



AGENDA
MANDAN CITY COMMISSION
OCTOBER 4, 2011
ED "BOSH" FROEHLICH MEETING ROOM
5:30 P.M.
www.cityofmandan.com

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- A. ROLL CALL:
1. Roll call of all City Commissioners and Department Heads.
 2. Presentation of North Dakota League of Cities "Hometown Hero" award to Del Wetsch.
- B. MINUTES:
1. Consider approval of the minutes from the September 20, 2011 Board of City Commission meeting.
- C. PUBLIC HEARING:
1. A Public Hearing to consider a five-year Ad Valorem Tax Exemption for Acteva Assisted Living Center, LLP (see also New Business 2i)
- D. BIDS:
1. Consider approval of bids for the Mandan Wastewater Treatment Plant Phase I – Interim Improvements Project.
- E. CONSENT AGENDA:
1. Consider for approval the special assessments for Weed Cutting of 2011, Sidewalks of 2011, and Health and Safety of 2011.
- F. OLD BUSINESS:
- G. NEW BUSINESS:
1. Consider agreements with Scott Johnson for sale of building at 116 E Main
 - i. Business incentive agreement
 - ii. Purchase agreement
 2. Consider Mandan Growth Fund Committee recommendations:
 - i. Application for property tax exemption by Acteva Assisted Living Center, LLP, at 3010 12th Avenue NW
 - ii. Application for Flex PACE interest rate buy-down by Acteva Assisted Living Center, LLP
 3. Introduction of new Police Officer Luke Kapella.

*Agenda
Mandan City Commission
October 4, 2011
Page 2 of 2*

H. RESOLUTIONS & ORDINANCES:

1. *Consider second and final consideration of Ordinance No. 1105 Zone Change for Acteva Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Municipal Code relating to District Boundaries and Zoning Map.*

I. OTHER BUSINESS:

J. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. October 18, 2011
2. November 1, 2011 – 4 p.m. start time
3. November 15, 2011

K. ADJOURN

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

The Mandan City Commission met in regular session at 5:30 p.m. on September 20, 2011 in the Ed “Bosh” Froehlich Room at City Hall. Commissioners present were Tibke, Rohr, Frank, and Jackson. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, and Business Development and Communications Director Huber. Absent: Mayor Helbling, City Assessor Barta and Engineering Project Manager Bechtel. In the absence of Mayor Helbling, Sandra Tibke, Vice-President, as Acting Chair, called the meeting to order. NOTE: Commissioner Jackson was excused from the meeting at 6:23 p.m.

MINUTES: *Consider approval of the minutes for September 6, 2011, regular meeting.* Commissioner Jackson moved to approve the minutes of September 6, 2011, Commissioner Frank seconded the motion. The motion received unanimous approval of the members present. The motion passed.

PUBLIC HEARING:

BIDS:

1. *Consider award of bids for Flood Improvement District #1, Project 2011-06* City Administrator Neubauer reviewed with the Board the bid information received from Brent Erickson, Kadrmas, Lee and Jackson concerning awarding of bids for Flood Protection Removal Bid Package #5 – Riverbend Area Earth Levee Removal, Sandbag Removal, Disposal and Restoration. The bids were opened on September 16, 2011 and two bids were received. The low bid was from Guthmiller and Son Dirtworks, Inc., with a bid amount of \$38,485.10. The engineer’s estimate was \$53,560. KLJ recommended awarding the bid to Guthmiller and Son Dirtworks.

Commissioner Frank questioned whether this bid includes removal of the sandbags from the curbside? Neubauer replied that it would; explaining that sandbags have been put on the west side of the road and this bid will include pick up of those sandbags at that location. Neubauer stated that when the package was bid out for the removal of the dike, (which the residents voted on last week to have the dike on the river side), that would include the sandbags that are on top of the dike and adjacent to that dike. Commissioner Jackson clarified that this is not actually for the clay earth and levee. This is just for those other sandbags. So if anyone is watching this recording at home and wondering why it seems a little cheap that’s the reason. Neubauer concurred with Commissioner Jackson and stated that the city is looking into some other sandbags that are on pallets on the east side of the road to see if those could be picked up at the same time because the contractor is in the area taking the bags from the west side.

Commissioner Jackson moved to approve the bid for Flood Protection Removal Bid Package #5 – Riverbend Area Earth Levee Removal, Sandbag Removal, Disposal and Restoration to the low bidder Guthmiller and Son Dirtworks, Inc., in the amount of \$38,485.10. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Absent. The motion passed.

CONSENT AGENDA:

1. *Consider approval of monthly bills.* The Board approved of the monthly bills.
2. *Consider approval of Games of Chance for the Morton County FNRA Committee for Oct. 10, 2011.* The Board approved of the Games of Chance for the Morton County FNRA Committee for Oct. 10, 2011.
3. *Consider Change order for Mandan South Side Pump Station and Collins Ave. Reservoir Demolition projects.* The Board approved of the Change order for Mandan South Side Pump Station and Collins Ave. Reservoir Demolition projects.
4. *Consider approval of Acteva Addition Zone Change. (First consideration of ordinance 1105.)* The Board approved of the Acteva Addition Zone Change. *See: Resolution and Ordinance No. 2 below.*

Commissioner Rohr moved to approve the Consent Agenda items 1 through 4 as presented. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present. The motion passed.

OLD BUSINESS:

1. *Re-visit previous offers for city-owned building at 116 E Main.* Business Development and Communications Director Huber reviewed with the Board the status of the Mamma Maria's Italian Restaurant purchase transaction at 116 East Main as explained in an email received on September 19, 2011, from Linda Thomas, President, MM Restaurant Group that stated as follows: *"Unfortunately, due to circumstances out of our control, we will be backing out of the purchase of 116 East Main in Mandan. However this does not signal that we may not open a location in Mandan. Our business plan still shows Mandan as a viable expansion sometime in the future."* Huber stated that the deadline for closing on a purchase was extended until October 4, 2011 at the September 6, 2011 meeting.

Huber stated that at the June 7, 2011 meeting, the Board directed that if the negotiations and transfer of the property to Mamma Maria's did not work out, the Commission would go back to the other offers received by that date to re-explore options. Pat Maddock and Karen Fleck have been requested to confirm with the parties to see if their offers were still good and if anything substantially changed in those offers. The offers submitted at the June 7, 2011 meeting were as follows: (1) Scott Johnson, \$15,000; (2) Fred Berger, \$25,000; (3) Julie Haibeck, \$10,000. Huber reported that Fred Berger's offer of \$25,000 still stands and that Scott Johnson submitted a proposal today in the amount of \$25,000. Each party has expressed investments and improvements: \$104,900 by Johnson and the investments and improvements by Berger are @ \$125,000 to \$150,000.

Huber outlined the following options for Board consideration:

- (1) Evaluate the proposals submitted today on their own merits;
- (2) With consideration to fairness - a date could be established for final offers from these parties to be submitted by sealed bids with a closing date of Friday, September 30, 2011 prior to the next commission meeting scheduled for October 4, 2011 for final consideration.

Commissioner Jackson asked Huber if she has discussed the increased offer received from Scott Johnson with Fred Berger or Karen Fleck. Huber replied that they were contacted and stated that in all fairness sealed bids by a certain date would be appropriate under the circumstances.

Acting Chair Tibke commented about fairness because it was agreed that if Mamma Maria's would not come through with their project that the Board would look at the other projects based on what they had already put forward and that she would be in favor of a sealed bid. She expressed concern about the condition of the roof wherein there has been additional damage to the floors at the back end of the building. Commissioner Rohr inquired if the specific improvements could be submitted with the bids. Huber stated that information was available as part of the proposals that were submitted earlier in the season. Referencing the documentation provided in the packets, Huber stated that Mr. Johnson had included a new roof and automatic fire suppression system (this may have already been removed) along with several other items on the proposal. Huber stated that Johnson has been at the meetings in May and June and outlined plans to lease for retail or put his own retail business in the building within a certain date. Mr. Berger's proposal had similarly included estimates to gut the whole upstairs and to do a remodel and the main floor planned to host retail and also that the exterior would be refaced, etc. Huber stated that both proposals have their respective merits to be considered.

Tibke commented that a possibility would be to request bids be submitted and then call a special meeting called to discuss the bids received. In the alternative, she inquired if the Commission would be willing to make a decision based on the merits of the offers at this time?

Commissioner Jackson commented that the Commission might want to look closer at the updated offer submitted; however, the two other offers have not had an opportunity to bid against that updated offer and it would be a good thing for the City to pursue. He stated that the City purchased the building for \$75,000 and it would be his recommendation to get as close to that figure as possible. Commissioner Frank stated that if the Board were to consider the next best offer on this matter when it was initially discussed, that offer would have been the one submitted by Mr. Berger. Based on the information in front of the Board at this time, she stated she feels a decision could be made immediately and thereby the City would not be in a position to lose out on any offers currently open and not lose lack of control of the process.

Scott Johnson came forward to comment and stated as follows: *“One comment isn't really totally correct because when I was called, um, if my bid and what I wanted to do were to increase my bid from the real estate firm which is shared by both of these two brokers, I find it kind of not highly correct that both weren't somewhat knowing what was going on in the same office. As a matter of fact, I had a call later today, when they called on Friday I was busy working a street fair for one of the schools so I could not get back until later today. I bid the same price granted to be based on the merits of the proposal and not to get into any bidding contest. Just to let you know if you do put it for bids I'm not going to change it. I want to be judged for myself and not be trying to buy my way*

into this community. I told you what I had intended to do for the building. I went there again today. The city has owned this building and why nobody would even put containers to catch the water that's running in the back of the building all these months still baffles me. I have another property that I have on the list that I have been waiting over a year to get a roof put on that building and I brought this up several times to this Board that getting a contractor to do roofing in these two towns is next to impossible. He told me that if I...I would be able to take that off that project they would be able to contain the leaks with tar on that one and would be able to guarantee me that this building's roof would be done by the end of November. You have a commission that dictates what complies with the front of the building."

Johnson stated that he would be able to write a check for the building immediately indicating that he has interest in this building and that he instigated this project over two years ago. He stated that when the building is completely renovated there will be a retail business located within the building.

Commissioner Frank asked Johnson how confident he can be that the renovation plans outlined will be completed in a timely fashion. Johnson replied that in his previous proposal he offered to put the money into an escrow account for the City. Commissioner Frank inquired if there would be a retail furniture store in the plans as outlined in the proposal? Johnson replied that the furniture store he owned in Bismarck was partnered with his mother and the furniture was more of a high end type of furniture. His offices are located on the second floor of that building. He stated that he did not think he could justify that type of furniture for the Mandan store.

Acting Chair Tibke inquired of Director Huber if Mr. Berger pulled the fire suppression request. Huber replied that he had indicated in his proposal "Only if it would be required from the City." It would not be required for the uses he has proposed. Huber stated she would defer further questions on this topic to Fire Chief Nardello, as it is her understanding that it would only be required if it were a bar or restaurant or for some other use that would entail larger public gatherings. Tibke asked Huber what her recommendation would be regarding the proposals. Huber stated she would recommend accepting the Berger proposal based on the higher level of investment into the building anticipated; a level of rehab on the apartments that would demand a little higher rent and because of being a long-standing business in the community that wants to own its own location. Tibke clarified that the differences in the re-investments in the building would be between \$125,000 and \$150,000 from Mr. Berger, and Mr. Johnson had proposed rehabilitation from \$104,000. Huber stated that Karen Fleck, Realtor, indicated that Mr. Berger owns his own construction company and he would have some control over the timing of the rehab and the costs associated with that.

Commissioner Frank stated that consideration should be given to Mr. Johnson for attending all these meetings on this subject matter. Another thing is to take a look at anticipated investment into the building should there not be a way to weight these offers. Commissioner Rohr motioned to accept the proposal submitted by Scott Johnson for the property located at 116 East Main. Commissioner Frank seconded the motion.

Commissioner Frank inquired of City Attorney Brown if the Commission has the ability to enter into any type of counter-offer with Mr. Johnson so the City can have those additional nuances about timelines and investment timelines. Attorney Brown replied that the Commission does have authority as the original proposal included that.

Commissioner Frank suggested and Commissioner Rohr amended his motion to reflect that the City move forward in the negotiation process with Mr. Johnson and additional conversations be conducted geared towards counter-offer re-negotiation of the timeline for completion of the project and what the plans are to get to that point. Commissioner Frank seconded the Amended Motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Absent. The motion passed.

Acting Chair Tibke requested a roll call vote on the original motion: Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: No; Commissioner Helbling: Absent. The motion passed.

City Attorney Brown suggested that Business Development and Communications Director Huber, Scott Johnson and he meet sometime within the next two days.

NEW BUSINESS:

1. *Consider application for U.S. Department of Treasury Small Business Credit Initiative.* Business Development and Communications Director Huber stated that this action is a follow-up to an application approval by the City of Mandan for the U.S. Department of Treasury Small Business Credit Initiative Act of 2010. Municipalities have been given the opportunity to apply for \$13.1 million in funding available for five specific programs to grow small businesses and manufacturing to expand and create jobs. A plan was outlined wherein Mandan would serve as the lead applicant in central and western North Dakota for applying for these funds and contracting with the Lewis and Clark Regional Development Council for administration and management of the programs. Huber listed some of those commitments are from Fargo, Bismarck, Grand Forks, Minot and the Standing Rock Sioux Tribe – 33 other cities including Mandan. Huber provided an explanation of the requirements for new and expanding businesses as well as other provisions as outlined. Key points: there is no local match required. Also, responsibility and liability for these programs, as long as overseen by the federal regulations, there is no liability. Lewis and Clark Regional Development Council is on board for this project. Huber explained how the funds would be allocated, disbursed and repaid. The program would be de-federalized in 2017.

Commissioner Frank asked what would happen if the funds are allocated? Are they divided up per city based on population prior to being awarded? Would we know if Mandan were to get \$2 million - would the Board award that out as applications come in or would they take that whole board as a pool and give a set amount based on population? Huber stated that there would not be any certain amount set aside for any particular city because there would be risk of worthy credit applications coming forward from each of those cities and then the maximum allocation may not be met by getting those additional

second and third portion of what is allotted. By working together with other cities, there is the opportunity to have a state-wide or at least among the cities participating, economic development program that any of those cities can participate in. Huber recommended the broader pool approach in order to have a greater opportunity to the funding than to try to get the funds earmarked for specific communities. Huber stated that the application deadline for this program is September 27, 2011.

Commissioner Frank moved to approve Mandan’s application for U.S. Department of Treasury Small Business Credit Initiative. Commissioner Jackson seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Absent. The motion passed.

2. *Consider recommendation from Renaissance Zone Committee for appointment of committee member.* Acting Chair Tibke stated that Jay Feil resigned from the RZ Committee effective September 30, 2011. She extended a thank you to him for his dedication and time committed to committee work. Huber stated that a news release was published calling for interest from the financial sector. She stated that a letter of interest was submitted by Darren Haugen, Senior Vice President of Financial Services for Starion Financial. The Committee met with Mr. Haugen and they voted unanimously to recommend his appointment to the Renaissance Zone Committee.

Commissioner Rohr moved to appoint Darren Haugen to the Renaissance Zone Committee. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present. The motion passed.

RESOLUTIONS & ORDINANCES:

1. *Consider Resolution authorizing filing of application with the Industrial Commission of North Dakota for a Disaster Loan under the Capital Financing Program through the North Dakota Public Finance Authority.* Finance Director Welch reviewed with the Board the purpose of this resolution is to assist the City of Mandan to meet its cash-flow needs as a result of the flood control costs to date as well as future costs over the next several months. The resolution provides terms for the loan that will be repaid from FEMA. Since the City does not know the exact date of those reimbursements, the need for this loan is necessary. Commissioner Frank inquired as to the “loan interest rate”. Welch replied that it would be a lower interest rate than any citizen would be able to borrow from a bank and it would be a rate lower than what the City would finance under other circumstances. He stated that there is flexibility with the repayment process to the Bank of North Dakota since designated flood municipalities are not apprised of when their reimbursement funds will come through. Welch stated that the City will only borrow what it needs to borrow to meet cash flow in order to minimize the amount of interest to be repaid.

Commissioner Frank moved to approve the Resolution authorizing filing of an application with the Industrial Commission of North Dakota for a Disaster Loan under the Capital Financing Program through the North Dakota Public Finance Authority.

Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Absent; Commissioner Helbling: Absent. The motion passed. (*A copy of the resolution is on file open for public inspection during regular working hours in the Building Inspection Department.*)

2. Consider first consideration of Ordinance No. 1105 Zone Change for Acteva Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Municipal Code relating to District Boundaries and Zoning Map. Commissioner Jackson moved to approve the first reading of Ordinance No. 1105 Zone Change for Acteva Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Municipal Code relating to District Boundaries and Zoning Map. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Jackson: Yes; Commissioner Helbling: Absent. The motion passed. (*A copy of the resolution is on file open for public inspection during regular working hours in the Building Inspection Department.*)

OTHER BUSINESS:

1. Consider providing assistance to the Mandan School Board related to the disposition of the former Mandan Jr. High. City Administrator Neubauer stated that the Mandan School Board is requesting the City's assistance in the disposal of the former Mandan Junior High building. The School Board has inquired if the City wishes to be part of that process and if the City agrees; it is recommended that a commissioner be appointed to participate in that process. This is the first step in developing a process for the disposal of that facility. Acting Chair Tibke commented that it would make sense to have a commissioner be a part of that process. Commissioner Rohr stated the City's interest will be to assure that the property does not become a burden or eyesore for the City in the future. Commissioner Frank concurred with the recommendations of Acting Chair Tibke and Commissioner Rohr.

Commissioner Frank moved to nominate Commissioner Rohr to serve as the Commission member participant providing assistance to the Mandan School Board regarding the disposition of the former Junior High building. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

There being no further actions to come before the Board, Commissioner Frank moved to adjourn the meeting at 6:31 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: October 4, 2011
PREPARATION DATE: September 27, 2011
SUBMITTING DEPARTMENT: Assessing Dept
DEPARTMENT DIRECTOR: Richard L Barta
PRESENTER: Richard L Barta
SUBJECT: 5-Year Ad Valorem Tax Exemption for Acteva Assisted Living Center, LLP

STATEMENT/PURPOSE: To consider a five year tax exemption for Acteva Assisted Living Center, LLP, pursuant to North Dakota Century Code 40-57.1.

BACKGROUND/ALTERNATIVES: Acteva is asking for an exemption on an assisted living complex. The Notice to Competitors was published in the September 9th and the September 16th editions of the Mandan News and no competitors have submitted a written protest.

The Mandan Growth Fund Committee reviewed this project at a Sept. 27 meeting. The committee voted 8-0 to recommend approval of a 5-year, 100% exemption with a provision that the applicant be required to repay the value of the exemption if the facility were to be sold to a non-profit entity.

Also, the County, the School District and the Park District were given notification of this exemption on August 30th and again on September 29th.

This parcel is also known as part of Parcel #2698-H at 3010 12 Ave NW in Section 16, Township 138N, Range 80W.

This project could create up to 26 part and full time positions.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$128,589.00 per year.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

Board of City Commissioners

Agenda Documentation

Meeting Date: October 4, 2011

Subject: 5-Year Ad Valorem Tax Exemption for Acteva Assisted Living Center LLP

Page 2 of 6

RECOMMENDATION: Approval of the requested exemption for Acteva Assisted Living Center, LLP, 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 Acteva Assisted Living Center, LLP, to receive a five year tax exemption for an assisted living complex 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.

Oct 4th

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

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

Project Operator's Application To City of 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 Acteva Assisted Living Center, LLP

2. Address of project (please see drawing) 3010 12 Ave N.W.
City Mandan County Morton

3. Mailing address of project operator 315 Main Street #2
City Brookings State SD Zip 57006

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. Forth Coming (Applied for)

6. North Dakota Sales and Use Tax Permit No. Forth Coming (Applied for)

7. If a corporation, specify the state and date of incorporation N/A

8. Name and title of individual to contact Kirk Simet
Mailing address 315 Main Street #2
City, State, Zip Brookings, SD 57006 Phone No. (605) 651-0234

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 an existing business project

Board of City Commissioners

Agenda Documentation

Meeting Date: October 4, 2011

Subject: 5-Year Ad Valorem Tax Exemption for Acteva Assisted Living Center LLP

Page 4 of 6

Description of Project Property

11. Legal description of project real property
Currently being finalized. Please see attached drawing.

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? N/A
If new construction, complete the following:
a. Estimated date of commencement of construction of the project covered by this application October 2011
b. Description of project to be constructed including size, type and quality of construction _____
total square footage 57,000. The Assisted Living Center will provide 50 individual apartments ranging from 500 square feet, up to 1,000 square feet. It will feature 34 single rooms and 16 double rooms. The facility will have a commercial kitchen, dining, exercise room, chapel, library, activity rooms, beauty parlor, laundry, and gathering rooms.
c. Projected number of construction employees during the project construction up to 15-30

14. Approximate date of commencement of operations for this project October 2012

<p>15. Estimated market value of the property used for this project:</p> <p>a. Land \$ <u>647,000</u></p> <p>b. Existing buildings and structures for which an exemption is claimed \$ <u>N/A</u></p> <p>c. Newly constructed buildings and structures when completed \$ <u>6,282,000</u></p> <p>d. Total \$ <u>6,929,000</u></p> <p>e. Machinery and equipment \$ <u>110,000</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) </p> <p>b. Eligible existing buildings and structures \$ <u>N/A</u></p> <p>c. Newly constructed buildings and structures when completed \$ <u>6,282,000</u> 6,929,000</p> <p>d. Total taxable valuation of property eligible for exemption (Add lines b and c) \$ <u>6,282,000</u> 6,929,000</p> <p>e. Enter the consolidated mill rate for the appropriate taxing district <u>314,000</u> 40939</p> <p>f. Annual amount of the tax exemption (Line d multiplied by line e) \$ <u>128,589.</u> 41,833</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).

A living community will be used to assist people aged 55 and older. A Nurse & Certified Nursing Assistants will take care of residents in need of assistance in everyday living situations. Activities include emergency call, eating, toileting, dressing, transportation, and any other special services that may be needed for residents.

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	\$103,477	\$823,300	\$1,307,050	\$1,592,950	\$1,711,800
Annual expense	\$150,252	\$514,419	\$775,684	\$919,351	\$1,072,572
Net income	-\$46,777	-\$24,999	\$102,794	\$234,627	\$266,654

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⁾	4	6	7	8	20
	⁽²⁾ 6	8	8	10	6
Estimated payroll ⁽¹⁾	\$42,000	\$162,000	\$257,000	\$314,000	\$380,000
	⁽²⁾ \$36,000	\$133,000	\$208,000	\$258,000	\$310,000

(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).

Board of City Commissioners

Agenda Documentation

Meeting Date: October 4, 2011

Subject: 5-Year Ad Valorem Tax Exemption for Acteva Assisted Living Center LLP

Page 6 of 6

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
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, Kirk Simet, 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.

Signature Title Business Development Date 08/15/2011

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:

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



Bids No. 1

Board of City Commissioners

Agenda Documentation

MEETING DATE: October 4, 2011
PREPARATION DATE: September 28, 2011
SUBMITTING DEPARTMENT: Wastewater Treatment Plant
DEPARTMENT DIRECTOR: Steve Himmelspach, Superintendent WWTP
PRESENTER: Russell Sorenson, Operations Manager - Advanced Engineering and Environmental Services, Inc.
SUBJECT: Mandan Wastewater Treatment Plant Phase I – Interim Improvements Project bid consideration.

STATEMENT/PURPOSE: To have the commission consider the received bid proposals and to accept or deny the recommended bids. On Friday September 30, 2011 bids will be opened at 4:00 PM. Advanced Engineering will forward by Monday October 3, 2011 the bid tabulation sheets to the commission members.

BACKGROUND/ALTERNATIVES: On August 2, 2011 the board of city commissioners approved the hiring of Advanced Engineering and Environmental Services, Inc. for the Phase I – Interim Improvements Project at the Mandan Wastewater Treatment Plant. The project included final design, bidding, and construction services for removal of the existing buried butterfly valves and replacement with knife gate or plug valves, a complete replacement of the grit removal system, and completion of the utility rate modeling.

ATTACHMENTS: None.

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

STAFF IMPACT: None.

LEGAL REVIEW: None.

RECOMMENDATION: To be determined after the bid opening.

SUGGESTED MOTION: To be determined after the bid opening.



CONSENT #1

Board of City Commissioners

Agenda Documentation

MEETING DATE: October 4, 2011
PREPARATION DATE: September 28, 2011
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Greg Welch
SUBJECT: Special assessments for Weed Cutting of 2011, Sidewalks of 2011, and Health and Safety of 2011.

PURPOSE

Consider the special assessments for Weed Cutting of 2011, Sidewalks of 2011, and Health and Safety of 2011.

BACKGROUND

Weed Cutting of 2011 – For the eradication, cutting and control of weeds and tall grasses, and any other unhealthy vegetation exceeding six inches in height.

Sidewalks of 2011 – For the construction, repair and rebuilding of sidewalks, curb and gutter.

Health and Safety of 2011 – For the repairs of curb stops, water lines and sewer lines, and the removal of trees.

The Notices for these assessments were published on September 9, 2011 and September 16, 2011.

ATTACHMENTS

Notice of Assessments:

- Weed Cutting of 2011
- Sidewalks of 2011
- Health and Safety of 2011

Board of City Commissioners
Agenda Documentation
Meeting Date: October 4, 2011
Subject: Special assessments for Weed Cutting of 2011, Sidewalks of 2011, and
Health and Safety of 2011.
Page 2 of 2

FISCAL IMPACT

Weed Cutting of 2011 = \$47,348.20 (1 year assessment)
Sidewalks of 2011 = \$286,862.23 (10 year assessment)
Health and Safety of 2011 = \$17,165.50 (5 year assessment)

STAFF IMPACT

No additional staff impact.

LEGAL REVIEW

The special assessments were prepared in accordance with the Mandan Municipal Code and North Dakota Century Code.

RECOMMENDATION

To approve the special assessments for Weed Cutting of 2011, Sidewalks of 2011, and Health and Safety of 2011.

SUGGESTED MOTION

Move to approve the special assessments for Weed Cutting of 2011, Sidewalks of 2011, and Health and Safety of 2011.

NOTICE OF ASSESSMENTS
WEEDS OF 2011

Notice IS HEREBY GIVEN that the following is a true and correct list of the particular lots and tracts of land on which the City of Mandan caused the cutting, spraying and removal of grass and weeds or caused the performance of such acts which contributed to the general health, safety and welfare of the community.

<u>Seq#</u>	<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Assessment</u>
<u>Bender Addition</u>				
10026	1	6	2513 8 th Avenue SE	\$ 327.71
10027	1	7	818 25 th Street SE	238.52
<u>Bridgeview Bay 1st</u>				
9965	1	1	2600 Marina Road SE	426.55
9966	1	2	2601 Marina Road SE	1,080.62
9980	1	16	2003 Pirate's Loop SE	67.94
10011	1	47	2407 Bayview Court SE	51.37
10012	1	48	2411 Bayview Court SE	53.74
10013	1	49	2415 Bayview Court SE	50.34
10014	1	50	2419 Bayview Court SE	49.30
<u>Bridgeview Bay 2nd</u>				
10637	1	E1/2 Lot 1	2000 Marina Road SE	35.91
10637 A	1	W1/2 Lot 1	2002 Marina Road SE	35.91
<u>Bridgeview Bay Replat</u>				
10290	2	1	2231 Pirate's Loop SE	80.34
10291	2	2	2235 Pirate's Loop SE	63.95
10293	2	4	2313 Pirate's Loop SE	83.77
<u>Diane's 3rd Addition</u>				
7840	2	13	408 Division Street NE	75.24
<u>Heartview</u>				
1076	8	15 & 16	1308 1 st Street NW	256.30
<u>Helmsworth-McLean 1st</u>				
1290	13	E 85' Lot 10 & S 85' Of E 1/2 Lot 11	1010 1 st Street NE	8.17
1323	17	Lots 5 & 6	305 9 th Avenue NE	28.98
1371	21	Lots 7 & 8	1310 2 nd Street NE	22.86
5196		N.P. Lease BF35394	1121 E. Main Street	390.25
<u>Hunters</u>				
2226	3	E 1/2 Lot 8	1512 4 th Street NW	25.65
2226 A	3	W 1/2 Lot 8	1514 4 th Street NW	29.46
<u>Lakewood 2nd Addition</u>				
9848	3	17	3311 Bay Shore Place SE	470.90
9849	3	18	3313 Bay Shore Place SE	203.16
9850	3	19	3315 Bay Shore Bend SE	286.78
9851	3	20	3317 Bay Shore Bend SE	126.98
9854	3	23	3327 Bay Shore Bend SE	88.88
9866	4	Lot 1 E 20' Lot 2	4509 South Bay Drive SE	79.20
<u>Lakewood Commercial Park 2nd</u>				
9881	1	1	4200 McKenzie Drive SE	698.77
9885	2	2 less S 69.80'	4220 Shaun Lane SE #1	230.01

Lakewood Commercial Park 3rd

10313	3	1-4	4103 Shoal Loop	404.78
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Lakewood Commercial Park 4th

10654	1	1	2101 40 th Avenue SE	496.16
10655	2	1	2201 40 th Avenue SE	756.53
10656	2	Lot 2 & Aud. Lot K	2401 40 th Avenue SE	788.97
10657	3	1	2501 40 th Avenue SE	583.82

Lakewood Harbor 2nd Addition

9714	1	5 & 6	4910 Lakewood Drive SE	425.97
9715	1	7	4906 Lakewood Drive SE	378.49
9716	1	8	4902 Lakewood Drive SE	394.01
9729	1	21	4202 Bay Shore Bend SE	275.90
9730	1	22	4100 Bay Shore Bend SE	269.03
9746	1	38	3912 Waterfront Place SE	134.31
9757	3	2	4502 Borden Harbor Drive	187.31

Lakewood Harbor 3rd Addition

10030	1	1	4009 Bay Shore Bend SE	145.94
10031	1	2	4005 Bay Shore Bend SE	196.40
10032	1	3	4001 Bay Shore Bend SE	364.35
10037	1	8	4319 Borden Harbor Place	159.56
10038	1	9	4320 Borden Harbor Place	150.42
10039	1	10	4316 Borden Harbor Place	156.50
10043	2	1	4101 Bay Shore Bend SE	216.69
10048	2	6	4220 Bayfront Place SE	172.44
10049	2	7	4216 Bayfront Place SE	200.70
10050	2	8	4212 Bayfront Place SE	209.87
10063	2	21	4100 Lakewood Drive SE	172.85
10072	2	30	4009 Beachfront Place SE	181.28
10073	2	31	4017 Beachfront Place SE	197.42
10074	2	32	4012 Beachfront Place SE	209.74

Lakewood Harbor 4th Addition

10199	2	3	4207 South Bay Drive SE	114.28
10233	3	7	3706 Bay Shore Bend SE	79.01
10249	4	6	3706 Woodbend Drive SE	261.50

Lakewood Harbor 5th Addition

10320	1	1	4101 28 th Street SE	81.71
10324	1	5	4123 Bayport Place SE	97.02
10327	2	1	4100 28 th Street SE	142.01
10328	2	2	4027 Bayport Place SE	118.39
10329	2	3	4023 Bayport Place SE	112.37
10330	2	4	4019 Bayport Place SE	84.62
10349	2	23	4130 Bayport Place SE	110.96
10350	2	24	4134 Bayport Place SE	123.24

Lakewood Harbor 6th Addition

10617	1	3	4000 Bayport Place SE	147.43
10621	1	7	4117 Bayport Place SE	144.97
10626	1	12	4106 Bayport Place SE	87.45

Lincoln Ridge Estates 1st Addition

9402 A	3	E1/2 Lot 2	2205 8 th Avenue SE	62.98
9406	3	6	2304 Eastview Place SE	449.28
9418	3	18	2201 Eastview Place SE	604.68

Lincoln Ridge Estates 2nd Addition

10487	1	1	605 23 rd Street SE	86.87
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10488	1	2	602 Lincoln Court SE	91.73
10489	1	3	502 Lincoln Court SE	111.94
10490	1	4	406 Lincoln Court SE	126.16
10491	1	5	402 Lincoln Court SE	184.79
10492	1	6	401 Lincoln Court SE	147.60
10493	1	7	501 Lincoln Court SE	167.51
10495	2	1	2404 West View Place SE	286.33

Lincoln Ridge Estates 3rd Addition

10662	2	1	802 25 th Street SE	170.64
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Lincoln Ridge Estates 4th Addition

10685	1	1	2507 Lincoln Court SE	260.02
10686	2	1	2408 Lincoln Court SE	416.28
10687	2	2	2412 Lincoln Court SE	112.20
10688	2	3	2506 Lincoln Court SE	189.20

Lincoln Ridge Estates 5th Addition

10873	1	1	702 Lincoln Court SE	222.06
10874	1	2	708 Lincoln Court SE	221.14
10875	1	3	714 Lincoln Court SE	220.30
10876	2	1	605 Lincoln Court SE	362.04
10877	2	2	611 Lincoln Court SE	327.34
10878	2	3	701 Lincoln Court SE	307.64
10879	2	4	707 Lincoln Court SE	206.52
10880	2	5	708 25 th Street SE	118.40
10881	2	6	702 25 th Street SE	139.51
10882	2	7	610 West View Place SE	139.51
10883	2	8	606 West View Place SE	118.40

Lohstreter 1st Addition

2350	5	4	1901 Bruley Road NW	188.01
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Mandan Heights 7th

2657 B	2	N 10.9' of S 74.7' Lot 8 Unit 3	1403 Collins Avenue	5.50
2658	2	Lot 8 less 74.7' & S 14.5' Lot 7 Unit 4	1405 Collins Avenue	5.50
2658 A	2	N 19.9' of S 34.3' Lot 7 Unit 5	1407 Collins Avenue	5.50
2659	2	Lot 7 less 54.2' & S 4' Lot 6 Unit 7	1411 Collins Avenue	5.50

Mandan Industrial Park 1st

2686	2	2	2917 37 th Street NW	34.98
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Mandan Lands 139-81

2698C	16	Aud Lot G SE4 NE4 (Less 1.03A and less Parcel A & B)	3609 Old Red Trail NW	1,159.01
2698H	16	Aud Lot H in S2 SE4	2698H	1,146.72
2698J	16	Aud Lot J Located in S2 SE4	2698J	2,960.38
2698K	16	Aud Lot l Located in S2 SE4	2698K	1,266.28
2985A	35	Lot 1 Lot A E2 SW4	1412 15 th Street SE	78.72

Mandan Proper

3424	23	2	209 1 st Avenue NE	27.37
3520	30	E 62' Lots 7 & 8	602 2 nd Street NE	124.30
3873	57	N 16 2/3' Lot 8 & S 16 2/3' Lot 9	504 6 th Avenue NW	32.66
3874	57	N 33 1/3' Lot 9	506 6 th Avenue NW	32.94

3875	57	10	508 6 th Avenue NW	33.00
<u>Meadows 1st</u>				
9953	2	5	4509 34 th Avenue NW	243.08
9954	2	6	4515 34 th Avenue NW	152.38
<u>Meadows 2nd</u>				
10173	2	1	4600 34 th Avenue NW	105.60
10180	4	1	4801 34 th Avenue NW	109.30
<u>Meadows 4th</u>				
10530	2	1	3924 48 th Street NW	58.41
10531	2	2	3920 48 th Street NW	43.18
10532	2	3	3916 48 th Street NW	43.18
10533	2	4	3912 48 th Street NW	43.18
10534	2	5	3908 48 th Street NW	45.71
10535	2	6	3904 48 th Street NW	45.71
10536	2	7	3900 48 th Street NW	45.71
10537	2	8	3824 48 th Street NW	45.71
10538	2	9	3820 48 th Street NW	43.18
10539	2	10	3816 48 th Street NW	43.18
10540	2	11	3812 48 th Street NW	43.18
10541	2	12	3808 48 th Street NW	43.18
10542	2	13	3804 48 th Street NW	45.71
10545	2	16	5005 37 th Avenue NW	43.10
10546	2	17	5009 37 th Avenue NW	43.10
10549	3	2	5017 37 th Avenue NW	66.03
<u>Meads</u>				
3920	1	Lot F W 47.3' Lot G	906 2 nd Street NW	46.64
3954	5	E 75' S1/2 Lot 4 E 75' Lots 5-7	305 11 th Avenue NW	34.98
<u>Midway 6th</u>				
190	1	1	3521 Memorial Highway SE	1,233.36
190A	1	2	190A	29.19
<u>Midway 12th</u>				
10141	2	1	3511 Memorial Highway SE	149.84
10142	2	2	1006 32 nd Avenue SE	152.38
10143	2	3	1100 32 nd Avenue SE	152.38
10144	2	4	1106 32 nd Avenue SE	152.35
<u>N. P. Lease</u>				
5196		NP Lease BF35394	1121 East Main Street	344.72
<u>N. P. 1st</u>				
4254	66	6	110 4 th Street NE	31.60
4285	68	S 15' Lot 2 & Lot 3	505 3 rd Avenue NE	67.68
4462	84	10	706 5 th Avenue NW	26.45
4504	88	3	707 Collins Avenue	28.88
4517	89	E ½ Lots 4 & 5	802 1 st Avenue NW	129.53
4518	89	W ½ Lots 4 & 5	802 1 st Avenue NW	468.60
4598	97	3	905 5 th Avenue NW	20.32
4713	106	8	610 9 th Street NW	98.34
<u>Old Heart 3rd</u>				
1489	1	3	3301 Marina Road SE	78.38
<u>Pattie's Acres 1st</u>				
8095	1	6	3804 Old Red Trail NW	495.00

<u>Pirates Cove</u>				
170	1	1 less bldg 1 & less 2,672 sq. ft vac street	2200 Pirates Loop SE	1,167.38
<u>Plainview Heights 1st Addition</u>				
5437	11	3	2208 8 th Avenue SE	68.91
<u>Plainview Heights 10th Addition</u>				
10267	2	8	2811 Plainview Drive SE	54.84
10275	3	1	3008 Plainview Drive SE	48.40
<u>Plainview Heights 12th Addition</u>				
10587	3	2	2800 Messara Place SE	301.20
10588	3	3	2824 Messara Place SE	248.25
10589	3	4	2828 Messara Place SE	104.12
10590	3	5	2832 Messara Place SE	311.43
10591	3	6	2900 Messara Place SE	288.36
<u>Ripples 4th</u>				
8573	1	4	1400 12 th Avenue SE	58.30
8580	1	11	1308 15 th Street SE	45.96
8581	1	12	1310 15 th Street SE	46.01
8585	1	13	1312 15 th Street SE	45.98
<u>Riverbend 2nd</u>				
8395	1	1	1801 River Drive NE	202.98
<u>Sharon Heights 2nd</u>				
5851	3	37	1812 Sunset Drive NW	359.35
<u>Southside 1st</u>				
6826	47	Lots 22-24 & S1/2 Vac St. abutting Lot 2	700 11 th Avenue SW	93.87
<u>Sunset Acres 1st</u>				
8052		Lot 29 of Lot B SW4 16-139-81	3500 Old Red Trail NW	175.23
<u>Sunset 2nd</u>				
8005	1	5	804 Boundary Street NW	75.79
8006	1	6	806 Boundary Street NW	75.79
<u>Sunset Comm Park 1st</u>				
10087	2	1	2641 Sunset Drive NW	312.29
<u>Sylvesters Ind Park 2nd</u>				
8258	2	1	4400 19 th Street SE	200.09
<u>Twin City Industrial Sites 1st</u>				
7629	1	19	305 BisMan Avenue SE	2,104.96
<u>Volk Hills Estates</u>				
10378	1	8	2701 8 th Avenue SE	235.24
<u>West Bay Estates 2nd Addition</u>				
1422	1	2	2500 46 th Avenue SE	4,463.58
1425	1	5	2700 46 th Avenue SE	437.84
<u>West Bay Estates 3rd Addition</u>				
10091	1	1	1800 46 th Avenue SE	458.97
10092	1	2	1900 46 th Avenue SE	88.00

West Hills Estates 1st

10497	1	1	4505 47 th Avenue NW	90.18
10498	1	2	4501 47 th Avenue NW	89.67
10499	1	3	4401 47 th Avenue NW	128.45
10501	2	1	4720 Impala Court NW	99.00
10507	1	7	4600 Impala Court NW	186.45

West Hills Estates 2nd

10667	1	1	4605 47 th Avenue NW	106.54
10668	2	1	4601 47 th Avenue NW	105.43
10669	3	1	4604 47 th Avenue NW	99.00
10670	3	2	4716 Corvette Street NW	63.36
10671	3	3	4712 Corvette Street NW	63.36
10672	3	4	4708 Corvette Street NW	63.36
10673	3	5	4704 Corvette Street NW	63.36
10674	3	6	4700 Corvette Street NW	63.36
10675	3	7	4600 Corvette Street NW	98.77
10676	4	1	4721 Corvette Street NW	99.00
10677	4	2	4717 Corvette Street NW	63.36
10678	4	3	4713 Corvette Street NW	63.36
10679	4	4	4709 Corvette Street NW	63.36
10680	4	5	4705 Corvette Street NW	63.36
10681	4	6	4701 Corvette Street NW	63.36
10682	4	7	4601 Corvette Street NW	99.00
10683	5	1	4520 Corvette Street NW	60.70
10684	6	1	4521 Corvette Street NW	79.20

West River 1st

9528	2	7	4000 Lewis Road NW	48.26
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TOTAL 47,348.20

TAKE FURTHER NOTICE that the Board of City Commissioners of the City of Mandan will meet in regular session at City Hall on October 04, 2011 at 5:30 p.m. at which meeting action will be taken upon such assessment list. Any person may appear to present testimony regarding the above assessments.

Publish: September 09, 2011
September 16, 2011

Diane I Leingang

NOTICE OF ASSESSMENTS
SIDEWALKS OF 2011

Notice IS HEREBY GIVEN that the following is a true and correct list of the particular lots and tracts of land on which the City of Mandan caused sidewalks to be constructed, replaced or repaired and the cost thereof.

<u>Seq#</u>	<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Assessment</u>
<u>Albers-Neff 2nd</u>				
39	3	9	705 9 th Avenue NW	796.86
<u>ANK 2nd</u>				
165	4	11	404 13 th Avenue NW	2,073.60
166	4	12	406 13 th Avenue NW	329.18
<u>Borden Harbor 1st</u>				
9233	1	14	4701 Quail Court SE	3,601.55
<u>Borden Harbor West</u>				
9467	1	15	3705 Goldfinch Circle SE	3,048.33
<u>Bridgeview Bay 2nd</u>				
10645	1	N ½ Lot 9	2112 Marina Road SE	2,213.20
10645 A	1	S ½ Lot 9	2114 Marina Road SE	2,242.01
10639	1	N ½ Lot 3	2008 Marina Road SE	1,583.09
10639 A	1	S ½ Lot 3	2010 Marina Road SE	1,586.51
<u>Emberland West</u>				
896	3	7	1725 9 th Avenue SE	1,632.22
<u>Gerard's 1st</u>				
952	1	Lots 10 – 12	401 1 st Street SE	3,172.91
<u>Helmsworth-McLean 1st</u>				
1323	17	Lots 5 & 6	305 9 th Avenue NE	1,369.25
<u>Hit 1st</u>				
10912	1	1	1201 7 th Avenue SE	7,819.43
<u>Kasper</u>				
2237	1	4	1710 3 rd Street NE	874.67
<u>Lakewood 1st</u>				
9646	4	14	3103 Bay Shore Bend SE	2,434.24
9692	2	25	2909 Edgewater Place SE	3,851.72
<u>Lakewood 2nd Addition</u>				
9747	1	39	3908 Waterfront Place SE	3,504.93
9846	3	15	3307 Bay Shore Place SE	2,603.45
9864	3	33	4308 South Bay Drive SE	4,328.64
9870	4	5	4403 South Bay Drive SE	7,237.58
9873	5	2	4307 South Bay Drive SE	3,798.12
<u>Lakewood 5th Addition</u>				
10135 25	1	Lot 4 Bldg 4 Unit 1	2908 Edgewater Loop SE	367.86
10135 26	1	Lot 4 Bldg 4 Unit 2	2908 Edgewater Loop SE	367.87
10135 27	1	Lot 4 Bldg 4 Unit 3	2908 Edgewater Loop SE	367.86
10135 28	1	Lot 4 Bldg 4 Unit 4	2908 Edgewater Loop SE	367.87
10135 29	1	Lot 4 Bldg 4 Unit 5	2908 Edgewater Loop SE	367.86

10135 30	1	Lot 4 Bldg 4 Unit 6	2908 Edgewater Loop SE	367.87
10135 31	1	Lot 4 Bldg 4 Unit 7	2908 Edgewater Loop SE	367.86
10135 32	1	Lot 4 Bldg 4 Unit 8	2908 Edgewater Loop SE	367.86

Lakewood Harbor 2nd Addition

9751	1	43	4601 Borden Harbor Drive	4,285.32
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Lakewood Harbor 4th Addition

10182	1	1	4304 South Bay Drive SE	4,242.92
10202	2	6	4303 South Bay Drive SE	4,256.52
10203	2	7	3601 Bay Shore Bend SE	3,345.27
10204	2	8	3603 Bay Shore Bend SE	3,116.70
10232	3	6	3710 Bay Shore Bend SE	3,390.25
10234	3	8	3702 Bay Shore Bend SE	2,724.83
10235	3	9	3614 Bay Shore Bend SE	3,083.07
10236	3	10	3608 Bay Shore Bend SE	2,946.56
10237	3	11	3602 Bay Shore Bend SE	5,537.52

Lakewood Harbor 4th Replat

10915	1	1	3705 Bay Shore Bend SE	2,765.61
10916	1	2	3709 Bay Shore Bend SE	2,595.10
10920	1	6A	3809 Bay Shore Bend SE	2,384.31
10921	1	6B	3811 Bay Shore Bend SE	1,993.43

Lakewood Harbor 5th Addition

10134 7	1	Lot 3 Bldg 3 #101	2821 40 th Avenue SE #101	2,356.71
10134 8	1	Lot 3 Bldg 3 #102	2821 40 th Avenue SE #102	2,356.70
10134 9	1	Lot 3 Bldg 3 #103	2821 40 th Avenue SE #103	3,552.45
10322	1	3	4111 Bayport Place SE	2,908.20
10323	1	Lot 4 & 1/7 Int. in Lot 16 Block 1	4115 Bayport Place SE	3,351.01
10326	1	Lot 7 & 1/7 Int. in Lot 16 Block 1	4139 Bayport Place SE	3,651.53
10351	2	25	4138 Bayport Place SE	2,375.25
10352	2	26	4142 Bayport Place SE	3,707.79
10356	2	30	4004 South Bay Drive SE	1,647.58
10356 A	2	South ½ Lot 30	4006 South Bay Drive SE	1,563.19
10357	2	31	4008 South Bay Drive SE	2,820.08
10358	2	32 (Less S 40')	4012 South Bay Drive SE	1,991.65
10358 A	2	S 40' Lot 32	4014 South Bay Drive SE	1,991.65
10359	2	N 40' Lot 33	4016 South Bay Drive SE	1,904.85
10359 A	2	S 40' Lot 33	4018 South Bay Drive SE	1,883.48

Lincoln Ridge Estates 3rd Addition

10664	3	2	717 25 th Street SE	1,019.45
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Mandan Heights 1st

2386	2	Lot 1 N 17' Lot 2	1407 2 nd Avenue NW	2,352.96
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Mandan Heights 2nd

2449	2	9	404 15 th Street NW	1,194.44
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Mandan Proper

3172	4	Balance Lot 16	106 2 nd Avenue NE	5,740.87
3173	4	17	108 2 nd Avenue NE	4,923.38
3333	15	W 64' Lots 7 & 8	810 1 st Street NW	1,334.26
3604	36	W 1/2 Lot 6	104 2 nd Street NW	3,534.23
3635	38	E 70' Lots 5 & 6	300 2 nd Street NW	3,444.65
3649	39	E 70' Lots 7 & 8	408 2 nd Street NW	2,725.63
3661	40	W 80' Lot 7	510 2 nd Street NW	691.52

3692	42	S 20' E 1/3 Lot 10 & Center 1/3 Lot 10	709 3 rd Street NW	1,410.55
3708	45	3	407 6 th Avenue NW	1,116.63
3744	47	W 78' Lot 12	410 5 th Avenue NW	673.85
3758	48	S 33 1/3' Lot 11	408 4 th Avenue NW	1,032.63
<u>Meads</u>				
3900	1	North	904 3 rd Street NW	777.79
<u>Meadows 4th</u>				
10560	4	9	5004 37 th Avenue NW	2,646.97
<u>N. P. 1st</u>				
4440	83	1	711 5 th Avenue NW	990.95
4441	83	2	709 5 th Avenue NW	1,035.41
<u>Plainview Heights 7th Addition</u>				
9593	3	9	2722 Plainview Drive SE	2,901.73
<u>Plainview Heights 8th Addition</u>				
9898	2	6	2732 10 th Avenue SE	2,661.90
<u>Plainview Heights 12th Addition</u>				
10569	1	1	3017 Buckskin Drive SE	5,986.32
10574	2	5	2913 Percheron Drive SE	2,645.14
10575	2	6	2909 Percheron Drive SE	2,440.65
10577	2	8	2901 Percheron Drive SE	2,661.05
10578	2	9	2817 14 th Avenue SE	2,647.68
10579	2	10	2813 14 th Avenue SE	2,229.78
10580	2	11	2809 14 th Avenue SE	2,177.06
10581	2	12	2805 14 th Avenue SE	2,350.11
10582	2	13	2801 14 th Avenue SE	4,883.59
10586	3	1	1501 27 th Street SE	606.48
10593	3	8	2908 14 th Avenue SE	2,860.12
<u>Sharon Heights 2nd</u>				
5818	3	3	1807 Monte Drive NW	1,065.22
<u>Southside 1st</u>				
6692	37	Lots 9 & 10	609 9 th Avenue SW	1,559.72
<u>West Bay Est 2nd-Replat</u>				
1423	1	3	2600 46th Avenue SE	62,765.58
TOTAL				286,862.23

TAKE FURTHER NOTICE that the Board of City Commissioners of the City of Mandan will meet in regular session at City Hall on October 04, 2011 at 5:30 p.m. at which meeting action will be taken upon such assessment list. Any person may appear to present testimony regarding the above assessments.

Publish: September 09, 2011
September 16, 2011

Diane I Leingang

NOTICE OF ASSESSMENTS
HEALTH SAFETY OF 2011

Notice IS HEREBY GIVEN that the following is a true and correct list of the particular lots and tracts of land on which the City of Mandan caused the performance of such acts which contributed to the general health, safety and welfare of the community.

<u>Seq#</u>	<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Assessment</u>
<u>Debbies Acres</u>				
8069	1	15	5104 Highland Road NW	9,350.00
<u>Heartview</u>				
1139	12	Lots 3 & 4	108 12 th Avenue NW	770.00
<u>Mandan Proper</u>				
3616	37	W 59' Lot 1	205 3 rd Street NW	3,613.50
3689	42	S 30' of W ½ Lot 8 W ½ Lot 7	710 2 nd Street NW	935.00
<u>Meads</u>				
3900	1	North	904 3 rd Street NW	2,497.00
TOTAL				17,165.50

TAKE FURTHER NOTICE that the Board of City Commissioners of the City of Mandan will meet in regular session at City Hall on October 04, 2011 at 5:30 p.m. at which meeting action will be taken upon such assessment list. Any person may appear to present testimony regarding the above assessments.

Publish: September 09, 2011
September 16, 2011

Diane I Leingang



Board of City Commissioners

Agenda Documentation

MEETING DATE: October 4, 2011
PREPARATION DATE: September 30, 2011
SUBMITTING DEPARTMENT: Business Development & Communications
DEPARTMENT DIRECTOR: Ellen Huber, Business Development & Communications Director
PRESENTER: Ellen Huber, Business Development & Communications Director
SUBJECT: Agreements for transfer of 116 E Main to MM Restaurant Group

STATEMENT/PURPOSE: To consider purchase agreement and business incentive agreements for the transfer of the city-owned building at 116 E Main to Scott Johnson.

BACKGROUND/ALTERNATIVES: The City Commission at its Sept. 20, 2011, meeting voted to approve a \$25,000 offer submitted by Scott Johnson for the purchase of the 116 E Main property. The proposal outlined plans to renovate the building's main floor to be suitable for retail space and to renovate the second story apartments.

Purchase and business incentive agreements stipulate requirements for the \$25,000 transfer of the building with accountability provisions in the event of non-performance.

ATTACHMENTS: The purchase agreement is included. The business incentive agreement is pending additional input from legal counsel and will be available prior to or at the Oct. 4 meeting.

FISCAL IMPACT: The proposed purchase agreement stipulates that the buyer will reimburse the seller for the \$1,500 minimum commission to the real estate agents.

STAFF IMPACT: Minimal oversight will be required.

LEGAL REVIEW: Attorney Brown has prepared and reviewed the agreements.

RECOMMENDATIONS: To approve the purchase and business incentive agreements as proposed.

Board of City Commissioners
Agenda Documentation
Meeting Date: October 4, 2011
Subject: Agreements for 116 E Main
Page 2 of 2

SUGGESTED MOTION: I move to approve the purchase and business incentive agreements with Scott Johnson for the sale of the 116 E Main as proposed.

PURCHASE AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 2011, between City of Mandan, a North Dakota Municipal Corporation, of 205 Second Avenue NW, Mandan, ND 58554, whether one or more, "SELLER," and Scott A. Johnson of _____, Mandan, ND 58554, whether one or more, "BUYER," under which Seller agrees to sell and Buyer agrees to purchase, upon the terms and conditions hereinafter set forth the following described real property located in the County of Morton, State of North Dakota:

Lot 7, Block 6, Mandan Proper (Original Town), now City of Mandan
(the "Property").

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

1. **PURCHASE PRICE**: The purchase price shall be \$25,000.00, payable in cash, subject to adjustments herein set forth, at closing. Payment shall be in certified funds or by wire transfer.

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

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

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

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

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

6. **CLOSING AND POSSESSION:** Closing and possession of the Property shall occur on or before November 1, 2011, subject to any extension of time herein granted in the event that title to the Property should be found unmarketable and subject to change by mutual agreement of Seller and Buyer.

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

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

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

Any closing cost not specifically enumerated herein shall be the responsibility of the party ordering such item or contracting therefor. In the special event that Buyer or Buyer's lender requires title insurance, the cost thereof shall be entirely paid by Buyer with the exception of the furnishing of a continued abstract by Seller.

8. **OTHER CONDITIONS:**

- (a) This Purchase Agreement is subject to all the terms and conditions of a Business Incentive Agreement of even date with Scott A. Johnson, which terms and conditions shall survive the completion of this Purchase Agreement.
- (b) Buyer agrees to reimburse the Seller the sum of \$1,500.00 for payment of real estate commission.

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

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

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

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

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

“SELLER”

BUYER:

CITY OF MANDAN

Scott A. Johnson

By: _____

Its _____



Board of City Commissioners

Agenda Documentation

MEETING DATE: October 4, 2011
PREPARATION DATE: September 29, 2011
SUBMITTING DEPARTMENT: Business Development & Communications
DEPARTMENT DIRECTOR: Ellen Huber, Business Development & Communications Director
PRESENTER: Ellen Huber, Business Development & Communications Director
SUBJECT: Mandan Growth Fund Recommendations on Acteva Assisted Living Center Applications for Assistance

STATEMENT/PURPOSE: The Mandan Growth Fund (MGF) passes recommendations to the Board of City Commissioners for consideration.

BACKGROUND/ALTERNATIVES: The MGF met Sept. 27, 2011. Agenda items included consideration of incentives for Acteva Assisted Living Center to be constructed at 3010 12th Avenue NW. The plan is to build an approximate 57,000 sf facility consisting of 50 assisted living units (34 single, 16 double). The facility will have 24-hour staffing with certified nursing assistants on call and one registered nurse at all times. The facility would for-profit, private pay. The estimated value of the completed building is \$6,282,000.

The applicant has outlined plans for potential expansion in the future to possibly include memory care, additional assisted living units and/or independent senior apartments or townhomes, all dependent upon market demands.

Much of the discussion at the MGF Committee meeting focused on demand. Mandan currently does not have an assisted living facility. ICON Holdings, on behalf of Acteva principals, conducted a market study in 2010 that indicated demand for approximately 700 assisted living units in the metro area. Inquiries directed to the assisted living facilities in Bismarck indicate very high occupancy rates. Mayor Helbling and I both reported receiving phone calls from senior citizens urging support for development of an assisted living facility in Mandan. Without such a service, senior residents are either living independently longer than they should, putting health and safety at risk, or they are moving from Mandan to communities that do have assisted living facilities.

- **Application for property tax exemption.** Regarding guidelines for the full five-year, 100% property tax exemption under the City's policy, the project does not meet the criteria of creating at least one full-time job for every \$100,000 of structural value subject to exemption by the end of year two. However, under the section pertaining to a "Payments in Lieu of Taxes (PILOT)" 50% exemption for years 6 to 10, it does meet the criteria of exceeding at least \$700,000 in value and creating at least 20 new full-time jobs. The business projects 20 full-time and 6 part-time jobs by the end of its fifth year.

The project meshes with other guidelines in the policy such as diversification of the economic base by providing a needed service to the community that is currently missing.

The MGF Committee voted 8-0 to recommend the 100% exemption for five years with a provision that if the property is sold to nonprofit, tax-exempt organization that the City would recoup the value of the exemption.

In an agreement with the developer of a different project, the City stipulated that in the event the applicant, or its assigns, sold the property within a period of 5 years after expiration of the tax exemption to a non-profit or charitable entity that is exempt from the payment of property taxes in the State of North Dakota, that the applicant would pay the City 100% of the amount of the tax exemptions received throughout the entire exemption period. This obligation on the part of the applicant would expire 5 years subsequent to the fifth year of the tax exemption.

- **Application for FlexPACE interest buy down.** The Bank of North Dakota offers a program that provides an interest buy down to reduce the borrower's rate of interest by as much as 5 percent. Whereas the standard PACE programs is only for primary sector businesses and is tied to actual jobs creation, FlexPACE allows the community to determine what specific types of economic activity it wishes to encourage. State funding for the PACE programs was reduced in the 2011 legislative session, thus the Bank of North Dakota now limits each project under FlexPACE to no more than \$100,000 of buydown dollars from the state with a matching portion coming from the local. Mandan's match requirement, based on population, is 35%. Thus the applicant is seeking the \$100,000 or 65 percent of the buy down from BND and 35 percent or \$54,000 from the City of Mandan.

The committee voted 8-0 to recommend approval of the \$54,000 toward the FlexPACE interest rate buy-down subject to the applicant obtaining permanent financing for the project.

By way of providing the City Commission with some additional background on FlexPACE, the findings of a Jamestown/Stutsman Development Corporation query conducted earlier this year of N.D. economic development organizations and cities on their use of the program found that some western North Dakota communities are using the program to stimulate housing. Williston reported using FlexPACE for a couple hotels and restaurants. Crosby and Garrison reported having used the program for assisted living projects. Some communities provide the local funding match in the form of a grant while others require it be paid back as zero interest and negotiate a time table.

ATTACHMENTS:

- The application for Property Tax Incentives for New or Expanding Business is included with the Public Hearing information.
- MGF application for Flex PACE interest buy down
- Available upon request for review are profit/loss and cash flow projections and the Acteva Assisted Living Center, LLP partnership agreement.

FISCAL IMPACT:

- Property tax exemption — The land will continue to be taxed. The improvements will be subject to the exemption. The annual amount of property tax exemption at a 100% rate is estimated at \$128, 589 for a total projected tax savings over five years of \$642,946.
- Interest buy-down — \$54,000 from the Growth Fund once construction is complete and permanent financing is obtained.

STAFF IMPACT: n/a

LEGAL REVIEW:

- The applicant will need to comply with business incentive requirements by reporting jobs annually to the Bismarck Mandan Development Association.
- An automatic door will be required.
- The exemption is also subject to a clawback agreement in the event that the facility would be sold to a tax-exempt entity within five years after the exemption expires.

RECOMMENDATIONS: The MGF Committee voted unanimously to recommend for Acteva Assisted LivingCenter 100% property tax exemption for five years with the clawback provision.

The MGF Committee voted unanimously to recommend approval of the \$54,000 toward the FlexPACE interest buy down subject to the applicant obtaining permanent financing for the project.

Board of City Commissioners

Agenda Documentation

Meeting Date: October 4, 2011

Subject: MGF Recommendations on Acteva Assisted Living Center Applications for Assistance

Page 4 of 4

SUGGESTED MOTIONS: I move to approve for Acteva Assisted Living Center the 100% property tax exemption for five years subject to a repayment agreement if the facility would be sold to a tax-exempt entity within five years from expiration of the exemption period.

I move to approve funding of the local match for the Bank of North Dakota FlexPACE interest buy down for Acteva Living Center in an amount not to exceed \$54,000, subject to proof of permanent financing for the project.



Security First Bank
OF NORTH DAKOTA

(701) 222-4444 Highway 83 North 3000 North 14th St PO Box 4250 Bismarck, North Dakota 58502
Mandan Growth Fund
205 Second Avenue NW
Mandan ND, 58554

Acteva Assisted Living Center LLP is a planned 50 unit Assisted Living Facility in Mandan, North Dakota. They would like to begin breaking ground on the facility this fall if they can secure funding for the project. As part of the project they would like to apply for interest rate buy down through the PACE program administered through the Mandan Growth Fund and the Bank of North Dakota.

Acteva is requesting \$54,000 from the Mandan growth fund and \$100,000 from the Bank of North Dakota PACE program to buy down the interest rate on the Security First Bank portion of the permanent financing (\$3,500,000). A participation request has been sent to the bank of North Dakota on this portion of the permanent financing for \$1,750,000.

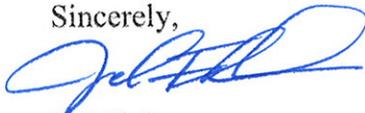
Projections use an interest rate of 5.75% on the Security First Portion of the permanent financing. With the PACE program buy down the effective interest rate on the package would be 4.25% over approximately three years if funded at the full request of \$154,000.

Included in this package is the Mandan Growth Fund application along with information regarding jobs of the proposed project, financial statements for major investors in the project, partnership agreement, phase I projections, cash flow and balance sheets. Also included is a map of the potential site for the facility.

Acteva is currently working with Security First Bank, Bank of North Dakota and the Small Business Administration to secure funding for the project. If you have questions regarding the project please call Kirk Simet (Lead Developer and Investor in Acteva) at 605-651-0234.

If you have questions regarding financing please feel free to give myself or David Ludwig a call at 701-222-4444.

Sincerely,



Jed Fluhrer
Security First Bank

MANDAN GROWTH FUND
PRE-APPLICATION
FORM 1

Name of Firm: Acteva LLP
Address: 3010 12 Ave N.W
Phone: _____
Product or Service: Assisted Living
Contact Person For Company: Kirk Simey
Contact Address: 315 Main Street #2
Contact Phone: 605-651-0234
Project Principals (enter name and ownership percent):
see attachment

Current Company Status

- a. Plant/Facilities/Office Locations: new company
- b. Current Number of Employees: Full-Time: _____ Part-Time: _____
- c. Form of Business Ownership: LLP

Primary Bank Account

- a. Name: Security First
- b. Address: 614 West Main, Mandan, North Dak
- c. Telephone: 701-228-0621
- d. Contact Person: Dave Catwray, Fed
- e. Working capital line of credit _____

Has the firm or any of its principals filed for bankruptcy in the last five (5) years? If so, state the date, entity or person filing and the place of bankruptcy filing:
no

Phase of Development: Start up Expansion Other

If other please describe: _____

Proposed Effective Date: _____

BACKGROUND INFORMATION RELEASE:

(Please provide a list of all owners with more than a 20% interest and include their social security numbers)

Name: Rick Simet SS# [REDACTED]

Name: Todd Mizel SS# [REDACTED]

Name: Mike Kuntz SS# [REDACTED]

Name: Mike Schmitz SS# [REDACTED]

Full-Time Employees: Present: 0 By 2011: 20 By 2016: _____

Payroll: Present: 0 By 2011: \$ 380,000 By 2016: _____

Project Title: _____

Project Summary: _____

Total Project Financing Requirements: \$ _____

Level of Owners Equity Commitment: \$ 20%

Describe Equity: CASH, CASH + LOAN

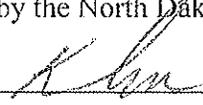
PROPOSED FUNDING

<u>SOURCES</u>	<u>AMOUNT</u>	<u>USE OF FUNDS</u>
<input checked="" type="checkbox"/> Mandan Growth Fund	\$ <u>154,000</u>	<u>reduce interest</u>
<input type="checkbox"/> Bismarck Vision Fund	\$ _____	<u>expense</u>
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____

Attach a brief (not more than two pages) description of business description of project, trade area served, kinds of jobs to be created, community impact, and any other development information that may help describe this project and demonstrate that the project meets the eligibility criteria of the Growth Fund. **Enclose information concerning any pending or threatened litigation or administrative proceeding or any outstanding administration orders, judgment, or injunctions.**

Everything that I have stated in this Pre-Application is correct to the best of my knowledge. You are authorized to do a background check to verify any of the information on this Application. I authorize my Primary Bank Account, as listed above, to release financial information relevant to this application to the Growth Fund. I also authorize any other source of Proposed Funding, as listed in this Application, to confirm to the Growth Fund, the level of their participation in this project. The Growth Fund will treat the information disclosed to it as a result of this Application as confidential insofar as allowed by the North Dakota Open Records Law.

Authorized Signature



Date 8/22/2011

Return To: Bismarck-Mandan Development Association
PO Box 2615
Bismarck, ND 58502-2615

Telephone: (701) 222-5530
FAX: (701) 222-3843
E-Mail: info@bmda.org

LLP

SECTION 6.7 Nothing in this Partnership Agreement shall prohibit any Partner from engaging in any other enterprise, in the County of Morton, North Dakota. Neither the Partnership nor any Partner shall be entitled to any income or profit derived by a Partner from activities and business opportunities permitted by this Section. If a Partner desires to engage in business activities that compete with the Partnership, the Partner shall first grant an option to the other Partners herein to join in such new business. The other Partners, or any of them, must express their desire to join in such business, in writing, within ninety (90) days of receipt of any offer from the Partner.

SECTION 6.8 Neither the Partnership nor any Partner shall be responsible or liable for any indebtedness or obligation of any other Partner incurred either before or after the execution of this Agreement, except as to those responsibilities, liabilities, indebtedness or obligations incurred pursuant to the terms of this Agreement. Each Partner agrees to indemnify and hold the other Partner(s) harmless from such other obligations and indebtedness.

SECTION 6.9 The Partners shall not be liable to the Partnership or to any Partner for any mistake or error in judgment or for any act or omission believed in good faith to be within the scope of authority conferred by this Agreement. The Partners shall be liable only for acts and/or omissions involving intentional wrongdoing.

**ARTICLE VII.
CAPITAL CONTRIBUTIONS**

SECTION 7.1 The initial and current existing capital of the Partnership shall be as follows:

<u>NAME</u>	<u>AMOUNT</u>	<u>PERCENTAGE</u>
Terra Vallee, LLP	\$ 599,000.00	42.79
ICON Development	\$ 312,000.00	22.30
Dennis F. Meyer Trust	\$ 100,000.00	7.14
Leon Klein	\$ 100,000.00	7.14
Loren Miles	\$ 100,000.00	7.14
Perrie Schafer	\$ 100,000.00	7.14
Mathew Reichert	\$ 39,000.00	2.79
Arlen Dyce	\$ 25,000.00	1.79
Mike Laird	\$ 25,000.00	1.79
Total	\$1,400,000.00	100%

The capital contribution of \$638,000.00 by Terra Vallee, LLP is in the form of real estate contributed to the partnership and represents the agreed upon value of the real estate. The contributions of the other partners are all cash contributions.

SECTION 7.2 ICON Holdings will provide \$250,000.00 to the Partnership. At the end of five (5) years, the balance on the loan may, at the request of ICON Holdings, be converted to an equity interest, and the Partnership ownership interest shall be adjusted accordingly. Please refer to the revised ownership.

<u>NAME</u>	<u>AMOUNT</u>	<u>PERCENTAGE</u>
Terra Vallee, LLP	\$ 599,000.00	36.30
ICON Development	\$ 562,000.00	34.06
Dennis F. Meyer Trust	\$ 100,000.00	6.06
Leon Klein	\$ 100,000.00	6.06
Loren Miles	\$ 100,000.00	6.06
Perrie Schafer	\$ 100,000.00	6.06
Mathew Reichert	\$ 39,000.00	2.36
Arlen Dyce	\$ 25,000.00	1.52
Mike Laird	\$ 25,000.00	1.52
Total	\$1,650,000.00	100%

It is understood by all partners that this is a real estate development and management business and the projections and anticipated return and or appreciations of value is subject to financial and market variables, which may cause a positive or negative impact on the financial condition of this project.

These conditions are recognized by all the partners and hold ICON Holdings and Development Group harmless in these projections and anticipated returns and or appreciation.

SECTION 7.3 Each Partner shall make additional contributions to capital in such amount as may from time to time may be agreed upon by unanimous vote of all Partners. The contributions by each partner need not be the same if the partners agree.

SECTION 7.4 Any obligation of a Partner to make capital contributions hereunder shall not inure to the benefit of, or be enforceable by, any person or entity other than the Partnership or the other Partners. No interest shall be paid on any capital contributed to the Partnership by any Partner.

SECTION 7.5 Loans by any Partner to the Partnership shall not be considered contributions to the capital of the Partnership and shall not increase the capital account of the lending Partner except as noted in Section 7.2. Any such loan shall be an obligation of the Partnership to the lending Partner and shall bear interest at the rate agreed upon by the Partners. In the event no rate is agreed upon between the lending Partner and the Partnership, then the rate of interest shall be the base rate publicly announced from time to time. The interest rate in effect from time to time on loans from the Partners to the Partnership shall be a variable rate of interest and change as and when the index to which such rate of interest changes, unless the Partners

EXHIBIT "A"

NOTE: THE BORROWER AND ORIGINATING LENDER SHOULD BE AWARE THAT PACE WILL PROVIDE A SET STREAM OF SUBSIDY PAYMENTS (INTEREST EXPENSE DIFF. DUE TO BUYDOWN) BASED UPON THE PAYMENT SCHEDULE BELOW. THE AMOUNT OF THE BORROWER'S MONTHLY PAYMENT, THE PAYMENT AMOUNT APPLIED TO PRINCIPAL AND INTEREST, AND THE AMORTIZATION OF THE LOAN SHALL BE GOVERNED BY THE PROMISSORY NOTE. THE BALANCES SHOWN BELOW, OTHER THAN THE SPECIFIC BUYDOWN AMOUNTS, ARE INTENDED FOR ILLUSTRATIVE PURPOSES ONLY.

COMPANY NAME: Acteva Example		PAYMENT SCHEDULE				NOTE: BORROWER'S RATE SHALL IN NO EVENT FALL BELOW 1% OR 5% BELOW PRIME DUE TO A DOWNWARD ADJUSTMENT IN THE YIELD RATE. THE BUYDOWN AMOUNT MAY BE ADJUSTED IF THE BORROWING FLOOR COMES INTO EFFECT.	
LOAN NUMBER:		DATE: 9/23/2011					
NUMBER PAYMENT PER YEAR:		12 (MONTHLY PAYMENTS)					
LOAN PARTICIPATION PERCENTAGES:		LEAD BANK - 50%		BND - 50%			
COMMUNITY % FACTOR:		65%		DISCOUNT RATE - 0.75%			
PRINCIPAL:	3,500,000					COMMUNITY BUYDOWN	
YIELD RATE: (SEE NOTE)	6.00%	INTEREST BUYDOWN AMOUNT:		153,848.89			
BORROWING RATE:	1.00%	BND BUYDOWN AMOUNT:		100,001.78	65.00%	1ST YEAR 53,847.13	
TERM (YEARS):	20.00	COMMUNITY BUYDOWN AMT:		53,847.11	35.00%	2ND YEAR #REF!	
NOTE: YIELD RATE IS		PRESENT VALUE BND:		99,638.92		3RD YEAR #REF!	
		PRESENT VALUE COMMUNITY:		53,651.75		4TH YEAR #REF!	

*** LENDERS LOAN WITHOUT BUYDOWN ***

*** BORROWER'S LOAN WITH BUYDOWN ***

PRINCIPAL	3,500,000	PRINCIPAL	3,500,000	BUYDOWN AMOUNT IS SET AT CLOSING
YIELD RATE	Variable	BORROWING RATE	Variable	UNLESS OTHERWISE AGREED & WILL
TERM (YEARS)	20.00	TERM (YEARS)	20	REMAIN FIXED AS INDICATED BELOW.
PAYMENT	25,075.09	NOTE: YIELD RATE IS	Variable	ANY RATE

"FOR ILLUSTRATIVE PURPOSES ONLY"

"FOR ILLUSTRATIVE PURPOSES ONLY"

PAY NUM	PAYMENT	PRINCIPAL	INTEREST	OUTSTANDING BALANCE	PAY NUM	PAYMENT	PRINCIPAL	INTEREST	OUTSTANDING BALANCE	INTEREST EXPENSE	BND'S %	COMMUNITY %
										DIFF. DUE TO BUYDOWN	65%	35%
				3,500,000.00					3,500,000.00			
1	25,075.09	7,575.09	17,500.00	3,492,424.91	1	10,491.75	7,575.09	2,916.67	3,492,424.91	14,583.33	9,479.16	5,104.17
2	25,075.09	7,612.96	17,462.12	3,484,811.95	2	10,523.32	7,612.96	2,910.35	3,484,811.95	14,551.77	9,458.65	5,093.12
3	25,075.09	7,651.03	17,424.06	3,477,160.92	3	10,555.04	7,651.03	2,904.01	3,477,160.92	14,520.05	9,438.03	5,082.02
4	25,075.09	7,689.28	17,385.80	3,469,471.64	4	10,586.92	7,689.28	2,897.63	3,469,471.64	14,488.17	9,417.31	5,070.86
5	25,075.09	7,727.73	17,347.36	3,461,743.91	5	10,618.96	7,727.73	2,891.23	3,461,743.91	14,456.13	9,396.48	5,059.65
6	25,075.09	7,766.37	17,308.72	3,453,977.54	6	10,651.15	7,766.37	2,884.79	3,453,977.54	14,423.93	9,375.55	5,048.38
7	25,075.09	7,805.20	17,269.89	3,446,172.35	7	10,683.51	7,805.20	2,878.31	3,446,172.35	14,391.57	9,354.52	5,037.05
8	25,075.09	7,844.23	17,230.86	3,438,328.12	8	10,716.04	7,844.23	2,871.81	3,438,328.12	14,359.05	9,333.38	5,025.67
9	25,075.09	7,883.45	17,191.64	3,430,444.67	9	10,748.72	7,883.45	2,865.27	3,430,444.67	14,326.37	9,312.14	5,014.23
10	25,075.09	7,922.86	17,152.22	3,422,521.81	10	10,781.57	7,922.86	2,858.70	3,422,521.81	14,293.52	9,290.79	5,002.73
11	25,075.09	7,962.48	17,112.61	3,414,559.33	11	10,814.58	7,962.48	2,852.10	3,414,559.33	9,455.00	6,145.75	3,309.25
	275,826	85,441	190,385			117,172	85,441	31,731		153,849	100,001.76	53,847.13



Mandan, North Dakota
Debt Schedule

Lender	Orig Date	Loan Term	Int Rate	Loan Amount	Mon Int Pay	Mon Prin Pay	Balance	Maturity	Collateral	Status	Total
1) Community Works											
1.1 Pre Development Loan	8/1/2011	60 months	5.00%	\$ 250,000	\$ 1,042			8/1/2016	ICON HOLD		\$ 5,210
2) Security First Bank											
2.1 Construction Note	8/1/2011	21 months	5.50%	\$ 5,600,000					Actéva LLP		
2.2 Permanent Financing	8/1/2013	20 year	5.75%	\$ 3,500,000					Actéva LLP		
3) SBA											
3.1 Permanent Financing	1/1/2014	20 year	5.50%	\$ 2,100,000					Acteva LLP		

Notes

- Community Works loan will be taken out by ICON Holdings with Qtrly Interest Only until final balance due on August 2016. Debt will be convertible to equity at agreed to share price.
- Construction Interest of \$220,000 is included in Project Cost.

MANDAN GROWTH FUND
FORM 2

The Firm:

A. Name of Company: Acteva LLP

B. Address: Mandan, North Dakota

C. Telephone: 605-651-0234

D. Contact Person for Company: Kirk Simet

E. Current Company Status:

1. Plant/Facilities/Office Locations: _____

2. Current number of employees: Full-Time: _____ Part-Time: _____

3. Current Pay ranges. Please specify the number of employees in various pay ranges.

PAY RANGE

NUMBER OF EMPLOYEES

PAY RANGE	NUMBER OF EMPLOYEES
_____	_____
_____	_____
_____	_____
_____	_____

Briefly outline employee benefits provided: _____

4. Form of business ownership: _____

F. Primary Bank Account(s)

1. Name: Security First Bank

2. Address: 614 West Main, Mandan, North Dakota

3. Telephone: 701-222-444

4. Contact Person: Dave Ludwig or Ted Fluhrer

5. Working capital line of credit: _____

G. Company Attorney:

- 1. Name: Allen Ruff
- 2. Address: 103 Collins Avenue, Mandan N.D
- 3. Telephone: 701-663-9818

H. Company Business/Marketing Consultant(s):

- 1. Company Name: Icon Holdings
- 2. Address: Suite #200 315 Main Ave. Brookings, S.D
- 3. Telephone: 605-651-0234
- 4. Contact Person: Kirk Smet

NOTE: Individual(s)/firms listed in F, G, H, above, may be contacted unless you specifically request otherwise.

New Business Venture Requirements

(Business expansion applicants need not provide this information unless specifically requested by the Growth Fund Committee.)

A. List three references for the stockholder(s) or partners with telephone numbers who will own the new business:

<u>NAME</u>	<u>TELEPHONE NUMBER</u>
<u>Mike Schmitz</u>	<u>701-221-2655</u>
<u>Kirk Smet</u>	<u>605-651-0234</u>
<u>Mike Kuntz</u>	<u>701-772-4266</u>
<u>Debbie Schaefer</u>	<u></u>

B. List three references for the manager(s) with telephone numbers who will manage the new business:

<u>NAME</u>	<u>TELEPHONE NUMBER</u>
<u></u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>

List of Required Attachments:

- A. A completed Growth Fund Form 3 (Project financing breakdown).
- B. A completed Growth Fund Form 4 (Current and projected employment).
- C. A completed business plan to include two (2) years pro forma financial statements.

Existing Business (Retention/Expansion/Relocation)

- 1. Enclose financial statements for the past three (3) fiscal years, including: balance sheets, income statements, statements of changes in financial position, and notes to financial statements. If unaudited, the statements must be signed and dated by an authorized financial officer of the business.
- 2. Enclose most recent interim financial statements (balance sheets, income statements, if available).
- 3. Enclose Federal tax returns filed by the business for the previous three years, if the applicant is a sole proprietorship, partnership, or corporation that does not have its financial statements audited or reviewed.
- 4. Enclose a pro forma balance sheet, income statement, and cash flow statement for the 24 months following the loan closing that shows the financial position of the business, including the proposed financing.

New Business Venture (Initial Capitalization)

- 1. Enclose signed personal financial statements dated as of the date of the application for any person who owns 20% or more interest in the business. In addition, include data privacy forms signed by each individual submitting personal financial statements. (Information Release form attached)
- 2. Enclose any other information, including a key person insurance policy which may be available to secure the loans, which would assist us in processing your application as efficiently as possible.
- 3. Enclose information concerning any pending or threatened litigation or administrative proceeding or any outstanding administration orders, judgment, or injunctions.
- 4. Has the company or any of the principals ever been involved in bankruptcy? NO
- 5. Please provide the Social Security Numbers for all stockholders or owners with more than 10% ownership interest.

STOCKHOLDERS/OWNER

Mike Schmitz
Rick Smet

SOCIAL SECURITY NUMBER

502 72 1225
22 62 0037

MANDAN GROWTH FUND
FORM 3

Costs	Mandan Growth Fund		Bismarck Vision Fund		Bank		Equity		Bank of ND Other ^{PALE}		Total Amount
	Amount	%	Amount	%	Amount	%	Amount	%	Amount	%	
Land Acquisition							647,000				
Acquisition of/or improvements to building					5,600,000		753,000				
Acquisition of machinery or equipment □ new □ used											
Inventory Purchased											
Other (Please Describe)	Interest Rate Buydown \$54,000								Interest Rate Buydown \$100,000		
Totals:	\$54,000				\$5,600,000		\$1,400,000		\$100,000		

Please enclose copies of bids you have received which support the cost assumptions or send commitment letters from banks or other institutions which support the itemization.

Describe desired terms of financing requested for Growth Fund money: _____

Mandan Growth Fund
FORM 4

CURRENT AND PROJECTED EMPLOYMENT

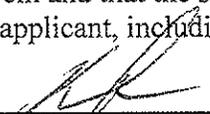
Type of Employment	Existing Jobs as of Date:				Employment Projections 1 st Year				2 nd Year				3 rd Year				Starting Wage/Salary
	FT	PT	M	F	FT	PT	M	F	FT	PT	M	F	FT	PT	M	F	
Professional					1				1				1				4.5K month
Managerial					2				2				2				3-5K month
Technical																	
Skilled					1				3				4				16-25 HR
Unskilled																	
Semi-Skilled						6			8				8				16-16 ^{hr} HR
Totals					4	6			6	8			7	8			

Salary and benefit total amounts should be provided for each job category. Do salary and wage employees receive same benefits?

Attach an employment list history, by the month, for the last 12 months.

The data which you supply to the Growth Fund will be used to assess your firm's qualifications for a business loan. We will not be able to process your financial application without it. There is a possibility this data might constitute a public record if and when a loan is approved, and, at this time, the data may be examined by anyone.

The undersigned says he/she is duly authorized to verify the foregoing application, that he/she has read the same and is familiar with the statements contained herein and that the same are true in substance and in fact. The undersigned specifically authorizes the Growth Fund to do a background check on the applicant, including the checking of references and the verification of any information on the application.



Signature of Officer of Applicant or Owner if Sole Proprietor

9/22/2011

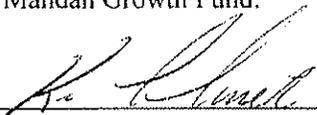
Date

MARAYIA PARTNER

Title

MANDAN GROWTH FUND JOBS VERIFICATION AGREEMENT

By making application to and accepting funding from the Mandan Growth Fund and by its signature on this Jobs Verification Agreement, the Applicant authorizes the Bank of North Dakota, Job Service North Dakota, Small Business Development Center, the Small Business Administration or other agencies with information relevant to the jobs created by the Applicant, to release to the City of Mandan and/or the Bismarck-Mandan Development Association any information of the Applicant necessary or useful to verify the Applicant's employment levels and costs. The Bismarck-Mandan Development Association will provide an "Annual Jobs Verification" form to the borrower on an annual basis for as long as you receive assistance from the Mandan Growth Fund.



Authorized Signature

Aug 29, 2011
Date

MANDAN GROWTH FUND ANNUAL JOBS VERIFICATION

Company Name: Acteva LLP
 Person Completing Report: Kirk Simer
 Title: MANAGING PARTNER
 Year(s) Funded by Growth Fund: _____

JOBS

Please indicate the total number of jobs as of December 31, 2006 by category:

Professional: _____ Skilled: _____
 Managerial: _____ Semi-Skilled: _____
 Technical: _____ Un-Skilled: _____
 Full-Time: _____ Part-Time: _____
 Total: _____ ** see attached schedule*

BENEFITS

Please check (X) the benefits which your company offers to employees:

	YES	NO	Percentage Paid By Employer
Health:	<u>X</u>	_____	<u>fixed amount set each year</u>
Dental:	<u>X</u>	_____	<u>"</u>
Life Insurance:	_____	<u>X</u>	<u>"</u>
Retirement:	_____	<u>X</u>	<u>CAT (this time)</u>

Do part-time employees receive the benefits indicated above?

Yes X No _____

Total benefits paid to all employees for the year ending December 31, 2006:

\$ _____

WAGES

Please indicate the average wage of your employees by category:

Total Employees see schedule ATTACHED

Full-Time 11

Part-Time 11

Total wages paid to all employees for the year ending December 31, 2006 as reported on your W-3 Transmittal report to the IRS:

\$ _____

SEASONALITY

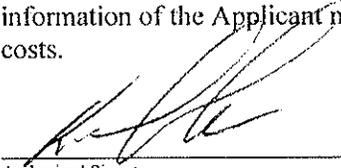
Does the number of your employees fluctuate by more than 10% within the year due to the seasonality of your products or services?

Yes X No _____

If yes, what is the average number of employees (FTE's) for the Year? see schedule ATTACHED

AGREEMENT

By making application to and accepting funding from the Mandan Growth Fund and by its signature on this Annual Job Verification Form, the Applicant authorizes the Bank of North Dakota, Job Service North Dakota, Small Business Development Center, the Small Business Administration or other agencies with information relevant to the jobs created by the Applicant, to release to the City of Mandan and/or the Bismarck-Mandan Development Association any information of the Applicant necessary or useful to verify the Applicant's employment levels and costs.



Authorized Signature

8/28/2011

Date

Position Title	Hourly	Salary/Pay	Senior Housing Facilit			Total#	Comp Per		
	Pay Scale	Scale	IL	AL	MC	FTEs	Month		
Administrator *		\$65,000.00		1		1	\$5,416.67		
Assistant Manager		\$38,000.00		1		1	\$3,166.67		
Marketing Director *						0			
CMA/CNA	\$12.00			12		12	\$24,768.00		
Receptionist/Admn Asst						0			
Activities Director	\$10.00			1		1	\$860.00		
Van Driver	\$10.00			1		0	\$500.00		
Maintenance Person	\$15.00			0		0	\$1,200.00		
RN or LVN/LPN *	\$25.00			1		1	\$2,500.00		
Nurse On-Call						0	\$0.00		
Housekeeper	\$10.00			2		2	\$3,440.00		
Lead Cook/Food Service Dir	\$16.00			1		1	\$2,752.00		
Cook (s)	\$11.00			1		1	\$946.00		
Dietary Aide	\$9.00			1		1	\$1,548.00		
Server/Office Assistant	\$10.00						\$0.00		
Other:						0			
Other:						0			
Employee Compensation Totals:			0.00	0.00	0.00	22	0.00	20	\$47,097.33

Benefits or Load Factors	% of Payroll	# of Empls	Per Month
Payroll Taxes	7.65%	20	\$3,602.95
Worker's Compensation Ins	10.00%	20	\$4,709.73
Overtime, Holiday and Vac	5.00%	20	\$2,354.87
Health Insurance		10	\$5,000.00
Other:			\$3,500.00
Other:			\$0.00
	22.65%		\$19,167.55

Employee Expenses - Phase 1
 ICON Development Group

Actéva Living Center Project Pro Forma
 Mandan, North Dakota

TOTAL Personnel Costs Per Month: \$66,264.88

on 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).

A living community will be used to assist people aged 55 and older. A Nurse & Certified Nursing Assistants will take care of residents in need of assistance in everyday living situations. Activites include emergency call, eating, toileting, dressing, transportation, and any other special services that may be needed for residents.

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	\$103,477	\$823,300	\$1,307,050	\$1,592,950	\$1,711,800
Annual expense	\$150,252	\$514,419	\$775,684	\$919,351	\$1,072,572
Net income	-\$46,777	-\$24,999	\$102,794	\$234,627	\$266,654

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)	4	6	7	8	20
(2)	6	8	8	10	6
Estimated payroll (1)	\$42,000	\$162,000	\$257,000	\$314,000	\$380,000
(2)	\$36,000	\$133,000	\$208,000	\$258,000	\$310,000

(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).

Terra Vallee LLP
Fair Market Value Balance Sheet
31-Dec-11

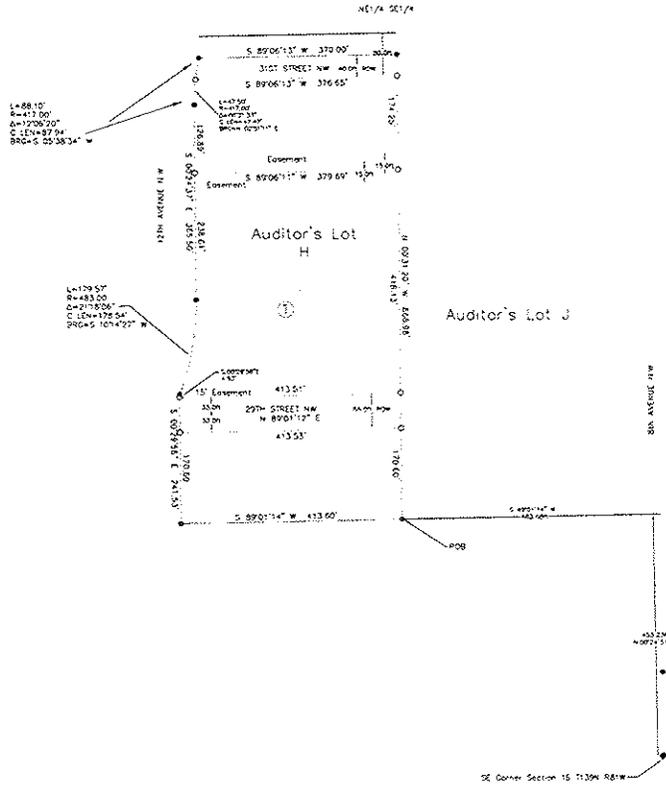
29.36 Acres of land at average price of 2.50 per square foot	\$ 3,197,304
Less 3.36 Acres of land that is unusal able	(365,904)
Net Assets	<u>\$ 2,831,400</u>
Debt	<u>\$ -</u>
Equity	2,831,400
Total Debt and Equity	<u>\$ 2,831,400</u>

ACTEVA LIVING CENTER ADDITION

PART OF AUDITOR'S LOTS H AND J
SE 1/4 SE 1/4 SECTION 16 TOWNSHIP 139 NORTH RANGE 81 WEST
TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA



MANDAN LAND SURVEY
211 WEST WHEEL STREET
MANDAN, NORTH DAKOTA 58504-5569
701-258-7424 OFFICE
701-258-2730 FAX



LEG	SYMBOL	DESCRIPTION
●	●	Monument set
○	○	Monument to be set

● = Monument set
○ = Monument to be set

DESCRIPTION

Part of Auditor Lots H and J, located in the SE 1/4 Section 16, Township 139 North Range 81 West of the 14th Principal Meridian, City of Mandan, Morton County, North Dakota more particularly described as follows:
Commencing at the SE Section Corner said Section 16, thence along the East line of said Section 16 N 0724 51"W, 433.23', thence S 6930 17"W, 433.68', to the Point of Beginning, thence N 0031 20"W, 868.48', thence S 5050 32"W, 373.20', to a Point of Curve to the left with a radius of 412.00', a chord length of 37.74' and a chord bearing of S 6038 34"W, thence S 0024 37'E, 365.50' to a Point of Curve to the right with a radius of 483.00', a chord length of 178.54' and a chord bearing of S 1024 02"W, thence S 0023 52'E, 241.55', thence N 5301 14"E, 433.60', to the Point of Beginning and containing 7.80 acres more or less.

APPROVAL OF PLANNING COMMISSION

The Subdivision of Land as shown on the attached plat has been approved by the Planning Commission of the City of Mandan, on the _____ day of _____, 2011, in accordance with the laws of the State of North Dakota, ordinances of the City of Mandan and regulations adopted by said Planning Commission. In Witness Whereof we set the Hands and Seals of the Chairman and Secretary of the Planning Commission of the City of Mandan.

Bill Robinson - Chairman

Dow Beecher - Secretary

APPROVAL OF BOARD OF CITY COMMISSIONERS

The Board of City Commissioners of the City of Mandan, North Dakota, has approved the Subdivision of Land as shown on the Attached Plat, has accepted the dedication of all streets shown thereon, has declared the grounds as shown on the attached plat as an amendment to the Metric Plan of the City of Mandan, North Dakota and does hereby waive any previous platting within the boundary of the attached plat.
The foregoing action of the Board of City Commissioners of Mandan, North Dakota, was taken by resolution approved the _____ day of _____, 2011.

Tim Weidner, Mayor
Attest: Jim Neubauer
City Administrator

APPROVAL OF CITY ENGINEER

I, _____, City Engineer of the City of Mandan, North Dakota, hereby approve, Acting Living Center Addition, Mandan, North Dakota, as shown on attached plat.

City Engineer

SURVEYOR'S CERTIFICATE

I, Michael Zimny, hereby certify that this plat is a representation of a survey made by me or under my direction and that said survey has been made in conformity with the Manual of Instructions for the Survey of the Public Lands of the United States.

North Dakota Registered Land Surveyor LS# 3122

State of North Dakota

County of Burleigh

On this _____ day of _____, 2011, before me personally appeared _____ known to me to be the person described in and who executed the foregoing surveyor's certificate and he acknowledged that he executed the same.

OWNERS CERTIFICATE AND DEDICATION

Know all men by these presents that Acteva Living Center along the owner and proprietor of the property shown hereon has caused this portion described herein to be surveyed and divided into Acteva Living Center Addition, Mandan, North Dakota and do so dedicate streets as shown hereon including all sewer, water, electric and other public utilities whether shown hereon or not to public use forever. Acteva Living Center also covenants agreements to run with the land for gas, electric, telephonic or other public utilities or services including sanitary sewer and water mains on or under these certain streets of land described herein as utility easements.

Acteva Living Center

State of North Dakota

County of _____

On this _____ day of _____, 2011, before me personally appeared _____ known to me to be the person described in and who executed the foregoing certificate and he acknowledged that he executed the same.



New Business No. 3

Board of City Commissioners

Agenda Documentation

MEETING DATE: October 4, 2011
PREPARATION DATE: September 27, 2010
SUBMITTING DEPARTMENT: Police
DEPARTMENT DIRECTOR: Chief Dennis A. Bullinger
PRESENTER: Chief Dennis A. Bullinger
SUBJECT: Introduction of Police Officer

STATEMENT/PURPOSE:

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

BACKGROUND/ALTERNATIVES:

Luke Kapella, is a 2004 graduate from the University of North Dakota with a Bachelor of Science Degree in Sociology. Luke is also a 2008 graduate of Hibbing Community College, Minnesota where he successfully completed the Law Enforcement Officer Education Program.

Currently, Luke is in the police departments, Field Training Program.

ATTACHMENTS: N/A

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: N/A

SUGGESTED MOTION: N/A

ORDINANCE NO. 1105

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

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

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

The following described property located within the City of Mandan shall be excluded from the R7 (Single-Family) zoning and shall be included in RM (Multi-Family) namely,

Lots 1-3, Block 1 of Acteva Addition in Section 16, Township 139N, Range 81W .

And as so amended said section is hereby reenacted. The purpose of the zone change is to build an assisted living facility. 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>August 22, 2011</u>
First Consideration:	<u>September 20, 2011</u>
Second Consideration and Final Reading:	<u>October 4, 2011</u>
Publication Date:	<u>October 28, 2011</u>

