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10/15, 22 & 29 - 4601

**City of Mandan  
Board of City Commissioners  
Minutes of September 21, 2010**

The Mandan City Commission met in regular session at 5:00 p.m. on September 21, 2010 in the Ed "Bosh" Froehlich Room at City Hall. Commissioners present were Helbling, Tibke, and Rohr. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development Director Huber, and Engineering Project Manager Bechtel. Absent: Commissioners Jackson, Frank and City Assessor Barta.

**MINUTES:**

**PUBLIC HEARING:**

**BIDS:**

**CONSENT AGENDA:**

**NEW BUSINESS:**

**OLD BUSINESS:**

**RESOLUTIONS & ORDINANCES:**

**OTHER BUSINESS:**

**MANDAN PUBLIC SCHOOL DISTRICT**

**SCHOOL BOARD MINUTES**

**GENERAL LOCATION MAP AND STUDY AREA**

**TRANSMISSION LINE OLIVER AND MORTON COUNTIES NORTH DAKOTA**

**OVERVIEW MAP**

**Legend**

**Proposed Oliver II Transmission Line**

**1.1-Mile Corridor**

**Township**

**County Boundary**

**MAY 2010**

**0 2 4 Miles**

**9/17 & 10/15 - 4567**

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**10/15 - Mandan**

clarification of the motion as to who will bring it back before this Board. Commissioner Rohr recommended there be a 3 or 6 month period for research into the matter. After some discussion of concern to not delay the matter, Commissioner Rohr Amended the Motion to review this matter on October 19th. Commissioner Tibke amended the second to the motion. The Amended motion received unanimous approval of the members present. Mayor Helbling stated that there is action needed on the Original motion by Commissioner Rohr, seconded by Commissioner Tibke, to bring this matter back on October 19th. The Original motion received unanimous approval of the members present.

**3. Consider approval of the City's Significant Budget Policies for the Budget Committee.**

**Commissioner Tibke reviewed with members the Significant Budget Policies that were reviewed at the last City Commission meeting. In addition, materials were given to all board members in their packets to review. She stated the Committee's recommendations for the 2012 Budget are as follows:**

**(i) Operating deficits for the City's Major funds will only be allowed for one-time expenditures such as capital outlay and special projects. One-time expenditures will only be paid for from funds in excess of the minimum Fund Balance Operating Reserve.**

**(ii) Consider a Debt Management Policy.**

**(iii) Consider an infrastructure policy for developer related projects.**

**Commissioner Rohr stated that he has been involved with budgeting for many years and budgeting has been done on an annual basis. The key thing here is to be vigilant of the taxpayer's money. This Budget Policy is a good way of looking at that and into the future. Economically we do not want to find ourselves in deficit spending. Mayor Helbling agreed and stated that this should assist the department heads in the process.**

**Commissioner Rohr motioned to approve the Significant Budget Policies as presented including the recommendations of the budget plan as presented by the Budget Committee along with the recommendations for the 2012 budget. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes, Commissioner Tibke: Yes; Commissioner Jackson: Absent; Commissioner Frank: Absent; Mayor Helbling: Yes. The motion carried.**

**4. Introduction of new employee - Street Department Equipment Operator I - Tanner Kahl. Director of Public Works Wright introduced Tanner Kahl, as the new Street Department Equipment Operator I. Kahl graduated from Mandan High School in 1997 and holds a Class A CDL drivers license with all the endorsements including hazardous materials.**

**RESOLUTIONS & ORDINANCES:**

**OTHER BUSINESS:**

**1. Census Update. City Administrator Neubauer stated that he has met with an individual from the U.S. Census Bureau and they presented the City of Mandan with a plaque for assisting with the Complete Count Committee. The national average on the mail-back return was a 72% response rate which was equal to the 2000 return rate. North Dakota's response was down from 76% in 2000 to 73% in 2010. Morton County response rate was up from 81% to 82% from 2000 to 2010. The information on the final numbers will come out on 12/31/10. A report will be sent to President Obama. In February and March 2011 information will be sent to the Governor for redistricting purposes. In July and August of 2011 information will be released on housing and can be used for the school district needs. Administrator Neubauer extended a thank you to those who assisted with the Census count. There being no further actions to come before the Board, Commissioner Rohr moved to adjourn the meeting at 5:32 p.m. Commissioner Tibke seconded the motion. The motion received unanimous approval of the Board members present and the meeting adjourned.**

**/s/ James Neubauer  
James Neubauer,  
City Administrator**

**/s/ Timothy A. Helbling  
Timothy A. Helbling,  
President, Board of City Commissioners**

10/15 - 4597

**MANDAN PUBLIC SCHOOL DISTRICT**

**Mandan, North Dakota**

**September 21, 2010**

**SCHOOL BOARD MINUTES**

**A regular meeting of the Mandan Public School Board was held on Tuesday, September 21, 2010 at 7:30 p.m. in the Bosh Froehlich Room, Mandan City Hall, 205 2nd Ave NW. Members present: Beth Allen, Kirsten Baesler, Dr. Donna Fishbeck, Lee Fleischer, Jill Hanson, Karen Johner, LouAnn Nider and Dr. Tim Rector. Others present: Wilfred Volesky, Superintendent of Schools, Dr. Mike Bitz, Assistant Superintendent of Schools, Joe Lukach, Business Manager, Jill Miller, Brooke Klein, Randy Wilson, Dr. Gaylynn Becker, Jamie Livingston, Kathy Miller, and Sara Kincaid - Bismarck Tribune. Members Absent: Tim Tausend. The meeting was called to order by President Baesler.**

**President Baesler called for changes, additions or deletions to the agenda as presented. Mr. Fleischer requested to add Mandan City's Planning & Zoning Agenda and Committee Minutes to the Consent Agenda. Dr. Fishbeck requested to move the Policy minutes from Consent Agenda to New Business.**

**Moved by Mrs. Allen, seconded by Mr. Fleischer, to approve the agenda as amended. On a roll call vote, all members present voted Yes. Motion passed 8-0.**

**President Baesler asked if there was anyone in attendance at today's meeting who was not on the agenda but wished to speak to the Board under Item III - Public Communications. There was no response. Mr. Volesky introduced and welcomed the new Administrative Assistant to the Superintendent, Brooke Klein. The Homecoming Coronation took place this evening, Alex Kopyy and Morgen Quintus were crowned King & Queen.**

**Mr. Volesky presented the Superintendent and Assistant Superintendent's Report. Mr. Tausend entered the meeting at 7:38 p.m.**

**October 15th, 2010 is the deadline to know who will be attending the NDSBA Conference. An email is to be sent to Brooke Klein informing her which delegates**

**ESG; had sent an email, September 8, 2010, stating the ESG report is incomplete. The report will be presented to the District Facility Committee on October 13, 2010. The District Facilities may not have enough time to review the report by the next board meeting, so the report will be on the agenda November 1, 2010.**

**Mr. Volesky reviewed the Final 2009-2010 Budget. There is a detailed budget, and a condensed 2-page budget within the packet. Mr. Fleischer reported the Finance Committee reviewed the Final Expense Budget for 2009-2010 in detail and they accepted and approved the Budget.**

**Mr. Lukach presented the Business Manager Report for 2009-2010 in detail. The first three pages are a summary of the report. Moved by Mr. Fleischer, seconded by Mrs. Allen to approve the Business Manager Report for 2009-2010. On a roll call vote, all members present voted Yes. Motion passed 9-0.**

**Mr. Livingston reported on the District Technology Plan. There were a couple additions made to the plan. One included a table listing the Technology Department members, dividing members into two groups: Educational Technology Group and Core Technology Group. A column labeled "Responsibility" has been added to the Technology Plan Goals, Rationale, Strategies, Timeline and Assessment Diagram, to delegate tasks to members. Also, a Progress piece was added.**

**Mr. Livingston brought to the board's attention, the technology staff support is operating at a low efficiency, due to lack of technician staff and the high volume of requests for support. Requests for adequate technician support will be necessary.**

**Mr. Bitz stated its very time consuming to complete the number of requests with the amount of staff in the technology department.**

**Mr. Volesky led the discussion on the Meeting to Address Facilities and Enrollment Issues. There are four areas that the District Facility Committee would like a cost analysis on which include: 1. Look at a school site on NW part of Mandan, 2. Possibility of acquiring land SE part of Mandan (Marina Bay - Lakewood Area), 3. Addition of classrooms at Fort Lincoln, and 4. Consider holding onto GPA for short time period.**

**Enrollment has increased by 116 students. Dickinson and Minot have also been impacted by increased enrollment and face issues of limited space within facilities. Mr. Volesky recommended a Special Meeting or Retreat to review and discuss the four areas submitted by the District Facility Committee.**

**A School Board Retreat is set for Monday September 27, 2010 at 7:00 p.m. at the CAB in the board room. The topic will be Facilities and Enrollment Issues.**

**Dr. Fishbeck identified that there was a discussion on 3 policies at the last Policy Committee meeting. A patron had requested a review of the BBBF Policy. The Policy Committee reviewed the process and no action will take place and it will remain as is.**

**Moved by Dr. Fishbeck, seconded by Mrs. Allen, to approve the Policy Committee Minutes. On a roll call vote all members present voted Yes. Motion passed 9-0.**

**Dr. Fishbeck moved onto the BBBE - Board Member Compensation & Expenses Policy. A question was brought forward to the Policy Committee to determine whether or not the amount of compensation for a Board Member shall be placed within the policy.**

**Dr. Fishbeck asked for review and recommendations, from the board members, for the removal of the line item "two hundred dollars monthly as" with an addition of a line item "Compensation for board members is set and reviewed annually" to the policy.**

**President Baesler pointed out all employee salaries are published at least once a year. Mr. Volesky stated a patron may locate the compensation of a board member on the school website under the School Board tab.**

**Moved by Dr. Fishbeck, seconded by Mrs. Allen, to remove the dollar amount line item with addition of the compensation line item. On a roll call vote, all members present voted Yes, with the exception of Mrs. Nider and Mr. Fleischer, who voted No. Motion passed 7-2.**

**Dr. Fishbeck led the discussion on the GBAA - Release of Contract & Liquidated Damages Policy. The Policy Committee was faced with interpretation issues on policy GBAA and wanted to make it more direct. The last sentence "The Mandan School Board has final decision in resignation matters and related liquidated damage," would be removed with an addition of line item "The board has a right to deny a release of contract or to waive liquidated damages at its discretion."**

**Mr. Fleischer recommended the addition of the new line item to follow the first paragraph as a separate sentence. Moved by Dr. Fishbeck, seconded by Mrs. Allen, for first reading of the update with the GBAA policy release of contract and liquidated damages. On a roll call vote, all members present voted Yes. Motion passed 9-0.**

**Mr. Volesky reviewed the Final 2010-2011 Budget. Mr. Fleischer stated the Finance Committee reviewed the Final Budget in detail.**

**Moved by Mr. Fleischer, seconded by Dr. Fishbeck, to approve the 2010-2011 Final Budget which includes revenues and expenditures. On a roll call vote, all members present voted Yes. Motion passed 9-0.**

**Mr. Fleischer reviewed in detail the 2010-2011 Levies under the Final Budget. The total mill levy that will be assessed is 156.62 which is .55 of a mill less than last year.**

**Moved by Mr. Fleischer, seconded by Mr. Tausend, to approve the 2010-2011 Levies in the Final Budget. On a roll call vote, all members present voted Yes. Motion passed 9-0.**

**Future Meeting Dates:**

Curriculum Sep 22 4:30 p.m.  
CAB - Board Room

Personnel Sep 23 6:30 p.m.  
CAB - Board Room

Regular Board Oct 4 5:30 p.m.  
City Hall - Bosh Froehlich Meeting Room

The regular board meeting adjourned at 8:40 p.m.

ATTEST  
Kirsten Baesler, President  
Joe Lukach, Business Manager  
DATE: October 4, 2010  
Brooke Klein, Recorder

**enrollment numbers. Iwia stated, sending 5th graders to the GPA is a temporary fix. We need to focus on a permanent fix and not focus on numbers and money. Some parents are faced with having their kids in four different schools."**

**Mr. Volesky reviewed the District Facility Committee Meeting Minutes from September 14, 2010. There are options to help alleviate overcrowding and the committee is bringing forward four actions for the School Board members to review and consider.**

**Dr. Bitz presented enrollment numbers. The number of births in Morton County were reviewed, along with projected enrollment. There has been a growth and increase in births. Dr. Bitz informed the board the projection on birth numbers, assumes 12 ninth graders from Christ the King. Mr. Fleisher reminded everyone to keep in mind that this year's kindergarten enrollment is based only on 11 month rather than 12.**

**Betty Ell and Dr. Bitz discussed the location of students from different boundaries across the Mandan Public School District. It was noted 480 students, K thru 5, are located at Central. North of I-94, students at large and report few are duplicated in some areas. These numbers include complete students attending school in Mandan, K-5.**

**Mr. Volesky brought forth the recommendations made by the District Facility Committee which include:**

**1. Acquire a suitable tract of land in SE area of city**

**2. Consider building an elementary school on school land in NW part of city**

**3. Build additional classrooms at Fort Lincoln**

**4. Renovate GPA to house 5th grade students.**

**Mr. Volesky and Dr. Bitz met with Mitzel Properties last week, about acquiring a tract of land in the SE, Lakewood-Marina Bay Area of Mandan. They were presented with two options and an aerial view of the properties.**

**Option one is located just south of Kist Livestock and is on a 40 acre plot. Option two is north of McKenzie Drive and is on a 24.5 acre plot.**

**When Bismarck closed open enrollment, the housing market in SE Mandan decreased. With a new school in either location, SE or NW, the housing market would increase, resulting in an increase in enrollment.**

**Mitzel Properties offered to sell the land at 50 cents per square foot. 24.5 acres @ 50 cents per square ft. = \$533,610.00; 40 acres @ 50 cents per square ft. = \$871,200.00**

**Mr. Volesky encouraged the board to give direction.**

**The school board discussed in detail and made many good points such as:**

**• Mandan School District owns 30 acres in NW part of city and shows the highest amount of growth.**

**• Negotiate with Mitzel and seek possible donation of land.**

**• SE section of Mandan includes higher price housing market with fewer turnovers; NW includes lower priced homes with more turnovers.**

**• SE tract of land should be considered for long term plan, 10-15 years.**

**• Community will welcome a new elementary school but may question the board for buying a tract of land when already owning land in NW part of city.**

**• Buying land in SE part of Mandan will be hard sell to the conservative Mandan community.**

**• 2 elementary schools will better service all the needs in the community.**

**The board has asked the administration, Mr. Volesky and Dr. Bitz, to seek out and negotiate with Mitzel Properties for the purchase of land. No restrictions were set in place.**

**Mr. Volesky brought forth the recommendation of additional classrooms at Fort Lincoln. The cost would be around \$760,000. The board considered this a viable option.**

**The last option recommended included renovating GPA to house 5th grade students. No one on the board was in favor of this option. The board recognized it as an option, but it would be a last resort. "The building has no green space and is not an environment for learning," stated President Baesler.**

**Mr. Volesky led the discussion on developing a plan to determine where the 0-5 year old students live in our district. He distributed a sample letter and form that would be mailed to the Mandan Residents.**

**"If the board is to give recommendations about the options made by the District Facility Committee, we need to have numbers that no one can refute," stated Mr. Volesky.**

**The letter and form will be mailed out along with a return envelope. Presort Plus will do the mass mailing to all Mandan residents with a 58554 zip code. The residents will also have an option of completing the form online. There will be a timeline set to complete the project. If there is a low return rate, it is possible someone will be hired to go door to door to retrieve the required information. The data will be compiled onto a spreadsheet to determine areas of growth within the city. The board will wait on making any decisions until all the data has been received to make a proper decision on what is best for the students in the Mandan community. Mr. Volesky informed the board that they need to determine a Roadmap for the future and provide it by the next school board meeting, Monday October 4th, 2010.**

**Future Meeting Dates:**

5:30 p.m. Oct 4 Regular Board  
City Hall - Bosh Froehlich Meeting Room

5:30 p.m. Oct 18 Regular Board  
City Hall - Bosh Froehlich Meeting Room

The school board retreat meeting adjourned at 8:45 p.m.

ATTEST  
Kirsten Baesler, President  
Joe Lukach, Business Manager  
DATE: October 4, 2010  
Brooke Klein, Recorder

10/15 - 4598

**portion thereof is disputed, we will obtain verification of the debt and will mail you a copy of such verification. You are also advised that upon your request within the thirty day period, we will provide you with the name and address of your original creditor, if different from the creditor referred to in this Notice. We are attempting to collect a debt and any information obtained will be used for that purpose.**

**2. At this time, no attorney with this firm has personally reviewed the particular circumstances of your account. However, if you fail to contact our office, our client may consider additional remedies to recover the balance due.**

**NOTICE BEFORE FORECLOSURE**

**3. TO:**

Jess A. Helvik  
4321 Austin Lane Unit 4  
Mandan, ND 58554

Jess A. Helvik  
5263 50th Ave.  
 Fargo, ND 58104-6001

Occupant  
4321 Austin Lane Unit 4  
Mandan, ND 58554

the title owners of the following described real property:

Unit Four (4) and Garage Unit Four (4), 4321 Austin Lane Condominium Association located upon the West 183.00 Feet of the East 305.53 Feet less the South 190.80 Feet of Lot 2, Block 2, of Lakewood Commercial Park 2nd Addition to the City of Mandan, Morton County, North Dakota, together with the undivided interest in the common elements and limited common elements declared appurtenant thereto.

And Reserving the South 20.00 Feet and the East 15.00 Feet of the West 183.00 Feet of the East 305.53 Feet less the South 190.80 Feet of Lot 2, Block 2, of Lakewood Commercial Park 2nd Addition to the City of Mandan, Morton County, North Dakota for a Utility and Access Easement; a/k/a 4321 Austin Lane Unit 4, Mandan, ND 58554.

4. Notice is hereby given that certain mortgage upon the above-described property, Jess A. Helvik, Mortgagor, executed and delivered to Mortgage Electronic Registration Systems, Inc. as Nominee for Countrywide Bank, FSB, Mortgagee, dated November 12, 2007, and filed for record in the office of the Register of Deeds of the County of Morton and State of North Dakota, on the 15th of November, 2007 at 4:04 PM, as Document No. 411911; which mortgage will be assigned to: BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING, LP by an Assignment of Mortgage, and which mortgage is being serviced by BAC Home Loans Servicing LP, and given to secure the payment of \$143,018.00, and interest according to the conditions of a certain promissory note, is in default.

5. The following is a statement of the sum due for principal, interest, taxes,

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION  
Oliver Wind III, LLC  
230 kV Transmission Line - Oliver & Morton  
Siting Application  
Case No. PU-09-724  
NOTICE OF RESCHEDULED HEARING  
September 10, 2010

On March 19, 2010, NextEra Energy Resources, LLC (NextEra) filed an application for a waiver of procedures and time schedules, a corridor certificate and a route permit to authorize construction of 11 miles of 230 kV electric transmission line and associated facilities in Morton and Oliver Counties of North Dakota, as shown on the attached map. On May 12, 2010 NextEra requested to transfer this case to its subsidiary, Oliver Wind III, LLC as the applicant.

Oliver Wind III, LLC requests the Commission waive procedures and time schedules set forth in North Dakota Century Code chapter 49-22 and North Dakota Admin. Code article 69-06 to allow a single consolidated application for corridor certificate and route permit and to hold a combined hearing on the waiver request and application for corridor certificate and route permit.

The Public Hearing scheduled for September 16, 2010 is cancelled and rescheduled to begin October 22, 2010 at

9:00 a.m. CDT, at the Oliver County Courthouse, 115 W Main St, Center, North Dakota 58530. The issues to be considered are:

1. Will the location, construction, and operation of the proposed facilities produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota?

2. Are the proposed facilities compatible with the environmental preservation and the efficient use of resources?

3. Will the proposed facility locations minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensuring that energy needs are met and fulfilled in an orderly and timely fashion?

4. Is it appropriate for the Commission to waive procedures and time schedules as requested, including the request for a single consolidated application for corridor certificate and route permit?

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota, 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify the Commission at least 24 hours prior.

PUBLIC SERVICE COMMISSION  
Tony Clark, Commissioner  
Kevin Cramer, Chairman  
Brian P. Kalk, Commissioner

8. That as of August 6, 2010, the amount due to cure any default, or to be due under the terms of the mortgage, exists in the following respects:

Accumulated Payments  
Owing: .....\$10,874.88

Principal & Interest:  
8 months @ \$880.59 = \$7,044.72

Escrow:  
County Taxes:  
7 months @ \$501.14 = \$3,507.98  
1 month @ \$322.18 = \$322.18

Late Charges .....308.21  
Partial Payment Balance .....-15.20

TOTAL .....\$11,167.89

all of which must be paid BY CERTIFIED FUNDS, MADE PAYABLE TO BAC HOME LOANS SERVICING LP and mailed to the undersigned attorney to cure the default, plus any accrued interest, subsequent payments or late charges which become due and any further expenses for preservation of the property which may be advanced.

PLEASE CONTACT THE UNDERSIGNED FOR THE EXACT AMOUNT DUE THROUGH A CERTAIN DATE.

7. You have the right, in accordance with the terms of the mortgage, to cure the default specified above. You also have the right to assert in the foreclosure action that no default exists or any other defense you may have to said action.

8. Notice is further given that if the total sums in default, together with interest accrued thereon at the time of such payment, accrued payments then due and expenses advanced, are not paid within thirty (30) days from the date of mailing or service of this Notice, the Mortgagee will deem the whole sum secured by the mortgage to be due and payable in full without further notice. Furthermore, proceedings will be commenced to foreclose such mortgage, and in the event of Sheriff's sale as provided by the laws of the State of North Dakota, the time for redemption shall be as provided by law, but not less than sixty (60) days after the Sheriff's Sale.

Dated August 3, 2010.

MACKOFF KELLOGG LAW FIRM  
Attorneys for the Plaintiff  
Office and Post Office Address:  
38 Second Avenue East  
Dickinson, North Dakota 58601  
Tel: (701) 227-1841  
Fax: (701) 225-6878  
By: /s/ Sandra K. Kuntz  
Sandra K. Kuntz, Attorney #05186

If you have previously received a discharge in a Chapter 7 bankruptcy, this is not an attempt to collect a debt against you personally, but only an attempt to determine your intention concerning retaining this property.

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