



AGENDA
MANDAN CITY COMMISSION
NOVEMBER 1, 2011
ED "BOSH" FROELICH MEETING ROOM
***4:00 P.M. *(SPECIAL TIME)**
www.cityofmandan.com

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- A. ROLL CALL:
1. Roll call of all City Commissioners and Department Heads.
 2. Employee service awards.
- B. MINUTES:
1. Consider approval of the minutes from the October 18, 2011 Board of City Commission meeting.
- C. PUBLIC HEARING:
1. A Public Hearing to consider a five-year Ad Valorem Tax Exemption for ProFinish at 160 Riverwood Ave SE (see also New Business #1i)
 2. A Public Hearing to consider a five-year Ad Valorem Tax Exemption for Infinity Ventures at 4102, 4202, and 4302 Shoal Loop SE (see also New Business #1ii)
- D. BIDS:
- E. CONSENT AGENDA:
1. Consider approval of Communication Tower Usage Agreement.
 2. Consider approval of a request for Temporary Staffing (Police Department).
 3. Consider approval of the final plat of North Prairie 5th Subdivision.
 4. Consider approval for out of state travel for personnel within the Engineering Department.
 5. Consider approval of Classification Change of the IT Systems Analyst.
- F. OLD BUSINESS:
1. Consider abatement – Papke
- G. NEW BUSINESS:
1. Consider Growth Fund Committee recommendations:
 - i. Application for property tax exemption by Shane & Jackie Farland, ProFinish, 160 Riverwood Ave SE
 - ii. Application for property tax exemption by Infinity Ventures, 4102, 4202, and 4302 Shoal Loop SE
 2. Consider the creation of, approve the feasibility report for and authorize the advertisement of the Resolution of Necessity for Street Improvement District No. 161 Areas A & B Projects #2010-03 & 2011-12.

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H. RESOLUTIONS & ORDINANCES:

I. OTHER BUSINESS:

J. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. November 15, 2011
2. December 6, 2011
3. December 20, 2011

K. ADJOURN

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

TO: City Employees—Service Recognition
FROM: Diane I Leingang
DATE: September 14, 2011
SUBJ: SERVICE CERTIFICATE AND APPRECIATION GIFT FROM THE BOARD OF COMMISSIONERS

The Board would like to extend to you a personal invitation to be present at their Tuesday, November 01, 2011, 4:00 p.m. City Commission Meeting. They would like the opportunity to extend their appreciation to each of you for your years of service and dedication to the City by personally presenting you with your years of service certificate plus a gift certificate (\$1.00 for each year of service awarded in five year increments) to the new Montana Mike’s restaurant. The Best Western Seven Seas Hotel & Waterpark with Montana Mike’s graciously matches the City’s gift.

Listed below are the eligible employee names and years of service.

20 YEARS OF SERVICE: \$40

Dee Miller	Permit Technician	08/07/91
Mary Himmelspach	Meter Reader II	04/29/91
Larry Dale	Firefighter/EMT	01/09/91
Robert Smith	Firefighter/EMT	07/23/91
Scott Eckroth	Firefighter	02/27/91
Mike Hanson	Fire Captain	07/23/91
Brent Wilmeth	Police Sergeant	11/12/91
Jeff Wright	Director of Public Works	06/17/91

15 YEARS OF SERVICE: \$30

Dave Bechtel	Engineering Project Manager	03/25/96
Kim Hust	Meter Reader	06/17/96
Terry Aasand	Firefighter	01/24/96
Mary Alice Gaebe	Library Assistant – Bookmobile	11/01/96

10 YEARS OF SERVICE: \$20

Brendan Jochim	Firefighter	02/24/01
Michael Anfinson	Equipment Operator II	07/09/01

5 YEARS OF SERVICE: \$10

Ellen Huber	Business Development and Communications Director	02/01/06
Andrew Beck	Firefighter/Training Officer	06/20/06
Patrick Martin	Firefighter/EMT	12/27/06
Shane Weltikol	Firefighter/EMT	12/29/06
Britni Zander	Firefighter	06/30/06
Mary Henderson	Assistant Library Director	03/28/05
David Raugust	Police Officer	10/02/06
Heidi Schuchard	Police Youth Services Specialist	10/02/06
Joseph Schaner	Transfer Station Operator	10/16/06
James Steinman	Transfer Station Operator	05/15/06

If you have any questions or note any changes, please give me a call at 667-3271.

Cc: Jim Neubauer, City Administrator
City Commission (5)
Employees Listed and Their Department Heads

The Mandan City Commission met in regular session at 5:30 p.m. on October 18, 2011 in the Ed “Bosh” Froehlich Room at City Hall. Vice-President Tibke called the meeting to order in the absence of Mayor Helbling. Commissioners present were Tibke, Rohr, Frank, and Jackson. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Fire Chief Nardello, Business Development and Communications Director Huber, Engineering Project Manager Bechtel, and City Assessor Barta. Absent: Commissioner Helbling, Director of Public Works Wright.

MINUTES: Consider approval of the minutes for October 4, 2011, regular meeting. Commissioner Jackson moved to approve the minutes of October 4, 2011. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

PUBLIC HEARING:

BIDS:

1. Consider award of bids for Water & Sewer Improvement District No. 59, Project 2011-10 (5th Street NE). Engineering Project Manager Bechtel reviewed with the Board the only bid received for this project from Kvamsdal Construction, in the amount of \$503,574.00. The bid was close to double the estimated amount for the project. Bechtel recommended rejecting this bid and recommended rebidding the project in the spring.

Commissioner Frank stated that it would be logical to suspend awarding the bid - considering the amount of the bid compared to the engineer’s estimate. Are there any public concerns with delaying the project? Bechtel replied “No” indicating there are some houses in that area that could use the services but he did not think they were occupied at this time so there would be no harm in allowing this to be rebid at a later date.

Commissioner Rohr motioned to reject the (only) bid received for Water & Sewer Improvement District No. 59, Project 2011-10 (5th Street NE) and to rebid the project in the spring at the discretion of the engineering department. Commissioner Jackson seconded the motion. The motion received unanimous approval of the members present. The motion passed.

CONSENT AGENDA:

1. Consider approval of monthly bills. The Board approved of the monthly bills.
2. Consider for approval the assessment of delinquent accounts for 2011. The Board approved of the assessment of delinquent accounts for 2011.
3. Consider for approval the special assessments for Sidewalks of 2011 and, Health and Safety of 2011. The Board approved of the special assessments for Sidewalks of 2011, and Health and Safety of 2011.
4. Consider change order for Residual Management Facility. The Board approved of the change order for Residual Management Facility.

5. *Consider site authorization for Ducks Unlimited at Seven Seas Waterpark for October 27, 2011 and also waive \$100 fee.* The Board approved of the site authorization for Ducks Unlimited at Seven Seas Waterpark for October 27, 2011 and also waive \$100 fee.

Commissioner Jackson moved to approve the Consent Agenda as presented.

Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes;

Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Tibke: Yes.

Commissioner Helbling: Absent. The motion passed.

OLD BUSINESS:

1. *Consider award of bids for Flood Improvement District #1, Project 2011-06 bid package #6 (Riverbend Dike Removal).* City Administrator Neubauer stated that a meeting was held with the Riverbend residents today regarding this matter. He also indicated that there is not a 100% assurance that FEMA will reimburse the cost for the removal of the levee. He said there could be a potential assessment of \$20,000 – 30,000 special assessment to the property owners if there is no reimbursement from FEMA. It was the consensus of the residents that they would remove their own levees. Neubauer stated that since this is a known quantity and a known outcome - they can probably complete the work themselves. Rollie Messmer from the Riverbend area was present to answer questions on behalf of the residents. Neubauer recommended rejecting any and all bids that were received for this project.

Commissioner Jackson moved to reject the bids received for Flood Improvement District #1, Project 2011-06 bid package #6 (Riverbend Dike Removal). Commissioner Rohr seconded the motion.

Commissioner Frank asked Neubauer if there would be any concerns if the dikes were not taken down in a timely manner. Neubauer replied that the levee that was put in place was put on private properties so it would be up to the property owner to determine the best way to remove it. He stated that there has been a contract put in place to remove the sandbags on the west side of the street in that area and the two plugs that were placed across the street at the right of way and those projects are nearly completed.

The motion received unanimous approval of the members present. The motion passed.

2. *Consider bids for Waste Water Treatment Plant improvements.* Russ Sorenson from AE2S reviewed with the Board his previous discussion two weeks ago regarding this matter and what discussions have occurred since that time. He stated that PKG Contracting provided two contracts, one for the process improvements and one was for the underground improvements. He explained that if the City would allow a three month time frame to get the equipment there, they would deduct \$38,246 from their bid. He reviewed the valve replacement options outlined by PKG and stated that in discussions with the plant and Steve Himmelspach, Superintendent WWTP, City staff and Financing Department, the wishes are to go with Option No. 1 - to leave all valves in the ground.

The deduction of \$38,246 would allow for a time extension. Himmelspach was available to explain the budgetary costs to accomplish this recommendation.

Commissioner Frank motioned to keep the best interest of the Water Plant in mind and operations up to par by moving to award the combined contract for Phase I Interim Improvements Project to PKG Contracting, Inc. (Option No.1) for a total of \$354,854. Commissioner Jackson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Tibke: Yes. Commissioner Helbling: Absent. The motion passed.

NEW BUSINESS:

1. Consider the request for No Parking Signs on Riverwood Avenue SE.

Engineering Project Manager Bechtel reviewed with the Board letters of concern received from property owners along Riverwood Avenue Southeast regarding semis and trailers being parked in that area that block drivers' views causing driving hazards as well as damage to the road itself. Bechtel stated that he has worked with both the Police and Public Works departments to come up with possible solutions: To change the "No Parking" signage on the west side of the street to "No Overnight Parking" and to post on the east side of the street "No Parking" signage. This would allow for the owners of the adjacent lots to utilize the west side for day business parking and keep permanent parking from occurring on the east side of which much of the street now has none due to the amount of driveways intersecting the streets. Bechtel stated that business owners and property owners are available to answer any questions regarding this matter.

Duane Jangula came forward to comment on the Riverwood Avenue Southeast parking matter. He stated he is one of the owners along Riverwood Avenue. He also mentioned that he coordinated the letters that have been submitted and signed by property owners on this matter. He mentioned that he has observed the situation over the last few months stating that some of the trucks/trailers are parked there for several days. He indicated that with the implementation of the "ticketing of the vehicles" may have some impact on the situation because there is only one vehicle parked there now, in comparison to several of them as has been in the past. Jangula stated there are four property owners in the condo-suites area and there is one property owner at Riverwood RV, so there is a total of five property owners located there. He noted there is another suite of condos to the south of this area. He said that it would be his opinion that the majority of the property owners in that area would support additional signage as previously outlined by Bechtel.

Commissioner Rohr commented that he agrees that "No Parking" signage is more effective than an "ordinance stating 48 hours"; indicating that signs generally eliminate the problems more effectively. Commissioner Jackson stated that he has concern with damage to the road itself. The road is only a few years old and it appears there has been a fair amount of damage done to the road already. He noted he would agree with the installation of the signage as proposed. Bechtel mentioned there are no weight restrictions on the street because it is an industrial area and property owners are allowed to park there under the 48 hour limit; however, long-term parking has become a concern.

Commissioner Jackson moved to approve the signage changes for “Parking” on Riverwood Avenue Southeast as proposed by the Engineering Department. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

2. *Consider the addition of projects to the NDDOT Urban Roads Project List.* Engineering Project Manager Bechtel presented a request for approval of the addition and/or input of projects to be submitted to the federal aid list under the Urban Roads Program. The planning phase for this list of projects projected out through 2014 has been submitted to the NDDOT but they are asking for a submittal list for 2015. Bechtel stated that the City of Mandan receives about \$1M per year through federal funding based on population for Mandan that goes into a fund for this purpose. For 2012 the City funded Sunset Drive and that has been moved to 2013. Bechtel indicated that he would recommend for planning purposes, the additional projects as follows:

- 2015 Old Red Trail Highland Road to Crown Point Road Traffic Signal – Concrete Pavement Repair (CPR) – 10th Avenue SW
- 2016 Traffic Signal – Concrete Pavement Repair (CPR) – 6th Avenue SE
- 2017 Downtown Core Area – from 6th Avenue NW to Collins Avenue Main Street to 2nd Street NW Traffic Signal – Concrete Pavement Repair (CPR) – Mandan Avenue

Bechtel stated the DOT will “program out” the money that far. He explained that having a placeholder with some money in there is advisable. He also indicated that the City will only incur 20% of the estimated cost of the projects outlined.

Commissioner Jackson moved to approve the recommended projects of the 2015 NDDOT Urban Roads Project List. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

3. *Consider abatement – Wayne Papke.* City Assessor Barta reviewed with the Board a request from Wayne Papke, a Mandan resident for an abatement to his property. That the 2011 true and full value of his residence be lowered from \$277,600 to \$239,850 due to flood damage. Papke states that the damage to his home ranges from \$34,000 to \$42,500. Papke is requesting the midpoint correction of \$37,750. Barta stated that he recommends denying the request by Papke based on his reconsideration and reduction of costs.

Wayne Papke came forward to comment on his property abatement request. He stated that the potential reconstruction expenses are at \$86,500 noting that the bottom line is that the true damages reduced the value of his home ended up being, based on an SBA appraisal, \$24,941 bringing his new request down to a revised amount of \$252,659. This is documented with the SBA and this is the (revised) amount Papke is requesting.

Commissioner Jackson asked Papke if he was aware that he has two years to ask for an abatement. Papke replied “Yes”. Commissioner Jackson inquired whether Papke is

aware that his value may diminish even greater than it has already and if he would rather be given an abatement at this time rather than later, if the value goes down even further. Papke replied “Yes” and should there be further reduction determined in the future, he would request an amended abatement.

Assessor Barta provided photos of Papke’s property and Barta stated that his concern is that Papke does not have a finished basement indicating that the photos depict insulation and studs. Based on that, it is unclear to Barta why the appraisal came to \$24,941. Vice-President Tibke asked Barta to explain how he typically reviews these cases and to explain how he arrives at the decisions he has provided. Barta stated that in the past when the state has allowed the city to adjust the values through October 1st – is that if you had basement finished, the assessor would go in there and determine the percentage of damage done to the house – the basement area and only the basement area. If there wasn’t a permit to finish the basement and the city showed no basement finished, there was no reduction given even if the basement was finished because they had no value for a finished basement. Barta stated that the \$24,000 request is out of line in comparison to what the City has done for any other property owners. Barta stated that he is concerned that if this is granted, there may be many other properties that will also need to be considered. There have been about 44 requests filed and some have had very minimal damage. Barta stated that if this request would be granted to Papke, he would be getting more than any other home owner would get.

Commissioner Jackson questioned Barta as to whether home sales in that area have been affected by the flood event? Barta indicated that there is a list; however, the list is confidential because there are sales prices listed. Barta stated that according to the sales report he had available, five homes sold for less than what the City had them assessed at, the remainder sold for more than we had them assessed at. Barta said percentages were 25% or 26% higher than the City had recorded.

Commissioner Frank inquired whether based on Papke’s request and the properties located in his neighborhood, do our records indicate he has a finished basement that he is being taxed on? Barta replied “For 100 square feet”. The \$24,000 is high for the 100 square feet that was damaged. In determining present value of any of the homes, including Papke’s, the values for 2012 will not be determined until after the first of the year. Papke commented that he is assessed on the drain tile and he is assessed on the stairwell. He stated that those two items alone that are included in the valuation are \$20,000 of the \$24,000. The stairwell from the basement to the garage is approximately \$5,000. Those are true valuations that affect the value of the house.

Commissioner Jackson clarified on behalf of Commissioner Frank and inquired of Papke what the value is of his house? The goal of the abatement is to put your house at what it’s worth. Papke stated that one year ago (as noted in the Minutes) he came in and stated that his house was under value at that time. He stated it is now probably over value with the \$277,000. He has contacted appraisers to obtain a current appraisal on his home and he has been told “to give it 2 years”. As a result, Papke is going off of the city-wide assessment reappraisal that put his house at \$277,000. Papke stated that he has spoken

with a realtor about the market price of his home and he has been told that the \$277,000 is in the ballpark. Papke advised the City to be consistent throughout the valuation process of assessing property values to homes. Barta stated that the City has not done the reassessments yet so his market value could be more or less for 2012 - the year that the official reassessment values will be done.

Commissioner Frank suggested that in the best interest of the City and Mr. Papke, that additional time be allocated to review this matter further. She stated that it is fair to say that all parties are in agreement that his home did suffer damages from the flood whether interior or exterior. She suggested this matter be tabled to look into Papke's request to consider the value of his home as it is right now. Barta stated that if he were to do a new market he would take what was on record in 2011 and see what the figures come up as. Commissioner Frank indicated that would be her recommendation in order to move this matter forward. Commissioner Jackson suggested Papke obtain a statement from a realtor that would indicate what his house would list at. Commissioner Frank commented that with regard to Papke's statement of "being consistent" in this process it is one of importance and that one way of assuring consistency would be to have the same person perform the valuations using the same formula for all evaluations as outlined throughout the process. Barta stated that in conversations he has had with Fargo and Grand Forks officials; they have told him that there has been little change in property valuations as a result of flooded properties.

Commissioner Jackson motioned to table the abatement request by Wayne Papke until the next City Commission meeting on November 1, 2011. Commissioner Frank seconded the motion.

Commissioner Rohr asked Barta if the City Assessor's office has reduced any valuations this year. Barta replied "No". Commissioner Rohr asked Mr. Papke how much water he had in his basement. Papke replied "4 inches over a 2½ month period".

The motion received unanimous approval of the members present. The motion passed.

RESOLUTIONS & ORDINANCES:

OTHER BUSINESS:

1. *Consider approval of the Request for Proposals for the redevelopment of the former junior high school property.* Commissioner Jackson moved to approve the Request for Proposals for the redevelopment of the former junior high school property. Commissioner Rohr seconded the motion. Commissioner Jackson stated that this is the same matter that came before this commission previously. The Agenda documentation is thorough on this issue and what the RFP is. It is a good idea to look at different proposals for this property. The motion received unanimous approval of the members present. The motion passed.

2. *Acknowledgement - Riverbend Avenue Residents:* City Administrator Neubauer extended a thank-you to the residents of the Riverbend area along with the various firms

involved, and with the City Staff for their cooperation in the resolution of the levee issue in the Riverbend area.

Wayne Papke noted for the record that he and Richard Barta, City Assessor, do like one another.

Commissioner Frank reminded Board members and area residents to partake in the many events coming up over the next few months.

There being no further actions to come before the Board, Commissioner Jackson moved to adjourn the meeting at 6:45 p.m. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present.

James Neubauer,
City Administrator

Sandra Tibke,
Vice-President, Board of City
Commissioners



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 1, 2011
PREPARATION DATE: October 25, 2011
SUBMITTING DEPARTMENT: Assessing Dept
DEPARTMENT DIRECTOR: Richard L Barta
PRESENTER: Richard L Barta
SUBJECT: Property Tax Incentives for New or Expanding
Businesses for Shane & Jackie Farland
D/B/A Pro Finish

STATEMENT/PURPOSE: To consider a five year tax exemption for Shane and Jackie Farland, D/B/A Pro Finish pursuant to North Dakota Century Code 40-57.1.

BACKGROUND/ALTERNATIVES: Pro Finish is asking for an exemption on the construction of a new office and retail building. The Notice to Competitors was published in the October 7th and October 14th editions of the Mandan News and no competitors have submitted a written protest.

The Mandan Growth Fund Committee reviewed this project on October 25th and the project was approved by a unanimous vote for a 100% exemption for five years with the condition they meet the employee schedule. Otherwise, the percentage of exemption would decrease after two years.

Also, the County, the School District and the Park District were given notification of this exemption on October 5th and again on October 25th.

This parcel is also known as Parcel #10109 at 4400 21 St SE on Lot 5, Block 1, Lakewood Commercial Park 3rd Addition.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$9,020 per year.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval of the requested exemption for Pro Finish due to meeting all requirements under the City of Mandan's Commercial Property Tax Exemption Policy and Guidelines, under State Statute and also upon approval from the Mandan Growth Fund Committee.

SUGGESTED MOTION: I recommend a motion to approve the request by Shane and Jackie Farland, D/B/A Pro Finish, to receive a five year tax exemption for a newly constructed commercial building due to meeting all criteria under the City of Mandan's Commercial Property Tax Exemption Policy and Guidelines, under State Statute and also upon approval from the Mandan Growth Fund Committee.

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

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

Project Operator's Application To Mandan
City or County

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

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

This application is a public record

Identification Of Project Operator

1. Name of project operator Shaw and Jackie Farland

2. Address of project 160 Rivewood Ave SE
 City Mandan County Morton

3. Mailing address of project operator 3611 Foxhaven Loop
 City Bismarck State ND Zip 58503

4. Type of ownership of project
 Partnership Subchapter S corporation Individual proprietorship
 Corporation Cooperative Limited liability company

5. Federal Identification No. or Social Security No. 47-0933223

6. North Dakota Sales and Use Tax Permit No. - NIA

7. If a corporation, specify the state and date of incorporation NIA

8. Name and title of individual to contact Jackie Farland
 Mailing address 3611 Foxhaven Loop
 City, State, Zip Bismarck ND 58503 Phone No. 701-471-6350

Project Operator's Application For Tax Incentives

9. Indicate the tax incentives applied for and terms. Be specific.

Property Tax Exemption **Payments In Lieu of Taxes**
5 Number of years Beginning year Ending year
100 Percent of exemption Amount of annual payments (attach schedule if payments will vary)

10. Which of the following would better describe the project for which this application is being made:
 New business project Expansion of a existing business project
new building

Description of Project Property

11. Legal description of project real property
lot Number Riverwood Commercial Park of SE 1/4 Section 26
Township 139 North Range 81 West (Auditor's Lot "C" of
lot 3, Block 2) - See attached sheet.

12. Will the project property be owned or leased by the project operator? Owned Leased
 If the answer to 12 is leased, will the benefit of any incentive granted accrue to the project operator?
 Yes No
 If the property will be leased, attach a copy of the lease or other agreement establishing the project operator's benefits.

13. Will the project be located in a new structure or an existing facility? New construction Existing facility
 If existing facility, when was it constructed? _____
 If new construction, complete the following:
 a. Estimated date of commencement of construction of the project covered by this application Oct. 25, 2012
 b. Description of project to be constructed including size, type and quality of construction
A pre-engineered 60x100' building with office/retail
space with high-end shop area. Exterior of maintenance
free metal with brick wainscote.
 c. Projected number of construction employees during the project construction, concrete 6, general contractor
electrical 3, heating/law 3, plumbing 2, (6)

14. Approximate date of commencement of operations for this project March 1, 2012

<p>15. Estimated market value of the property used for this project:</p> <p>a. Land \$ <u>100,000</u></p> <p>b. Existing buildings and structures for which an exemption is claimed \$ <u>0</u></p> <p>c. Newly constructed buildings and structures when completed \$ <u>450,000</u></p> <p>d. Total \$ <u>550,000</u></p> <p>e. Machinery and equipment \$ <u>30,000</u></p>	<p>16. Estimate taxable valuation of the property eligible for exemption by multiplying the market values by 5 percent:</p> <p>a. Land (not eligible) <u>[REDACTED]</u></p> <p>b. Eligible existing buildings and structures \$ <u>0</u></p> <p>c. Newly constructed buildings and structures when completed \$ <u>22,500</u></p> <p>d. Total taxable valuation of property eligible for exemption (Add lines b and c) \$ <u>22,500</u></p> <p>e. Enter the consolidated mill rate for the appropriate taxing district <u>4009</u></p> <p>f. Annual amount of the tax exemption (Line d multiplied by line e) \$ <u>9,020.-</u></p>
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Description of Project Business

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

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

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

Pro Finish does paint touch up, buffing, sealant, paintless dent repair, windshield repair, interior repair, paint repair and bumper repair to vehicles.

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

Paint booth, lift (hoist),

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

Year	2012	2013	2014	2015	2016
Annual revenue	258,514	284,365	298,583	313,512	319,782
Annual expense	244,128	262,929	273,446	287,118	298,682
Net income	14,385	21,437	25,137	26,394	21,100

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

Year	2012	2013	2014	2015	2016
No. of Employees (1)	3	4	5	6	6
(2)	1	1	2	2	2
Estimated payroll (1)	71,760	99,840	135,200	174,720	174,720
(2)	10,400	10,400	20,800	20,800	20,800

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

Previous Business Activity

22. Is the project operator succeeding someone else in this or a similar business? Yes No
23. Has the project operator conducted this business at this or any other location either in or outside of the state?
 Yes No
24. Has the project operator or any officers of the project received any prior property tax incentives? Yes No

If the answer to 22, 23, or 24 is yes, give details including locations, dates, and name of former business (attach additional sheets if necessary).

Pro Finish has been operating since 2004.

Business Competition

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

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

Property Tax Liability Disclosure Statement

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

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

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

Use Only When Reapplying

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

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

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

moved to a new location

had a change in project operation or additional capital investment of more than twenty percent

had a change in project operators

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

Notice to Competitors of Hearing

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

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

Jackie Farland Signature Title owner Date 9/22/2011

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

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

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

- | | |
|--|---|
| <input type="checkbox"/> Property Tax Exemption | <input type="checkbox"/> Payments in lieu of taxes |
| _____ Number of years | _____ Beginning year _____ Ending year |
| _____ Percent of exemption | _____ Amount of annual payments (Attach schedule if payments will vary) |

Auditor



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 1, 2011
PREPARATION DATE: October 25, 2011
SUBMITTING DEPARTMENT: Assessing Dept
DEPARTMENT DIRECTOR: Richard L Barta
PRESENTER: Richard L Barta
SUBJECT: Property Tax Incentives for New or Expanding
Businesses for Stacey Zander
D/B/A Infinity Ventures

STATEMENT/PURPOSE: To consider a two year tax exemption for Stacey Zander, D/B/A Infinity Ventures, pursuant to North Dakota Century Code 40-57.1.

BACKGROUND/ALTERNATIVES: Infinity Ventures is asking for an exemption on three (3) thirty-six (36) unit apartment buildings. The Notice to Competitors was published in the October 7th and October 14th editions of the Mandan News and no competitors have submitted a written protest.

The Mandan Growth Fund Committee reviewed this project on October 25th and the project was approved by a unanimous vote for a 100% exemption for two years.

Also, the County, the School District and the Park District were given notification of this exemption on October 5th and again on October 25th.

This parcel is also known as Parcel #10109 at 4400 21 St SE on Lot 5, Block 1, Lakewood Commercial Park 3rd Addition.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$166,826 per year.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval of the requested exemption for Infinity Ventures due to meeting all requirements under the City of Mandan's Commercial Property Tax

Board of City Commissioners

Agenda Documentation

Meeting Date: November 1, 2011

Subject: 5-Year Ad Valorem Tax Exemption for Infinity Ventures

Page 2 of 6

Exemption Policy and Guidelines, under State Statute and also upon approval from the Mandan Growth Fund Committee.

SUGGESTED MOTION: I recommend a motion to approve the request by Stacey Zander, D/B/A Infinity Ventures, to receive a two year 100% tax exemption due to meeting all criteria under the City of Mandan's Commercial Property Tax Exemption Policy and Guidelines, under State Statute and also upon approval from the Mandan Growth Fund Committee.

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

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

Project Operator's Application To Mandan
City or County

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

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

This application is a public record

Identification Of Project Operator

1.	Name of project operator	<u>Infinity Ventures</u>
2.	Address of project	<u>4102, 4202, & 4302 SHOAL LOOP SE</u>
	City	<u>Mandan</u>
	County	<u>Morton</u>
3.	Mailing address of project operator	<u>62 Captain Leach Dr.</u>
	City	<u>Mandan</u>
	State	<u>ND</u>
	Zip	<u>58554</u>
4.	Type of ownership of project	
	<input type="checkbox"/> Partnership	<input checked="" type="checkbox"/> Subchapter S corporation
	<input type="checkbox"/> Corporation	<input type="checkbox"/> Cooperative
		<input type="checkbox"/> Individual proprietorship
		<input type="checkbox"/> Limited liability company
5.	Federal Identification No. or Social Security No.	<u>45-0459940</u>
6.	North Dakota Sales and Use Tax Permit No.	<u>N/A</u>
7.	If a corporation, specify the state and date of incorporation	<u>ND 2/23/01</u>
8.	Name and title of individual to contact	<u>Stacey Zander V.P.</u>
	Mailing address	<u>62 Captain Leach Dr.</u>
	City, State, Zip	<u>Mandan, ND 58554</u>
	Phone No.	<u>701.400.4141</u>

Project Operator's Application For Tax Incentives

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

Description of Project Property

11. Legal description of project real property 1) LOT-010 BLK-002 LAKEWOOD COMMERCIAL PARK 3RD (10124) 2) LOT-008 BLK-002 LAKEWOOD COMMERCIAL PARK 3RD (10122) 3) LOT-009 BLK-002 LAKEWOOD COMMERCIAL PARK 3RD (1023)	
12. Will the project property be owned or leased by the project operator? <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Leased If the answer to 12 is leased, will the benefit of any incentive granted accrue to the project operator? <input type="checkbox"/> Yes <input type="checkbox"/> No If the property will be leased, attach a copy of the lease or other agreement establishing the project operator's benefits.	
13. Will the project be located in a new structure or an existing facility? <input checked="" type="checkbox"/> New construction <input type="checkbox"/> Existing facility If existing facility, when was it constructed? _____ If new construction, complete the following: a. Estimated date of commencement of construction of the project covered by this application <u>Nov 1 2011</u> b. Description of project to be constructed including size, type and quality of construction Three Buildings on 4.51 Acres. Each Building would be a 36 Apt. Building with UNATTACHED Garages c. Projected number of construction employees during the project construction <u>50-60</u>	
14. Approximate date of commencement of operations for this project <u>Nov 1 2011</u>	
15. Estimated market value of the property used for this project: a. Land \$ <u>490,000</u> b. Existing buildings and structures for which an exemption is claimed \$ _____ c. Newly constructed buildings and structures when completed \$ <u>8,150,000</u> d. Total \$ <u>8,640,000</u> e. Machinery and equipment \$ _____	16. Estimate taxable valuation of the property eligible for exemption by multiplying the market values by 5 percent: a. Land (not eligible)  b. Eligible existing buildings and structures \$ _____ c. Newly constructed buildings and structures when completed \$ <u>8,150,000</u> - Full 407,500 d. Total taxable valuation of property eligible for exemption (Add lines b and c) \$ <u>407,500</u> e. Enter the consolidated mill rate for the appropriate taxing district <u>.40939</u> f. Annual amount of the tax exemption (Line d multiplied by line e) \$ <u>166,826</u>

Description of Project Business

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

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

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

108 UNITS APT. BUILDING
 3- 36 UNITS

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

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

Year	2012	2013	2014	2015	2016
Annual revenue	324,000	648,000	902,000	902,000	912,000
Annual expense	300,000	612,000	854,000	854,000	862,000
Net income	24,000	36,000	48,000	48,000	50,000

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

Year	2012	2013	2014	2015	2016
No. of Employees (1)	1	2	2	3	4
(2)					
Estimated payroll (1)	24,000	36,000	48,000	48,000	50,000
(2)					

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

Previous Business Activity

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

Business Competition

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

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

Apt. Rental

Property Tax Liability Disclosure Statement

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

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

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

Use Only When Reapplying

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

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

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

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

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

Notice to Competitors of Hearing

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

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

Stacey Zander Signature J. P. Title 9/27/2011 Date

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

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

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

Property Tax Exemption Payments in lieu of taxes

_____ Number of years _____ Beginning year _____ Ending year

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

_____ Auditor



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 4, 2011
PREPARATION DATE: October 20, 2011
SUBMITTING DEPARTMENT: Police
DEPARTMENT DIRECTOR: Chief Dennis A. Bullinger
PRESENTER: Chief Dennis A. Bullinger
SUBJECT: Communication Tower Usage Agreement

STATEMENT/PURPOSE: Approve the proposed Communications Tower Usage Agreement, between the City of Mandan and the Bismarck/Burleigh Combined Communications Center User Board.

BACKGROUND/ALTERNATIVES: With completion of the Interoperability Communications Project for the Burleigh, Morton, Bismarck, Mandan MSA, radio equipment for Burleigh and Bismarck Public Safety agencies, has been placed at and on the Plainview Tower site and storage shelter in Mandan.

The City of Mandan will incur maintenance cost, utilities and insurance premiums for its tower and storage shelter. It is recommended that an annual fee of \$2,000.00 be charged of the Bismarck/Burleigh Combined Communications User Board for tower space housing public safety radio equipment and storage of equipment in the equipment shelter at the Plainview Tower site in southeast Mandan.

The City of Mandan, Police and Fire currently rent tower space on a privately owned tower with an annual fee of \$1,960.00. Therefore the fee proposed to the Bismarck/Burleigh User Board is equitable.

ATTACHMENTS: Copy of the Communications Tower Usage Agreement.

FISCAL IMPACT: Annual revenue of \$2,000.00.

STAFF IMPACT: N/A

LEGAL REVIEW: Yes, City Attorney

RECOMMENDATION: Move to approve.

SUGGESTED MOTION: Move to approve the Tower Usage Agreement, between the City of Mandan and the Bismarck/Burleigh Combined Communications Center User Board.

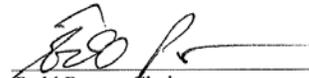
Communications Tower Usage Agreement

This Agreement is made this 11th day of October, 2011, by and between the City of Mandan and the Bismarck/Burleigh Combined Communications Center User Board (hereinafter "User Board").

- 1.) The City of Mandan agrees to lease to the User Board certain antenna space on the Plainview Tower in southeast Mandan on a nonexclusive basis. The City of Mandan is the owner of the Plainview Tower. The tower space is leased to the User Board for the limited purpose of installing, maintaining, and operating certain public safety radio equipment and for no other purpose, unless agreed to in writing by both parties. The User Board agrees to pay the City of Mandan an annual fee of \$2,000.00 for tower space sufficient to house the public safety radio equipment and storage space in the equipment shelter at the Plainview Tower site in southeast Mandan.
- 2.) The term of this agreement is for one year and will automatically renew for successive one year terms unless terminated by either party. Either party may terminate this agreement at any time during the term of the agreement upon thirty (30) days written notice to the other party. The annual fee will be pro-rated to the date of termination. Changes in the terms of the Agreement may be proposed by either party in writing to the other party at least sixty (60) days prior to the anniversary date of the Agreement. If the parties are unable to reach an agreement on the proposed change(s), the Agreement shall continue as written or either party shall have the right to terminate the Agreement pursuant to this paragraph.
- 3.) The User Board shall pay for all costs associated with the installation of any utilities necessary for its own use not already present at the tower site.
- 4.) The User Board shall be responsible for all costs of acquisition, installation, maintenance and repair of the public safety radio equipment. The City of Mandan will accommodate reasonable requests for access by the User Board for installation, maintenance or repair of the public safety radio equipment.
- 5.) The User Board will be responsible for insuring equipment belonging to the User Board Parties which is used and stored at the Plainview Tower site.
- 6.) Upon termination of this agreement, the User Board will be responsible for the removal of any User Board Party equipment off the tower and from the equipment shelter.

- 7.) The Parties agree that they will each be responsible for their own negligent acts and will each maintain appropriate liability insurance coverage during the term of this Agreement.

Dated this 11th day of October, 2011.



Todd Porter, Chairman
Bismarck/Burleigh Combined Communications User Board

Dated this ____ Day of _____, 2011.

Tim Helbling, President, Mandan
City Commission

Attest: _____
Jim Neubauer, Mandan City
Administrator



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 1, 2011
PREPARATION DATE: October 20, 2011
SUBMITTING DEPARTMENT: Police
DEPARTMENT DIRECTOR: Chief Dennis A. Bullinger
PRESENTER: Chief Dennis A. Bullinger
SUBJECT: Request for Temporary Staffing (Police Department)

STATEMENT/PURPOSE: Requesting approval to fill a police officer position with temporary staff.

BACKGROUND/ALTERNATIVES: Officer Jonathen Lahr, a police officer with the City of Mandan, received notification of Deployment /Activation Mission to Afghanistan October 01, 2011 to September 30, 2012.

It is important to functional operations for the department to maintain staffing as closely to the number of budget position within the department's budget. Turn-over, injuries, staffing shortages create added stresses onto current staff.

This temporary position will be paid from the existing budget and the individual hired will be released (if not hired for a regular position) when the regular staff returns from active duty.

ATTACHMENTS: None

FISCAL IMPACT: Position will be paid from existing budget.

STAFF IMPACT: Temporary staff addition.

LEGAL REVIEW: N/A

RECOMMENDATION: Approve the hiring of a temporary staff.

SUGGESTED MOTION: Move to approve the Police Departments request to hire the temporary staff.



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 1, 2011
PREPARATION DATE: October 27, 2011
SUBMITTING DEPARTMENT: Engineering/Planning
DEPARTMENT DIRECTOR:
PRESENTER: Dave Bechtel
SUBJECT: Consider for approval the final plat of North Prairie 5th Subdivision

STATEMENT/PURPOSE: To accept the subject final plat.

BACKGROUND/ALTERNATIVES: Request from Darrel Jacobson, Blaine & Carla Engelstad. Final plat was approved by the Planning and Zoning Commission October 24, 2011.

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

FISCAL IMPACT: Minimal

STAFF IMPACT: Minimal

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

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

SUGGESTED MOTION: I move to approve the final plat of North Prairie 5th Subdivision.

MANDAN PLANNING OFFICE REPORT
October 24, 2011

Applicant: Darrel Jacobson, Blaine & Carla Engelstad

Owner: same

Requested Action: Final Plat Approval

Name of Subdivision: North Prairie 5th

Legal Description: A replat of Patience Subdivision and Auditor's Lot A of the NE ¼ of Section 8, Township 139N, Range 81W. This plat incorporates Patience Subdivision with Auditor's Lot A that runs along the east side of the properties and adjacent roadway for Highland Road. This will allow for an access easement for Lot 2.

Location: Highland Road north

Parcel Acreage: 9.41

Number of Blocks: 1 Number of Lots: 2

Preliminary Plat Approval: September 26, 2011

Existing Land Use: Residential

Proposed Land Use: same

Adjacent Land Use: Residential

Existing Zoning: R7 (Single-Family Residential)

Proposed Zoning: same

Adjacent Zoning: R7 (Single-Family Residential)

Fee Required: \$150.00 Date Received: 9-7-2011

Adjacent Property Owner Notification: October 12, 2011

Dates of Legal Notices: October 14th & 21st, 2011

Recommendation: Planning office recommends approval.



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 1, 2011
PREPARATION DATE: October 27, 2011
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR:
PRESENTER: Dave Bechtel
SUBJECT: Consider approval for out of state travel for personnel within the Engineering Department.

STATEMENT/PURPOSE: Consider allowing out of state travel

BACKGROUND/ALTERNATIVES: A software training class is being held in Chandler, AZ on December 12-16. We are purchasing this software called PAVER as we will be the recipient of information that will be used with the software. The Bismarck–Mandan MPO has been accepted to use federal money to obtain street condition data through a grant. Both Bismarck and Mandan will have digital data taken for all streets in the Cities. The data is put into the software and the software analyzes the data and can be used to budget for projects based on street conditions and where the least amount of money can get you the best result, based on those condition assessments the software analyzes. The class will deal with the use of the software and its benefits and use in budgeting and project generation. This data will be updated on a bi-yearly basis for our use. Flight, hotel, and registration for the class will be approximately \$3400.

ATTACHMENTS: None

FISCAL IMPACT: The Engineering Department has adequate funding within the current budget to fund the classes and travel

STAFF IMPACT: I would be out from the office from December 12- 16.

LEGAL REVIEW: N/A

RECOMMENDATION: Allow for out of state travel

SUGGESTED MOTION: I move to allow for the out of state travel.



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 1, 2011
PREPARATION DATE: October 27, 2011
SUBMITTING DEPARTMENT: Police
DEPARTMENT DIRECTOR: Chief Dennis A. Bullinger
PRESENTER: Chief Dennis A. Bullinger
SUBJECT: Classification Change of The Information Technology Systems Analyst

STATEMENT/PURPOSE: Asking for commission approval to re-classify the Information Technology Systems Analyst, grade (18) to Police Lieutenant/Information Technology Systems Analyst, grade (20).

BACKGROUND/ALTERNATIVES: October 2010, Officer Robert Gordon, IT Systems Analyst, resigned from his position with the city of Mandan. Officer Gordon for several years performed the job task of maintaining computer needs and operations within the police department as well for other city departments. Recognizing the significance of the systems security, operational and licensing requirements, Lieutenant Chris Miller was placed into the vacated IT position. This was to be temporarily.

Today Lieutenant Miller continues to perform the IT task while attempting to fulfill policing task supervising a uniform patrol squad, becoming more difficult to manage. It is therefore the request of the Chief of Police, to have Lieutenant Miller remain in the IT position as a Police Lieutenant/Information Technology Analyst, grade (20) filling the vacated IT position.

ATTACHMENTS: Copy of Job Description, Police Lieutenant/Information Technology Systems Analyst.

LEGAL REVIEW: City Administrator, Human Resources.

FISCAL IMPACT: \$13,126.00

Board of City Commissioners

Agenda Documentation

Meeting Date: November 1, 2011

Subject: Classification Change of The Information Technology Systems Analyst

Page 2 of 5

STAFF IMPACT: We would then promote from within the department someone to perform the duties of a Patrol Lieutenant, Police Sergeant, and hire a new officer. All positions are currently budgeted for.

RECOMMENDATION: Approve the request to reclassify the Information Technology Systems Analyst.

SUGGESTED MOTION: Move to approve the classification change of the Information Technology Systems Analyst, grade (18) to grade (20).

City of Mandan

JOB TITLE: Police Lieutenant / Information Technology Systems Analyst

PD LT/IT/4

DEPARTMENT: Police

JOB SUMMARY: Coordinate and direct City IT operations. Secondary, as directed assist with assigned officers.

MAJOR DUTIES:

- o Participates in and promotes programs and activities which encourage good public relations and public education.
- o Determines training requirements and ensures requirements are met; conducts in-service training.
- o Administers file server; applies updates; repairs problems; checks security settings; sets up new users.
- o Administers the Exchange Server; applies updates; repairs problems; add and removes users.
- o Maintains network functionality.
- o Troubleshoots computer related problems.
- o Implements system security measures.
- o Maintains regular system backups.
- o Installs software applications.
- o Purchases, installs, and maintains in-car personal computers.
- o Researches and implements new technology.
- o Purchases new hardware as needed.
- o Maintains inventory of computer hardware and software.
- o Develops and administers the IT budget.
- o Responds to after hour emergencies.

Board of City Commissioners

Agenda Documentation

Meeting Date: November 1, 2011

Subject: Classification Change of The Information Technology Systems Analyst

Page 4 of 5

- o Follow City and Departmental policies and rules.
- o Practice safe working conditions.
- o Reports unsafe working conditions.
- o Required to work other than usual working hours in excess of the standard workweek and specified work period.
- o Performs other related duties as assigned.

KNOWLEDGE REQUIRED BY THE POSITION:

- o Knowledge of the police policies and procedures manual.
- o Knowledge of state statutes and city ordinances.
- o Knowledge of modern law enforcement practices and procedures.
- o Skill in interpreting and enforcing police policy and procedures.
- o Skill in interpreting state statutes and municipal ordinances.
- o Skill in the use of a variety of law enforcement equipment and tools.
- o Skill in the use of computers and related software programs.
- o Knowledge of information technology installation, maintenance, and repair.
- o Knowledge of routers, switchers, network interface cards, and various networking tools.
- o Knowledge of network security techniques and technologies.
- o Skill in troubleshooting and repairing information technology problems.
- o Skill in training users in the operation of new hardware and software.
- o Skill in the installation of in-car personal computers.
- o Skill in the program budgetary management.

Personnel Director: _____

Department Head: _____

Board of City Commissioners

Agenda Documentation

Meeting Date: November 1, 2011

Subject: Classification Change of The Information Technology Systems Analyst

Page 5 of 5

SUPERVISORY CONTROLS: The City Administrator, Police Chief or Deputy Police Chief assigns work in terms of very general instructions. The supervisor spot-checks completed work for compliance with procedures and the nature and propriety of the final reports.

GUIDELINES: Guidelines include local, state, and federal laws and ordinances; department policies and procedures; city policies and procedures; and accepted general police procedures.

These guidelines require judgment, selection, and interpretation in application.

COMPLEXITY: The work consists of varied duties in the installation, maintenance, and repair of a city-wide information technology system. Frequent changes in technology contribute to the complexity of the position.

SCOPE AND EFFECT: The purpose of this position is to oversee the city's IT system. Success in this position contributes to the efficiency of department and city operations.

PERSONAL CONTACTS: Contacts are typically with co-workers, vendors, attorneys, emergency management personnel, school administrators, representatives of other governments and agencies, and members of the general public.

PURPOSE OF CONTACTS: Contacts are typically to give or exchange information, provide services, resolve problems.

PHYSICAL DEMANDS: The work is typically performed while sitting at a desk or table or while stooping, bending, or crouching. The employee frequently lifts light and occasionally heavy objects and climbs ladders.

WORK ENVIRONMENT: The work is typically performed indoors.

SUPERVISORY AND MANAGEMENT RESPONSIBILITY: This position generally has none. Periodically, can have direct supervision over an assigned group of personnel.

MINIMUM QUALIFICATIONS:

- Knowledge and level of competency commonly associated with the completion of a baccalaureate degree in a course of study related to the occupational field.
- Practical knowledge of principles relevant to the major duties of the position.
- Possession of or ability to readily obtain a valid driver's license issued by the State of North Dakota for the type of vehicle or equipment operated.
- Ability to meet current requirements set forth by the Police Officer Standards and Training Certification for the State of North Dakota.



Board of City Commissioners

Agenda Documentation

MEETING DATE: October 18, 2011 (Tabled)
REVISED: NOVEMBER 1, 2011

PREPARATION DATE: October 12, 2011
REVISED: OCTOBER 26, 2011

SUBMITTING DEPARTMENT: Assessing/Bldg Inspections

DEPARTMENT DIRECTOR: Richard L Barta

PRESENTER: Richard L Barta

SUBJECT: Abatement for Wayne Papke

STATEMENT/PURPOSE: Mr. Papke is requesting the 2011 true and full value of his residence be lowered from \$277,600 to \$239,850 due to flood damage. Damage estimates to his home range from \$34,000 to \$41,500. Mr. Papke is requesting the mid-point correction \$37,750.

REVISED: Mr. Papke is now requesting a \$24,941 reduction.

BACKGROUND/ALTERNATIVES: This property is also known as 1612 River Dr NE on Lot 5, Block 1, Riverbend 1st Addition on Parcel 5558.

REVISED: Mr. Papke is not disputing his value. He is requesting a reduction in his value due to damage sustained by the flood.

However, in the past, Mr. Papke has insinuated that his value increased due to the re-assessment. Please note that the data collected for the re-assessment will not be implemented until we roll over to the year 2012.

ATTACHMENTS:

- Additional documentation supporting my decision
- Application
- Anticipated Flood Expense sheet
- Correspondence from the U.S. Small Business Administration to Mr. Papke
- Pictures of damaged basement area and memo from Assessor Barta to Commission.

FISCAL IMPACT: Approximately \$695.00.

REVISED: Approximately \$459.00.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend a motion to deny the request by Mr. Papke to lower the 2011 true and full value from \$277,600 to \$239,850 due to flood damage. This recommendation is due to his reconsideration and reduction of costs. On October 10, 2011, he indicated the cost would be \$20,790 or \$14,000 paid by the Federal Government.

REVISED: I recommend a motion to deny the request by Mr. Papke to lower the 2011 true and full value from \$277,600 to \$252,659, due to flood damage. According to these numbers, Mr. Papke is requesting a reduction of \$24,941. However, the report submitted to the State, indicates the median of reduction at \$13,350 and the mean of reduction at \$10,037. These numbers are generated from 43 properties that have more basement finish than the 100 square feet indicated on Mr. Papke's records. Therefore, I feel that in order to treat all affected properties equally and not set a precedence for future claims, this abatement should be denied

SUGGESTED MOTION: A motion to deny the request by Mr. Papke to lower the 2011 true and full value from \$277,600 to \$239,850 and keep the 2011 value at \$277,600.

REVISED: A motion to deny the request by Mr. Papke to lower the 2011 true and full value from \$277,600 to \$252,659 due to damage sustained in the flood.

**PLEASE NOTE: THIS MEMO IS TO FOLLOW UP THE WAYNE PAPKE
ABATEMENT THAT WAS TABLED AT THE OCTOBER 18, 2011 MEETING.**

TO: MAYOR HELBLING & MANDAN CITY COMMISSIONERS
FROM: RICHARD L BARTA/CITY ASSESSOR
DATE: OCTOBER 26, 2011
SUBJECT: WAYNE PAPKE ABATEMENT
PARCEL NO. 5558
1612 RIVER DR NE

You, the Mandan City Commission, requested I further research the data concerning the flood damage and 2011 true and full value for Mr. Wayne Papke. The following are my findings:

Mr. Papke's original abatement was requesting a reduction on his 2011 true and full value from \$277,600 to \$239,850 with a reduction difference being \$37,750. Mr. Papke is now requesting a reduction difference of \$24,941. This end result would indicate a 2011 value of \$252,659.

I have run a market analysis on Mr. Papke's property using the sales comparison approach. I want to make it clear that you can't use this value as a starting point because the 2011 values have already been set by the State. However, according to the report I ran, the true and full value of Mr. Papke's property came in at \$293,300.

It is my opinion that a reduction of \$24,941 is out of line as compared to other properties that have received flood damage reductions. According to the flood report I've submitted to the State which included 43 properties, the median of reduction was \$13,350 and the mean of reduction was \$10,037. If this abatement were granted, Mr. Papke would be receiving a larger reduction than other homes that have more damage and more completed square footage. Again,

Mr. Papke's original information shows only studs and Styrofoam insulation on the exterior walls and I indicated the drain field would only be fixed in the areas where there is damage.

Therefore, I am recommending that Mr. Papke's abatement be denied with the understanding that he can take his abatement to the County, who in turn, has the final say on this application. Also, a reminder; that whatever amount Mr. Papke could possibly receive, it will not be for the entire year. It would be pro-rated at 60% of the year. Please note that the median and mean numbers indicated previously do take the 60% into account.

I feel that 25% to 50% of the \$29,941 would be more realistic. As indicated earlier, the cost to cure does not represent the market value. It is usually a quite a bit lower. In fact, some remodel permits, depending on the type of work being completed, may not add any value to the structure.

I feel individuals who had flood damage are more than deserving of a value reduction, but again, I will recommend denial of Mr. Papke's application as presented.

If you wish to further discuss my findings and/or my recommendation of denial, you may contact me at 319-0276.

Application For Abatement And Settlement Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

County of Morton

Name PAPKE WAYNE

Address 1612 RIVER DR NE

Legal Description of the property involved in this application

Lot: 0005

Block: 001

RIVERBEND 1ST

Property ID Number

City 5558

County 65-4288000

Total true and full value of the property described above for the year 2011 is:

Land \$77,700
 Improvements \$199,900
 Total (1) \$277,600

Total true and full value of the property described above for the year 2011 should be:

Land \$77,700
 Improvements 162,150
 Total (2) 239,850

The difference of 37,750 true and full value between (1) and (2) above is due to the following reason(s):

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

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

1. Purchase price of property: \$ 200,000 Date of Purchase: DECEMBER 1994
 Terms: Cash Contract _____ Trade _____ Other (explain) _____
 Was there personal property involved in the purchase price? NO Estimated value: \$ _____

2. Has the property been offered for sale on the open market? NO If yes, how long? _____
 Asking price: \$ _____ Terms of sale: _____

3. The property was independently appraised: N/A Purpose of appraisal: N/A
 Market value estimate: \$ _____
 Appraisal was made by whom? N/A

4. The applicant's estimate of market value of the property involved in this application is \$ 239,850

5. The estimated agricultural productive value of this property is excessive because of the following condition(s): N/A

The Applicant asks that 2011 TRUE & FULL VALUE BE CORRECTED TO REFLECT ACTUAL STRUCTURAL FLOOD DAMAGE AS WAS INTENDED. DAMAGE ESTIMATES TO MY HOME STRUCTURE RANGE FROM \$34,000 TO \$41,500 (I'M ASKING FOR MID 90% CORRECTION)

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

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

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

Signature of Applicant Wayne Papke Date 8/25/2011

**SBA LOAN
 LIKELY FLOOD RELATED EXPENSES ANTICIPATED
 Wayne & Christi Papke
 1612 River Dr NE, Mandan, ND 58554**

<u>Anticipated Expense</u>	<u>Estimated Cost</u>
- Fix or replace exterior drain tile - X	\$ 15,000-\$18,000**
<i>Keep</i> - Replace wood steps from garage to basement – MOLD/ROT	\$ 4,000**
- Landscape yard demolished from dike construction/wells	\$ 20,000
<i>Keep</i> - Replace Studs and insulation moisture damaged basement	\$ 5,000 - \$ 6500**
<i>Keep</i> - Concrete replacement from 3 new sump holes basement	\$ 1,500**
- River bank stabilization – Rip Rap	\$ 15,000
<i>Keep</i> - Replace basement sheetrock And Melamine ruined	\$ 3500 - \$ 4500**
<i>out</i> - Possible furnace ductwork replacement due to mold	\$ 5,000 - \$ 7,000**
- Cost of 4 outside relief wells with sumps (FEMA "may" pay)	\$ 10,000
TOTAL POTENTIAL RECONSTRUCTION EXPENSES:	<u>\$ 86,500</u>

** Denotes actual home structure damages = \$34,000 Low end estimate
 to \$41,500 High estimate
 midpoint of above = 37,750



U.S. SMALL BUSINESS ADMINISTRATION
Disaster Assistance
Processing and Disbursement Center
14925 Kingsport Road
Fort Worth, Texas 76155-2243

817-868-2300
800-366-6303
Hearing Impaired
817-267-4688
Fax 817-868-2332



August 24, 2011

WAYNE PAPKE and CHRISTI PAPKE
1612 RIVER DR NE
MANDAN, ND 58554

X5248

RE: SBA Disaster Loan No. DLH 3998516005; Application No. 0004601630

Dear Borrower:

We are pleased to inform you that your loan request has been approved in the amount of \$14,000.00 subject to the terms and conditions of the enclosed Loan Authorization and Agreement (LA&A). Please read your LA&A carefully to ensure that you completely understand the terms and conditions of your loan.

We have enclosed your loan documents and instructions for closing your loan. Please follow the instructions carefully, and return your documents as soon as possible.

YOU MUST RETURN THE SIGNED LOAN DOCUMENTS TO SBA WITHIN SIXTY (60) DAYS FROM THE DATE OF THIS LETTER.

If you have any questions, please contact our Legal Department at the toll free number listed above.

Sincerely,

Legal Department
Enclosures

*approved: \$ 20,790.00
~~\$ 21,000.00~~ w/ Lein
\$ 14,000*







CITY OF MANDAN

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

CITY DEPARTMENTS	
ADMINISTRATION	667-3215
ASSESSING/BUILDING INSPECTION	667-3230
BUSINESS DEVELOPMENT	667-3485
CEMETERY	667-6084
ENGINEER/PLANNING & ZONING	667-3225
FINANCE	667-3213
FIRE	667-3288
HUMAN RESOURCES	667-3217
LANDFILL	667-0104
MUNICIPAL COURT	667-3270
POLICE	667-3455
PUBLIC WORKS	667-3240
WASTEWATER TREATMENT	667-3278
SPECIAL ASSESSMENTS	667-3271
UTILITY BILLING	667-3219
WATER TREATMENT	667-3275

TO: MAYOR HELBLING & MANDAN CITY COMMISSIONERS

FROM: RICHARD L BARTA/CITY ASSESSOR

DATE: OCTOBER 12, 2011

**SUBJECT: WAYNE PAPKE ABATEMENT
PARCEL NO. 5558
1612 RIVER DR NE**

On October 11, 2011, I personally walked through the above referenced property and determined there are some mold issues. However, Mr. Papke's records only indicate 100 square feet of basement finish which includes some partition walls, some insulation and some sheetrock.

The first item I'd like to address is the replacement of the foam insulation. This could be remedied quite easily by installing the standard fiberglass insulation which would be only a portion of the cost. My point is that there are other cheaper options available to help keep costs down by taking a more conservative approach.

Keep in mind that the cost of materials is not equal to what a return might be at the time of re-sale. Typically, the return would be 50% or less of the replacement cost. In this case, the loan mentioned ranges from \$20,790 down to \$14,000. Mr. Papke indicated the loan amount of \$14,000 was approved by the Federal government. 50% would be \$7,000 and I do not foresee the cost of replacement exceeding this amount for such a small area (100 square feet) of finish in his basement. Also, just because Mr. Papke indicates an increase in his costs, it does not mean that the value of his property will decrease equally in the same proportion. And, according to his expense sheet, he started with a replacement cost of \$86,500 and has come down to \$37,750. This indicates to me that Mr. Papke is already re-thinking his expenses.

Second, the City of Mandan does not require drain tile. It is recommended, but not mandated. Therefore, if Mr. Papke decides to install drain tile, it will be solely by his own discretion.

Next, during my walk-through, Mr. Papke indicated he needed to replace the door leading into the home from the garage due to mold being present. I am not a mold expert, but the chance of mold on a metal door is questionable.

My last concern is that there could possibly be as many as 200 other individuals with similar issues to that of Mr. Papke. Therefore, where do we draw the line? At this time, I am suggesting we (City) wait until 2012 to see just how far these issues will be taken. Remember, citizens have up to two (2) years to file an Abatement and by waiting they would not be losing out.

Therefore, I will be recommending denial of the abatement due to his reconsideration and reduction of costs.



New Business No. 2

Board of City Commissioners

Agenda Documentation

MEETING DATE: November 1, 2011
PREPARATION DATE: October 27, 2011
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR:
PRESENTER: Dave Bechtel
SUBJECT: Consider the creation of, approve the feasibility report for and authorize the advertisement of the Resolution of Necessity for Street Improvement District No. 161 Areas A & B Projects #2010-03 & 2011-12.

STATEMENT/PURPOSE: To create the special assessment districts and authorize the required paperwork for the requested projects.

BACKGROUND/ALTERNATIVES: The attached district maps depict the areas that work will take place on these projects.

District 161 is the expanded Diane's project that now includes areas north and west.

District 161B would be a separate district that would be in the more northwest area of Mandan and would include the Developers West area of town. This area has seen some deterioration of the street due to groundwater. That along with the last project being done around 15 years ago has led us to put this project together. We will be incorporating groundwater collection where recommended as part of the project to remedy the problem. Repair of the newer streets north of Old Red Trail will also take place as part of this project and will include groundwater collection too.

Both the districts be our typical street projects and will consist of a crack sealing, curb & gutter repair, valley gutter replacement, asphalt patching, asphalt overlay, and chip seal.

We hope to bid both these projects at the same time in a similar fashion to keep costs down for the residents within the districts.

ATTACHMENTS: District Maps

FISCAL IMPACT: No estimates have been established at this time as we have Toman currently working on the district 161 information. We will begin to establish the street costs for district 161B and wait for the recommendation for groundwater collection to finish the estimate up. We will again be sending out letter to the residents within the districts revealing the estimated cost to them once they have been established. With the letters the protest period will also be stated and provided as part of that information.

Board of City Commissioners

Agenda Documentation

Meeting Date: November 1, 2011

Subject: Consider the creation of, approve the feasibility report for and authorize the advertisement of the Resolution of Necessity for Street Improvement District No. 161 Areas A & B Projects #2010-03 & 2011-12.

Page 2 of 4

STAFF IMPACT: None

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

RECOMMENDATION: This office supports moving forward with the project.

SUGGESTED MOTION: : I move to approve the resolutions creating, approving the feasibility reports for and declaring the necessity for the Street Improvement projects.

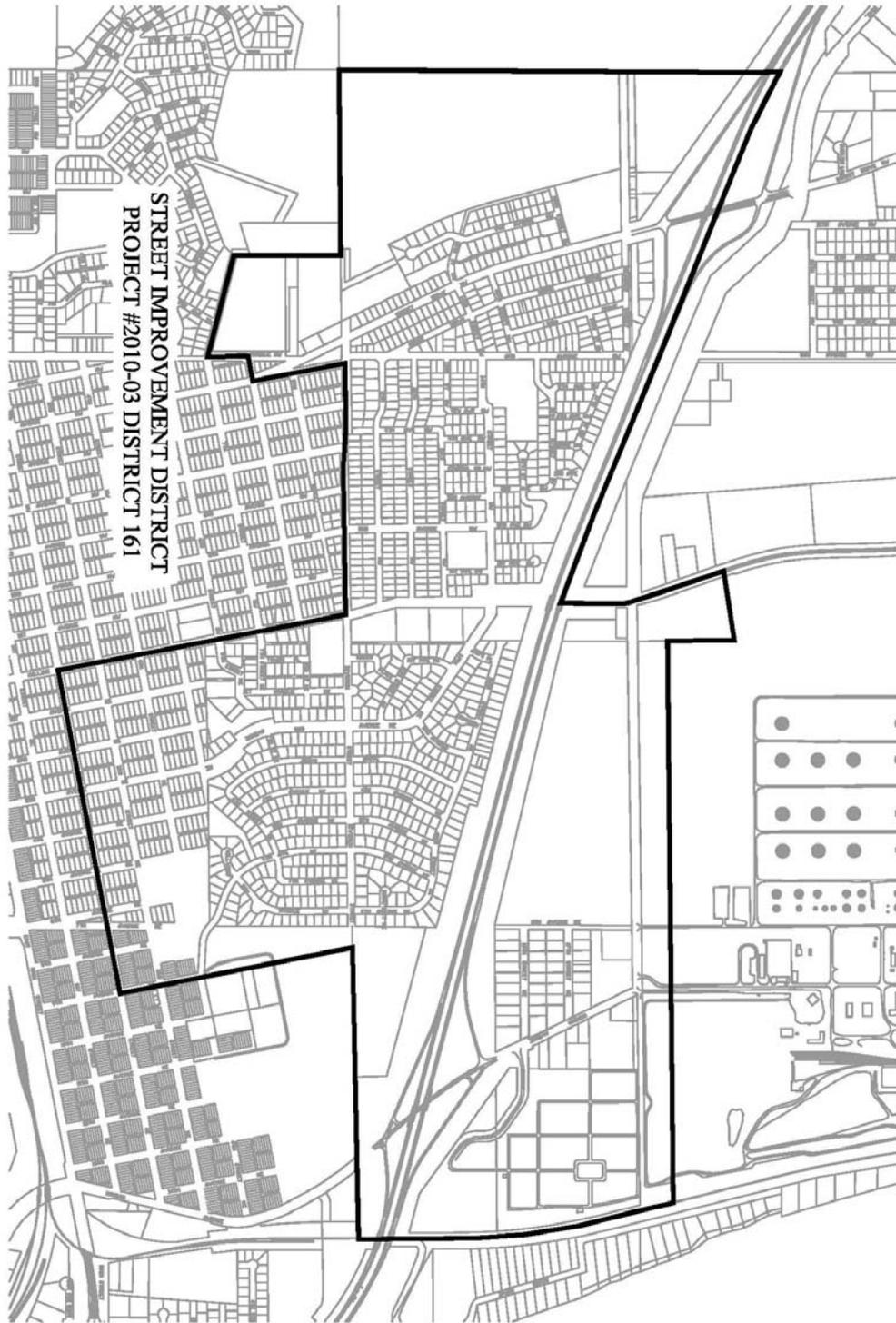
Board of City Commissioners

Agenda Documentation

Meeting Date: November 1, 2011

Subject: Consider the creation of, approve the feasibility report for and authorize the advertisement of the Resolution of Necessity for Street Improvement District No. 161 Areas A & B Projects #2010-03 & 2011-12.

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Board of City Commissioners

Agenda Documentation

Meeting Date: November 1, 2011

Subject: Consider the creation of, approve the feasibility report for and authorize the advertisement of the Resolution of Necessity for Street Improvement District No. 161 Areas A & B Projects #2010-03 & 2011-12.

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