan

Legal Description: (Lot & Block): Lot 1, Block 2 in Midway 1st Add.  
(Also Submit on an attached page a Diagram of the physical layout of the licenses premises including, A minimum: doors, storage areas, & areas where liquor/beer is purchased and consumed.)

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

NA

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

See Attached Board of Directors

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

Name: Teresa Seeman Address: 4645 24th Ave.

City: Mandan State: ND Age: \_\_\_\_\_ DOB: \_\_\_\_\_ Citizenship: \_\_\_\_\_

If naturalized, give date and Place of Naturalization: \_\_\_\_\_

List all Other Places of Residence within last 5 Years: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

11. Does Applicant certify that all property taxes have been paid to date on the licenses premises?

Yes \_\_\_\_\_ No \_\_\_\_\_ NA

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

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

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

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

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

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





CITY OF MANDAN  
SPECIAL "B" LIQUOR PERMIT

Date of Application: April 11 2012

Name of Licensee: Bismarck - Mandan Stock Car Assoc. Inc.

Address of Licensee: Box 6272 Bis ND 58506

Address of public facility if used: 2500 Longspur Trail

State the purpose for which this permit will be used: Mandan Rodeo

Date(s) of requested (not to exceed 3 day) July 2, 3, 4, 2012

Time of day which the applicant desires the permit to be in effect: 8:00 AM to Midnight

Does this organization have approval of the Mandan Park District for this application?

Yes  No

Hus Bergmann  
Signature of Applicant

Karin Motal  
Received by:

Date Received: 4-12-12

Commission Approval: \_\_\_\_\_

\$100.00 per Event - Amount paid \$ 100.<sup>00</sup>

CITY OF MANDAN

SUNDAY ALCOHOLIC BEVERAGE PERMIT

Date of Application: April 11, 2012

Name of Licensee: Bismarck-Mandan Stock Car Assoc. Inc.

Address of Licensee: Box 6292 Bismarck ND 58506

Address of public facility if used: 2500 Longspur Trail

State the purpose of organization: Promote Auto Racing

Date(s) of requested Sunday(s): June 3, July 1, July 29  
~~August 12~~

Time of day which the applicant desires the permit to be in effect: 12:00 Noon To 12:00 midnight

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:

Main Concession Area & Pit Area

Permission is Requested To Sell in Grandstand at Bodo

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

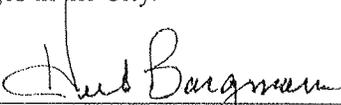
Yes

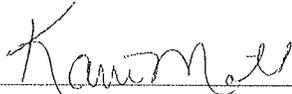
If applicable, estimated number of police officers necessary to provide security at the dance to be open to the public: None

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.

- d. The applicant as a condition to the issuance of such permit consents and agrees that any City police officer may enter upon and inspect the licensed premises or any part thereof at any time for the purpose of determining compliance with the conditions of the permit;
- e. The permit issued under this section may not expand the scope of the class of alcohol license held by the applicant;
- f. An applicant which holds a Class A liquor license must supply copies of the most recent six month's filings of the City food and lodging taxes and allow the City to verify with the ND State Tax Department that said tax payments have been made.
- g. The permittee shall comply with all other applicable ordinances and laws relating to the use and sale of alcoholic beverages in the City.

  
 \_\_\_\_\_  
 Signature of Applicant

  
 \_\_\_\_\_  
 Received by:

Date Received: 4-12-12

Commission Approval: \_\_\_\_\_

Auditor Approval: \_\_\_\_\_

*4 @ 5.00 = 20*

\$5.00 Fee per Sunday-Amount paid \$ 20.00

Receipt # \_\_\_\_\_

Copy to be filed with Mandan Police Department

Eligible Applicants. Pursuant to the provisions of NDCC 05-02-05.1 only the following alcohol licensees or facilities are eligible to apply for a Sunday Event Alcoholic Beverage Permit:

- a. A "qualified alcoholic beverage licensee," which is defined to mean any licensee who has paid the city lodging and restaurant tax imposed by the city and who continues to pay such tax thereafter. Any alcoholic beverage licensee, except the Class B and Special Class B licensee, may become a "qualified alcoholic beverage licensee" by voluntarily paying the city's lodging and restaurant tax prior to the filing of the permit application but the licensee must also continuously pay the tax throughout the license year.
- b. Any publicly owned or operated facility.



*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.

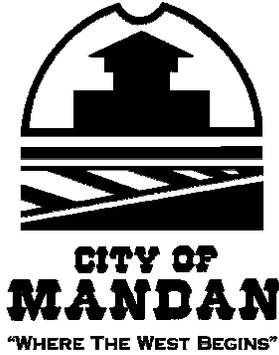
*Now, Therefore, I,* Timothy A. Helbling, Mayor of the City of Mandan, ND, do hereby proclaim May 4, 2012 as

# 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* First day of May, 2012  
 Mayor \_\_\_\_\_



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 1, 2012  
**PREPARATION DATE:** April 24, 2012  
**SUBMITTING DEPARTMENT:** Engineering  
**DEPARTMENT DIRECTOR:**  
**PRESENTER:** Dave Bechtel  
**SUBJECT:** Consider for approval the applications for beer garden and street dance events.

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

BACKGROUND/ALTERNATIVES: Representatives of the Police Dept., Fire Dept, Custer Health, and the Engineering Dept. reviewed the above listed beer garden and street dance application and found them to be in compliance with the ordinance governing their operations. In this round of applications, we have 1 applicant requesting 3 events.

Mandan Progress Organization/ Musicians Association – June 9&10, 4 PM-midnight & 12 PM to 5 PM  
Mandan Progress Organization – July 3, 7 PM to 12:00 AM  
Mandan Progress Organization – July 7, 4 PM to 12:00 AM

These requests are similar to past years and have been reviewed by the appropriate City officials for compliance. The applications appear to be in order and requirements appear to be met for the events.

ATTACHMENTS: 3 Applications

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 beer garden and street dance requests as attached.

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

# CITY OF MANDAN

1. Type of license being applied for:

Street Dance: \_\_\_\_\_  
Beer Gardens: \_\_\_\_\_  
Both:  \_\_\_\_\_

2. Applicant:

Name: MANDAN PROGRESS ORGANIZATION / MUSICIAN'S ASSOC for Buggies-N-Bliss  
Address: 411 West MAIN  
MANDAN, ND 58554  
Date of Birth: \_\_\_\_\_  
Social Security or Drivers License: \_\_\_\_\_

3. Name of individual or individuals who will manage or conduct the event:

Name: <u>DEL WETSCH</u>	Name: <u>VERN CERMAK</u>
Address: <u>411 West MAIN</u>	Address: <u>411 West MAIN</u>
Date of Birth: _____	Date of Birth: _____
S.S. or D.L.: _____	S.S. or D.L.: _____

4. Have any of the individuals listed in answer to questions #2 & #3 ever had a license of any kind revoked or cancelled by any municipal, state or federal authority:

Yes  No  If yes, explain in detail on a separate sheet giving the date, place and type of business.

5. Have any of the individuals listed in answer to questions #2 & #3 ever been convicted of any crime relating to the sale of alcoholic beverages or controlled substances: Yes  No  If yes, explain in detail on a separate sheet giving the date, place and type of business.

6. If you should be applying for a public dance or concert permit has any of the individuals in answer to questions #2 & #3 been convicted within the past five years of any crime against persons, including assault, disorderly conduct, sexual assault, rape and murder. Yes  No  If yes, explain on a separate sheet.

7. List the place, date and hours of the proposed event (special note, all applications must be received 30 days in advance of the proposed event). DYKSHORN PARK JUNE 9-10 2012  
JUNE 9 4:00PM to 12:00 midnight

8. Site Plan: See attached sheets.

- A. Beer Gardens
- B. Street Dance

Board of City Commissioners

Agenda Documentation

Meeting Date: May 1, 2012

Subject: Consider for approval the applications for beer garden and street dance events.

Page 3 of 10

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 3500  
Expected Attendance 1800

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 WILL BE USED AND EVENT CO-ORDINATORS WILL EVALUATE ATTENDANCE

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

Number of toilet facilities 12 bathrooms

13. Has the City Health Officer reviewed your plan to determine if your proposed toilet facilities are adequate to meet the attendance?  
1 HDLP 2 sinks

Yes \_\_\_\_\_ No X

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. USE OF CITY CROSSWALKS, SIGNAGE MADE UP TO SLOW TRAFFIC, USE OF CITY PARKING LOTS

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

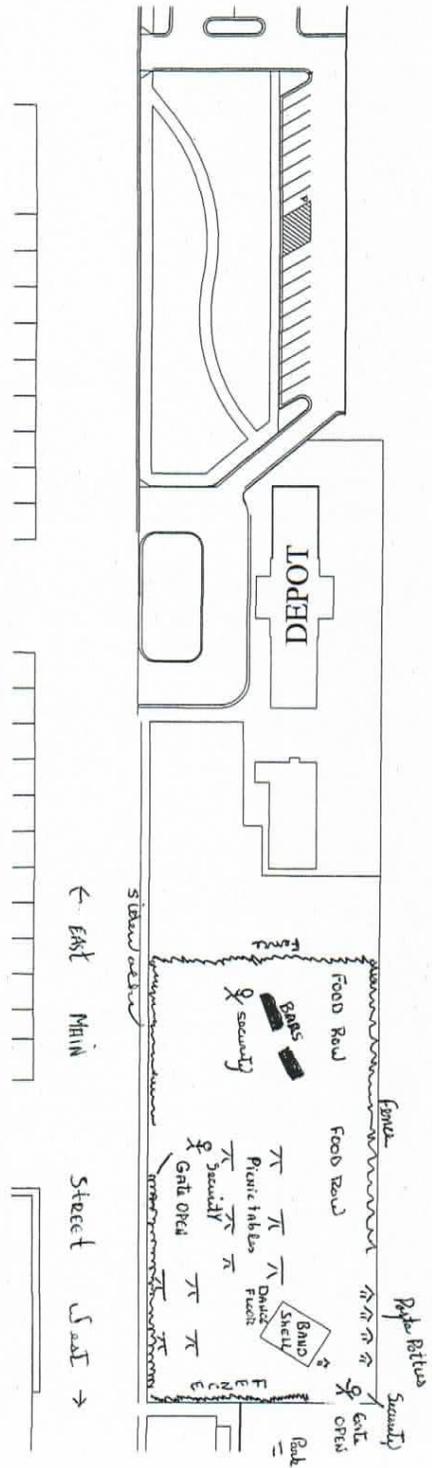
Private X City Police \_\_\_\_\_

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

Private 3-4 City Police \_\_\_\_\_

18. Street Dances & Concerts: Have you enclosed fees for the charges for city police officers? List the amount \$20.00.

D. J. J. J.  
Signature of applicant  
April 23, 2012  
Date  
220-2959  
Telephone number



"DYK SHOOREN PARK"  
Buggies n' Blues  
June 9-10

# CITY OF MANDAN

1. Type of license being applied for:

Street Dance: \_\_\_\_\_  
Beer Gardens:  \_\_\_\_\_  
Both: \_\_\_\_\_

2. Applicant:

Name: MANDAN PROGRESS ORGANIZATION (All Class Reunion)  
Address: 411 West MAIN  
MANDAN, ND 58554  
Date of Birth: \_\_\_\_\_  
Social Security or Drivers License: \_\_\_\_\_

3. Name of individual or individuals who will manage or conduct the event:

Name: <u>Del Weisch</u>	Name: _____
Address: <u>411 West MAIN Mandan, ND</u>	Address: _____
Date of Birth: _____	Date of Birth: _____
S.S. or D.L.: _____	S.S. or D.L.: _____

4. Have any of the individuals listed in answer to questions #2 & #3 ever had a license of any kind revoked or cancelled by any municipal, state or federal authority:  
Yes \_\_\_\_\_ No  If yes, explain in detail on a separate sheet giving the date, place and type of business.

5. Have any of the individuals listed in answer to questions #2 & #3 ever been convicted of any crime relating to the sale of alcoholic beverages or controlled substances: Yes \_\_\_\_\_ No  If yes, explain in detail on a separate sheet giving the date, place and type of business.

6. If you should be applying for a public dance or concert permit has any of the individuals in answer to questions #2 & #3 been convicted within the past five years of any crime against persons, including assault, disorderly conduct, sexual assault, rape and murder. Yes \_\_\_\_\_ No  If yes, explain on a separate sheet.

7. List the place, date and hours of the proposed event (special note, all applications must be received 30 days in advance of the proposed event). HERITAGE PARK JULY 3RD 7:00 PM to  
11:00 Midnight

8. Site Plan: See attached sheets.

- A. Beer Gardens
- B. Street Dance

Board of City Commissioners

Agenda Documentation

Meeting Date: May 1, 2012

Subject: Consider for approval the applications for beer garden and street dance events.

Page 6 of 10

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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 2500  
Expected Attendance 1500

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 at  
entrances, event promoter discretion

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

Number of toilet facilities 12 2 sinks 1 HdrP

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

Yes \_\_\_\_\_ No X

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. held in CITY PARK, use of public  
parking and sidewalks

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 10<sup>00</sup>.

DeWetsch  
Signature of applicant  
April 23 2012  
Date  
220-3959  
Telephone number

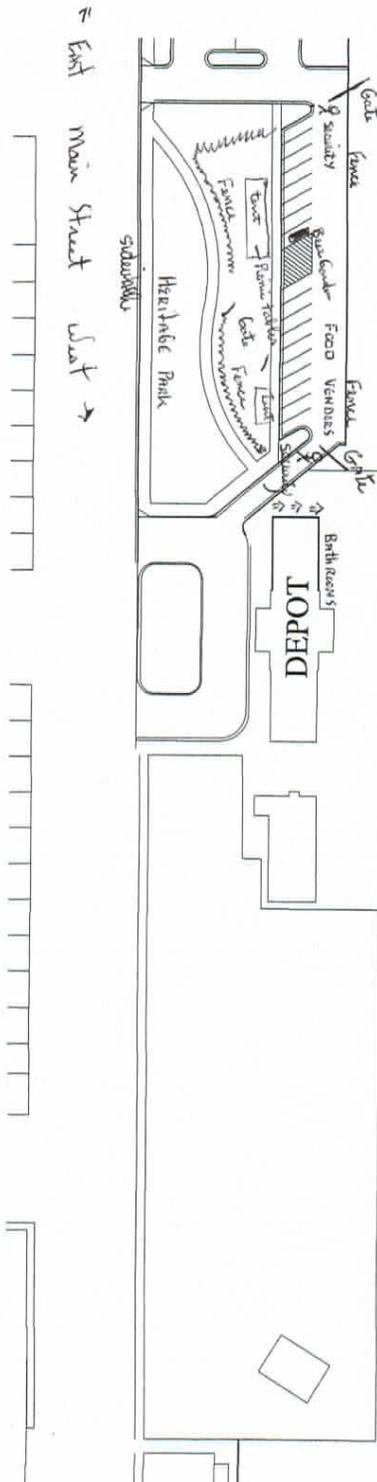
Board of City Commissioners

Agenda Documentation

Meeting Date: May 1, 2012

Subject: Consider for approval the applications for beer garden and street dance events.

Page 7 of 10



"All Class Rooms"

# CITY OF MANDAN

1. Type of license being applied for:

Street Dance: \_\_\_\_\_  
Beer Gardens: \_\_\_\_\_  
Both:

2. Applicant:

Name: MANDAN PROGRESS ORGANIZATION "Tommy Cash Concert"  
Address: 411 West Main MANDAN, ND 58554  
Date of Birth: \_\_\_\_\_  
Social Security or Drivers License: \_\_\_\_\_

3. Name of individual or individuals who will manage or conduct the event:

Name: <u>D. Wetsch</u>	Name: _____
Address: <u>411 West Main</u>	Address: _____
Date of Birth: _____	Date of Birth: _____
S.S. or D.L.: _____	S.S. or D.L.: _____

4. Have any of the individuals listed in answer to questions #2 & #3 ever had a license of any kind revoked or cancelled by any municipal, state or federal authority:  
Yes \_\_\_\_\_ No  If yes, explain in detail on a separate sheet giving the date, place and type of business.

5. Have any of the individuals listed in answer to questions #2 & #3 ever been convicted of any crime relating to the sale of alcoholic beverages or controlled substances: Yes \_\_\_\_\_ No  If yes, explain in detail on a separate sheet giving the date, place and type of business.

6. If you should be applying for a public dance or concert permit has any of the individuals in answer to questions #2 & #3 been convicted within the past five years of any crime against persons, including assault, disorderly conduct, sexual assault, rape and murder. Yes \_\_\_\_\_ No  If yes, explain on a separate sheet.

7. List the place, date and hours of the proposed event (special note, all applications must be received 30 days in advance of the proposed event). DVK SHEPARD PARK, JULY 7 2012  
4:00 PM to 12:00 MIDNIGHT

8. Site Plan: See attached sheets.

- A. Beer Gardens
- B. Street Dance

Board of City Commissioners

Agenda Documentation

Meeting Date: May 1, 2012

Subject: Consider for approval the applications for beer garden and street dance events.

Page 9 of 10

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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 3500  
Expected Attendance 2000

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 will provide and decide if Park can hold more people  
Assisted by Event Co-ordinator

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

Number of toilet facilities 12 2 sinks 1 HDcp

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

Yes \_\_\_\_\_ No X

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. \_\_\_\_\_

use of city parking lots, crosswalks and signage to slow traffic  
at street crossings

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

Private 3-4 City Police \_\_\_\_\_

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

Private X City Police \_\_\_\_\_

18. Street Dances & Concerts: Have you enclosed fees for the charges for city police officers? List the amount 20.00.

D. Lewtsch  
Signature of applicant  
April 19<sup>th</sup> 2012  
Date  
220-2959  
Telephone number

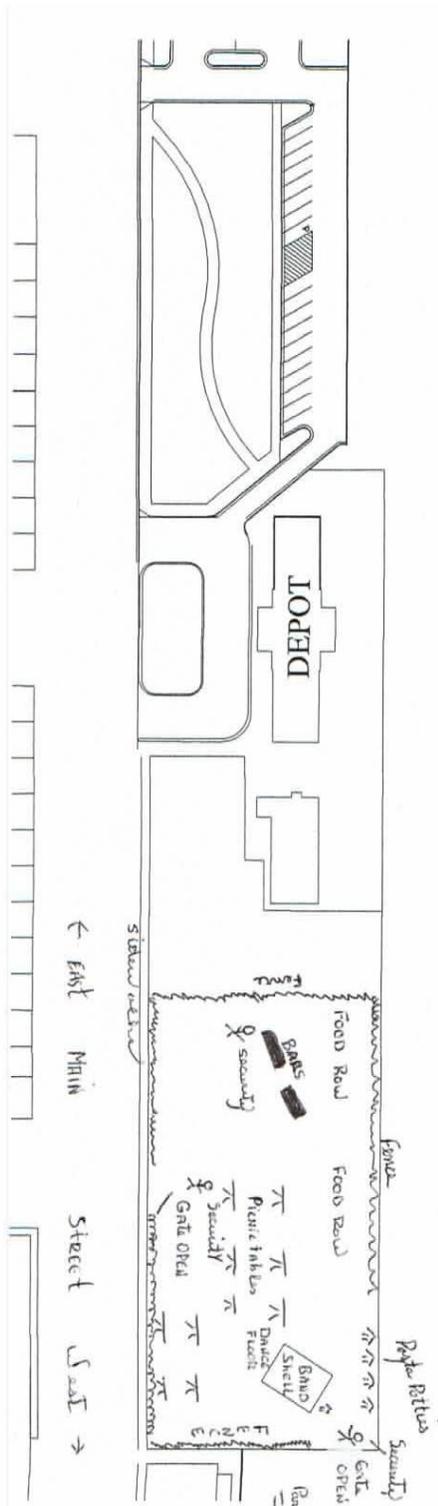
Board of City Commissioners

Agenda Documentation

Meeting Date: May 1, 2012

Subject: Consider for approval the applications for beer garden and street dance events.

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July 4th  
DISHWOOD PARK  
"TOWNY CASH CONCERT"



"WHERE THE WEST BEGINS"

**MEETING DATE:** May 1, 2012  
**PREPARATION DATE:** April 26, 2012  
**SUBMITTING DEPARTMENT:** Planning  
**DEPARTMENT DIRECTOR:**  
**PRESENTER:** Dave Bechtel  
**SUBJECT:** Consider for approval the final plat of Lakewood  
7<sup>th</sup> Addition

---

**STATEMENT/PURPOSE:** To accept the subject final plat.

**BACKGROUND/ALTERNATIVES:** Request from Mitzel Builders. The Planning & Zoning Commission approved the preliminary plat on March 26<sup>th</sup>, 2012 and the final plat on April 23<sup>rd</sup>, 2012.

**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 7<sup>th</sup> Addition.

**MANDAN PLANNING OFFICE REPORT**  
**March 21, 2012**

Applicant: Mitzel Builders, Inc.

Owner: same

Developer:

Land Surveyor:

Requested Action: Final plat approval.

Name of Subdivision: Lakewood 7<sup>th</sup> Addition

Legal Description: A portion of the East ½ of Section 1, Township 138N, Range 81W

Location: west of 40<sup>th</sup> Avenue SE and Lakewood 6<sup>th</sup> Addition

Parcel Acreage: 14.06

Number of Blocks: 1                      Number of Lots: 24

Existing Land Use: Agricultural

Proposed Land Use: Residential

Adjacent Land Use: Agricultural, Residential and Commercial

Existing Zoning: A (Agricultural)

Proposed Zoning: R7 (Single Family Residential)

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

Fee Required: \$250.00

Date Received: March 5, 2012

Adjacent Property Owner Notification: April 12, 2012

Dates of Legal Notices: April 13<sup>th</sup> & 20<sup>th</sup>, 2012

Recommendation: Planning office recommends approval.



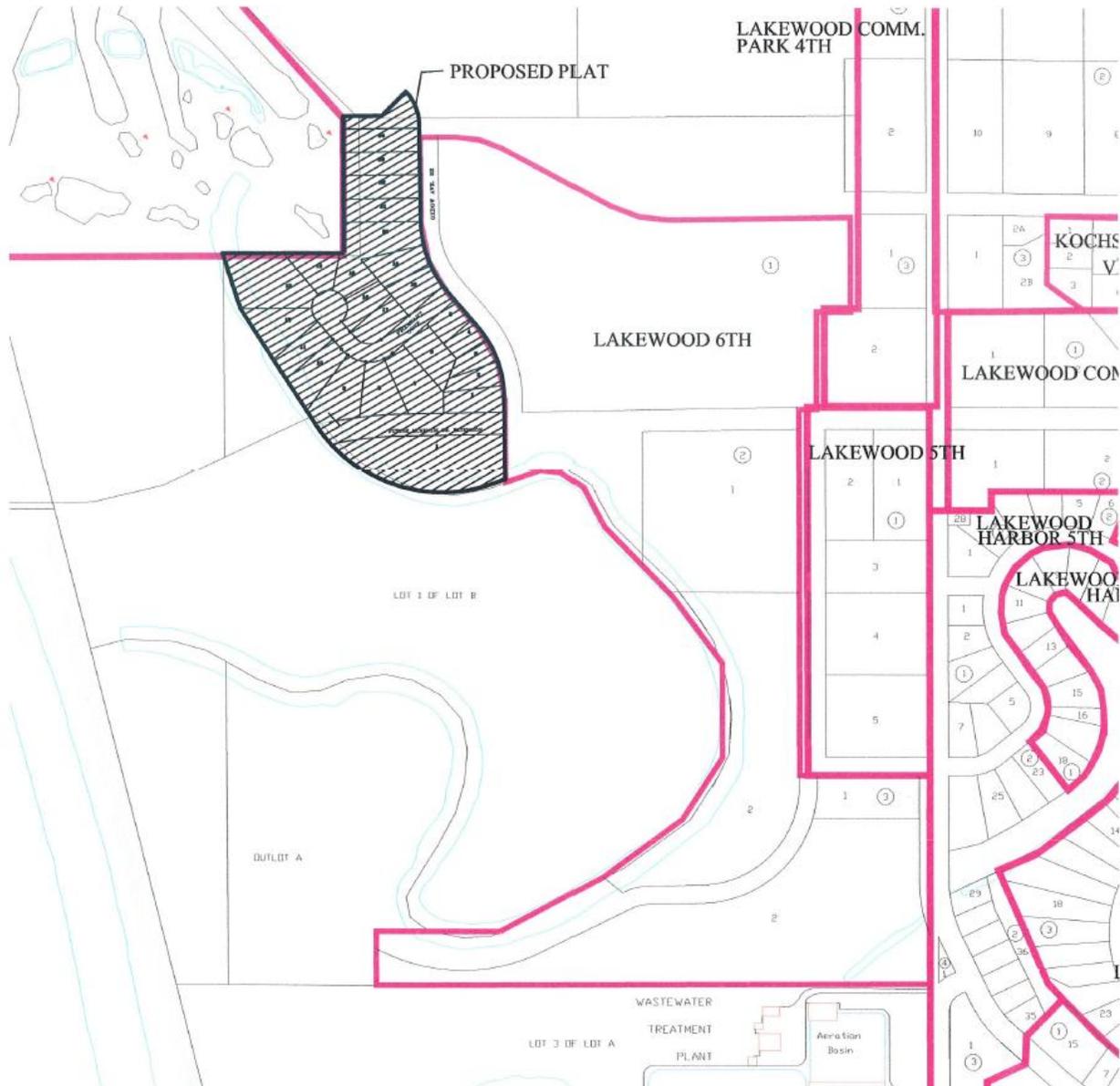
Board of City Commissioners

Agenda Documentation

Meeting Date: May 1<sup>st</sup>, 2012

Subject: Consider for approval the final plat of Lakewood 7<sup>th</sup> Addition.

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"WHERE THE WEST BEGINS"

**MEETING DATE:** May 1, 2012  
**PREPARATION DATE:** April 26, 2012  
**SUBMITTING DEPARTMENT:** Planning  
**DEPARTMENT DIRECTOR:**  
**PRESENTER:** Dave Bechtel  
**SUBJECT:** Consider for approval the final plat of Plainview Heights 13<sup>th</sup> Addition.

---

**STATEMENT/PURPOSE:** To accept the subject final plat.

**BACKGROUND/ALTERNATIVES:** Request from Mitzel Builders. The Planning & Zoning Commission approved the preliminary plat on March 26<sup>th</sup>, 2012 and the final plat on April 23<sup>rd</sup>, 2012.

**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 Plainview Heights 13<sup>th</sup> Addition.

**MANDAN PLANNING OFFICE REPORT**  
**September 22, 2010**

Applicant: Mitzel Builders, Inc.

Owner: same

Developer:

Land Surveyor:

Requested Action: Final plat approval.

Name of Subdivision: Plainview Heights 13<sup>th</sup> Addition

Legal Description: A portion of the SW ¼ of Section 2, Township 138N, Range 81W

Location: 14<sup>th</sup> Avenue SE, south of Plainview Heights 12<sup>th</sup> Addition

Parcel Acreage: 12.64

Number of Blocks: 1                      Number of Lots: 33

Existing Land Use: agricultural

Proposed Land Use: residential

Adjacent Land Use: agricultural and residential

Existing Zoning: A (Agricultural)

Proposed Zoning: R7 (Single Family Residential)

Adjacent Zoning: A (Agricultural) and R7 (Single Family Residential)

Fee Required: \$250.00                      Date Received: March 5, 2012

Adjacent Property Owner Notification: April 12, 2012

Dates of Legal Notices: April 13<sup>th</sup> & 20<sup>th</sup>, 2012

Recommendation: Planning office recommends approval.



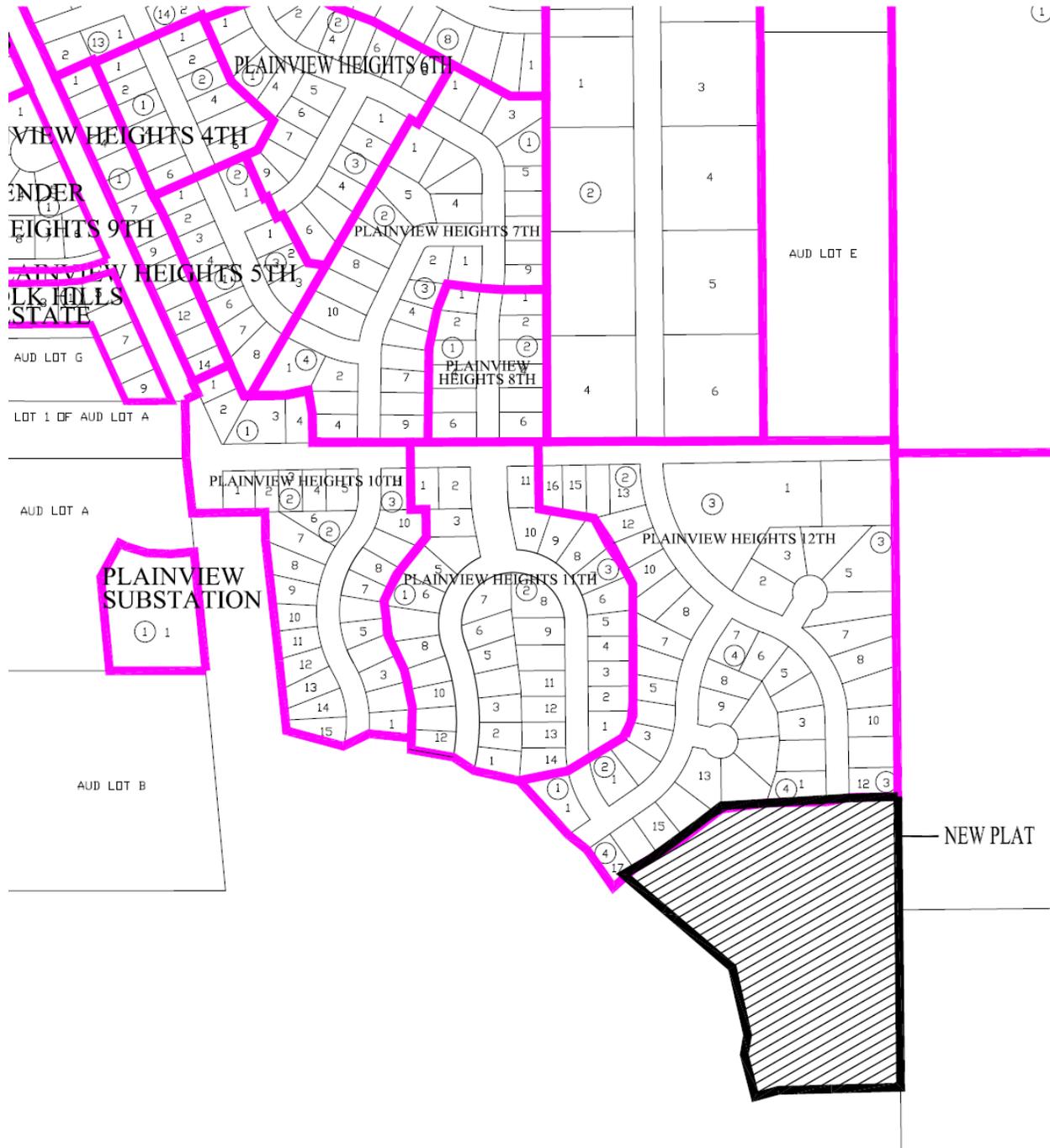
Board of City Commissioners

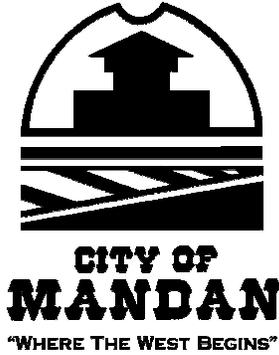
Agenda Documentation

Meeting Date: May 1<sup>st</sup>, 2012

Subject: Consider for approval the final plat of Plainview Heights 13<sup>th</sup> Addition.

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## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 1, 2012  
**PREPARATION DATE:** April 26, 2012  
**SUBMITTING DEPARTMENT:** Public Works  
**DEPARTMENT DIRECTOR:** Jeff Wright  
**PRESENTER:** Jeff Wright, Public Works Director  
**SUBJECT:** Consider placing the following vehicles in public auction.

---

STATEMENT/PURPOSE: Consider placing the following vehicles in the Northland Auction held in May, 2012.

BACKGROUND/ALTERNATIVES: The following vehicles no longer meet the safety requirements and needs of their departments.

- 2003 Chevy Impala – Meter Department
- 2003 Chevy Impala – Meter Department
- 1976 Dodge Ram 350 Pickup – Forestry Department
- 1975 Ford F700 Truck – Street Department
- 1993 Dodge Ram 250 Pickup – Street Department
- 1995 Ford Windstar Van – Engineering Department
- 1989 Chevy 3500 Pickup – Forestry Department
- 2000 Ford Crown Victoria – Engineering Department

These vehicles will be placed in the auction with at minimum scrap iron value and where possible a KBB or NADA value. No other departments have shown any interest in these vehicles.

ATTACHMENTS: Vehicle Information Sheets

FISCAL IMPACT: Revenue from any sales would be returned to the General Fund.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

Board of City Commissioners

Agenda Documentation

Meeting Date: May 1, 2012

Subject: Consider placing the following vehicles in public auction.

Page 2 of 10

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RECOMMENDATION: I recommend placing these vehicles in the Northland Public Auction in May, 2012.

SUGGESTED MOTION: I move to place the aforementioned vehicles in the Northland Public Auction in May, 2012.

Board of City Commissioners

Agenda Documentation

Meeting Date: May 1, 2012

Subject: Consider placing the following vehicles in public auction.

Page 3 of 10

---

City of Mandan

Vehicle Information Sheet:

Department:	PUBLIC WORKS
Make:	CHEVY
Model:	IMPALA
Year:	2003
VIN:	2G1WF55K239240332
Miles:	146,459
Motor:	V6, GAS
Condition (Tires, Motor, etc):	AVE BODY, AVE TIRES, RUNS
Other:	BAD WINDSHEILD, BAD BATTERY
Reason for Disposition:	NEEDS TO MUCH WORK, REPLACED WITH OTHER CARS
Estimated Value:	MINIMUM SALE VALUE - \$500
Offered to other Public Entities:	YES, PARK DISTRICT, AIRPORT, OTHER DEPARTMENTS LOWER HEART
Recommended Method of Disposition:	AUCTION
Method & Dates of Advertisements:	
Date Disposition Approved:	
Date and Final Disposition Method:	
Picture:	

Board of City Commissioners

Agenda Documentation

Meeting Date: May 1, 2012

Subject: Consider placing the following vehicles in public auction.

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City of Mandan

Vehicle Information Sheet:

Department:	PUBLIC WORKS
Make:	CHEVY
Model:	IMPALA
Year:	2003
VIN:	2G1WF55K339240923
Miles:	130,959
Motor:	V6, GAS
Condition (Tires, Motor, etc) :	AVE BODY, AVE TIRES, RUNS
Other:	BAD WINDSHEILD, BAD BATTERY
Reason for Disposition:	NEEDS TO MUCH WORK, REPLACED WITH OTHER CARS
Estimated Value:	MINIMUM SALE VALUE - \$500
Offered to other Public Entities:	YES, PARK DISTRICT, AIRPORT, OTHER DEPARTMENTS LOWER HEART
Recommended Method of Disposition:	AUCTION
Method & Dates of Advertisements:	
Date Disposition Approved:	
Date and Final Disposition Method:	
Picture:	

Board of City Commissioners

Agenda Documentation

Meeting Date: May 1, 2012

Subject: Consider placing the following vehicles in public auction.

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City of Mandan

Vehicle Information Sheet:

Department:	PUBLIC WORKS
Make:	DODGE
Model:	RAM 350 (1 TON) 2WD, AUTO
Year:	1976
VIN:	D24BE75073438
Miles:	120,081
Motor:	6 CYL, GAS
Condition (Tires, Motor, etc):	FAIR BODY, GOOD TIRES, RUNS
Other:	BAD WINDSHEILD, BAD BATTERY, HOIST AND FLAT BED
Reason for Disposition:	NEEDS TO MUCH WORK, REPLACED WITH EXISTING PICKUP
Estimated Value:	MINIMUM SALE VALUE - \$500
Offered to other Public Entities:	YES, PARK DISTRICT, AIRPORT, OTHER DEPARTMENTS LOWER HEART
Recommended Method of Disposition:	AUCTION
Method & Dates of Advertisements:	
Date Disposition Approved:	
Date and Final Disposition Method:	
Picture:	

Board of City Commissioners

Agenda Documentation

Meeting Date: May 1, 2012

Subject: Consider placing the following vehicles in public auction.

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City of Mandan

Vehicle Information Sheet:

Department:	PUBLIC WORKS
Make:	FORD
Model:	F700 TRUCK (2 TON) 2 SP, MANUAL
Year:	1975
VIN:	F70E VW50208
Miles:	91,699
Motor:	V8, GAS
Condition (Tires, Motor, etc):	BELOW AVE BODY, BELOW AVE TIRES, RUNS
Other:	NO BRAKES, HOIST AND GRAVEL BOX
Reason for Disposition:	NEEDS TO MUCH WORK, REPLACED WITH EXISTING $\frac{3}{4}$ TON PICKUP
Estimated Value:	MINIMUM SALE VALUE -\$1,000
Offered to other Public Entities:	YES, PARK DISTRICT, AIRPORT, OTHER DEPARTMENTS LOWER HEART
Recommended Method of Disposition:	AUCTION
Method & Dates of Advertisements:	
Date Disposition Approved:	
Date and Final Disposition Method:	
Picture:	

Board of City Commissioners

Agenda Documentation

Meeting Date: May 1, 2012

Subject: Consider placing the following vehicles in public auction.

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City of Mandan

Vehicle Information Sheet:

Department:	PUBLIC WORKS
Make:	DODGE
Model:	RAM 250 (3/4 TON) 2WD, AUTO
Year:	1993
VIN:	1B7JE26XXPS222548
Miles:	73,129
Motor:	V8, GAS
Condition (Tires, Motor, etc):	FAIR BODY, FAIR TIRES, RUNS
Other:	BAD WINDSHEILD, BAD BATTERY
Reason for Disposition:	NEEDS TO MUCH WORK, LIGHT DUTY TRUCK, REPLACED WITH OLD POLICE VEHICLE
Estimated Value:	MINIMUM SALE VALUE - \$1,000
Offered to other Public Entities:	YES, PARK DISTRICT, AIRPORT, OTHER DEPARTMENTS LOWER HEART
Recommended Method of Disposition:	AUCTION
Method & Dates of Advertisements:	
Date Disposition Approved:	
Date and Final Disposition Method:	
Picture:	

Board of City Commissioners

Agenda Documentation

Meeting Date: May 1, 2012

Subject: Consider placing the following vehicles in public auction.

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City of Mandan

Vehicle Information Sheet:

Department:	PUBLIC WORKS
Make:	FORD
Model:	WINDSTAR VAN, AUTO, FWD
Year:	1995
VIN:	2FMDA51465BD56365
Miles:	56828
Motor:	V6, GAS
Condition (Tires, Motor, etc):	ABOVE AVE BODY, FAIR TIRES, DOES NOT RUN
Other:	BAD MOTOR, NEEDS BATTERY
Reason for Disposition:	NEEDS TO MUCH WORK, REPLACED WITH OLD POLICE VEHICLE
Estimated Value:	MINIMUM SALE VALUE - \$500
Offered to other Public Entities:	YES, PARK DISTRICT, AIRPORT, OTHER DEPARTMENTS LOWER HEART
Recommended Method of Disposition:	AUCTION
Method & Dates of Advertisements:	
Date Disposition Approved:	
Date and Final Disposition Method:	
Picture:	

Board of City Commissioners

Agenda Documentation

Meeting Date: May 1, 2012

Subject: Consider placing the following vehicles in public auction.

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City of Mandan

Vehicle Information Sheet:

Department:	PUBLIC WORKS
Make:	CHEVY
Model:	3500 PICKUP (1 TON) 4WD, MANUAL
Year:	1989
VIN:	1GBHV34W6KJ11159
Miles:	208,878
Motor:	V8, GAS
Condition (Tires, Motor, etc):	BELOW AVE BODY, BELOW AVE TIRES, RUNS
Other:	BAD WINDSHEILD, BAD BATTERY, HOIST AND FLAT BED
Reason for Disposition:	NEEDS TO MUCH WORK, REPLACED 2 YEARS AGO WITH USED 1 TON PICKUP
Estimated Value:	MINIMUM SALE VALUE - \$750
Offered to other Public Entities:	YES, PARK DISTRICT, AIRPORT, OTHER DEPARTMENTS LOWER HEART
Recommended Method of Disposition:	AUCTION
Method & Dates of Advertisements:	
Date Disposition Approved:	
Date and Final Disposition Method:	
Picture:	

Board of City Commissioners

Agenda Documentation

Meeting Date: May 1, 2012

Subject: Consider placing the following vehicles in public auction.

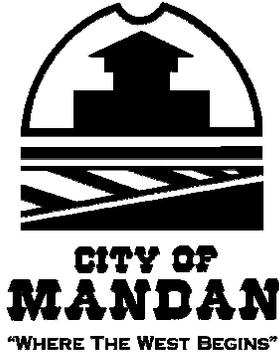
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City of Mandan

Vehicle Information Sheet:

Department:	ENGINEERING
Make:	FORD
Model:	CROWN VICTORIA
Year:	2000
VIN:	2FAFP71W6YX1444348
Miles:	98,177
Motor:	V8, INTERCEPTOR
Condition (Tires, Motor, etc):	RUNS, MECHANICALLY SOUND, NEEDS TIRES
Other:	
Reason for Disposition:	REPLACED WITH POLICE TAHOE
Estimated Value:	MINIMUM SALE VALUE - \$1,000
Offered to other Public Entities:	YES, PARK DISTRICT, AIRPORT, OTHER DEPARTMENTS LOWER HEART
Recommended Method of Disposition:	AUCTION
Method & Dates of Advertisements:	
Date Disposition Approved:	
Date and Final Disposition Method:	
Picture:	



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 1, 2012  
**PREPARATION DATE:** April 24, 2012  
**SUBMITTING DEPARTMENT:** Business Development & Communications  
**DEPARTMENT DIRECTOR:** Ellen Huber, Business Development & Communications Director  
**PRESENTER:** Ellen Huber, Business Development & Communications Director  
**SUBJECT:** MGF Recommendations for TIF Policy Revisions

---

**STATEMENT/PURPOSE:** To consider recommendations from the Mandan Growth Fund Committee (MGF) for revisions to the City of Mandan's Tax Increment Financing (TIF) Policy.

**BACKGROUND/ALTERNATIVES:** The MGF met April 24, 2012. Agenda items included a review of the City of Mandan's TIF policy. Information was sought from the state's 11 other largest cities regarding TIF policies, application fees, administrative fees and any maximums on assistance. The MGF on votes of 7-0 in four separate actions recommends the following:

1. Policy #6 — Revise to indicate the cap on TIF assistance of 15% of hard capital costs should be applied to projects requesting upfront financing, while essentially removing the cap for TIF assistance in the form of an exemption, indicating instead that limits may be considered.

*Rational: The City is assuming no tangible risk with the exemption form of TIF assistance, thus the amount of assistance provided in this form can be considered on a case by case basis.*

2. Policy #8
  - a. Revised the non-refundable application fee to \$500 (down from \$5,000).
  - b. Revise the administrative fee to 1% (down from 5%).
  - c. Revised the due date for payment of the administrative fee for TIF exemption projects to indicate payment is required prior to implementation of the exemption (instead of prior to certificate of occupancy).

*Rational: The reduction in fees is based on comparisons to other cities with a goal of being competitive while covering actual costs incurred. The revision in the*

*due date for the payment of the administrative fee would allow for accurate calculation of the building value and the mill levy rate to be known when determining the value of an actual property tax exemption. For example, when coupled with Renaissance Zone, a TIF exemption may not begin until year 6 of a project. Property values and mill rates can change a lot in that amount of time.*

ATTACHMENTS: TIF policy with proposed revisions.

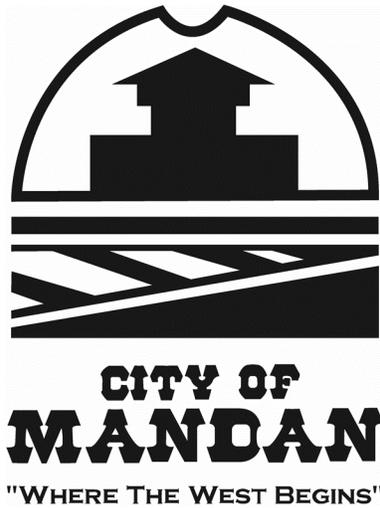
FISCAL IMPACT: The proposed policy changes may result in reduced revenue from fees, but could ultimately help generate more interest in major redevelopment projects in the urban renewal area and thus more community benefit.

STAFF IMPACT: Minimal.

LEGAL REVIEW: Attorney Brown has reviewed the proposed changes.

RECOMMENDATION: The MGF voted 7-0 on each of four separate motions to recommend the changes to the TIF policy.

SUGGESTED MOTION: I move to approve the Growth Fund Committee's recommended revisions to the TIF policy as indicated.



**Tax Increment Financing  
Policy & Application**

*Approved October 7, 2008*

*Revised October 20, 2009*

*Revisions proposed by Growth Fund Committee - April 24, 2012*

## Table of Contents

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## **I. POLICY PURPOSE**

For the purposes of this document, the term "City" shall include the Mandan City Commission.

The purpose of this policy is to establish the City's position relating to the use of Tax Increment Financing (TIF) for private development. This policy shall be used as a guide in the processing and review of applications requesting tax increment assistance. The fundamental purpose of tax increment financing is to encourage desirable development or redevelopment that would not otherwise occur but for the assistance provided through TIF.

The City is granted the power to utilize TIF by the Tax Increment Financing Act, Chapter 40-58 NDCC as amended. It is the intent of the City to provide the minimum amount of TIF at the shortest term required for the project to proceed. The City reserves the right to approve or reject projects on a case-by-case basis, taking into consideration established policies, project criteria, and demand on city services in relation to the potential benefits from the project. Meeting policy criteria does not guarantee the award of TIF to the project. Approval or denial of one project is not intended to set precedent for approval or denial of another project.

## **II. OBJECTIVES OF TAX INCREMENT FINANCING**

As a matter of adopted policy, the City will consider using TIF to assist private development projects to achieve one or more of the following objectives:

- " To create opportunities for affordable housing.
- " To encourage additional unsubsidized private development in the area, either directly or indirectly through spin off development.
- " To facilitate the development process and to achieve development on sites which would not be developed without TIF assistance.
- " To remove blight and/or encourage redevelopment of commercial and industrial areas in the City that result in high quality redevelopment and private reinvestment.
- " To offset increased costs of redevelopment (i.e. contaminated site clean up) over and above the costs normally incurred in development.
- " To contribute to the implementation of other public policies, as adopted by the City from time to time, such as the promotion of quality urban or architectural design, energy conservation, and decreasing capital and/or operating costs of local government.
- " To assist development of underdeveloped commercial or industrial property that has been unoccupied for a significant period of time.

### **III. POLICIES FOR THE USE OF TIF**

#### **Policy #1**

In areas of the City other than downtown, when undertaking a redevelopment project (as contrasted from underdeveloped commercial or industrial property) on a defined parcel(s) of land, slum or blighted conditions on a portion of the property or properties must exist. A City declaration of underdeveloped property for the purposes of using TIF assistance must also recognize that a slum and/or blighted condition also exists in order for the city to participate in redevelopment efforts.

#### **Policy #2**

In areas of the City other than downtown, when undertaking a redevelopment or development project on an under-developed parcel(s) of land, a TIF exemption or a TIF revenue note will be the preferred method of financing. Exceptions to this rule must be approved by the City and be based on reasons that can be documented by the developer and confirmed after review by the City's bond consultant.

#### **Policy #3**

When undertaking a redevelopment or development project using a TIF exemption or TIF revenue note, the length of the term of this financing method will be limited to 15 years or less as stated in Chapter 40-58 NDCC. The only exception to this policy will be if this exemption is integrated with other public exemptions (Renaissance Zone exemption) or when tax increment is utilized to pay special assessments, in which case the repayment period for such special improvement districts is likely to exceed 15 years.

#### **Policy #4**

To the extent required by state, federal or local law or regulations, a relocation plan should be provided in the development or renewal plan. When undertaking a redevelopment project on an under-developed parcel(s) of land, relocation payments to tenants of businesses or residential uses must be provided for. These relocation payments should follow state/federal guidelines, as applicable, for assistance (E.g. NDCC Ch. 54-01.1 and federal law).

## Policy #5

When undertaking any TIF project within the City, the cost of land acquisition, or land write-down that is part of public assistance requested for a project, cannot exceed 50% of the total amount of the public assistance provided by the City. The eligible costs recouped to the developer shall be evaluated on a case-by-case basis, but the maximum should be limited to the lesser of:

- (a) the total acquisition cost for the property, provided the acquisition cost is no more than 150% of the City's market value for the property;
- (b) 50% of the total public assistance; and,
- (c) The difference between what was paid by the developer for the property less the City's market value for the land (as opposed to land and buildings).

*For example:*

- *If the total acquisition cost for a property is \$100,000, the City's market value is \$50,000, and the total amount of public assistance requested is \$500,000, the maximum allowed under this scenario to assist with the land acquisition portion of development costs is \$50,000.*

With respect to non-blighted/non-slum development or redevelopment, eligible costs, as stated in the urban renewal law (N.D.C.C. §40-58-20.1) are limited to the following:

- a. The cost of acquiring, or the market value, of all or a part of the industrial or commercial property;
- b. Costs of demolition, removal, or alteration of buildings and improvements on the industrial or commercial property, including the cost of clearing and grading land;
- c. Costs of installation, construction, or reconstruction of streets, utilities, parks, and other public works or improvements necessary for carrying out the development or renewal plan; and
- d. All interest and redemption premiums paid on bonds, notes, or other obligations issued by the municipality to provide funds for the payment of eligible public costs of development.

## Policy #6

TIF assistance provided in the form of a revenue note should be limited to a percentage up to 15% of hard capital costs of development including the costs of acquisition. This means the TIF assistance will equal or be less than 15% of hard

construction costs, plus the land acquisition costs, and excluding the costs of professional fees, developer fees, furniture and fixtures, interest, profit, and other soft costs. TIF assistance in the form of an exemption may be similarly limited. In addition, Developer must provide at least 10% of total capital costs as Developer's equity in the project.

### **Policy #7**

When undertaking any TIF project within the City, the due diligence procedures in determining the feasibility and level of public assistance will be reviewed by a financial consultant in conjunction with the City's staff. The financial consultant will use accepted public financing procedures in determining project feasibility and levels of public assistance. Particularly when public assistance includes substantial reimbursement to the developer for costs of acquisition or land write-down amounts, review of the level of public assistance may include an estimate of the return on investment anticipated by the project and analysis as to whether the expected return on investment, including the public assistance, is reasonable. For purposes of projecting future increments to be generated, an assumed maximum increase in valuation will be limited to two percent (2%) per annum, which any such increase and its term subject to approval by the City on a case-by-case basis.

### **Policy #8**

When undertaking any TIF project within the City, a non-refundable administrative fee equal to ~~5%~~ 1% of the total cost of the public assistance shall be paid by the developer. Five thousand ~~hundred~~ hundred dollars (~~\$5,000.00~~) (\$500.00) of the administrative fee shall consist of the deposit paid with the application. In the case of a tax exemption, pursuant to § 40-58-20(11), NDCC, the balance of the administrative fee shall be due and payable ~~upon completion of the project and as a condition to the issuance of a certificate of occupancy.~~ prior to implementation of the exemption. In the case of tax increment financing, pursuant to § 40-58-20.1, NDCC, the balance of the administrative fee shall be due and payable within 30 days after the approval of the agreement referred to therein.

These fees are to reimburse the City for costs expended by staff and consultants to determine the feasibility, level of public assistance, and the preliminary costs of project development by the City. Other City costs such as engineering, bond carrying costs, and annual special assessment administration will be in addition to this administrative fee if warranted. To the extent that TIF assistance exceeds \$2 million or more, the administrative fee on said excess may be negotiated to a sum less than ~~5%~~ 1%, as may be appropriate. A non-refundable deposit of ~~\$5,000~~ \$500 shall be paid to the City along with an initial application for a TIF project. The City may require additional sums to be deposited, from time to time, to defray such costs initially borne by the City. Such sums may be recouped by the developer as eligible costs as may be agreed between the City and developer and as allowed by the urban renewal law (N.D.C.C. Chapter 40-58).

The deposit and any other additional sums paid to the City will be offset against and accredited toward the ~~5%~~ 1% administrative fee.

*For example:*

- *\$500,000 in tax increment financing = ~~\$25,000~~ \$5,000 administrative fee*
- *15-year tax exemption estimated at \$33,333 annually = \$500,000 in total public assistance = ~~\$25,000~~ \$5,000 administrative fee*

### **Policy #9**

Applications for TIF assistance are to be submitted to the City's Business Development Department. The application must include a description of the project and an estimate of the level of assistance needed to proceed with the project. [A checklist and application form are attached.] The application will be reviewed by the Growth Fund Committee as to the development and financial features of the project to determine if City staff, City financial advisors, and the City attorney should proceed with a development plan and developer's agreement. Decisions of the Growth Fund Committee are appealable to the City Commission within 30 days.

### **Policy #10**

The redevelopment should be compatible with long-term City redevelopment plans, and create a high quality development that will have a positive impact on the tax base and the surrounding area. The developer's agreement should include design standards to insure that the development will be compatible with the long term plans for the area.

### **Policy #11**

Interest rates allowed to be recouped as eligible costs under N.D.C.C. §40-58-20 and -20.1 shall be one percent (1%) over the municipal bond indexed rate for taxable municipal bonds or over such indexed rate for tax-exempt municipal bonds, as appropriate, as identified by the City Finance Director, with consultation with the City's financial advisor as may be needed.

#### IV. PROJECT QUALIFICATIONS

All TIF projects considered by the City must meet each of the following requirements:

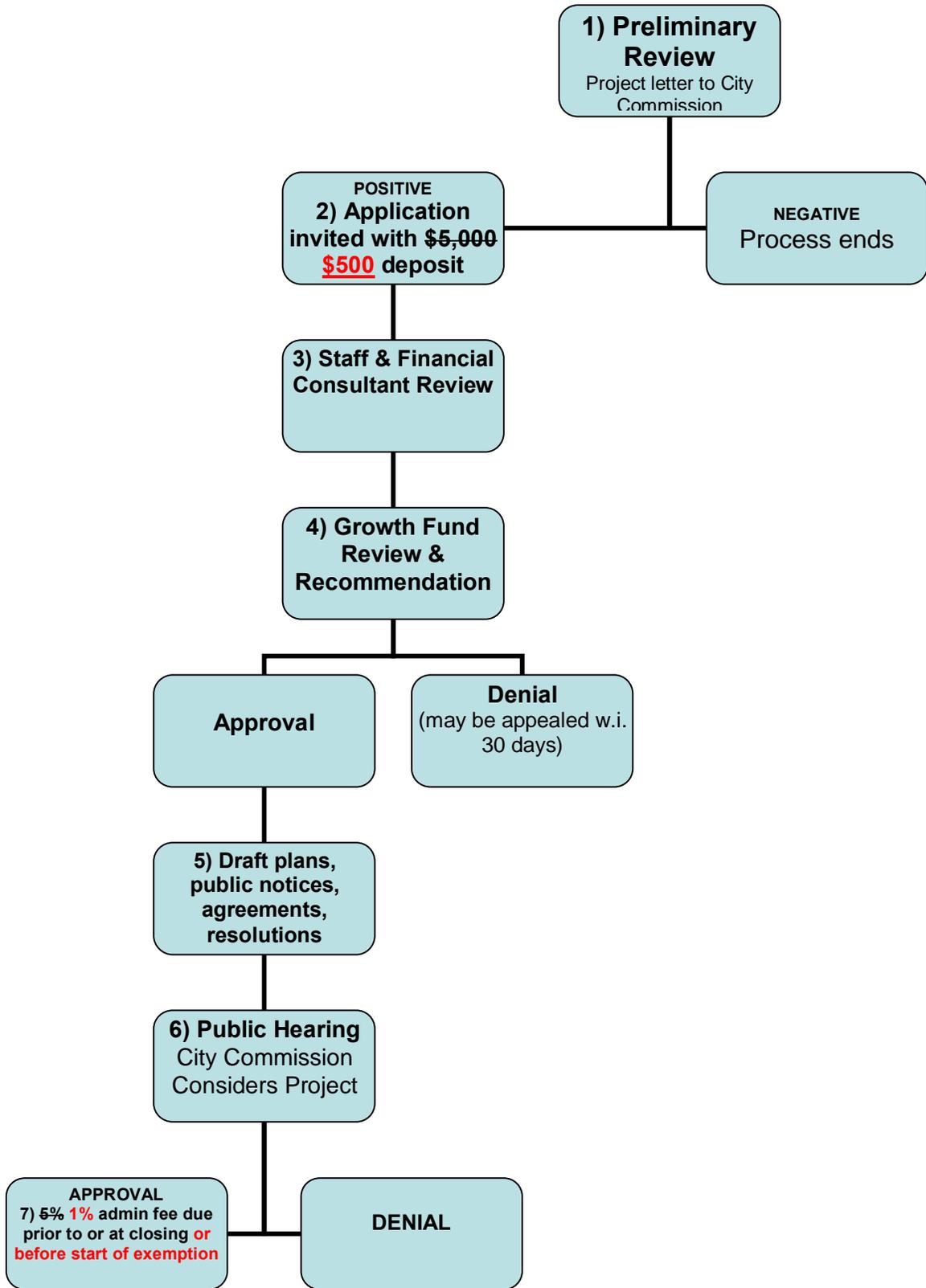
- a. To be eligible for TIF, a project shall result in a minimum increase of \$25,000 per year in property taxes for all jurisdictions combined, or, if not, the developer shall establish that other goals and objectives for the project warrant approval.

*For example:*

- *At a levy of 504 mills, the necessary increase in property value is approximately \$1 million.*
  - *True and full value = \$1 million*
  - *Assessed value (50%) = \$500,000*
  - *Taxable value (10%) = \$50,000*
  - *Taxation (\$50,000 x .504) = \$25,200*

- b. The project shall meet at least one of the objectives set forth in Section II and satisfy all the provisions set forth in Section III of this document.
- c. The developer shall demonstrate that the project is not financially feasible but for the use of TIF. The projected internal rate of return as determined by a financial consultant based upon information provided by developer must be no more than a percentage that provides a reasonable rate of return for a particular project.
- d. The project must be consistent with the City's Redevelopment Plan, Land Use Plan, and Zoning Ordinances.
- e. The project shall serve at least two of the following public purposes:
  - " Increase of tax base.
  - " Enhancement or diversification of the city's economic base.
  - " Industrial development that will spur additional private investment in the area.
  - " Removal of blight or the rehabilitation of a high profile or priority site.

V. TIF APPLICATION PROCESS



1. Individual or entity seeking TIF support submits letter to Business Development Department requesting assistance for a development or redevelopment project. The letter should describe the project including its overall cost and the amount of public assistance requested. The letter shall be forwarded to the City Commission for preliminary review and direction.
2. If the preliminary review is favorable, the applicant submits a completed application to the Business Development Department along with all application fees. (See Policy #7 - ~~\$5,000~~ **\$500** non-refundable deposit.)
3. City staff reviews the application. The application and supporting documentation will be submitted to a financial consultant for due diligence consideration. At least three (3) weeks should be allowed for due diligence review and consideration [upon receipt of a complete application.]
  - A. As part of the application review, the Business Development Director shall be authorized to inquire as to the character, reputation, fitness of the applicant to engage in the project and to bear the responsibilities entailed therein and any other pertinent information. Such inquiry may include background checks on the applicant and principals of the applicant, as the case may be.
  - B. With respect to certain proprietary, commercial and financial information that is submitted as part of the application and review process, said information may be exempt from the North Dakota Open Records law, Chapter 44-04, N.D.C.C., and to the extent that N.D.C.C. §44-04-18.4 allows, it is the City's intention to maintain confidentiality of such information when requested by the applicant. Section 44-04-18.4, N.D.C.C., provides:

*“Confidentiality of trade secret, proprietary, commercial, and financial information.*

*1. Trade secret, proprietary, commercial, and financial information is confidential if it is of a privileged nature and it has not been previously publicly disclosed.*

*2. “Trade secret” includes:*

*a. A computer software program and components of a computer software program which are subject to a copyright or a patent, and any formula, pattern, compilation, program, device, method, technique, or process supplied to any state agency, institution, department, or board which is the subject of efforts by the supplying person or organization to maintain its secrecy and that may derive independent economic value, actual or potential, from not being generally*

*known to, and not being readily ascertainable by proper means by, other persons or organizations that might obtain economic value from its disclosure or use; and*

*b. A discovery or innovation which is subject to a patent or a copyright, and any formula, pattern, compilation, program, device, method, technique, or process supplied to or prepared by any public entity which is the subject of efforts by the supplying or preparing entity, person, business, or industry to maintain its secrecy and that may derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, any person who might obtain economic value from its disclosure or use.*

*3. "Proprietary information" includes information received from a sponsor of research conducted by a public entity, as well as any discovery or innovation generated by that research, technical, financial, and marketing information and other documents related to the commercialization, and any other discovery or innovation produced by the public entity which an employee or the entity intends to commercialize.*

*4. This section does not limit or otherwise affect a record pertaining to any rule of the state department of health or to any record pertaining to the application for a permit or license necessary to do business or to expand business operations within this state, except as otherwise provided by law.*

*5. Unless made confidential under subsection 1, the following economic development records and information are exempt:*

*a. Records and information pertaining to a prospective location of a business or industry, including the identity, nature, and location of the business or industry, when no previous public disclosure has been made by the business or industry of the interest or intent of the business or industry to locate in, relocate within, or expand within this state. This exemption does not include records pertaining to the application for permits or licenses necessary to do business or to expand business operations within this state, except as otherwise provided by law.*

*b. Trade secrets and commercial or financial information received from a person, business, or industry that is interested in or is applying for or receiving financing or technical assistance, or other forms of business assistance.*

*6. Unless made confidential under subsection 1 or made exempt under subsection 5, bids or proposals received by a public entity in response to a request for proposals by the public entity are exempt until such time all of the proposals have been received and opened by the public entity or until such time that all oral presentations regarding the proposals, if any, have been heard by the public entity. Records included with any bid or proposal naming and generally describing the entity submitting the proposal shall be open.”*

In advance of the submission to the City of such confidential records or information, the City and Applicant will make appropriate arrangements for the handling of such information and records to protect the confidentiality thereof.

4. The application along with any recommendations from City staff or financial consultants will be submitted to the Growth Fund Committee for review and consideration.
5. If the Growth Fund Committee recommends approval, the renewal or development plan, as the case may be, along with all necessary public notices, agreements, resolutions and certificates are prepared by City staff and legal counsel.
6. Notices are published as required.
7. Public hearing(s) on the proposed project, as may be required by law, are held.
8. The City Commission grants final approval or denies the proposal.

**VI. APPLICATION FOR TAX INCREMENT FINANCING**  
**APPLICANT INFORMATION**

Name of Individual/Entity \_\_\_\_\_

Address \_\_\_\_\_

Primary Contact \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

On a separate sheet, please provide the following:

- Brief description of the individual/entity's business, including history, principal product or service, etc. **Attach as Exhibit A**
- Brief description of the proposed project. **Attach as Exhibit B.**
- List names of officers and shareholders/partners with more than 5% interest in the entity. **Attach as Exhibit C.**
- A *but-for* analysis. **Attach as Exhibit D.**
- If leased space, list names and addresses of future lessees and indicate status of commitments or lease agreements. As an alternative to naming specific prospective lessees, the applicant and City can work to develop an appropriate general description of the prospective lessees or types of prospective lessees to be expected. **Attach as Exhibit E.**

Attorney Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

Accountant Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

Contractor Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

Engineer Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

Architect Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

## B. PROJECT DESCRIPTION

The project will be:

Industrial:                       New Construction                       Expansion  
 Commercial:                       New Construction                       Expansion  
 Redevelopment:                       New Construction                       Rehabilitation  
 Other

The project be:                       Owner Occupied                       Leased Space

Note: If leased space, please attach a list names and addresses of future lessees and indicate the status of commitments or lease agreements. As an alternative to naming specific prospective lessees, the applicant and City can work to develop an appropriate general description of the prospective lessees or types of prospective lessees to be expected. **Attach as Exhibit E.**

Location Address \_\_\_\_\_

Legal Description \_\_\_\_\_

Site Plan Attached:                       Yes                       No

Amount of Tax Increment Requested:                      \$ \_\_\_\_\_

    Land Acquisition                      \$ \_\_\_\_\_

    Public Improvement                      \$ \_\_\_\_\_

    Site Improvement                      \$ \_\_\_\_\_

Current Real Estate Taxes on Project Site:                      \$ \_\_\_\_\_

Estimated Real Estate Taxes upon Completion:

Phase I \$ \_\_\_\_\_

Phase II \$ \_\_\_\_\_

Construction Start Date: \_\_\_\_\_

Construction Completion Date: \_\_\_\_\_

If Phased Project: \_\_\_\_\_ Year \_\_\_\_\_ % Completed

\_\_\_\_\_ Year \_\_\_\_\_ % Completed

### C. PUBLIC PURPOSE

It is the policy of the City that the use of Tax Increment Financing should result in a benefit to the public. Please indicate how this project will serve a public purpose.

\_\_\_ Job Creation:

\_\_\_ Number of jobs created by project

\_\_\_ Average hourly wage of jobs created

\_\_\_ New industrial development that will result in additional private investment in the area.

\_\_\_ Enhancement or diversification of the city's economic base

\_\_\_ Removal of slum and/or blight

\_\_\_ Rehabilitation of a significant structure or site

\_\_\_ Other:

## D. SOURCES & USES

SOURCES	NAME	AMOUNT
Bank Loan	_____	\$ _____
Other Private Funds	_____	\$ _____
Equity		\$ _____
Fed Grant/Loan	_____	\$ _____
State Grant/Loan	_____	\$ _____
Tax Increment	_____	\$ _____
TOTAL		\$ _____

USES	AMOUNT
Land Acquisition	\$ _____
Site Development	\$ _____
Construction	\$ _____
Machinery & Equipment	\$ _____
Architectural & Engineering Fees	\$ _____
Legal Fees	\$ _____
Interest During Construction	\$ _____
Debt Service Reserve	\$ _____
Contingencies	\$ _____
TOTAL	\$ _____

## E. ADDITIONAL DOCUMENTATION

Applicants will also be required to provide the following documentation:

- \_\_\_\_\_ A) Written business plan, including a description of the business, ownership/management, date established products and services, and future plans
  
- \_\_\_\_\_ B) Financial Statements for Past Two Years
  - \_\_\_\_\_ Profit & Loss Statement
  - \_\_\_\_\_ Balance Sheet
  
- \_\_\_\_\_ C) Current Financial Statements
  - \_\_\_\_\_ Profit & Loss Statement to Date
  - \_\_\_\_\_ Balance Sheet to Date
  
- \_\_\_\_\_ D) Two Year Projections
  
- \_\_\_\_\_ E) Personal Financial Statements of all Major Shareholders
  - \_\_\_\_\_ Profit & Loss
  - \_\_\_\_\_ Current Tax Return
  
- \_\_\_\_\_ F) Letter of Commitment from Applicant Pledging to Complete During the Proposed Project Duration
  
- \_\_\_\_\_ G) Letter of Commitment from the Other Sources of Financing, Stating Terms and Conditions of their Participation in Project
  
- \_\_\_\_\_ H) Application fee/non-refundable deposit of ~~\$5000~~ **\$500**.

*Note: All Major shareholders may be required to sign personal guarantees.*

If the applicant has asked for public financial participation from other entities, please provide a description of the said participation, time frame for such participation, the name of the entity providing public financial participation and entity contact information.

The undersigned certifies that all information provided in this application is true and correct to the best of the undersigned's knowledge. The undersigned authorizes the City of Mandan to check credit references and verify financial and other information. The undersigned also agrees to provide any additional information as may be requested by the City after the filing of this application.

Applicant Name

Date

By: \_\_\_\_\_

\_\_\_\_\_

Its \_\_\_\_\_

## **EXHIBIT A**

Description of the individual or entity seeking tax increment financing.

## **EXHIBIT B**

Description of the proposed project

## **EXHIBIT C**

Names of officers and shareholders/partners with more than 5% interest in the entity.

## **EXHIBIT D**

*But-for* analysis (see sample provided)

## EXHIBIT E

Prospective lessees

Information required to complete financial assistance analysis (But For+ Analysis)

## **Project Details**

To include # of housing units, type of housing units, size of housing units, etc

To include breakdown of commercial square footage, i.e., office, retail, manufacturing, industrial, hospitality, entertainment, etc

To include cost per square footage of construction of each type of housing unit and each type of commercial use

To include site improvement and public infrastructure costs

To include detailed breakdown of all costs

## **Project Phasing**

To include commencement and completion for each building construction, or each site improvement, or public infrastructure

To include date for sale of unit or lease of unit, occupancy start and full occupancy, etc

## **Project Financing**

To include development of complete sources and uses of funds

To include detail on bank financing, i.e., principal, term, rate

To include equity amount and timing of equity in project

To include take-out source of bank financing for construction period, if applicable

To include letters of commitment or interest from financial institutions

To include amount of public financing request, and form of request, i.e., bonds, pay-go-note, etc

To include gap amount to match public financing request (all equity and private sources are insufficient to pay all costs)

To include description of and rationale behind proposed governmental financial assistance

## **Public Financing Revenue Assumptions**

To include estimated assessed value per type of construction

To include sales per s.f. estimates (if applicable)

To include any growth assumptions

## **Project Operation**

To include operating assumptions related to retail, commercial, housing, etc

To include revenue and expense assumptions and increases

To include reserve assumptions (capital, operating, etc.)

To include type of lease for commercial, estimated lease rate, est. operating expenditures, assumed vacancy, etc

To include rent and/or sale assumptions for housing and commercial uses

To include lease commission, sales commission assumptions

To include complete operating pro-forma (10-Year Minimum)

To include complete operating pro-forma calculating internal rate of return with and without requested financial assistance

To include sale assumptions in appropriate future year (10 or 15), including capitalization rate

To include proposed tenants, job and wage information

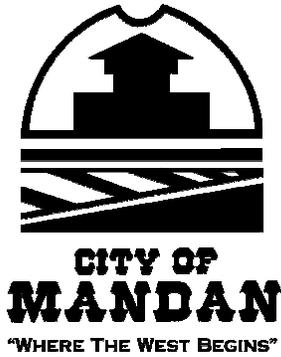
## **General Information/Assumptions**

Qualify any published source used in any of the above

SAMPLE *BUT-FOR* ANALYSIS

	<b>WITH NO TAX INCREMENT</b>	<b>WITH TAX INCREMENT</b>
	<b>SOURCES AND USES</b>	<b>SOURCES AND USES</b>
	<b>SOURCES</b>	<b>SOURCES</b>
Mortgage	9,600,000	8,667,000
Equity	2,400,000	2,400,00
Tax Increment Financing	0	933,000
<b>TOTAL SOURCES</b>	<b>12,000,000</b>	<b>12,000,000</b>
	<b>USES</b>	<b>USES</b>
Land	1,500,000	1,500,000
Site Work	300,000	300,000
Soil Correction	468,000	468,000
Demolition	100,000	100,000
Relocation	65,000	65,000
Subtotal Land Costs	2,433,000	2,433,000
Construction	6,750,000	6,750,000
Finish Manufacturing	250,000	250,000
Subtotal Construction Costs	7,000,000	7,000,000
Soft Costs	350,000	350,000

Taxes	35,000		35,000	
Finance Fees	850,000		850,000	
Project Manager	542,000		542,000	
Developer Fee	540,000		540,000	
Contingency	250,000		250,000	
Subtotal Soft Costs	2,567,000		2,567,000	
<b>TOTAL USES</b>	<b>12,000,000</b>		<b>12,000,000</b>	
	<b>Income Statement</b>		<b>Income Statement</b>	
	<b>Sq. Ft.</b>	<b>Per Sq. Ft.</b>	<b>Sq. Ft.</b>	<b>Per Sq. Ft.</b>
Rent-Space 1	100,000	\$8.00	100,000	\$8.00
	800,000		800,000	
Rent-Space 2	25,000	\$8.50	25,000	\$8.50
	212,500		212,500	
Rent-Space 3	25,000	\$9.00	25,000	\$9.00
	225,000		225,000	
Other	0	\$0.00	0	\$0.00
	0		0	
	1,237,500		1,237,500	
Mortgage	20 Term		20 Term	
	1,051,646		949,439	
	9.00% Interest		9.00% Interest	
	9,600,000 Principal		8,667,000 Principal	
Net Income	185,854		288,061	
Total Return on Equity	7.74%		12.00%	



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 1, 2012  
**PREPARATION DATE:** April 26, 2012  
**SUBMITTING DEPARTMENT:** Business Development & Communications  
**DEPARTMENT DIRECTOR:** Ellen Huber, Business Development & Communications Director  
**PRESENTER:** Ellen Huber, Business Development & Communications Director  
**SUBJECT:** Public Hearing to Consider Leingang TIF Exemption Request

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**STATEMENT/PURPOSE:** To consider an application from Alvin W Leingang for a tax increment financing (TIF) exemption for 101 E Main Street and a portion of 103 E Main Street to offset improvement costs to include rehabilitation of the existing building, addition of an elevator tower, site and parking lot upgrades.

**BACKGROUND/ALTERNATIVES: Procedures** — Per the City's policy, the first step in the application process is for the individual or entity seeking TIF to submit a letter of request to the City Commission describing the project including its overall cost and the amount of public assistance requested. The City Commission on March 6, 2012 granted preliminary approval to invite a full application.

Leingang submitted a formal application along with a \$5,000 non-refundable deposit. At a meeting on March 27, 2012, the Mandan Growth Fund Committee reviewed the application. The request is for TIF assistance in the form of a property tax exemption on the improved portion of the property for years six to 15 of project operation. The building improvements have been approved for a Renaissance Zone exemption in years 1 to 5.

**Project Summary** — Building owner Al Leingang and development partner Loran Galpin plan to renovate the building at 101 E Main Street for use as a professional office center. The building is three stories with a basement, 8,000 sf per floor for a total of 32,000 sf. Phase I renovation plans were approved at the Commission's Feb. 21 meeting as a Renaissance Zone project for the 5-year, 100% property tax exemption on the building as improved. Phase I improvements consist of an estimated \$2.1 million investment in electrical and HVAC for the entire building, remodeling of the building shell, new windows, the addition of an elevator tower, and renovation/build-out of the first floor. Additional plans are for

parking lot and courtyard landscaping and enhancements, and renovation of the second and third stories. These improvements will also impact the west 194 feet of the adjacent lot owned by Leingang, 103 E Main.

Remediation extraction and monitoring wells, pipelines and two remote manifolds are located on the property. The Mandan Remediation Trust and N.D. Health Department officials have reviewed remediation progress in the area. The lack of free product, rare occurrence and/or minimal thickness of observed free product likely negates the need for continued remedial activity to the east of the building and for remote manifolds on both sides of the building. The City of Mandan has issued a request to the N.D. Health Department to discontinue remedial operations in the area and to begin decommissioning the wells and remote manifolds.

**TIF Request** — The requested exemption is estimated at \$73,577 annually or \$735,765 in total over 10 years. The exemption is requested to offset a portion of the estimated \$3,648,000 in hard capital costs for the project. The MGF voted March 27 to recommend approval of a TIF exemption for years six to 15 with a maximum exemption equal to 15% of capital costs as per current local policy with a reduction in the administrative fee to 1% (as compared to 5% in the current policy).

*Note: The MGF met April 24 to review the TIF policy. Recommended changes are outlined in documentation associated with New Business No. 1i and include removal of the 15% cap for TIF exemption projects, a reduction in the administrative fee to 1%, and a reduction in the application fee to \$500 (which is applied toward the administrative fee, if the TIF is approved).*

A public hearing was set for May 1, 2012, with legal notices published in the Mandan News on April 6 and 13, 2012.

The project and application meet multiple objectives of the City's TIF policy:

- To facilitate the development process and to achieve development on sites that would not be developed without TIF assistance.
- To remove blight and/or encourage redevelopment of commercial and industrial areas in the City that result in high quality redevelopment and private reinvestment.
- To offset increased costs of redevelopment over and above the costs normally incurred in development.
- To contribute to the implementation of other public policies, as adopted by the City from time to time, such as the promotion of quality urban or architectural design, energy conservation, and decreasing capital and/or operating costs of local government.

ATTACHMENTS:

1. Draft TIF agreement (Note: anticipated market value increase should be indicated as \$3.6 million)
2. Draft business incentive agreement
3. Notice of public hearing
4. Spreadsheet of property tax projections

*Leingang TIF application available in the Business Development Office upon request.*

FISCAL IMPACT:

- The current value of the subject property (land and building) is \$299,832.
- The estimated increase in the value of the property after project completion is \$3,648,000 with about \$3,224,150 attributable to the building and \$423,850 to site improvements.
- Taxes on the total improvements are estimated at \$73,577 annually (based on the current levy of 403 mills) for a 10-year total over the course of the building's life in its 6<sup>th</sup> to 15<sup>th</sup> year of \$735,770. *Note: The mill levy may fluctuate in future years. The exemption will equate to the prevailing levy in each year 6 to 15. Mandan's existing TIF policy caps assistance at 15% of hard construction costs. In this case, that maximum is estimated at \$547,200, which means the exemption would run out after approximately 7-8 years.*
- Without the requested TIF incentives, the project may not occur. When the entire project is subject to property taxation, it will generate roughly 13 times more than the current tax revenue.
- If the project is approved as recommended by the MGF, the applicant will be required to pay a 1% administrative fee. With the cap on assistance of 15% of capital costs in play, the amount due is estimated at \$5,472 less the \$5,000 deposit already received for a net amount due of \$472. *Without the cap on the amount of assistance as a percentage of hard capital costs, the estimated admin fee is \$7,358 with a net amount due of \$2,358.*

STAFF IMPACT: Minimal.

LEGAL REVIEW: Attorney Brown drafted the proposed agreements.

RECOMMENDATIONS:

1. The MGF on March 27 voted 6-0 to recommend approval of a TIF exemption for years six to 15 with a maximum exemption equal 15% of capital costs and a reduction in the administrative fee to 1%.
2. Business incentive agreements are required when public assistance of \$25,000 or more is provided for a project.

SUGGESTED MOTIONS:

1. I move to approve the Tax Increment Financing Agreement with the provisions as recommended by the Growth Fund Committee to assist with improvements to 101 E Main Street and a portion of 103 E Main Street.
2. I move to approve the business incentive agreement associated with the TIF exemption for improvements to 101 E Main Street and a portion of 103 E Main Street.

**TAX INCREMENT FINANCING AGREEMENT  
(TAX EXEMPTION)**

**THIS AGREEMENT**, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2012, by and between Alvin Leingang, whose principal office is located at 2603 Twin City Drive SE, Mandan, ND 58554 (“Owner”); and the City of Mandan, of 205 Second Avenue NW, Mandan, ND 58554, a North Dakota Municipal Corporation (“City”);

**RECITALS**

A. Owner has submitted for approval a proposal to City relating to remodeling and improvement of commercial space on the property located on Lot 9 and the west 194 feet of Lot 10, Block 1, BNSF Commercial Park 3<sup>rd</sup> Addition to the City of Mandan, North Dakota.

B. Following a public hearing on May 1, 2012, City has determined that said property consists of commercial or industrial property that is unused or underutilized and that the development, rehabilitation, conservation or redevelopment of the property is necessary and in the interests of the public economy, health, safety, morals, and welfare of the residents of the City. The City has further determined that development is necessary and appropriate in accordance with Chapter 40-58 of the North Dakota Century Code.

At said public hearing, the City agreed to provide tax increment financing (tax exemption) for the cost of development which is a part of this project, as provided in §40-58-20(11) of the North Dakota Century Code.

C. City has agreed to provide tax increment financing in the form of a property tax exemption to fund certain costs of development which are a part of this project, as provided in §40-58-20(11) of the North Dakota Century Code.

D. The development of the property described herein, and the fulfillment of the terms of this agreement, are in the vital and best interests of City and the health, safety, morals, and welfare of its residents, and in accord with the public purposes and provisions of applicable federal, state and local laws under which this agreement is being undertaken and assisted.

**NOW, THEREFORE,** in consideration of the mutual covenants and agreements contained herein, the parties hereto agree as follows:

**1. Development Area.** City has taken all steps necessary to establish a development area pursuant to the provisions of Chapter 40-58 of the North Dakota Century Code. Such area shall be designated as the Alvin Leingang Project and shall consist of the real property described in paragraph A above.

**2. Development of Property.**

(a) Development of the Property shall be in accordance with the Development Plan (as presented to the City of Mandan Growth Fund), with a goal of providing commercial/retail space. Owner projects the construction costs to be approximately \$3.6 million. Owner understands and acknowledges that the amount of tax exemption which will be available is dependent upon the cost of development of the property and accordingly such development will increase the market value by approximately \$3.2 million (existing land and existing improvements), for an estimated minimum market value after completion of the project of \$3.9 million.

(b) Owner represents to the City that the tax increment financing (tax exemption) will be used to offset the following development costs that will be expended by Owner:

- 15% of project construction costs with a maximum estimate of \$547,200.00.

(c) The terms of the Business Incentive Agreement (BIA) between the parties dated \_\_\_\_\_, 2012, are, to the extent not inconsistent with the terms of this Agreement, incorporated by reference.

**3. Public Assistance - Tax Increment Financing.**

(a) The parties hereto agree that the amount of tax exemption which shall be granted to Owner, pursuant to § 40-58-20(11), N.D.C.C., pursuant to the terms of this agreement shall be at the rate of 100% over a period not to exceed 15 years. Owner has applied for and received Renaissance Zone assistance and the tax increment exemption shall commence upon the expiration of year 5 of the Renaissance tax exemption.

(b) The tax increment exemption shall be based upon the difference between the market value as established for the 2012 calendar year and the market value when completed. The “tax increment exemption” shall be used to offset the costs of development and a 1% administrative fee to the City. The tax increment exemptions shall commence in the sixth year of occupancy, subsequent to Renaissance Zone project approval providing a tax exemption in years one through five. Estimated exemption based on the increase in market value will be approximately \$73,577.00 per year.

**4. Commencement Date.** Owner agrees to commence construction of the project on or before May 1, 2013, and to complete construction of the project on or before December 31, 2016. Owner agrees for itself, its successors and assigns, and every successor in interest to the property, or any part thereof, that Owner, and such successors and/or assigns, shall promptly begin and diligently prosecute to completion the development of the property through the construction of the development improvements therein, and that such construction shall in any event be commenced and materially completed within the time period provided herein. Until construction of the development improvements has been completed, Owner shall make periodic reports, in such detail and at such times as may reasonably be requested by City, as to the actual progress of Owner with respect to such construction.

**5. Requirements of Owner.** Owner will acquire, construct, operate, and maintain the development improvements in accordance with the terms of this Agreement,

the preliminary plans, and all local, state, and federal laws and regulations including, except for any variances necessary to construct the improvements contemplated in the preliminary plans as approved by City. Owner will also comply with all requirements set forth herein.

**6. Approvals and Permits:** Owner will obtain in a timely manner and pay for all required permits, licenses, and approvals, and will meet, in a timely manner, all requirements of all applicable local, state, and federal laws and regulations which must be obtained or met before the development improvements may be lawfully constructed. Nothing herein shall relieve Owner from its obligations to prepare and construct the development improvements in accordance with the construction plans as may be required under City's normal construction permitting process.

**7. Alteration of Plans.** In the event Owner desires to make any material changes in the preliminary plans after their approval by City, Owner shall submit the proposed changes to City for its approval. If such changes conform to the requirements of this Agreement and all applicable federal, state, and local laws and regulations, City shall approve the proposed changes and notify Owner in writing of its approval, provided that the proposed changes do not materially reduce the value of the project. All work with respect to the development improvements to be constructed or provided by Owner on the property shall be in conformity with the construction plans as submitted by Owner and approved by City.

**8. Payment of Taxes and Special Assessments.** Owner will pay when due all real property taxes and any special assessments payable with respect to the Property described herein subject to the execution of this Agreement.

**9. Default.** In the event of default in any of the terms of this Agreement, the parties shall be entitled to any and all available remedies, whether legal or equitable. It is further understood and agreed by and between the parties hereto that in the event of default by Owner in failing to construct a project in accordance with this Agreement or of default in any other material respect, City shall be entitled to terminate the tax increment as provided

in paragraph 4 above, and seeks full and complete reimbursement for all costs and expenses incurred.

**10. Remedies.** No remedy herein conferred upon or reserved to City is intended to be exclusive of any other available remedy or remedies, but each and every remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity or by statute. No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient. In order to entitle City to exercise any remedy reserved to it, it shall not be necessary to give notice except as may otherwise be provided by law.

**11. Representations of Owner.** Owner represents and agrees that its undertakings pursuant to this Agreement are for the purpose of development of the property. Owner further recognizes that, in view of (a) the importance of the development of the property to the general welfare of City; and (b) the substantial financing and other public aids that were made available by City for the purpose of making such development possible, the qualifications and identity of Owner are of particular concern to City. Owner further recognizes that it is because of such qualifications and identity that City is entering into this Agreement with Owner, and, in so doing, is further willing to accept and rely on the obligations of Owner for the faithful performance of all undertakings and covenants hereby to be performed.

**12. Release of Liability.** Owner hereby releases City from any and all claims or causes of action, which may result from a loss of the tax increments as provided herein, whether by legislative action or judicial decision. Owner understands and agrees that the tax increment financing which is to be provided to Owner pursuant to North Dakota Century Code Chapter 40-58 is solely dependent upon the validity of said provisions and compliance with all of the provisions contained therein and Owner has satisfied itself as to such validity

and compliance and hereby waives any and all claims which it has or may have against City in the event of loss of the tax increments for any reason.

**13. Indemnification.** Except for any willful misconduct or any willful or wanton misconduct of the indemnified parties, Owner hereby releases and holds harmless City and the governing body members, officers, agents, servants, and employees thereof from, and covenants and agrees that the indemnified parties shall not be liable for, and agrees to indemnify and hold harmless such parties against any loss or damaged property or any injury to or death of any person arising out of or resulting from the construction, installation, operation, ownership, or maintenance of the project.

Except for any willful misrepresentation of any willful or wanton misconduct of the indemnified parties, Owner agrees to protect, indemnify, defend, and hold harmless the indemnified parties and further agrees to hold the indemnified parties harmless from and against, any loss, damage, cost, including reasonable attorney's fees, claim, demand, suit, action, or other proceeding whatsoever initiated by any person or entity whatsoever other than City or a person or entity claiming by, through, or on behalf of City, and arising or purportedly arising out of (1) any violation by Owner any agreement or condition of this Agreement, or (2) the acquisition, construction, installation, ownership, maintenance, and operation by Owner of the project, or (3) the issuance, sale, and delivery of bonds for public improvements or for advances, or any disclosure statement with respect thereto or from any violation or alleged violation of federal or state laws governing the issuance or sale of the bonds or from the presence on any portion of the property described herein of any dangers, toxic or hazardous pollutants, contaminants, chemicals, waste, materials, or substances, as defined in or governed by the provisions of any federal, state, or local law, statute, code, ordinance, regulation, requirement, or rule relating thereto.

**14. Assignability.** It is understood and agreed by the parties that the Owner shall not sell, assign, or transfer said project or this agreement without the express written consent of City, other than to another entity controlled by or under common control with Owner

(which may be conveyed without the consent of City.) Any assignee shall expressly acknowledge, in writing, acceptance of the terms of this Agreement. City shall not unreasonably withhold such consent.

**15. Non-Merger.** None of the provisions of this Agreement shall be merged by reason of any deed or other instrument transferring any interest in the development of the property or any such deed shall not be deemed to affect or impair the provisions and covenants of this Agreement.

**16. Applicable Law.** This Agreement shall be governed and construed in accordance with the laws of the State of North Dakota.

**17. Entire Agreement.** This Agreement contains all of the terms of the agreement between City and Owner and supersedes all oral negotiations. The provisions hereof shall be binding upon the successors and assigns of the parties hereto.

**18. Savings Clause.** If any of the provisions of this Agreement shall be held to be unenforceable or contrary to law by any court of competent jurisdiction, or shall be mutually determined to be unenforceable by the parties upon the advice of their legal counsel, the remaining provisions hereof shall remain in full force and effect.

Dated the day and year first above written.

**OWNER:**

**CITY OF MANDAN**

\_\_\_\_\_  
Alvin Leingang

By: \_\_\_\_\_  
Timothy Helbling, President  
Board of City Commissioners

ATTEST:

\_\_\_\_\_  
James Neubauer, City Administrator



**EXHIBIT "A"**

**REAL PROPERTY  
LEGAL DESCRIPTION**

Lot 9 and the west 194 feet of Lot 10, Block 1, BNSF Commercial Park 3<sup>rd</sup>  
Addition to the City of Mandan, Morton County, ND.

## **BUSINESS INCENTIVE AGREEMENT**

This Agreement, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2012, by and between Alvin Leingang of 2603 Twin City Drive SE, Mandan, ND 58554 (“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 assist Developer in improving the real property described below:

Lot 9 and the West 194 feet of Lot 10, Block 1, BNSF Commercial Park 3<sup>rd</sup> Addition to the City of Mandan, Morton County, North Dakota (“Property”), aka 101 & 103 East Main Street.

WHEREAS, the Developer has applied for a 5 year Renaissance Zone tax exemption and up to ten years Tax Increment Financing assistance in order to fully develop the Property.

WHEREAS, the parties acknowledge that a Business Incentive Agreement is required by Chapter 54-60.1, NDCC, in order for the City to justify the use of the tax exemption and Tax Increment Financing; and

WHEREAS, the parties desire to enter into a Business Incentive Agreement to assist in the development of the Property.

The parties agree:

As goals for this project, the Developer will:

1. Pay to the City an administration fee of 1% of the value of the tax exemption.
2. Commence construction and remodeling of the first floor of the building located at 101 East Main Street on or before May 1, 2013, of a mixed use commercial office, retail and/or restaurant development ultimately consisting of a total of 32,000 square feet of building space to be fully completed by December 31, 2016.
3. Agree to the investment of a total of \$4.2 million in the development of the Property for office, retail and/or restaurant uses, including \$3.6 million in estimated construction costs.

4. Agree to a "claw back" agreement to enable the City to recover the cost of the tax exemption if the Property is sold to a non-profit tax exempt entity within 15 years after the expiration of the tax exemption.

City will:

1. Allow a 100% tax exemption (real estate tax exemption) for the first 5 years after completion of the project and a 10 year tax exemption equal to 15% of the total capital investment in the Property for a total 15 year period.

In the event Developer has not started improvements (i.e. site preparation, building permit) by May 1, 2013, the tax exemption shall be withdrawn.

The term of this Agreement may be modified by mutual agreement of the parties.

With the consent of the City, Developer may assign all or any part of its interest in the Property and said assignee shall be responsible for all obligations of this Agreement.

DEVELOPER:

CITY:

CITY OF MANDAN

\_\_\_\_\_  
Alvin Leingang

By: \_\_\_\_\_  
Tim Helbling, President  
Board of City Commissioners

ATTEST:

\_\_\_\_\_  
James Neubauer, City Administrator

NOTICE OF PUBLIC HEARING  
MANDAN CITY COMMISSION

Notice is hereby given that the City of Mandan has received an application from Alvin W. Leingang for Tax Increment Financing (TIF) at 101 East Main Street and a portion of 103 East Main Street for rehabilitation of the existing building, addition of an elevator tower, plus site and parking lot improvements. TIF assistance is being requested in the form of a property tax exemption on the improved portion of the property for years six to 15 of project operation. The requested exemption is estimated at \$73,577 annually or \$735,765 in total. The exemption is requested to offset a portion of the estimated \$3,648,000 in hard capital costs for the project.

Notice is further given that the Mandan City Commission shall meet at Mandan City Hall on Tuesday, May 1, 2012, at 5:30 p.m. to consider said matter at which time and place any person may appear to be heard thereon. A copy of said application is on file at the office of the City Administrator and available for review during regular office hours from 8:00 a.m. to 5:00 p.m.

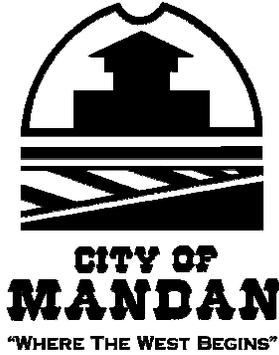
City of Mandan, North Dakota

BY: Ellen Huber  
Business Development &  
Communications Director

Dated this 29th day of March, 2012

To be published on April 6, 2012 and April 13, 2012

101 E Main Redevelopment Project - Alvin Leingang																
3/19/2012																
CURRENT TAXES	Land	Building	Total	Total												
101 E Main	\$1,010	\$3,068	\$1,010	\$4,078												
103 E Main (54%)	\$1,969	\$0	\$1,969	\$1,969												
Total	\$2,980	\$3,068	\$2,980	\$6,047												
Based on 403.38 mills - 100% years 6 to 15 on entire building - NO MAXIMUM CAP																
	Assessed Land Value	Beginning Assessed Building Value	Base Property Value	Proposed Building Investment	Proposed Land Upgrades	Estimated Building Value w/ Investment	Estimated Land Value w/ Investment	Estimated Total Property Value	Annual Property Tax	Annual Exemption on Improvements	*Estimated 5-Yr Property Tax RZ Benefit 100% Building Value	Estimated 5-Yr Income Tax RZ Benefit	TIF Years 6-15	Total Exemption	Exemption to Investment Ratio	Annual Taxes Collected Year 6-15
101 E Main	\$50,100	\$152,100	\$202,200	\$3,224,150	\$423,850	\$3,376,250	\$571,582	\$3,947,832	\$79,624	\$73,577	\$340,478	\$20,000	\$735,765	\$1,096,243		\$6,047
& part of 103 E Main 100% commercial	\$97,632		\$97,632													
Total	\$147,732	\$152,100	\$299,832	\$3,224,150	\$423,850	\$3,376,250	\$571,582	\$3,947,832	\$79,624	\$73,577	\$340,478	\$20,000	\$735,765	\$1,096,243	30%	\$6,047
Projected 5% Admin	\$36,788															
TIF share of hard capital costs - 20.2%																
Based on 403.38 mills - 100% years 6 to 15 on entire building -MAXIMUM CAP AS PER POLICY OF 15% OF HARD CAPITAL COSTS																
	Assessed Land Value	Beginning Assessed Building Value	Base Property Value	Proposed Building Investment	Proposed Land Upgrades	Estimated Building Value w/ Investment	Estimated Land Value w/ Investment	Estimated Total Property Value	Annual Property Tax	Annual Exemption on Improvements	*Estimated 5-Yr Property Tax RZ Benefit 100% Building Value	Estimated 5-Yr Income Tax RZ Benefit	TIF Years 6-15	Total Exemption	Exemption to Investment Ratio	Annual Taxes Collected w/ TIF
101 E Main	\$50,100	\$152,100	\$202,200	\$3,224,150	\$423,850	\$3,376,250	\$571,582	\$3,947,832	\$79,624	\$73,577	\$340,478	\$20,000	\$547,200	\$907,678		\$6,047
& part of 103 E Main 100% commercial	\$97,632		\$97,632													
Total	\$147,732	\$152,100	\$299,832	\$3,224,150	\$423,850	\$3,376,250	\$571,582	\$3,947,832	\$79,624	\$73,577	\$340,478	\$20,000	\$547,200	\$907,678	25%	\$6,047
Projected 5% Admin	\$27,360															
Note: TIF policy limits assistance to 15% of hard capital costs of development.																
This appears to be \$3,224,150 for the building & \$423,850 for the site for a total of \$3,648,000																
15% maximum \$547,200																
Exemption would appear to run out after 7.43 years																
* RZ assumes exemption on complete building, but will actually depend upon how quickly floors 2-3 are completed.																



New Business No. 2

## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 11, 2012  
**PREPARATION DATE:** April 24, 2012  
**SUBMITTING DEPARTMENT:** MPO  
**DEPARTMENT DIRECTOR:**  
**PRESENTER:** Del Wetsch  
**SUBJECT:** Consider for approval, a request for City cooperation for the Rodeo Days and Buggies N Blues Events.

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**STATEMENT/PURPOSE:** To help foster the festivities of Buggies N Blues and Rodeo Days Events.

**BACKGROUND/ALTERNATIVES:** The attached documents list a number of requests by the Rodeo Days Committee and the Musicians Association, that they feel are needed to help make the activities a success.

**ATTACHMENTS:** 1. Letters of Request

**FISCAL IMPACT:** Minimal

**STAFF IMPACT:** The use of City staff is being requested for both events

**LEGAL REVIEW:** N/A

**RECOMMENDATION:** This office supports the requests as listed.

**SUGGESTED MOTION:** I move to approve the requests as listed.

Board of City Commissioners

Agenda Documentation

Meeting Date: May 1, 2012

Subject: Consider for approval, a request for City cooperation for the Rodeo Days and Buggies N Blues Events.

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**Musicians Association &  
Buggies-n-Blues**

**P O Box 88**

**Mandan, ND 58554**

**Phone: 258-8876**

**E-mail: [vernoncermak59@gmail.com](mailto:vernoncermak59@gmail.com)**

**April, 2012**

Mayor Tim Helbling  
Mandan City Hall  
205 2<sup>nd</sup> Ave. NW  
Mandan, ND 58554

Members of the Commission:

The Musicians Association and the Mandan Progress Association is sponsoring Buggies-n-Blues event which will include a Saturday, June 9<sup>th</sup> dance and a Sunday June 10<sup>th</sup>.

To that end we are submitting the following request:

**Saturday, June 9th**

- The use of the Bob Dykshorn Park area for a dance on Saturday, June 9th
- Permission for the beer garden starting at 4:00 p.m. until 1:00 a.m. in the Bob Dykshorn Park
- The posting and removing of "No Parking" signs from 6<sup>th</sup> Ave NW to 2 Ave NE. on Main Street and on 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> Ave. NW, Collins Ave. and 1st Ave. NE to the alley areas. We suggest that the signs be posted before Saturday, June 9th, prior to midnight. "No Parking" is requested from 6:00 AM Sunday, until the removal of the barricades on Sunday following the event. (Approx. 7:00 PM on Sunday)
- Posting of "NO PARKING" in city lot west and of former John Iverson Building.
- We request a police escort on Saturday night for "The Parade of Classics". The cars will gather near the Mandan Brave Center with the parade beginning at 8:00 PM. The scheduled parade route is down 6<sup>th</sup> Ave NW than continue east on Main to Burger King.

**Sunday, June 10th**

- Closing of Main Street from 6<sup>th</sup> Ave. NW to 2<sup>nd</sup> Ave NE
- Closing of 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> Ave. NW, Collins Ave. and 1st Ave. NE to the alley area.
- The use of all available parking lots from the former Mandan Depot area along and south of Main Street
- Posting of no parking in the lot east of Cass Clay for copter rides
- The city will provide detour, merging traffic and stop signs

Board of City Commissioners

Agenda Documentation

Meeting Date: May 1, 2012

Subject: Consider for approval, a request for City cooperation for the Rodeo Days and Buggies N Blues Events.

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- Request for a beer garden on Sunday, June 10th from Noon until 5:00 PM in the Bob Dykshorn Park

**Request of the Mandan Police Department**

**Prior to event**

- To notify patrons that have rented parking spaces in city lots, not to use those areas during the requested times. The Musicians Association will cover cost of notification.

**Saturday, June 9th**

- Provide a police escort for the Saturday night parade of vehicles.
- To assist with the removal of parked cars on the NO PARKING ZONES starting after 1:00 AM on Sunday

**Sunday, June 10th**

- Provide traffic cones with delivery by the Mandan Police Dept. at 6:30 AM Sunday (Meeting at M & H)
- Two officers on bicycles on Sunday if possible. Time to be determined by the MPD.
- To assist in traffic control and closing the streets on Sunday morning starting at 6:30 AM and in reopening the streets Sunday at 7:00 PM.

**The possibility of having Main Street washed/cleaned prior to 6:30 a.m Sunday, June 10<sup>th</sup>.**

We thank you for the consideration of our requests.

Vern Cermak  
**Vernon Cermak**

Musicians Association  
Buggies-n-Blues, Chairman

Del Wetsch  
*Del Wetsch*  
Mandan Progress Organization, Director

Board of City Commissioners

Agenda Documentation

Meeting Date: May 1, 2012

Subject: Consider for approval, a request for City cooperation for the Rodeo Days and Buggies N Blues Events.

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To: Mandan City Commission  
Fr: Mandan Rodeo Days Committees  
Re: Street Closing and Parking Lot requests

The Mandan Rodeo Days Committee consisting of Art in the Park, Parade and Rodeo would like to request the assistance of the city commission for the following street closures held in conjunction with the Mandan Rodeo Days celebration.

- \* Closing 300 and 400 blocks of West Main Street on Monday July 2<sup>nd</sup> at 6:30 am to Wednesday July 4<sup>th</sup> at 8:00 pm. Security guards will open the streets at 10:00 pm Monday night and Tuesday night.  
Streets remain closed during the Art and the Park Festival hours on Tuesday July 2<sup>nd</sup> from 6:00 am to 10:00 pm and on Wednesday from 6:00 am to 8:00 pm.
- Stop sign placement at the corners of 300 and 400 blocks of 1<sup>st</sup> St. NW from July 2 thru July 4<sup>th</sup>.
- No parking on Main Street from 1:00 am Wednesday, July 4<sup>th</sup> until the completion of the July 4<sup>th</sup> parade. The Street Festival begins on July 4<sup>th</sup> at 8:00 am. followed by the classic car parade at 9:30 am. The world's longest dance "YMCA" begins at 10:15 am followed by the July 4<sup>th</sup> parade at 11:00 am. Parade will leave Dacotah Centennial Park at 10:30 am. Shut traffic on Main at 8:00 am. for Rodeo Days Road Race
- Close off Main Street from 10th Ave. NW to Mandan Ave. on West Main for the Annual Rodeo Days Walk and Run. Starts at Mandan Depot. Registration begins at 6:30 am. Keep 300 block closed for registration. Race begins at 8:00 a.m.
- Secure city parking lots on East and West side of Papa Murphy's for Rodeo Days events. Parking will be secured for Papa Murphy's by Art in the Park parking committee. Placement of no parking signage and barricades by Friday, June 29th
- Helicopter rides at Dacotah Centennial Park on July 2 thru July 4<sup>th</sup>. Insurance certificate provided to city of Mandan and Mandan Park District.
- Assistance at closing and coning off Main Street 300 and 400 blocks on the morning of July 1st for Art in the Park setup at 6:30 a.m.
- Delivery of 2 detour signs and an east and west merging traffic sign 8 no parking signs and a street closed sign for 3<sup>rd</sup> Ave., 6 barricades, and 2 stop signs at 300 and

411 West Main • Mandan, North Dakota 58554  
701-751-2983 • Cell: 701-220-2959

E-mails: [dwetsch@mandanprogress.org](mailto:dwetsch@mandanprogress.org) • [thelmers@mandanprogress.org](mailto:thelmers@mandanprogress.org)

Board of City Commissioners

Agenda Documentation

Meeting Date: May 1, 2012

Subject: Consider for approval, a request for City cooperation for the Rodeo Days and Buggies N Blues Events.

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400 corners of 1<sup>st</sup> St. Will work out delivery instruction with Mandan Police Dept. and City of Mandan  
Shop director Jeff Wright.

- Secure parking lot east of John Iverson with the consent of owner Al Leingang and work with Jeff Wright to secure lot for art and craft vendor parking.

On behalf of the Mandan Rodeo Days committees, which include Art in the Park and Parade committees we would like to thank the city of Mandan and its departments for all their help and assistance in bringing this great event to the community. It is truly appreciated.

Sincerely,  
Del Wetsch  
Executive Director  
Mandan Progress Organization

Neil Ness  
Chairman  
Mandan Rodeo

Scott Volkert  
President  
Art in the Park Committee

Dennis Freisz  
Marlo Anderson  
Parade Chairmen



"WHERE THE WEST BEGINS"

**MEETING DATE:** May 1, 2012  
**PREPARATION DATE:** April 27, 2012  
**SUBMITTING DEPARTMENT:** Administration  
**DEPARTMENT DIRECTOR:** Jim Neubauer, City Administrator  
**PRESENTER:** Jim Neubauer, City Administrator  
**SUBJECT:** Visitors Committee Recommendation – Old Red/Old Ten Scenic Byway Committee

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STATEMENT/PURPOSE: To consider a recommendation from the Mandan Visitors Committee.

BACKGROUND/ALTERNATIVES: The Visitors Committee consists of Jay Feil, Shannon Gangl, Wally Joersz and Jim Mellon with Mayor Helbling, City Administrator Jim Neubauer and Finance Director Greg Welch serving as liaisons.

The Mandan Visitors Committee met on April 26, 2012 consider a request from Bismarck Mandan Development Association for funding in the amount of \$4,500 to assist in the completion of the five (located in Mandan) of the 40 Talking Trail locations within the city limits.

ATTACHMENTS: Funding Request

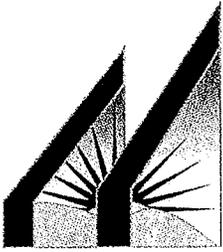
FISCAL IMPACT: \$4,500 from the Visitors Committee, there are adequate funds on hand to meet this request.

STAFF IMPACT: minimal

LEGAL REVIEW:

RECOMMENDATION: The Visitors Committee unanimously passed a recommendation supporting this request.

SUGGESTED MOTION: I move to approve the recommendation from the Visitors Committee for a grant to the Bismarck Mandan Development Association for \$4,500 to be utilized for the Old Red/Old Ten Scenic Byway Talking Trails Project.



## BISMARCK-MANDAN DEVELOPMENT ASSOCIATION

701-222-5530 • fax 701-222-3843 • 1-888-222-5497    [info@bmda.org](mailto:info@bmda.org) • [www.bmda.org](http://www.bmda.org)

---

April 19, 2012

Jim Neubauer  
City Administrator  
City of Mandan  
205 2nd Ave. NW  
Mandan, ND 58554-3125

RE: Mandan Visitor's Committee Request

Dear Jim,

On behalf of the Old Red/Old Ten Scenic Byway Committee, the BMDA respectfully requests funding in the amount of \$4,500 from the Mandan Visitor's Committee to assist in the completion of a regional tourism marketing project. The City of Mandan is the largest city on the byway, is the eastern anchor of the trail, and will benefit in a variety of ways from the project's completion.

### **History of the Project**

In 2006, as the concept of developing the Old Red Old Ten Scenic Byway began, Morton County residents saw the value of connecting the old Highway Ten from Mandan to the next largest community to the west, Dickinson, for the traveler. Morton County committee members invited Stark County communities to join them in developing the Byway, basing the experiences on historic value and scenic beauty. The Old Red/Old Ten Scenic Byway began operations in 2007 with funding from each of the communities along the Old Red/Old Ten route through Morton and Stark Counties.

To date, the communities' have sponsored the startup costs and the ongoing costs for the organization. The Old Red/Old Ten Committee has incorporated in the State of North Dakota as a non-profit organization. The Old Red/Old Ten Committee applied and became a federally recognized 501(C) 3 non-profit organization in 2011.

During 2010 members of the Old Red/Old Ten Committee from Morton County approached the Bismarck Mandan Development Association (BMDA) with a request to utilize some of the Morton County Economic Development dollars to assist them with updating the group's hardcopy marketing materials and to enhance their digital presence with a coordinated marketing effort that will include common design elements with each component of the plan. The overall goal of the regional marketing plan is to increase the overall visibility of the Old Red/Old Ten

Scenic Byway and to increase the visibility of the communities and events located along the 108 mile length of the scenic byway to the travelling public.

Listed below are the key parts of the regional tourism marketing plan:

- **Website**  
The Old Red/Old Ten website will be significantly updated. Upgrades include, but are not limited to an interactive map, links to specific communities, things to do along the trail, historic/cultural points of interest, businesses located along the trail, historic churches and a Talking Trail. The Talking Trail will include voice narration of cultural/historic sites along the Old Red Old Ten Scenic Byway.
- **Main ORT Brochure**  
Development of a new brochure to be distributed by businesses in communities along the Old Red/Old Ten Scenic Byway and in rest areas along I-94. The brochure will be a flat and measure 4" by 9" with full color printing on both sides of the card.
- **Talking Trail**  
Creation of a central phone number with extensions used to provide information on 40 specific cultural/historic points of interest that are located along the Old Red/Old Ten Scenic Byway between Mandan and Dickinson. The project will include the cost of studio time to professionally record the narrative. The voice files would be uploaded and available for both the phone system and on the website.
- **Signage for points of interest along the Talking Trail**  
Historical, cultural or point of interest signs located along the corridor, with each sign including an (800) phone number and the extension. This part of the project includes 40 signs dispersed along the corridor matching locations that are highlighted by the Talking Trail. The signs will be an 18" by 24" aluminum and be placed near the prominent points of interest.
- **Historical Churches Brochure**  
Development of a new brochure highlighting the historical churches located along the Old Red/Old Ten Scenic Byway in a full color brochure.
- **Roadside Iron Logoed ORT Signs**  
The fabrication of twenty Old Red/Old Ten logo signs for use along the Old Red/Old Ten Scenic Byway between communities. The signs would be spaced between the current scenic byway signs to act as a visual reminder that the tourist or traveler remains on the route.
- **Updated Imagery**  
Updated professional photographs were taken of points of interest in each city and along the Old Red Trail. The photographs were taken of select locations from Mandan to Dickinson and will be used for both hardcopy and digital marketing purposes of the region.

- **Museum Enhancements**

A grant had been received to cover expenses associated with museum enhancements in Almont and Hebron. This portion of the project is for the remaining rural Morton County communities to make the same enhancements and to also offer self-guided tours to visitors.

**Partnerships**

This project is a true partnership, a joint effort among public entities, non-profit organizations, residents and businesses located along the Old Red/Old Ten Scenic Byway, including:

- Morton County
- Stark County
- Old Red/Old Ten Scenic Byway Committee
- Bismarck-Mandan Development Association (BMDA)
- Almont / Sims
- Dickinson
- Gladstone
- Glen Ullin
- Hebron
- Mandan
- New Salem
- Richardton
- Taylor

The funding of the committee and its projects has also been a partnership. The Old Red Trail Scenic Byway Committee was formed in 2007 and the committee has received operating funds from both the communities and the businesses along the scenic byway. The committee has received operational or project-specific funding from 2007 – 2011 in the following amounts:

	City	CVB / EDC / Civic Clubs	Other	Total
Almont	500	250	150	900
Dickinson	2,500	1,000	20	3,520
Gladstone	1,200			1,200
Glen Ullin	500		685	1,185
Hebron	500	600	200	1,300
Mandan	1,200			1,200
New Salem	1,000			1,000
Richardton	1,500		600	2,100
Taylor	500		50	550
Other			1,928	1,928

## **Funding for the Project**

This project began with a request from the rural Morton County Communities for the BMDA to help the communities fund several unrelated marketing projects with the Morton County Economic Development funding. These funds are dedicated to economic growth projects affecting the five rural cities in Morton County, excluding the City of Mandan. The Old Red/Old Ten Scenic Byway Committee began working with the BMDA to create a unified marketing effort that created a partnership between the communities of Morton and Stark Counties to fund the plan with Morton County covering 60 percent of the overall initial budget and Stark County covering 40 percent of the overall initial budget of \$29,969.

The projected actual costs to complete the entire project are \$41,886 for an unfunded difference of \$11,917. This cost overrun is the result of the original cost estimates being too conservative. The OR/OT Committee did their best in getting cost estimates from the various vendors, but apparently they were a little too conservative. The project is nearing completion and plans are being made for a June launch of the OR/OT project by the cities, and hopefully both Morton and Stark Counties.

BMDA, on behalf of the OR/OT Scenic Byway Committee, has approached the Morton County Commission regarding additional funding in the amount of \$5,500 from the County's 2012 economic development funds. This was met favorably by the commission, and a formal request is being prepared for submission. A grant application for a Tesoro Charitable Contribution in the amount of \$2,500 is also being prepared.

We are respectfully requesting \$4,500 from the Mandan Visitors Fund to complete the funding of this exciting multi-faceted project. To date, Mandan's financial participation in this project has been included in the Morton County funding, as one of the five Morton County communities along the Old Red Trail and included in all aspects of the marketing project.

Mandan plays a key role in the project as the largest community along the scenic byway, as well as its geographic location on the eastern end of the corridor. Mandan is represented by this project with five of the overall 40 initial Talking Trail locations located within the city limits. The design and location of these signs have already been approved by the Mandan Architectural Review Board and the Mandan City Commission.

The OR/OT website's interactive mapping system gives the City of Mandan an additional online presence to feature its recreational, historical and retail entities. The City of Mandan's website will also be linked to the OR/OT website. Additionally, added traffic along the entire Old Red/Old Ten Scenic Byway will undoubtedly lead to more visitors to Mandan's hotels, restaurants and stores as the anchor city on the eastern edge of the trail as well as the largest city on the trail.

It is for these reasons the BMDA and the OR/OT Scenic Byway Committee are asking the City of Mandan, through the Visitors Committee, to join in the project's funding.

## Funding Overview

Initial Budget	
Morton County	\$18,781
Stark County	\$11,188
Approved Funding	\$29,969
Total Actual Program Cost	\$41,886
Approved Funding	\$29,969
Funding Gap	\$11,917
Additional Morton County Funding Request	\$5,500
Mandan Funding Request	\$4,500
Other Grant Funding Requests	\$2,500

## Timeline for Project

Work on the project began in 2011, with the majority of the project to be completed during the first half of 2012. The groups are planning to hold a grand opening event for the project during the summer of 2012.

Thank you for your consideration of this worthy project.

Regards,



Russell Staiger  
President / CEO

enclosure

Old Red Trail Project

	Budget	Paid to date	Work done but not billed	Left to be completed	Outstanding cost estimate	Total estimated cost	Over budget	Under budget
Churches brochure	\$1,505.00	\$1,893.75		Print 5,000	\$950.00	\$2,843.75	\$1,338.75	
Rack card	\$2,364.00	\$1,450.43		Print 25,000	\$1,500.00	\$2,950.43	\$586.43	
Talking Trail phone system	\$7,100.00	\$2,826.25	\$1,305.00	Voice recordings	\$2,000.00	\$8,751.25	\$1,651.25	
				Finalizing scripts for voice talent	\$250.00			
				Preparing audio files for Marlo and website	\$0.00			
				Add audio files to website	\$650.00			
				Phone system set-up	\$1,000.00			
				Phone system service for one year	\$720.00			
Talking Trail signage	\$8,400.00	\$1,807.50	\$220.00	Signs, posts, hardware, tax, freight	\$9,100.00	\$12,012.50	\$3,612.50	
				Finalize artwork, ordering	\$885.00			
ORT confirmation signs	\$600.00	\$1,051.31		n/a	\$0.00	\$1,051.31	\$451.31	
Update imagery	\$3,000.00	\$2,054.15		n/a	\$0.00	\$2,054.15		\$945.85
Museum enhancement	\$2,000.00	\$1,283.23		n/a	\$0.00	\$1,283.23		\$716.77
Website	\$5,000.00	\$10,030.50	\$258.75	Finalize admin	\$650.00	\$10,939.25	\$5,939.25	
<b>TOTALS</b>	<b>\$29,969.00</b>	<b>\$22,397.12</b>	<b>\$1,783.75</b>		<b>\$17,705.00</b>	<b>\$41,885.87</b>	<b>\$13,579.49</b>	<b>\$1,662.62</b>
<b>NET OVER BUDGET</b>							<b>\$11,916.87</b>	

There's  
**MORE**  
to see



**St. Clement's  
Haymarsh** • from I-94, take the Glen Ullin Exit 108, drive northwest four miles, turn west 1.4 miles, and turn north two miles.  
Located in a valley near the Custer and old Fort Keogh Trails. Founded by German and German-Hungarian immigrants, the community still celebrates with an annual Corpus Christi procession.

**St. Joseph's**  
12 miles south of Glen Ullin on Hwy 49 (mile marker 59). Turn east and continue for 5 miles.  
This parish in the Curlew Valley was founded by Germans from Russia immigrants.

**First Methodist  
Gladstone**  
The first Methodist church west of the Missouri River. There is a plaque to mark the spot of this church in Gladstone.

**St. Elizabeth's**  
5043 100 D Avenue SW • Lefor  
German-Hungarian immigrants built this church which is known for its pipe organ and its bells which come from Barat, the home of many of the parishioners.

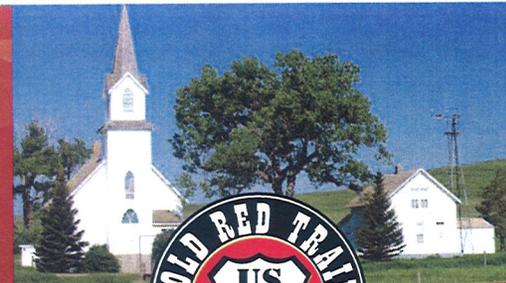
**Sacred Heart Monastery**  
1 mile west of Richardton  
For 100 years the Benedictine Sisters have served the people of western North Dakota; the last 45 years, their home has been in Richardton. Come see their wind turbines and llamas.

**St. John's Lutheran Church**  
146 6th Avenue W • Dickinson  
St. John's owes its existence to several Minnesota German Lutherans who arrived in Dickinson in 1901. The first worship services of St. John's Lutheran were held in 1903 and the first structure constructed by hand in 1906. The present church was constructed in 1948 at the corner of Sixth Street and Second Avenue.

**United Church of Christ**  
102 4th Street W • Dickinson  
The congregation was organized in 1887 and the cornerstone of the present church was laid in 1924.

**United Methodist Church**  
75 3rd Street W • Dickinson  
The congregation started in 1882 and the current building was built in 1917.

North Dakota is a place where people's faith is writ large. You can see this in the many beautiful churches that we treasure. The European settlers that came from Germany, Russia, Norway, Sweden, Ireland, Hungary and other places came to start new lives and brought their faith traditions with them. Frequently, their community's church was one of the first buildings built, sometimes even before people's houses! Come and enjoy the rich heritage you will see along the other freeway.



**HISTORIC CHURCHES**  
along the

Old Red Old Ten  
**Trail**

 [oldredoldten.com](http://oldredoldten.com)



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Job #02373

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**St. Joseph's Catholic Church**  
108 3rd Street NE • Mandan

Designed by Anton Dohmer of Milwaukee in a blend of Gothic and Romanesque styles, this brick church was built in 1904. It was built to replace an earlier wood-framed building completed in 1881. The parish was first organized in 1879 to serve the Irish immigrant population building the Northern Pacific Railroad. The church features 12 stained glass windows and wall and ceiling murals. Many of the inscriptions stenciled inside are written in German. The cornerstone holds a tin box containing relics from Rome, Bethlehem, Jerusalem, the Mount of Olives, the River Jordan and Lourdes in France.



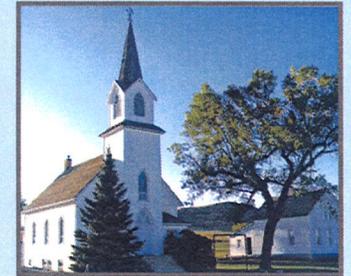
**First Presbyterian/United Church of Christ**  
115 N 2nd Street • New Salem

Organized in 1901, the Presbyterian congregation in New Salem built their wood-frame church in 1905. The church was initially organized to fill the need in the region for an English speaking church, as most area churches held services in German or Scandinavian languages. With its distinctive square tower and curved pews, the church served the community as a Presbyterian church until 1999. It was purchased by the Salem United Church of Christ congregation at that time and continues to be used for regular church services.



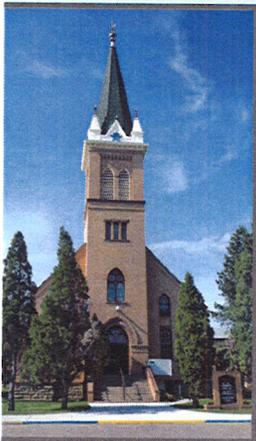
**Sims Scandinavian Lutheran Church**  
4945 Sims Road • Almont

The Scandinavian Evangelical Lutheran Congregation of Sims was organized in 1884 by a group of Scandinavian immigrants and Reverend O.J. Norby. The first structure built was a parsonage with living quarters on the first floor and meeting space on the second floor. In the early 1900's a new wood-frame structure was built to serve the congregation. Although most of the families have moved away from Sims, the church continues to be used by the mostly rural congregation. As part of restoration efforts by Preservation North Dakota and Save America's Treasures, First Lady Laura Bush visited the site in 2008.



**St. John Church**  
620 Church Avenue • Hebron

This congregation was first organized in 1885 as the Deutsche Evangelical St. Johannes Kirche under the Evangelical Synod of North America. The first wood-frame church, completed in 1886, was replaced with a stone and brick church in 1908. Services were held in German until 1929 when they began holding alternate services in German and English. In 1957 the Evangelical and Reformed Synod of North America united with the Congregational Christian church to form the United Church of Christ. This church is listed on the National Register of Historic Places.

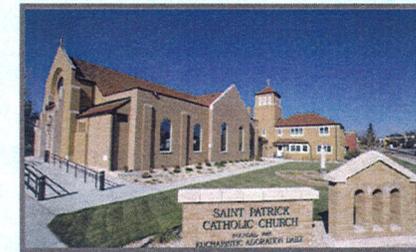


**Assumption Abbey**  
418 3rd Avenue W • Richardton



Assumption Abbey is a Benedictine monastery. Its church also serves the local Catholic community as St. Mary's Church. The Assumption Abbey/St. Mary's Church began in 1906 and was first used for Midnight Mass in 1908. It is Romanesque in style, built in the form of a cross. It has 23 beautiful stained glass windows. The 19 upper round windows each have a Christian symbol. It also has 24 painted medallions of the apostles and other saints. The expansive volume of its interior reminds us of the immensity of God's love.

**St. Patrick's Church**  
229 3rd Avenue W • Dickinson



The Irish immigrants traveling west with the Northern Pacific Railroad helped establish the first Catholic Parish in Dickinson in 1885. The "Little White Church on the Hill" was replaced in 1904 with a new brick building and then as the congregation grew, in 1950, with the present building which underwent a major renovation in 2005.



BEFORE HIGHWAYS,  
THERE WERE

Trails

## HISTORY

Before highways, there were trails, and the original cross-county roadway, Red Trail, became US Highway 10 in 1925. The Old Red/Old Ten Scenic Byway is a great alternative to I-94 between Mandan and Dickinson, ND. There are many opportunities to see life as it was years ago for those who settled in North Dakota. The history of the Native Americans, European pioneers, General Custer's westward march, as well as present day amenities, are all captured along this route. Several regional and local museums can be toured and varieties of recreational opportunities exist. The natural beauty of the buttes, river valleys and prairies deliver pleasant, rustic rural-life images.

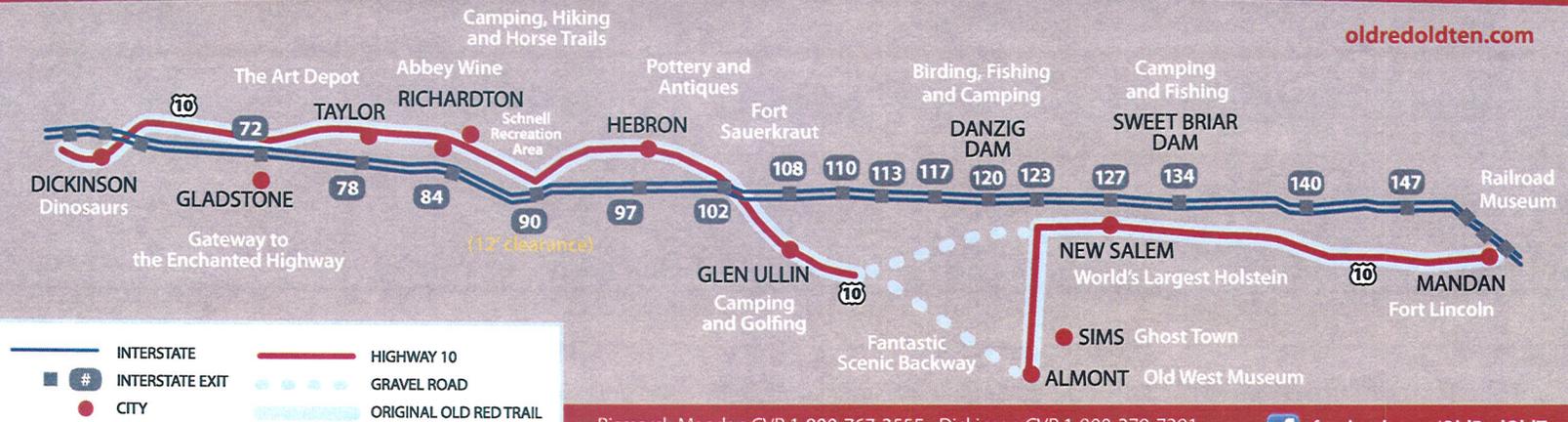


[oldredoldten.com](http://oldredoldten.com)

# Talking Trails

Enjoy phone tours in each community! Historic and cultural points of interest in the communities along the Old Red/Old Ten Scenic Byway are accessible by phone. Look for signs bearing our logo for Talking Trails and call 701-566-5566 to learn more about that point of interest. You can also access our website at [oldredoldten.com](http://oldredoldten.com) to find the Talking Trail locations.

Old Red/Old Ten communities: Mandan, New Salem, Almont, Glen Ullin, Hebron, Richardton, Taylor, Gladstone, Dickinson and Schnell Recreation Area.





TALKING *Trail*

# Almont Heritage Park & Museum

*Learn more at*

701-566-5566 EXT. 301  
oldredoldten.com

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"WHERE THE WEST BEGINS"

# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** May 1, 2012  
**PREPARATION DATE:** April 27, 2012  
**SUBMITTING DEPARTMENT:** Weed Board  
**DEPARTMENT DIRECTOR:** Steve Nardello, Fire Chief  
**PRESENTER:** Steve Nardello, Fire Chief  
**SUBJECT:** 2012 Weed Control Proposal

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**STATEMENT/PURPOSE:** The Mandan City Weed Board advertised and received bids for the 2012 weed season. Three contractors obtained the bid specifications and one bid was received and opened on April 18, 2012.

**BACKGROUND/ALTERNATIVES:** The bid for general cutting was \$.015 per square foot and the specific (City Owned) parcels was \$2,140 per cutting. The cost for 2011 was \$.005 per square foot for general weed cutting and \$805.00 per cutting for specific parcels. Because the bid was considerably higher than 2011, the Weed Board rejected the bid.

Once the bid was rejected, several Mandan City departments met and discussed the feasibility of providing weed cutting service through public works. It was decided that the city could purchase equipment, hire a part-time employee, and sustain weed cutting services and stay within or under the 2012 weed control budget.

**ATTACHMENTS:** Cost Spread sheet

**FISCAL IMPACT:** Amendment of the 2012 Weed Control budget to allow the purchase of weed cutting equipment with a total of \$32,500.00. The 2012 weed cutting/spraying budget is \$79,000 of that amount \$44,000 is for cutting. This proposal would indicate no increase in the budget and quite possibly an annual savings. We would also continue to special assess private properties at the 2011 contract rate of \$.005 per square foot.

**STAFF IMPACT:** Public works would need to hire an additional part-time employee.

**LEGAL REVIEW:** Administrator Neubauer has had communication with Attorney Brown who has indicated that our proposal would be in compliance with Mandan City Municipal Code.

**RECOMMENDATION:** That the Mandan City Board of Commissioners approves the Weed Board request to have Mandan Public Works provide weed cutting service and purchase the appropriate equipment.

SUGGESTED MOTION: Move to amend the 2012 Weed Control budget to include the purchase of equipment totaling \$32,500, \$8,000 part time labor, and \$3,500 for fuel and oil, to allow public works to provide weed cutting service for the City of Mandan.

**2012 Initial Startup**

Four Wheel Drive, Finish Mower	\$18,500.00
15 foot Bat Wing Mower	\$13,500.00
Push Mower	\$500.00
Total Start Up Costs	<u>\$32,500.00</u>

**2012 Annual Costs**

Labor	\$8,000.00
Fuel/Oil/Maintenance	\$3,500.00
Total Annual Costs	<u>\$11,500.00</u>

Total 2012 Budget	<u><u>\$44,000.00</u></u>
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**2011 Expenditures for Weed  
Cutting**

City Owned Properties	\$16,000.00
Privately Owned Properties	\$28,000.00
Total 2011 Spending	<u><u>\$44,000.00</u></u>

***Estimated Annual Expenses 2013***

Labor	\$8,000.00
Fuel/Oil/Maintenance	\$3,500.00
Annual depreciation (5 yrs)	\$6,500.00
Annual Cost (Depr + Hard Costs)	<u><u>\$18,000.00</u></u>

Bid amount 2011 cutting	0.005
Bid amount 2012 cutting	0.015

City special assess 2011 Bid amount for private parcels

**ORDINANCE NO. 1121**

**AN ORDINANCE TO AMEND AND REENACT SECTION 21-03-02 OF ORDINANCE 1088 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, Morton County, 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, Morton County, North Dakota shall be excluded from the R7 (Single-Family Residential) zoning and shall be included in the RM (Multi-Family Residential) zoning namely,

All of West Hills Estates 2<sup>nd</sup> Addition in Section 7, Township 139N, Range 81W, City of Mandan, Morton County, North Dakota

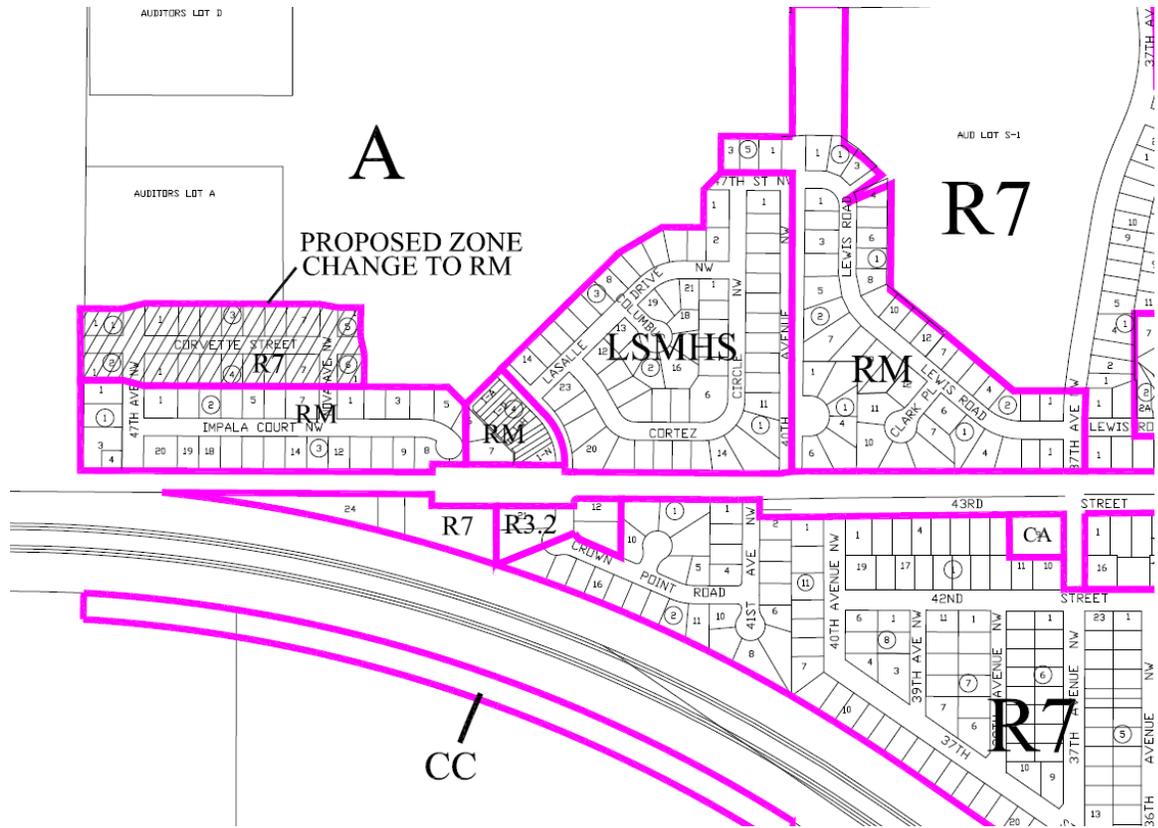
and as so amended said section is hereby reenacted. The city administrator is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

\_\_\_\_\_  
President, Board of City Commissioners

Attest:

\_\_\_\_\_  
City Administrator

Public Hearing:	<u>March 26<sup>th</sup>, 2012</u>
First Consideration:	<u>April 17<sup>th</sup>, 2012</u>
Second Consideration and Final Passage:	<u>May 1<sup>st</sup>, 2012</u>
Publication Date:	<u>May 25<sup>th</sup>, 2012</u>
Recording Date:	_____



**ORDINANCE NO. 1120**

An Ordinance to Amend and Re-enact  
Section 12-02-04 and to Repeal Section 12-02-05  
of the Mandan Code of Ordinances  
Relating to Alcoholic Beverage Licenses

Be it Ordained by the Board of City Commissioners as follows:

Section 12-02-04 of the Mandan Code of Ordinances is hereby amended and re-enacted to read as follows:

Section 12-02-04. Classification of ~~beer~~ alcoholic beverage licenses--Numbers restricted.

There shall be ~~six~~ nine classes of ~~beer~~ alcoholic beverage licenses, namely:

1. Class A. General retail (on- and off-premises) license;
2. Class B. Club (on- and off-premises) license to be issued only to clubs and lodges, whose profits from the sale of ~~beer~~ alcoholic beverages are used only for benevolent purposes;
3. Special B. Publicly Owned or Operated Facilities.
  - a. A license for the retail on-sale of beer only at the manager's building may be issued to the manager of the municipal golf course designated by the Mandan park district, which shall be nontransferable and shall be held only for the period of the manager's contract and shall terminate with the termination of his contract. The license fee shall be one hundred dollars per annum for that portion of the year in which such golf course is open. This license shall be limited to the service of beer only to the patrons at the municipal golf course and not open to the public at large;
  - b. A license for the retail on-sale of beer only at the Dakotah Centennial Park may be issued to the concessionaire designated by the Mandan park district, which shall be nontransferable and shall be held only for the period of the concessionaire's contract and shall terminate with the termination of the contract. The license fee shall be one hundred dollars per annum for that portion of the year in which such park is open. This license shall be limited to the service of beer only to the patrons of the Dakotah Centennial Park and not open to the public at large;
  - c. Subject to the approval of the board, a temporary license for the distribution or retail on-sale of alcoholic beverages may be issued to the managers of the Municipal Golf Course and the Prairie West

Golf Course designated by the Mandan park district, which shall be non-transferable and shall be held only for the period of a special event, not to exceed three days and shall terminate with the termination of the event. The Board may set restrictions, limitations or conditions upon the temporary license. The license fee shall be one hundred dollars per event. This license shall be limited to the service or sale of alcoholic beverages to the patrons at the golf courses and not open to the public at large. The licensee may distribute or sell alcoholic beverages during the special event either in the club house or on the golf course, using beverage carts, provided the sale or distribution is only by a person twenty-one years of age or older ;

d. Subject to the approval of the Board, a temporary license for the distribution or retail on-sale of alcoholic beverages at the Dakotah Centennial Park may be issued to the concessionaire designated by the Mandan park district, which shall be non-transferable and shall be held only for the period of a special event, not to exceed three days, and shall terminate with the termination of the event. The Board may set restrictions, limitations, or conditions upon the license. The license fee shall be one hundred dollars per event. This license shall be limited to the service or sale of alcoholic beverages to the patrons of the Dakotah Centennial Park and not open to the public at large and distribution or sale may only be by a person twenty-one years of age or older;

e. Persons or entities holding a Special Class B beer only licenses are eligible applicants under the provisions of Section 12-02-16 of this code relating to special Sunday permits but they are not eligible applicants for a special catering permit under the provisions of Section 12-02-13 of this code. In making application for a special Sunday permit under the provisions of Section 12-02-16, the application must be in the name of the public facility and signed by the president of the park board, or the duly authorized park board representative and the holder of the Special Class B beer only license.

4. Class C. Motel and hotel (on- and off-premises) license to be issued to the owner or lessee of hotels and motels having forty or more sleeping rooms, provided that such license may not be transferred to another location and only one licensee may carry on business in the hotel or motel;

5. Class D. Exclusive retail off-sale alcoholic beverages.

6. Class D-1. Exclusive retail off-sale beer and wine.

7. Class E. Food and beverage license, permitting on-premises ~~beer~~ alcoholic beverage sales, subject to the following restrictions and conditions:

- a. A licensee hereunder may sell ~~beer~~ alcoholic beverages in a restaurant separated from the room in which ~~beer~~ alcoholic beverages ~~is are opened sold~~, if the gross sales of food are at least equal to the sales of ~~beer~~ alcoholic beverages in the dining room.
- b. On-Premises Only. The food and beverage license shall be for on-premises ~~beer~~ alcoholic beverage sales only, and no authority is conferred under said license pursuant to this section to engage in the off-sale ~~liquor~~ alcoholic beverage business.
- c. Location. Once a food and beverage license has been established at a particular location, no transfer of the license to another location may be permitted. A cessation of business at a licensed location for a period of thirty days or longer shall automatically cancel the license.
- d. Related Provisions.

8. Class F. Food and beverage license permitting on-premises beer and wine sales subject to the restrictions and conditions applicable to a Class E license set forth above;

9. Class G. Food and beverage license for alcoholic beverage sales for commercial passenger vessels on the Missouri River subject to the following restrictions and conditions:

- a. The vessel docks and boards passengers at a location within the jurisdictional limits of the city.
- b. The vessel has a minimum seating capacity for fifty persons.
- c. Sale and service of on-sale alcoholic beverages may only be made to passengers on the vessel who shall not be permitted to remove alcoholic beverages from the vessel. The sale of off-sale beer is permitted only when made from within an enclosed structure situated on the shore adjacent to the vessel's dock, but may not be taken aboard the vessel nor consumed on the vessel.
- d. The vessel and its operation shall be in compliance with all applicable laws and regulations concerning health, fire and safety.
- e. Gross sales of food are at least equal to the gross sales of alcoholic beverages.
- f. Persons under the age of twenty-one may be permitted on the vessel in accordance with Section 5-02-06 of the North Dakota Century Code, provided the area where persons under the age of twenty-one are permitted is separate from the room where alcoholic beverages are opened or mixed.
- g. Temporary bars may be set up and sale or service of alcoholic beverages permitted to passengers anywhere on the vessel at times when persons under the age of twenty-one are not permitted on the

vessel.

h. The license fee shall be one thousand five hundred dollars for any seven consecutive monthly period in the year.

~~The number of Class A licenses shall be and the same is restricted to seventeen in number until such time as the population of the city as shown by federal, state or local official census is in excess of twenty five thousand people, in which event an additional license may be granted for each additional two thousand population over twenty five thousand as disclosed by such official census. There shall be but seven Class D licenses issued in the city until such time as the population as shown by such census shall be in excess of twenty thousand, in which event an additional license may be granted for each additional five thousand population over fifteen thousand as disclosed by such census. Such census shall be conclusive as to the determination of the population of the city for this purpose.~~

The number of Class A licenses shall be restricted to 17 in number, Class D licenses to 3 in number, and Class D-1 licenses to 7 in number until such time as the number of "living units" (as determined by the office of building inspection) increases by 500 living units in excess of the number of living units within the City of Mandan as of June 30, 2012. At least 30 days before July 1<sup>st</sup> of every year the office of building inspection shall certify to the City Auditor the number of living units within the City as of the date of certification.

This section shall not be construed to require the city to issue licenses equal to the number allowed hereunder and the board in its discretion, should it deem that a significant number of such licenses have been issued, may refuse to issue any license even though authorized under this section.

Section 12-02-05 of the Mandan Code of Ordinances is hereby repealed in its entirety.

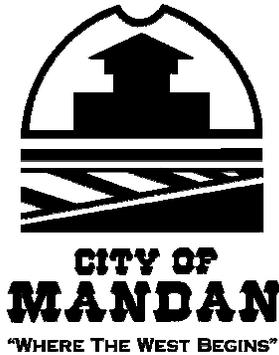
This Ordinance shall take effect as of July 1, 2012.

By: \_\_\_\_\_  
President, Board of City Commissioners

Attest:

\_\_\_\_\_  
City Administrator

First Consideration: April 3, 2012  
Second Consideration  
and Final Passage: May 1, 2012



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 1, 2012  
**PREPARATION DATE:** April 26, 2012  
**SUBMITTING DEPARTMENT:** Public Works  
**DEPARTMENT DIRECTOR:** Jeff Wright  
**PRESENTER:** Jeff Wright  
**SUBJECT:** Resolution establishing rates and charges for services from the Solid Waste Utility Fund.

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STATEMENT/PURPOSE: To consider a rate adjustment for Inert Material to cover the rising costs of maintaining the landfill. The recommended rate would go from \$12.00/ton to \$15.00/ton for commercial accounts and from \$2.00 to \$3.00 for minimum load accounts.

BACKGROUND/ALTERNATIVES: The proposed rate increase will compare to increases seen by the local landfill north of Bismarck. Since they increased their rates, we have seen an increase in material coming into the landfill in the last year making it impossible to keep up with operation costs at our current rates. The proposed increase will cover the rising cost of fuel, cost of digging new cells, and the cost to cover the inert material. The proposed increase would go into effect July 1, 2012 to allow commercial accounts to prepare and adjust as necessary.

ATTACHMENTS: Resolution establishing rates and charges for services from the Solid Waste Utility Fund.

FISCAL IMPACT: Anticipated increase in revenue is estimated at \$65,000 to \$75,000 depending on final tonnage.

STAFF IMPACT: None

LEGAL REVIEW: None

RECOMMENDATION: To approve the Resolution establishing rates and charges for services from the Solid Waste Utility Fund.

**SUGGESTED MOTION:** Move to approve the Resolution establishing rates and charges for services from the Solid Waste Utility Fund.

**RESOLUTION ESTABLISHING RATES AND CHARGES FOR SERVICES FROM THE SOLID WASTE UTILITY FUND**

BE IT RESOLVED by the Board of City Commissioners of the City of Mandan, North Dakota, pursuant to the provisions of the Mandan Municipal Code, that the following rates and charges are hereby established for services from the Solid Waste Utility Fund:

- 1) Residential area. For garbage and rubbish collection and disposal services for residential areas, there shall be a charge of \$10.05 per month, per family living unit. Residents who deliver garbage and rubbish, excluding inert materials, to the Mandan Municipal Landfill Facility will be charged \$37.00 per ton.
- 2) Non-residential area. For garbage and rubbish disposal services for non-residential establishments, there shall be a charge of \$37.00 per ton. Non-residents who deliver garbage and rubbish, excluding inert materials, to the Mandan Municipal Landfill Facility will be charged a minimum of \$7.00.
- 3) Other disposal charges:
  - a) Major appliances and furniture \$7.00
  - b) Refrigerated appliances \$20.00
  - c) Tires:

Auto	\$2.00
Truck	\$5.00
Tractor	\$10.00
  - d) Minimum charge (includes scale usage) ~~\$2.00~~ \$3.00
  - e) Minimum monthly charge for services billed on account (includes scale usage) \$5.00
  - f) Untarped and unsecured garbage \$5.00

Grass clippings and leaves are exempt from all charges.

- 4) Inert materials. For disposal of inert materials there shall be a charge of ~~\$12.00~~ \$15.00 per ton. Inert materials shall be materials so defined by the North Dakota State Department of Health including trees, lumber, demolition lumber, wooden furniture, metal, bricks, concrete, bottom ash from coal fired boilers and asphalt roofing.
- 5) No motor vehicle bodies or dangerous, flammable or hazardous material may be deposited at the Mandan Municipal Landfill Facility.

Board of City Commissioners

Agenda Documentation

Meeting Date: May 1, 2012

Subject: Resolution establishing rates and charges for services from the Solid Waste Utility Fund.

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BE IT FURTHER RESOLVED that the rates and charges for services from the Solid Waste Utility Fund shall be effective as of the first billing after January 1, 2012 for Utility services and as of ~~January 1, 2012~~ July 1, 2012 for Landfill services.

Dated this 1st day of May, 2012.

\_\_\_\_\_  
President, Board of City Commissioners

Attest:

\_\_\_\_\_  
City Administrator