

**AGENDA**  
**MANDAN CITY COMMISSION**  
**SEPTEMBER 4, 2012**  
**ED "BOSH" FROEHLICH MEETING ROOM**  
**5:00 P.M. (SPECIAL TIME)**  
**[www.cityofmandan.com](http://www.cityofmandan.com)**

- 
- A. ROLL CALL:
1. Roll call of all City Commissioners and Department Heads.
- B. MINUTES:
1. Consider approval of the minutes from the August 21, 2012 Board of City Commission meeting.
- C. PUBLIC HEARING:
1. *(scheduled for 5:00 p.m.)* Public Hearing to consider an Ad Valorem tax exemption for Novaspect Holdings, Inc.
  2. *(scheduled for 5:30 pm)* Public Hearing to consider the vacation of the south 40' of 4<sup>th</sup> Street NE public right-of-way of the east quadrant of the intersection of 9<sup>th</sup> Avenue NE and 6<sup>th</sup> Avenue NE, as platted in Helmsworth-McLean Addition.
- D. BIDS:
1. Consider bid for new Fire Truck
- E. CONSENT AGENDA:
1. Consider games of chance for the following:
    - i. Vietnam/Legacy Vets Motorcycle Club of ND at Colonial Lounge from September 15, 2012 through December 14, 2012.
    - ii. Mandan Girls Swim and Dive at the Braves Center from September 4, 2012 through November 23, 2012.
  2. Consider for approval the final plat of Skinners 1<sup>st</sup> Addition.
  3. Consider Permit Tech revision and Bldg. Insp. Position requirement.
- F. OLD BUSINESS:
- G. NEW BUSINESS:
1. Introduction of new employees:
    - i. Street Department Equipment Operators:
      1. Clayton Maloney
      2. Alan Fleck
      3. Pete Finck
    - ii. Waste Water Treatment Plant:
      1. Rodney Knoll
      2. Ryan Malsam

*Agenda*  
*Mandan City Commission*  
*September 4, 2012*  
*Page 2 of 2*

---

2. Consider bidding process for Class A Liquor License
  3. Consider a change order to have Northern Improvement do the emergency street repairs on 37<sup>th</sup> Ave NW and 34<sup>th</sup> Ave NW
- H. RESOLUTIONS & ORDINANCES:
- I. OTHER BUSINESS:
- J. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:
1. September 18, 2012 – 5 p.m. start time
  2. October 2, 2012
  3. October 16, 2012
- K. ADJOURN

---

The Mandan City Commission met in regular session at 5:30 p.m. on August 21, 2012 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Frank, and Braun. Department Heads present were: Finance Director Welch, Police Chief Bullinger, City Attorney Brown, Director of Public Works Wright, Fire Chief Nardello, Business Development and Communications Director Huber, and Engineering Project Manager Bechtel. Absent: City Administrator Neubauer and City Assessor Barta.

MINUTES: *Consider approval of the minutes for August 7, 2012 regular meeting minutes.* Commissioner Frank moved to approve the minutes, as amended, of the August 7, 2012 regular meeting minutes. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

PUBLIC HEARING:

BIDS:

1. *Consider Bid for the Abrasive Blast and Coating of 2 Million Gallon Concrete Reservoir Dome.* Duane Friesz, Water Treatment Plant Superintendent, presented to the Board for consideration for approval the bid for the abrasive blast and coating of two million gallon concrete reservoir dome. He stated that six bids were received and the lowest bid was from Oxentenko, Inc. in the amount of \$56,887.50. He recommended accepting the bid.

Commissioner Frank moved to approve the bid award to Oxentenko, Inc. in the amount of \$56,887.50 for the Abrasive Blast and Coating of 2 Million Gallon Concrete Reservoir Dome project. Commissioner Rohr seconded the motion. Mayor Van Beek recommended that consideration be given to doing increment coatings in the future on a rotational basis in order to spread the cost out over a period of time rather than doing it in one lump sum. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

CONSENT AGENDA:

1. *Consider approval of monthly bills.* The Board approved of the monthly bills.
2. *Consider approval of authorized check signers for the Mandan Consortium relating to the U.S. Department of Treasury’s State Small Business Credit Initiative Allocation Agreement.* The Board approved of the authorized check signers for the Mandan Consortium relating to the U.S. Department of Treasury’s State Small Business Credit Initiative Allocation Agreement.
3. *Consider approval of Sunday Opening for Mandan Eagles Club for August 26, 2012.* The Board approved of the Sunday Opening for Mandan Eagles Club for August 26, 2012.
5. *Consider approval of site authorization for American Foundation for Wildlife at the Lakewood Bar & Grill (The Drink) from August 24, 2012 through June 30, 2013.* The Board approved of a site authorization for American Foundation for Wildlife at the Lakewood Bar & Grill (The Drink) from August 24, 2012 through June 30, 2013.

---

Commissioner Tibke moved to approve the Consent Agenda as presented. Commissioner Frank requested Item No. 4 be removed for discussion. Commissioner Tibke moved to amend the motion approving only Items No. 1, 2, 3, and 5 of the Consent Agenda as presented. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

*Consent Agenda Item No. 4: Consider entering into a Mutual Aid Agreement with the Bismarck Fire Department.* Commissioner Frank commented that she had a question with regard to the Mutual Aid Agreement that we may have with the County. She said this appears to include a reimbursement clause. She inquired if there was a similar clause in the agreement with the rural fire department; and if not, is that something that should be pursued. Fire Chief Nardello responded to the questions raised by stating “No” the City of Mandan does not have similar wording in the other agreements. The last time one was updated with Bismarck was in 1999. He stated that the State of North Dakota has come up with a model agreement, this being the first one in this area. Chief Nardello stated that moving forward with future agreements, this model will be used.

Commissioner Frank moved to approve the Mutual Aid Agreement with the Bismarck Fire Department and the Mandan Fire Department. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

OLD BUSINESS:

NEW BUSINESS:

1. *Consider the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Street Improvement District No. 173, Project No. 2012-14 (Meadows 5th Addition).* Engineering Project Manager Bechtel reviewed with the Board a request to create and allow the assessments of specials related to and also to authorize the required paperwork for the project and to allow for a change order on the existing project. This project would allow for another 29 lots for a total cost of approximately \$476,734.38. Six of the lots would be assessed approximately \$9,167.97 per lot and all other lots approximately \$18,335.94. Bechtel stated that in addition to this request they are requesting a change order with Northern Improvement. Bechtel stated that the compaction requirement has gone through as requested as this was a concern previously on the road in this area.

Commissioner Frank moved to approve the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Street Improvement District No. 173, Project No. 2012-14 (Meadows 5th Addition). Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

---

2. *Consider the execution of a 3-way agreement for the installation of water & sewer in Meadows 5th Addition. (Project #2012-15).* Engineering Project Manager Bechtel stated that this is a follow up to the previous approval for this street within this Addition. The 3-way contract will allow the installation of the water and sewer at the developer's cost.

Commissioner Frank moved to approve the execution of a 3-way agreement for the installation of water & sewer in Meadows 5th Addition (Project #2012-15) for the construction of the second project. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a change order for Street Improvement District No. 174, Project No. 2012-16 (Plainview Heights 13th Addition).* Engineering Project Manager Bechtel stated this request is from Lee Mitzel and is located in the southeast part of town. This will create approximately 27 single family lots. The cost for the construction is \$442,000 which brings the specials to approximately \$17,000 per lot. Bechtel explained that the naming of the streets is up to the developer and the engineer, however, all proposed street names are run through a Emergency Services database so there is no duplication with any of the existing Mandan or Bismarck streets.

Commissioner Tibke moved to approve the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a change order for Street Improvement District No. 174, Project No. 2012-16 (Plainview Heights 13th Addition). Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Consider the execution of a 3-way agreement for the installation of water & sewer in Plainview 13th Addition. (Project #2012-17).* Engineering Project Manager Bechtel stated that this is a follow up to the previous approval on this street within this Addition. The 3-way contract will allow the installation of the water and sewer at the developer's cost.

Commissioner Tibke moved to approve the execution of a 3-way agreement for the installation of water & sewer in Plainview 13th Addition. (Project #2012-17). Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

5. *Consider City Attorney Brown's written opinion as to Prairie Ridge Estates Subdivision with regard to whether the City of Mandan or the Morton County Commission has planning and zoning jurisdiction over the north/south section line which separates Sections 4 and 5, 139N-8W.* City Attorney Brown stated that the lot in question is Lot 11 and is located on the far western edge of Prairie Ridge Estates, a rural

---

subdivision of Mandan's extraterritorial jurisdiction. He explained that when the home was built on Lot 11 it was permitted to be built within the West 33 feet of lot 11, the former section line right of way. The west lot line of Lot 11 is on the section line. Attorney Brown recommended that the Commission formally recognize that the section line right of way on the west 33 feet of the lot on Lot 11, Block 1, Prairie Ridge Estates Subdivision, does not exist.

Commissioner Rohr motioned that the Commission accept and adopt the City Attorney's opinion that the City had planning and zoning authority over the East 33 feet of the section line which separates Sections 4 and 5, Township 139 North, Range 81 West, as it concerns Lot 11, Block 1, of the Prairie Ridge Estates Subdivision, and that the platting of said subdivision vacated the section line within said Lot 11. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

6. *Consider appointments to a Morton/Mandan Jail Review Committee.* Morton County Sheriff Dave Shipman gave a brief summary for the new commissioners of what has transpired over the past several months regarding establishing a Morton/Mandan Jail review committee whose purpose is to discuss the option of Morton County building a joint detention facility with Burleigh County, and to discuss funding options. He stated that Kimme and Associates recently completed a jail study presented to Burleigh, Morton, City of Mandan and City of Bismarck wherein their recommendation is to build a joint detention facility in Burleigh County. Shipman stated that both Burleigh and Morton County have appointed representatives to serve on this committee. In addition, Bismarck is looking into involvement on the committee, as well as funding options. The City of Mandan is also being asked to appoint representatives. Shipman recommended that Mayor Van Beek, Commissioner Braun and Chief Bullinger be appointed to represent the City of Mandan.

Commissioner Frank suggested that a female be appointed as one of the representatives to the Morton/Mandan Jail Review Committee. She recommended that Commissioner Tibke be appointed to represent Mandan. Commissioner Tibke responded that she has been involved in the MBBM jail study process since it began and she would be willing to take the assignment if given.

Commissioner Frank motioned to appointment Mayor Van Beek, Commissioner Tibke, and Chief Bullinger as representatives on the Morton/Mandan Jail Review Committee. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

7. *Consider the Mandan Airport Authority's 2013 Budget.* Jim Lawler, Mandan Airport Manager, presented the Mandan Airport Authority 2013 Budget. He stated that currently the airport runway is under construction with complete removal of the old one from the base ground up and replacing it with a new one. He indicated it is a \$4.75

million project with a 90/10 match. (With 5% coming from the State and 5% from the City along with the 90% federal funds.) Commissioner Frank asked if the airport has considered offering a jet service. Lawler replied that the request for jet service is in the master plan to extend our runway to 5000 feet. He stated that the need is not quite there at this time explaining that it is a 5-year process from start to finish in order to complete the study.

Commissioner Frank motioned to accept Mandan Airport Authority’s 2013 Budget. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

8. *Consider the Morton Mandan Public Library’s 2013 Budget.*

Kelly Steckler, Morton Mandan Public Library (MMPL) Director, presented the following request for approval of the Morton Mandan Public Library’s 2013 Budget:

Revenues:

Taxes	\$328,600
Intergovernmental	\$233,500
Charges for Services	\$ 2,850
Fines and Forfeits	\$ 5,000
<u>Miscellaneous</u>	<u>\$ 45,100</u>
Total Revenues:	\$615,050

Expenditures:

Salaries and Benefits	\$377,200
Fees and Other Service Charges	\$ 23,500
Insurance	\$ 2,900
Rentals	\$ 1,000
Travel and Training	\$ 3,500
Utilities	\$ 20,200
Publishing and Printing	\$ 2,000
Library Materials	\$107,100
Supplies and Maintenance	\$ 34,900
Repairs and Maintenance	\$ 31,000
Capital Outlay	\$ 2,000
<u>Transfers</u>	<u>\$ 60,000</u>
Total Expenditures:	\$665,300

Commissioner Tibke moved to approve the Morton Mandan Public Library’s 2013 Budget as presented. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed

9. *Consider appointment to the Morton Mandan Public Library (MMPL) Board of Trustees.* Kelly Steckler, MMPL Director reviewed with the Board the vacancies on the MMPL Board of Trustees stating there are currently three openings, two city and one

county, that occurred on June 30, 2012. She reported that David Leingang submitted a letter of request to fill one of the city Trustee positions. Steckler recommended appointing David Leingang to one of the three open positions on the MMPL Board of Trustees.

Commissioner Tibke moved to approve the appointment of David Leingang to the Morton Mandan Public Library (MMPL) Board of Trustees to a three-year term to be held July 2012 to June 2015. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed

10. *Consider the creation of Street Improvement District No. 175 Project # 2012-18. (Meadow Ridge 1<sup>st</sup> & 2<sup>nd</sup> Addition).* Engineering Project Manager Bechtel reviewed with the Board a request from Mike Wachter requesting the special assessment of streets within the Meadow Ridge 1<sup>st</sup> and 2<sup>nd</sup> plats. The location of the plats is the southeast corner of 8<sup>th</sup> Avenue NW and 27<sup>th</sup> Street NW in the Terra Vallee area. The roads to be paved would be 6<sup>th</sup> Avenue NW and all of Meadow Ridge 2<sup>nd</sup> (Cul-de-Sac street). The total cost is estimated at \$362,603.56 and the specials would be spread over the three large residential multi-family lots. Bechtel recommended approval for the creation of the district.

Commissioner Frank moved to approve creation of Street Improvement District No. 175 Project # 2012-18. (Meadow Ridge 1<sup>st</sup> & 2<sup>nd</sup> Addition). Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

#### RESOLUTIONS & ORDINANCES:

1. *Consider the introduction and first consideration, and call for a public hearing of Ordinance No. 1129 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2013, and ending December 31, 2013, and making the annual tax levy for the year 2012.* Finance Director Greg Welch presented the following introduction and first consideration, and call for a public hearing of Ordinance No. 1129 adopting the 2013 Budget.

#### BACKGROUND

The City of Mandan is required to prepare the annual Budget in accordance with the Municipal Budget Law (North Dakota Century Code Chapter 40-40) and also with existing City Ordinances, Resolutions, contracts and agreements. In addition to these legal requirements, the City's Significant Budget Policies provide further direction and guidance to the budgeting process. The Preliminary 2013 Budget is in compliance with these legal requirements and City Policies. The proposed Budget for 2013 is submitted to the Board as a recommendation from the City's Budget and Finance Committee. The City's Budget and Finance Committee consists of the following members:

- Sandy Tibke, City Commissioner (Finance Portfolio)
- Jim Neubauer, City Administrator

- 
- Greg Welch, Finance Director

### REVENUES

Total = \$24,695,700

- Property Taxes = \$3,656,350 or 15%
- 1% City Sales Taxes = \$1,928,050 or 8%
  - YTD - increase of 25% from 2012 YTD
  - 2009 to 2011 - increase of 6.4%
- Other Taxes = \$733,450 or 3%
  - 1% Restaurant and Lodging Taxes
  - 2% Occupancy Taxes
- Licenses and Permits = \$619,850 or 2%
- Intergovernmental = \$3,307,150 or 13%
  - State Aid Distribution
    - 2009 to 2011 - Increase of \$553,514 or 65%
  - Highway Tax Distribution
- Water, Sewer, Solid Waste, Street Light Utility Charges = \$8,009,800 or 32%
- Other Charges for Services = \$503,200 or 2%
  - Fuel (City Shop to departments)
  - Grave Opening and Closing (Cemetery)
- Fines and Forfeits = \$182,700 or 1%
- Special Assessments = \$5,368,950 or 22%
- Miscellaneous = \$386,200 or 2%
  - Interest
  - Loan Repayments (Mandan Growth Fund)
  - Sale of Lots (Cemetery)

### EXPENDITURES

Total = \$24,125,050

- Salaries and Benefits = \$7,571,000 or 31%
  - Overtime non-grants = \$205,350
  - Overtime grants = \$29,600
- Operations and Maintenance = \$6,371,600 or 26%
- Debt Service-Principal and Interest = \$8,327,900 or 35%
- Capital Outlay = \$1,854,550 or 8%

### MAJOR FUNDS

All Major Funds have met required minimum fund balance operating reserves.

- Provides for economic stability.
- Assists in maintaining the City's bond rating.
- General Fund and Cemetery Fund = 17%
- Utility Funds = 25%

---

Condensed Operating Statements:

- General Fund
- Cemetery Fund
- Mandan Growth Fund
- Water and Sewer Utility Fund:
  - Base Rate increase:
    - Residential = \$1.70 per month
    - Commercial and Industrial = \$3.40 per month
    - Apartment (3+ units) = \$5.10 per monthPurpose: Debt Service for \$4.1M of improvement projects financed through the State Revolving Fund (SRF) Program.
  - Service Rate increase:
    - Last increases were several years ago
    - Water = \$.10 per 100 cubic feet/per month
    - Sewer = \$.05 per 100 cubic feet/per month
    - Missouri West Water System = \$.07 per 1000 gallons/per monthPurpose: Operations & Maintenance costs of Water & Sewer services.
- Solid Waste Utility Fund
- Street Light Utility Fund
  - Base Rate increase = \$0.90 per month
  - Purpose: Operations and Maintenance costs of Street Light services and LED Lights Replacement Project.

TAXABLE VALUATION

Taxable Valuation (estimated) = \$46,569,228

- Increase from Tax Year 2011 (2012 Budget) = 3.7%
- 1 Mill = \$46,569
- 2010 to 2012 – Residential increased 6.6% and Commercial increased 14.3%
- 2011 to 2012 – Residential increased 1.9% and Commercial increased 9.5%

MILL LEVY

Mill Levy = 93.65 Mills

- Decrease from Tax Year 2011 (2012 Budget) = 4.06 Mills
- Average city levy of the 11 largest cities (excluding Mandan) for Tax Year 2011 (2012 Budget) = 93.65 Mills
- City's share of 1 Mill for Tax Year 2011 (2012 Budget) = 24%

PROPERTY TAXES

Property Taxes = \$4,361,191

- Decrease from Tax Year 2011 (2012 Budget) = \$26,476
- The decrease in the City property taxes for an existing residential home valued at \$175,000 with an average valuation increase of 0.1% (Board of Equalization) in the true and full value, excluding special assessments = \$31.24

---

SALARIES AND BENEFITS

Salaries = \$5,671,000

- Cost of Living Adjustment (COLA) = 2.5%
  - Current Pay Plan began 2008
  - Consumer Price Index (Midwest urban less than 50,000)
- Merit or step increase = 2.5%
  - Last merit or step increase was 2010 Budget.
  - Human Resources is performing a Salary and Benefits Survey to compare the City of Mandan with other major cities in the State. The results and recommendations from the Budget and Finance Committee will come at a later date.
- New Full Time positions:
  - General Fund:
    - Appraiser/Inspector
    - Principal Planner
    - Engineering Technician
    - Police Officer (School Resource) - Mandan Public School District Share = 75%
    - (2) Equipment Operator I
  - Water and Sewer Utility Fund:
    - Utility Operator I - Street Light Utility Fund Share = 5%
- Existing Full Time positions:
  - General Fund:
    - Additional 50 hours (1560 hours to 1610 hours) for the Permit Technician position in the Assessing/Building Inspection department.
    - Upgrade position in the Street department to Street Maintenance Assistant Superintendent.
- Overtime decrease = \$18,050
- Part Time increase:
  - Volunteer Firefighters = \$10,800
  - Additional 581 departmental hours (net) = \$12,500
- Increase from 2012 Budget (revised) = \$454,900 or 8.7% (Includes COLA, merit, step and personnel requests)

Benefits = \$1,900,000

- Health Insurance increase (estimated), effective July 2013 = 10%
- Increase from 2012 Budget (revised) = \$139,650 or 7.9%

Salaries and Benefits = \$7,571,000

- Increase from 2012 Budget (revised) = \$594,550 or 8.5%
  - Personnel requests = \$367,669

DEBT SERVICE

Debt Service-Principal and Interest = \$8,327,900

- 
- Total Principal and Interest = \$74,745,906
  - Amortization:
    - % of Debt Service retired in 10 years = 84%
    - % of Debt Service retired in 15 years = 97%
  - Does not include \$9.8M in anticipated new debt for a number of new infrastructure projects including \$8.9M for the North Mandan Street Project. In addition, does not include \$4.1M in anticipated State Revolving Fund Program Loans.
  - Bond Rating = A1

#### CAPITAL OUTLAY

Capital Outlay = \$1,854,550

- General Fund = \$677,100
- Cemetery Fund = \$2,000
- Fire Equipment Reserve Fund = \$345,000
- Police Equipment Reserve Fund = \$2,000
- Water and Sewer Utility Fund = \$774,450
- Street Light Utility Fund = \$54,000

#### ANNUAL COST FOR CITY SERVICES

The annual cost for City services for an existing \$175,000 residential home with an average valuation increase of 0.1% (Board of Equalization) and using 8 units of water per month, excluding special assessments = \$1,574

- Increase from 2012 Budget = \$14

Finance Director Welch stated that if the Board accepts the preliminary budget as proposed, the City will publish a Notice of Public Hearing on August 31, 2012 for the second and final consideration of Ordinance No. 1129 adopting the 2013 Budget on September 18, 2012. He stated that the Preliminary 2013 Budget will also be posted on the City's website [www.cityofmandan.com](http://www.cityofmandan.com).

Commissioner Frank moved to approve the introduction and first consideration, and call for a public hearing of Ordinance No. 1129 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2013, and ending December 31, 2013, and making the annual tax levy for the year 2012. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Resolution establishing rates and charges for services from the Solid Waste Utility Fund.* Director of Public Works Wright presented a request to the Board establishing rates and charges for services from the Solid Waste Utility Fund. The recommendation is to increase the tipping fee at the landfill from \$37/ton to \$40/ton for nonresidents as a result of the recent rate adjustment by Waste Management of North

---

Dakota for providing transportation and landfill services from the City of Mandan's transfer station.

Commissioner Frank motioned to increase the tipping fee at the landfill from \$37/ton to \$40/ton for residents and from \$37/ton to \$42/ton for non-resident. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

OTHER BUSINESS:

*1. Consider Development and Purchase Agreements related to the Don McGuire and John Shultz proposal for development of city-owned property.*

Business Development and Communications Director Huber reviewed with the Board a proposal for development and purchase agreements related to the Don McGuire and John Shultz proposal for development of city-owned property. Huber provided highlights of the proposal of the 18.7 acres in the northwest part of the city to "Fifth Addition, LLC", (the limited liability company that McGuire and Shultz formed), to be developed for a hotel and other commercial property:

- A closing date no later than October 1, 2012
- The property will be sold for \$476,927 and the buyers will pay off the \$429,776 in special assessments to build a hotel of at least 60 units and other commercial or residential projects
- At least \$10 million must be invested in the hotel with site development and other commercial or single and multi-family residential construction
- Work on the hotel must start by June 1, 2013 and be completed by June 1, 2014
- Commercial or single and multi-family residential units are to be completed between 2015 and 2017
- The buyers will be allowed to apply for property tax exemptions under the policy in place as of August 1, 2012
- The City will reimburse the developer \$125,000 for sanitary and sewer easement improvements made
- The buyers agreed to give the City an easement for a sanitary sewer line if the city speeds up its platting process

City Attorney Brown stated that this proposal constitutes the direction from the Commission on the agreements discussed at the previous executive sessions that have been held with minor changes made. He said that Director Huber has duplicate agreements and that if all is in order, the Commission can at this time enter a motion to accept both the Development and Purchase Agreements.

Commissioner Rohr moved to approve the Development and Purchase Agreements related to the Don McGuire and John Shultz proposal for development of city-owned property as presented. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

---

2. *Grill Fest 2012* - Mayor Van Beek extended a thank you to Del Wetsch, from the Mandan Progress Organization and Vern Cermak from the Musicians Association along with all the volunteers that assisted with the 3<sup>rd</sup> Annual Wild West Grill Fest an amazing event if not the #1 event in Mandan this year.

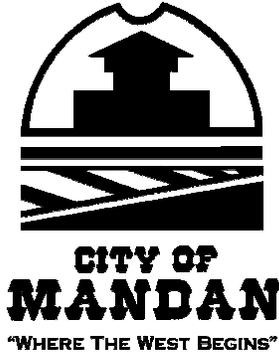
There being no further actions to come before the Board of City Commissioners, Commissioner Frank moved to adjourn the regular meeting at 7:53 p.m. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present. The motion passed.

---

James Neubauer,  
City Administrator

---

Arlyn Van Beek,  
President, Board of City  
Commissioners



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 4, 2012  
**PREPARATION DATE:** August 30, 2012  
**SUBMITTING DEPARTMENT:** Assessing Dept  
**DEPARTMENT DIRECTOR:** Richard L Barta  
**PRESENTER:** Richard L Barta  
**SUBJECT:** Property Tax Incentives for New or Expanding  
Businesses for Novaspect Holdings, Inc.

---

STATEMENT/PURPOSE: To consider a tax exemption for Novaspect Holdings, Inc. pursuant to North Dakota Century Code 40-57.1.

BACKGROUND/ALTERNATIVES: Novaspect Holdings, Inc. is asking for an exemption on a new commercial building that will be used for the re-selling of industrial process control equipment for oil and gas. The Notice to Competitors was published in the August 8<sup>th</sup> and August 17<sup>th</sup> editions of the Mandan News and no competitors have submitted a written protest.

The Mandan Growth Fund Committee reviewed this project on August 30<sup>th</sup> and it was recommended for approval by a unanimous vote (7-0) to recommend 100% for five years; with verification of the minimum number of jobs being attained by the end of year two and sustained through year five; and also contingent upon receipt of lease agreement documentation indicating the benefit will pass on to Novaspect as the tenant.

Also, the County, the School District and the Park District were given notification of this exemption on August 22<sup>nd</sup> and again on August 31<sup>th</sup>.

This property is also known as Parcel #2686-A at 2813 37 St NW on a portion of Lot 2, Block 2, Mandan Industrial Park 1<sup>st</sup> Addition.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$32,270 per year.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval of an exemption for Novaspect Holdings, Inc. in accordance with the recommendation from the Mandan Growth Fund Committee to recommend 100% for five years; with verification of the minimum number of jobs being attained by the end of year two and sustained through year five; and also contingent upon receipt of lease agreement documentation indicating the benefit will pass on to Novaspect as the tenant. Novaspect also meets all criteria under the City of Mandan's Commercial Property Tax Exemption Policy and Guidelines and also under State Statute.

SUGGESTED MOTION: A motion to approve the exemption for Novaspect Holdings, Inc. in accordance with the recommendation from the Mandan Growth Fund Committee to recommend 100% for five years; with verification of the minimum number of jobs being attained by the end of year two and sustained through year five; and also contingent upon receipt of lease agreement documentation indicating the benefit will pass on to Novaspect as the tenant. Novaspect also meets all criteria under the City of Mandan's Commercial Property Tax Exemption Policy and Guidelines and also under State Statute.

2686-A

W

**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 Morton  
City or County

Sept 4

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

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

**This application is a public record**

**Identification Of Project Operator**

1. Name of project operator	<u>Novaspect Holdings, Inc.</u>		
2. Address of project	<u><del>37th Street NW</del> 2813 37 St NW</u>		
	City <u>Mandan</u>	County <u>Morton</u>	
3. Mailing address of project operator	<u>1124 Tower Road</u>		
	City <u>Schaumburg</u>	State <u>IL</u>	Zip <u>60173</u>
4. Type of ownership of project	<input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Subchapter S corporation <input type="checkbox"/> Individual proprietorship <input type="checkbox"/> Corporation <input type="checkbox"/> Cooperative <input type="checkbox"/> Limited liability company		
5. Federal Identification No. or Social Security No.	<u>27-0711939</u>		
6. North Dakota Sales and Use Tax Permit No.	<u>162303</u>		
7. If a corporation, specify the state and date of incorporation	<u>Delaware</u>		
8. Name and title of individual to contact	<u>Michael R Franz, CFO</u>		
Mailing address	<u>1124 Tower Road</u>		
City, State, Zip	<u>Schaumburg, IL 60173</u>	Phone No.	<u>847-709-8917</u>

**Project Operator's Application For Tax Incentives**

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

**Description of Project Property**

11. Legal description of project real property  
 A portion of lot 2 block 2 Mandan Industrial Park 1st address to be on the East side of 2917 37th Street NW Mandan ND 58554

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

13. Will the project be located in a new structure or an existing facility?  New construction  Existing facility  
 If existing facility, when was it constructed? \_\_\_\_\_  
 If new construction, complete the following:  
 a. Estimated date of commencement of construction of the project covered by this application September 2012  
 b. Description of project to be constructed including size, type and quality of construction  
 20,000 square foot steel industrial building inclusive of 3,000 square feet of office space  
 c. Projected number of construction employees during the project construction 10-15

14. Approximate date of commencement of operations for this project 2nd Quarter 2013

<p>15. Estimated market value of the property used for this project:</p> <p>a. Land ..... \$ <u>160,000</u></p> <p>b. Existing buildings and structures for which an exemption is claimed ..... \$ <u>0</u></p> <p>c. Newly constructed buildings and structures when completed ..... \$ <u>1,600,000</u></p> <p>d. Total ..... \$ <u>1,600,000</u></p> <p>e. Machinery and equipment ..... \$ <u>500,000</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>-0-</u></p> <p>c. Newly constructed buildings and structures when completed ..... \$ <u>80,000</u></p> <p>d. Total taxable valuation of property eligible for exemption (Add lines b and c) ..... \$ <u>80,000</u></p> <p>e. Enter the consolidated mill rate for the appropriate taxing district ..... <u>.40338</u></p> <p>f. Annual amount of the tax exemption (Line d multiplied by line e) ..... \$ <u>32,270.5</u></p>
---	--

**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).

We are a value added reseller of industrial process control equipment, Valves, Actuation, Regulators and Instrumentation as well as Automated computer systems to control industrial processes. In this facility we will carry stock, house a sales team, field technicians and machinists. This facility will have equipment that will repair and remanufacture industrial automation equipments primarily valves and pumps. We serve all industries with emphasis on Power, Energy, Oil and Gas. Please refer to our website www.novaspect.com for a complete description.

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

Milling Machinery, Lathes, Workbenches, Paint Booth, Drill Presses, Compressors, Test Stands, Sand and Pellet Blasters, Welding Equipment, Cranes, and various other tools and equipment utilized in typical machining operations.

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	5,000,000	7,500,000	10,000,000	12,500,000	15,000,000
Annual expense	6,000,000	8,000,000	9,500,000	11,000,000	12,500,000
Net income	(1M) Before Tax	(500,000)	500,000	1,500,000	2,500,000

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

Year	2012	2013	2014	2015	2016
No. of Employees	(1) 10	20	25	30	35
	(2)				
Estimated payroll	(1) 1,000,000	1,750,000	2,100,000	2,500,000	2,700,000
	(2)				

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

**Previous Business Activity**

22. Is the project operator succeeding someone else in this or a similar business?  Yes  No

23. Has the project operator conducted this business at this or any other location either in or outside of the state?  
 Yes  No

24. Has the project operator or any officers of the project received any prior property tax incentives?  Yes  No

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

Able Tech Services LLC Wausau WI, Midwest Valve Services, LLC Minooka IL, These companies operate similar operations and are owned by Novaspect Holdings, LLC. These were acquisitions in the recent years.

**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

We are not aware of other competitors with facilities in this market space. Most of our competitors have serviced this market from outside of the state such as Allied Valve who operates a facility out of Minneapolis.

**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, Michael R Franz, 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.

Michael R Franz CFO 08/13/2012  
 Signature Title Date

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

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

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

**Property Tax Exemption**       **Payments in lieu of taxes**

\_\_\_\_\_ Number of years      \_\_\_\_\_ Beginning year      \_\_\_\_\_ Ending year

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

\_\_\_\_\_  
 Auditor



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 4, 2012  
**PREPARATION DATE:** August 29, 2012  
**SUBMITTING DEPARTMENT:** Engineering/Planning  
**DEPARTMENT DIRECTOR:** Dave Bechtel  
**PRESENTER:** Dave Bechtel  
**SUBJECT:** South 40' of 4<sup>th</sup> Street NE public right-of-way of the east quadrant of the intersection of 9<sup>th</sup> Avenue NE and 6<sup>th</sup> Avenue NE

---

**STATEMENT/PURPOSE:** To vacate the south 40' of 4<sup>th</sup> Street NE public right-of-way of the east quadrant of the intersection of 9<sup>th</sup> Avenue NE and 6<sup>th</sup> Avenue NE, as platted in Helmsworth-McLean Addition.

**BACKGROUND/ALTERNATIVES:** Request from Sanela Alagic.

**ATTACHMENTS:** Office Report  
Vicinity Map  
Resolution

**FISCAL IMPACT:** minimal

**STAFF IMPACT:** minimal

**LEGAL REVIEW:**

**RECOMMENDATION:** Approve the vacation of the south 40' of 4<sup>th</sup> Street NE public right-of-way of the east quadrant of the intersection of 9<sup>th</sup> Avenue NE and 6<sup>th</sup> Avenue NE.

**SUGGESTED MOTION:** Move to approve the vacation of the south 40' of 4<sup>th</sup> Street NE public right-of-way of the east quadrant of the intersection of 9<sup>th</sup> Avenue NE and 6<sup>th</sup> Avenue NE.

Board of City Commissioners

Agenda Documentation

Meeting Date: September 4, 2012

Subject: Vacation of the south 40' of 4<sup>th</sup> Street NE public right-of-way of the east quadrant of the intersection of 9<sup>th</sup> Avenue NE and 6<sup>th</sup> Avenue NE, as platted in Helmsworth-McLean Addition

Page 2 of 5

---

MANDAN PLANNING OFFICE REPORT

September 4, 2012

Applicant(s): Sanela Alagic

Owner(s): Sanela Alagic

Requested Action: vacate the south 40' of 4<sup>th</sup> Street NE public right-of-way of the east quadrant of the intersection of 9<sup>th</sup> Avenue NE and 6<sup>th</sup> Avenue NE

Name of Subdivision: Helmsworth-McLean Addition

Located: the south 40' of 4<sup>th</sup> Street NE public right-of-way of the east quadrant of the intersection of 9<sup>th</sup> Avenue NE and 6<sup>th</sup> Avenue NE of Helmsworth-McLean Addition

Proposed Land Use: build a garage

Adjacent Land Use: residential

Fee(s) Required: \$150.00      Date Received: July 10, 2012

Adjacent Property Owner Notification: Letters were sent August 23, 2012

Dates of Legal Notices: August 10, 17, 24, 31, 2012

Recommendations: The Planning Office recommends approval.

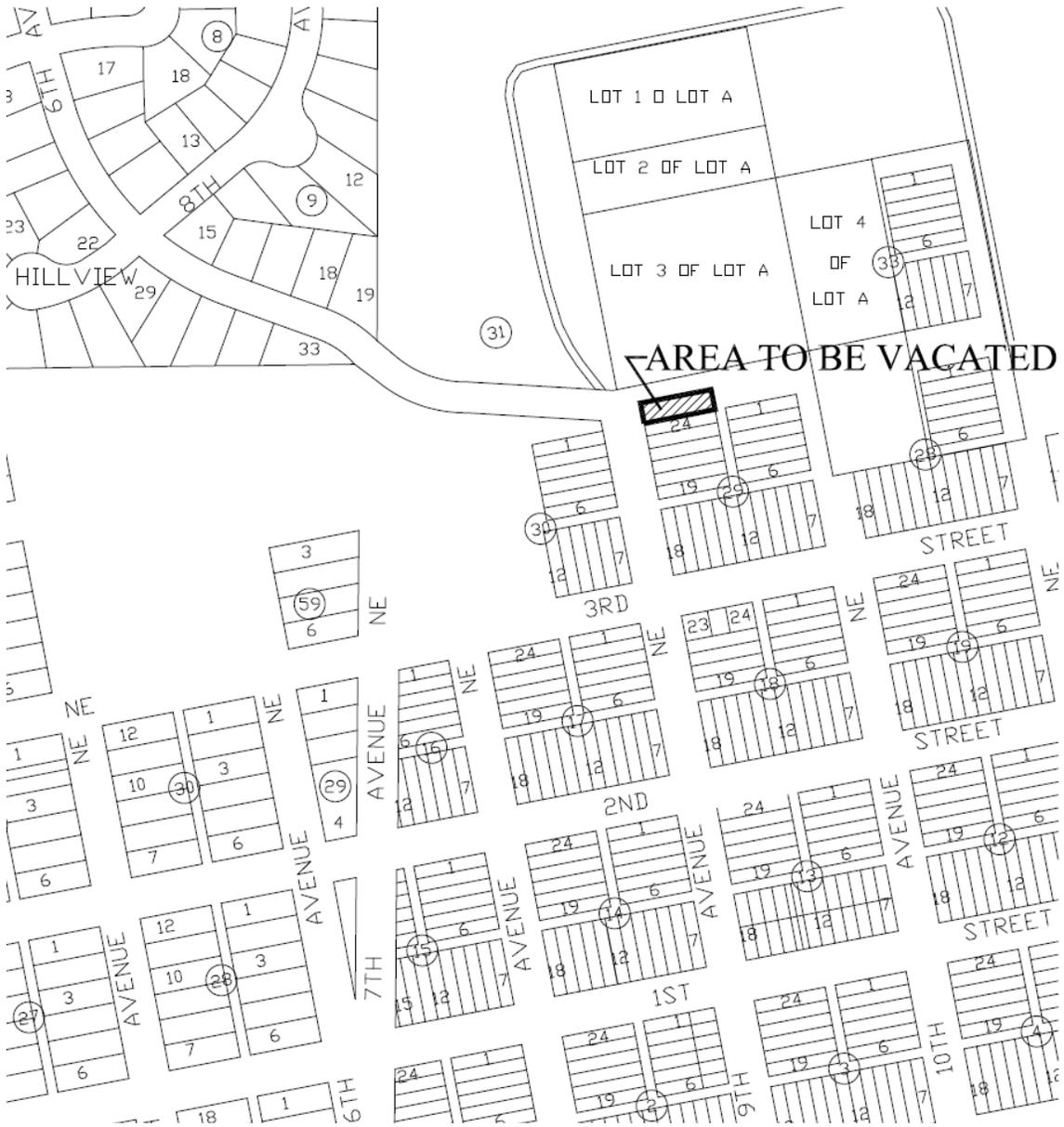
Board of City Commissioners

Agenda Documentation

Meeting Date: September 4, 2012

Subject: Vacation of the south 40' of 4<sup>th</sup> Street NE public right-of-way of the east quadrant of the intersection of 9<sup>th</sup> Avenue NE and 6<sup>th</sup> Avenue NE, as platted in Helmsworth-McLean Addition

Page 3 of 5



Board of City Commissioners

Agenda Documentation

Meeting Date: September 4, 2012

Subject: Vacation of the south 40' of 4<sup>th</sup> Street NE public right-of-way of the east quadrant of the intersection of 9<sup>th</sup> Avenue NE and 6<sup>th</sup> Avenue NE, as platted in Helmsworth-McLean Addition

Page 4 of 5

---

**RESOLUTION OF VACATION  
Board of City Commissioners  
City of Mandan, North Dakota**

WHEREAS, Sanela Alagic, has submitted to the Board of City Commissioners of the City of Mandan a verified petition asking that a public right-of-way as platted in Helmsworth-McLean Addition, to the City of Mandan, Morton County, North Dakota be vacated. Said tract of land being the south 40' of 4<sup>th</sup> Street NE public right-of-way of the east quadrant of the intersection of 9<sup>th</sup> Avenue NE and 6<sup>th</sup> Avenue NE, as platted in Helmsworth-McLean Addition, lying in Section 26, Township 139N, Range 81W of the 5<sup>th</sup> Principal Meridian, City of Mandan, Morton County, North Dakota, more fully described as follows:

Beginning at the northwest lot corner of Lot 24, Block 29, Helmsworth- McLean Addition; thence north 11 degrees 28 minutes 48 seconds west a distance of 80.00 feet; thence south 78 degrees 31 minutes 12 seconds west a distance of 140.00 feet; thence south 11 degrees 28 minutes 48 seconds east a distance of 80.00 feet; thence south 78 degrees 31 minutes 12 seconds east a distance of 140.00 feet to the point of beginning.

WHEREAS, The Board having deemed it expedient to consider such petition and having ordered that said petition be heard by the Board at its regular meeting held at City Hall in the City of Mandan, North Dakota, on September 4, 2012, at 5:30 o'clock p.m., CT, and the City Administrator having published notice of the filing of the petition and the object therein in the official newspaper once each week for four (4) consecutive weeks, as required by law, which notice stated that the petition would be heard and considered on the date and time aforesaid, at which time any persons interested might appear and be heard, and proof of such publication of the notice having been made and filed; and

WHEREAS, on the 4<sup>th</sup> day of September, 2012, at 5:30 o'clock p.m., CT, being not less than thirty days after the first publication of the notice aforesaid, the Board of City Commissioners proceeded to hear the testimony and evidence of persons interested, and it appearing to the satisfaction of the Board of City Commissioners that said petitioners are the owners in fee simple of the property adjoining the street to be vacated; that objections to the requested vacation were addressed at the public hearing, that said petition was accompanied by a map of the area proposed to be vacated; which map is on file in the office of the City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: September 4, 2012

Subject: Vacation of the south 40' of 4<sup>th</sup> Street NE public right-of-way of the east quadrant of the intersection of 9<sup>th</sup> Avenue NE and 6<sup>th</sup> Avenue NE, as platted in Helmsworth-McLean Addition

Page 5 of 5

---

of Mandan; that by vacating the street described above, the property can be developed; and the facts and reason for the vacation of such area as established by the petition and the testimony and evidence are good and sufficient to justify the vacation of such area;

NOW, THEREFORE, BE IT RESOLVED By the Board of City Commissioners of the City of Mandan, North Dakota, that the south 40' of 4<sup>th</sup> Street NE public right-of-way of the east quadrant of the intersection of 9<sup>th</sup> Avenue NE and 6<sup>th</sup> Avenue NE, as platted in Helmsworth McLean Addition, City of Mandan, Morton County, North Dakota be and the same are hereby vacated.

BE IT FURTHER RESOLVED, That the within and foregoing Resolution shall become effective from the time of its passage and publication.

Approved and passed September 4<sup>th</sup>, 2012, by at least two-thirds vote of all the members of the Board of City Commissioners.

\_\_\_\_\_  
President, City Commission  
City of Mandan, North Dakota

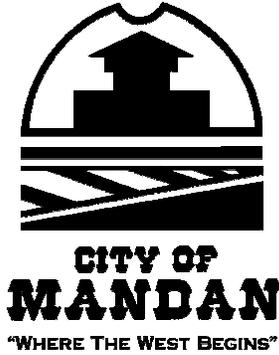
Attest:

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

Public Notice Dates: August 10, 17, 24, 31, 2012

Public Hearing: September 4, 2012

First Reading: September 4, 2012



Bids No. 1

## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 4, 2012  
**PREPARATION DATE:** August 27, 2012  
**SUBMITTING DEPARTMENT:** Fire  
**DEPARTMENT DIRECTOR:** Steve Nardello, Fire Chief  
**PRESENTER:** Steve Nardello, Fire Chief  
**SUBJECT:** Fire Truck Bids

---

**STATEMENT/PURPOSE:** The City of Mandan received and opened bids for a new fire truck on Monday August 13, 2012 and Tuesday August 14, 2012. The Board of City Commissioners must act on such bids.

**BACKGROUND/ALTERNATIVES:** The Mandan Fire Department advertised request for bids on a new fire truck with all bids to be received no later than 2:00 p.m. Tuesday August 13, 2012. A mistake was made on the proper bid date as Tuesday was actually August 14<sup>th</sup>. There were five bids received on Monday August 13<sup>th</sup> and one bid received Tuesday August 14<sup>th</sup>. Chief Nardello notified City Attorney, Malcolm Brown, of the irregularity within the bid notice and Mr. Brown advised that our bid contents included a provision to “waive any formalities and to award to the most responsive and responsible bidder”. It was the City Attorney’s opinion that bids could be received on August 13, 2012 or Tuesday which would allow all bids to be accepted.

Once all bids were opened, we found that all trade proposals were lower than our estimated value therefore it is our recommendation to reject any and all trade offers and sell the 1989 fire truck through Mandan City public sale. The lowest base bid, that meets our specifications, is from Spartan ERV and therefore I recommend awarding the bid to Spartan ERV. Great Plains Fire Equipment and Front Range Fire Equipment had lower base bids however; those bids had exceptions to our specifications that when changed to meet our specifications, Spartan ERV became the lowest bidder. Battalion Chief Bitz and I met with a representative from Spartan ERV to ensure that all Mandan Fire Department bid specifications were contained within their proposal. Our meeting and review of the proposed specifications from Spartan found several duplications in equipment and items that exceeded our specifications allowing for reduction in the bid proposal. The final bid price for a new Spartan ERV Metro LFD cab is \$387,772. Spartan ERV allows for a discount of \$2,443.00 if 50% of the vehicle is paid at the time of contract signing and I would recommend the 50% prepayment.

**ATTACHMENTS:** Bid tabulation sheet and bid proposals.

**FISCAL IMPACT:** Funding for the purchase of a new truck will come from the fire equipment reserve that will have, before the purchase, an estimated balance of \$415,291 at the end of 2013. We would need to amend the 2012 fire equipment budget to include a prepayment of \$193,886 to Spartan ERV and include an estimated final payment of \$191,443 for 2013.

**STAFF IMPACT:** There will be a pre-construction, at our station, and mid-construction meeting held in the factory that will require several staff members to attend with all expenses to be paid by Spartan ERV. In addition, Spartan ERV will provide training to all firefighters at the time the new truck is delivered.

**LEGAL REVIEW:** City Attorney, Malcolm Brown, has reviewed the bid advertisement and bid tabulation.

**RECOMMENDATION:** That the Mandan City Board of Commissioners award the bid for a new fire truck to Spartan ERV for a total amount of \$385,329.00 with 50% payment due at contract signing and the other 50% due upon vehicle delivery and to amend the 2012 fire equipment reserve to include a prepayment of \$193,886 to Spartan ERV.

**SUGGESTED MOTION:** Move to award the bid for a new fire truck to Spartan ERV for a total amount of \$385,329.00 with 50% payment due at contract signing and the other 50% due upon vehicle delivery and to amend the 2012 fire equipment reserve to include a prepayment of \$193,886 to Spartan ERV.

<b>Vendor</b>	<b>Base Bid</b>	<b>Trade</b>	<b>Additions</b>	<b>Notes</b>	<b>Total w/o Trade</b>
Front Range	\$363,416.	\$5,000.	\$0.00	Demonstrator model many bid exceptions including generator and reels	\$363,416.00
Spartan	\$399,471.	\$0.00	\$0.00		\$399,471.00
Great Plains Fire Equip.	\$398,099.	\$3,000.	\$2,954.0	Addition of Cummins engine to meet spec. preference	\$401,053.00
M & T Fire Equip.	\$412,117.	\$0.00	\$0.00		\$412,117.00
Fire Safety USA	\$412,500.	\$5,000.	\$0.00		\$412,500.00
Heiman Fire Equip.	\$424,634.	\$2,500.	\$0.00		\$424,634.00
Front Range	\$442,432.	\$5,000.	\$0.00		\$442,432.00



**LOCAL PERMIT OR CHARITY LOCAL PERMIT**  
 OFFICE OF ATTORNEY GENERAL  
 SFN 17926 (9-2009)

Consent No. 1i

Type:  Local Permit \*  Charity Local Permit

Permit Number  
2012-37

Name of Organization Vietnam/legacy Vets Motorcycle Club Of North Dakota		Date(s) Authorized (Read instruction 2)	
Contact Person Jeffrey T. Schneider	Business Phone Number (701) 223-3353	9/15/2012 Beginning	to 12/14/2012 Ending
Mailing Address 131 Airport Road	City Bismarck	State ND	Zip Code 58504-0000
Site Name Colonial Lounge	Site Address 4631 Memorial Highway		
City Mandan	State ND	Zip Code 58554-0000	County Morton
Check the Game(s) Authorized: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.			
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker* <input type="checkbox"/> Twenty-one* <input type="checkbox"/> Paddlewheels*			
Restriction:			
Requirement: For a "Charity Local Permit," the organization must file a "Report on a Charity Local Permit" with the city or county auditor and Office of Attorney General within 30 days of the event.			
Date 8/20/2012	Signature of: <input checked="" type="checkbox"/> City Auditor <input type="checkbox"/> County Auditor <i>Jay Gruebele</i>	Printed Name of City or County Auditor Jay Gruebele	Auditor Telephone Number (701) 667-3250

Please see the instructions on the backside of this form on how to complete the Permit.  
 For a raffle or calendar raffle, read "Information Required to be Preprinted on a Standard Raffle Ticket" below.

cut along this line

**INFORMATION REQUIRED TO BE PREPRINTED ON A STANDARD RAFFLE TICKET:**

1. Name of organization;
2. Ticket number;
3. Price of the ticket, including any discounted price;
4. Prize, description of an optional prize selectable by a winning player, or option to convert a merchandise prize to a cash prize that is limited to the lesser of the value of the merchandise prize or four thousand dollars. However, if there is insufficient space on a ticket to list each minor prize that has a retail price not exceeding twenty dollars, an organization may state the total number of minor prizes and their total retail price;
5. For a licensed organization, print "office of attorney general" and license number. For an organization that has a permit, print the authorizing city or county and permit number;
6. A statement that a person is or is not required to be present at a drawing to win;
7. Date and time of the drawing or drawings and, if the winning player is to be announced later, date and time of that announcement. For a calendar raffle, if the drawings are on a same day of the week or month, print the day and time of the drawing;
8. Location and street address of the drawing;
9. If a merchandise prize requires a title transfer involving the department of transportation, a statement that a winning player is or is not liable for sales or use tax;
10. If a purchase of a ticket or winning prize is restricted to a person of minimum age, a statement that a person must be at least "\_\_\_" years of age to buy a ticket, or win a prize;
11. A statement that a purchase of the ticket is not a charitable donation;
12. If a secondary prize is an unguaranteed cash or merchandise prize, a statement that the prize is not guaranteed to be won and odds of winning the prize based on numbers of chances; and
13. If a prize is live beef or dairy cattle, horse, bison, sheep or pig, a statement that the winning player may convert the prize to a cash prize that is limited to the lesser of the market value of the animal or four thousand dollars.





# LOCAL PERMIT OR CHARITY LOCAL PERMIT

OFFICE OF ATTORNEY GENERAL  
SFN 17926 (9-2009)

Consent No. 1ii

Type:     Local Permit    \*  Charity Local Permit

Permit Number  
2012-38

Name of Organization Mandan Girls Swim And Dive		Date(s) Authorized (Read instruction 2) 9/1/2012 to 11/23/2012 Beginning Ending	
Contact Person Jo Budeau	Business Phone Number (701) 527-3973		
Mailing Address 105 Linton Avenue	City Mandan	State ND	Zip Code 58554-0000
Site Name Braves Center	Site Address 901 Division Street		
City Mandan	State ND	Zip Code 58554-0000	County Morton
Check the Game(s) Authorized: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.			
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker* <input type="checkbox"/> Twenty-one* <input type="checkbox"/> Paddlewheels*			
Restriction:			
Requirement: For a "Charity Local Permit," the organization must file a "Report on a Charity Local Permit" with the city or county auditor <u>and</u> Office of Attorney General within 30 days of the event.			
Date 8/24/2012	Signature of: <input checked="" type="checkbox"/> City Auditor <input type="checkbox"/> County Auditor <i>Jay Gruebele</i>	Printed Name of City or County Auditor Jay Gruebele	Auditor Telephone Number (701) 667-3250

Please see the instructions on the backside of this form on how to complete the Permit.  
For a raffle or calendar raffle, read "Information Required to be Preprinted on a Standard Raffle Ticket" below.

cut along this line

### INFORMATION REQUIRED TO BE PREPRINTED ON A STANDARD RAFFLE TICKET:

1. Name of organization;
2. Ticket number;
3. Price of the ticket, including any discounted price;
4. Prize, description of an optional prize selectable by a winning player, or option to convert a merchandise prize to a cash prize that is limited to the lesser of the value of the merchandise prize or four thousand dollars. However, if there is insufficient space on a ticket to list each minor prize that has a retail price not exceeding twenty dollars, an organization may state the total number of minor prizes and their total retail price;
5. For a licensed organization, print "office of attorney general" and license number. For an organization that has a permit, print the authorizing city or county and permit number;
6. A statement that a person is or is not required to be present at a drawing to win;
7. Date and time of the drawing or drawings and, if the winning player is to be announced later, date and time of that announcement. For a calendar raffle, if the drawings are on a same day of the week or month, print the day and time of the drawing;
8. Location and street address of the drawing;
9. If a merchandise prize requires a title transfer involving the department of transportation, a statement that a winning player is or is not liable for sales or use tax;
10. If a purchase of a ticket or winning prize is restricted to a person of minimum age, a statement that a person must be at least "\_\_\_" years of age to buy a ticket, or win a prize;
11. A statement that a purchase of the ticket is not a charitable donation;
12. If a secondary prize is an unguaranteed cash or merchandise prize, a statement that the prize is not guaranteed to be won and odds of winning the prize based on numbers of chances; and
13. If a prize is live beef or dairy cattle, horse, bison, sheep or pig, a statement that the winning player may convert the prize to a cash prize that is limited to the lesser of the market value of the animal or four thousand dollars.



**APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT**  
**OFFICE OF ATTORNEY GENERAL**  
 SFN 9336 (06-2010)

Application for:  Local Permit \*  Charity Local Permit (one event per year)

Name of Non-profit Organization <u>Mandan Girls Swim &amp; Dive</u>		Date(s) of Activity <u>8/23/12</u> to <u>Nov 23/12</u>	
Person Responsible for the Gaming Operation and the Disbursement of Net Income <u>Jo Budeau</u>		Title <u>Mom</u>	Business Phone Number <u>701 527-3973</u>
Business Address <u>105 Linton Ave</u>		City <u>Mandan</u>	State <u>ND</u> Zip Code <u>58554</u>
Mailing Address (if different)		City	State Zip Code
Name of Site Where Game(s) will be Conducted <u>Mandan Aquatic</u>		Site Address <u>901 Division St</u>	
City <u>mandan ND</u>		State <u>ND</u> Zip Code <u>58554</u>	County <u>Morton</u>
Check the Game(s) to be Conducted: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.			
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker * <input type="checkbox"/> Twenty-one * <input type="checkbox"/> Paddlewheels *			

**DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED**

Game Type	Description of Prize	Retail Value of Prize	Game Type	Description of Prize	Retail Value of Prize
<u>Froggy toss</u>	<u>1/2 money</u>	<u>2</u>			
Total:					(Limit \$12,000 per year) \$

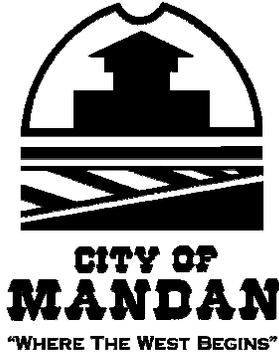
Intended uses of gaming proceeds: help pay for swimming events

Does the organization presently have a state gaming license?  No  Yes - If "Yes," the organization is not eligible for a local permit or charity local permit and should call the Office of Attorney General at 1-800-326-9240.

Has the organization received a charity local permit from this or another city or county for the fiscal year July 1 through June 30?  No  Yes - If "Yes," the organization does not qualify for a local permit or charity local permit.

Has the organization received a local permit from this or another city or county for the fiscal year July 1 through June 30?  No  Yes - If "Yes," indicate the total value of all prizes previously awarded: \$ . This amount is part of the total prize limit of \$12,000 per year.

Signature of Organization's Top Executive Official <u>Jo Budeau</u>	Date <u>8/23/12</u>	Title <u>Mother</u>	Business Phone Number <u>701-527-3973</u>
--	------------------------	------------------------	--



Consent No. 2

## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 4, 2012  
**PREPARATION DATE:** August 29, 2012  
**SUBMITTING DEPARTMENT:** Planning  
**DEPARTMENT DIRECTOR:**  
**PRESENTER:** Dave Bechtel  
**SUBJECT:** Consider for approval the final plat of Skinner's 1<sup>st</sup> Addition

---

STATEMENT/PURPOSE: To accept the subject final plat.

BACKGROUND/ALTERNATIVES: Request from Skinner's Roll-off-Service. The Planning & Zoning Commission approved the final plat on August 27<sup>th</sup>, 2012.

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

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

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

SUGGESTED MOTION: I move to approve the final plat of Skinner's 1<sup>st</sup> Addition.

**MANDAN PLANNING OFFICE REPORT**  
**August 23, 2012**

Applicant: Skinner's Roll-off-Service

Owner: same

Requested Action: Final plat approval.

Name of Subdivision: Skinners 1<sup>st</sup> Addition

Legal Description: All of Outlet M less Lot 1 of Outlet M of the NE ¼ of the SW ¼ and the NW ¼ of the SW ¼ of Section 30, Township 139N, Range 81W

Location: southeast of Sunnyside Addition, west of Mandan, being within the 2 mile extra territorial jurisdiction

Parcel Acreage: 8.67

Number of Blocks: 1                      Number of Lots: 1

Preliminary Plat Approval: Short Form

Existing Land Use: Industrial/Heavy commercial (recycling)

Proposed Land Use: same

Adjacent Land Use: Industrial and Agricultural

Existing Zoning: A (Agricultural)

Proposed Zoning: MB (Heavy Industrial/Heavy Commercial) (zone change to come)

Adjacent Zoning: A (Agricultural) and MB (Heavy Industrial/Heavy Commercial).

Fee Required: \$250.00                      Date Received: August 7, 2012

Adjacent Property Owner Notification: August 17, 2012

Dates of Legal Notices: August 17<sup>th</sup> & 24<sup>th</sup>, 2012

Recommendation: Planning office recommends approval.



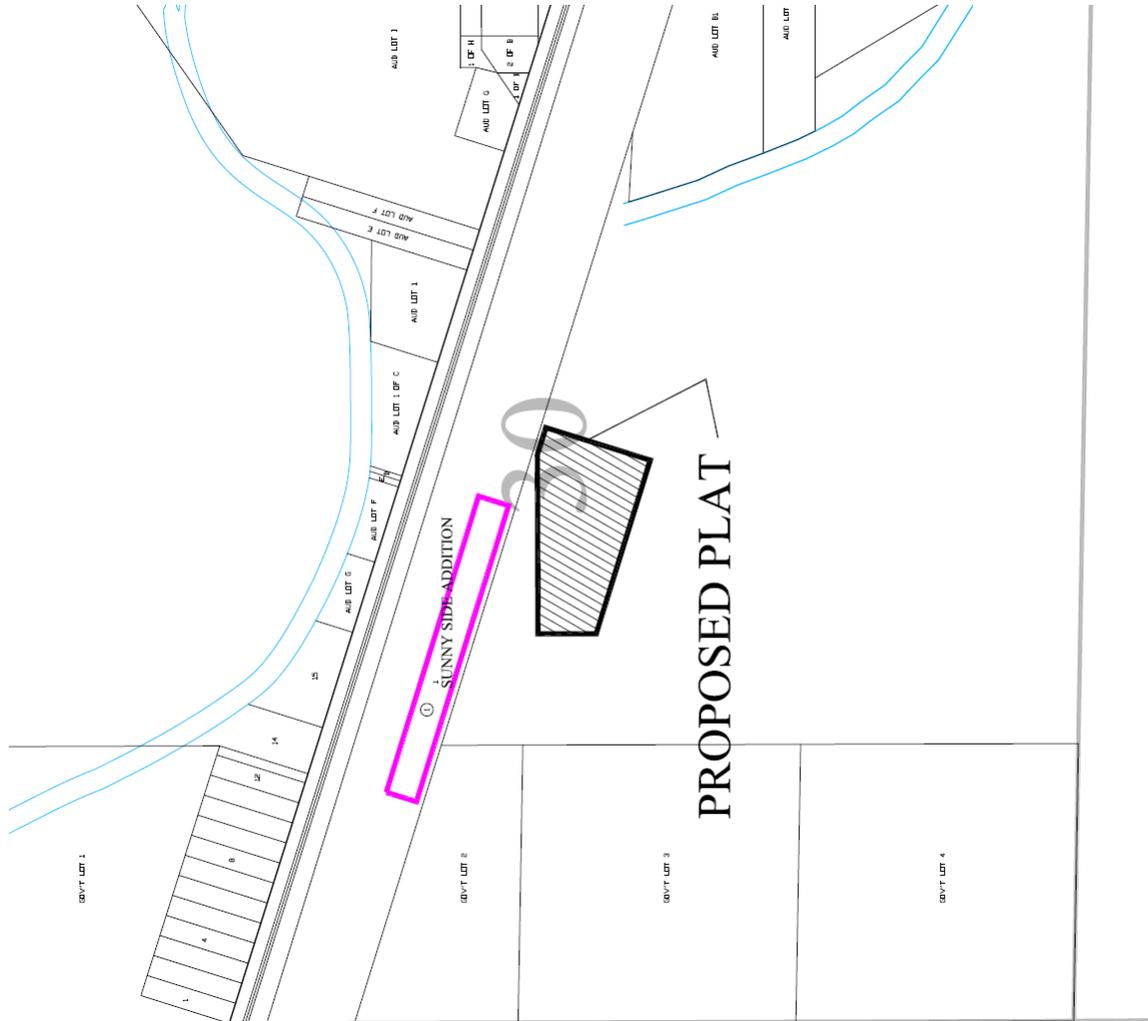
Board of City Commissioners

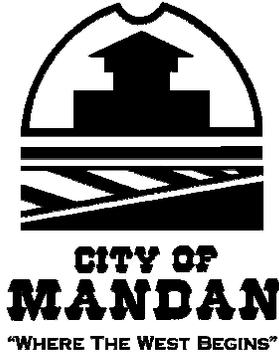
Agenda Documentation

Meeting Date: September 4<sup>th</sup>, 2012

Subject: Consider for approval the final plat of Skinner's 1<sup>st</sup> Addition

Page 4 of 4





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 4, 2012  
**PREPARATION DATE:** August 29, 2012  
**SUBMITTING DEPARTMENT:** Assessing/Bldg Inspections  
**DEPARTMENT DIRECTOR:** Richard L Barta  
**PRESENTER:** Richard L Barta  
**SUBJECT:** Permit Tech Position Revision & Bldg Insp  
Position Requirement

---

STATEMENT/PURPOSE: Request that the existing Permit Tech position be changed from 30 hours per week (3/4 time) to 40 hours per week (full time) and to also suggest that the new Building Inspector position have a pre-requisite that the applicant having either a journeyman or master plumbing credentials.

BACKGROUND/ALTERNATIVES:

ATTACHMENTS: Memo with requests and memo indicating estimated permit increases to cover the change of hours for the Permit Tech position.

FISCAL IMPACT: Approximately \$398.00 per pay period.

STAFF IMPACT:

LEGAL REVIEW:

RECOMMENDATION: Recommend a motion to approve the Permit Tech position to go from 30 hours per week (3/4 time) to 40 hours per week (full time) and to require the new Building Inspector to have either journeyman or master plumbing credentials.

**SUGGESTED MOTION:** A motion to approve the Permit Tech position to go from 30 hours per week (3/4 time) to 40 hours per week (full time) and to require the new Building Inspector to have either journeyman or master plumbing credentials.

	<h1 style="text-align: center;">CITY OF MANDAN</h1> <p style="text-align: center;">MANDAN CITY HALL - 205 2nd Avenue NW MANDAN, NORTH DAKOTA 58554 701-667-3215 • FAX: 701-667-3223 • www.cityofmandan.com</p>	<u>CITY DEPARTMENTS</u>																														
		<table border="0"><tr><td>ADMINISTRATION</td><td>667-3215</td></tr><tr><td>ASSESSING/BUILDING INSPECTION</td><td>667-3230</td></tr><tr><td>BUSINESS DEVELOPMENT</td><td>667-3485</td></tr><tr><td>CEMETERY</td><td>667-6044</td></tr><tr><td>ENGINEER/PLANNING &amp; ZONING</td><td>667-3225</td></tr><tr><td>FINANCE</td><td>667-3213</td></tr><tr><td>FIRE</td><td>667-3288</td></tr><tr><td>HUMAN RESOURCES</td><td>667-3217</td></tr><tr><td>LANDFILL</td><td>667-0184</td></tr><tr><td>MUNICIPAL COURT</td><td>667-3270</td></tr><tr><td>POLICE</td><td>667-3455</td></tr><tr><td>PUBLIC WORKS</td><td>667-3240</td></tr><tr><td>WASTEWATER TREATMENT</td><td>667-3278</td></tr><tr><td>SPECIAL ASSESSMENTS</td><td>667-3271</td></tr><tr><td>UTILITY BILLING</td><td>667-3219</td></tr><tr><td>WATER TREATMENT</td><td>667-3275</td></tr></table>	ADMINISTRATION	667-3215	ASSESSING/BUILDING INSPECTION	667-3230	BUSINESS DEVELOPMENT	667-3485	CEMETERY	667-6044	ENGINEER/PLANNING & ZONING	667-3225	FINANCE	667-3213	FIRE	667-3288	HUMAN RESOURCES	667-3217	LANDFILL	667-0184	MUNICIPAL COURT	667-3270	POLICE	667-3455	PUBLIC WORKS	667-3240	WASTEWATER TREATMENT	667-3278	SPECIAL ASSESSMENTS	667-3271	UTILITY BILLING	667-3219
ADMINISTRATION	667-3215																															
ASSESSING/BUILDING INSPECTION	667-3230																															
BUSINESS DEVELOPMENT	667-3485																															
CEMETERY	667-6044																															
ENGINEER/PLANNING & ZONING	667-3225																															
FINANCE	667-3213																															
FIRE	667-3288																															
HUMAN RESOURCES	667-3217																															
LANDFILL	667-0184																															
MUNICIPAL COURT	667-3270																															
POLICE	667-3455																															
PUBLIC WORKS	667-3240																															
WASTEWATER TREATMENT	667-3278																															
SPECIAL ASSESSMENTS	667-3271																															
UTILITY BILLING	667-3219																															
WATER TREATMENT	667-3275																															

<b>TO:</b>	<b>MAYOR VAN BEEK &amp; MANDAN CITY COMMISSIONERS JIM NEUBAUER/CITY ADMINISTRATOR GREG WELCH/FINANCE DIRECTOR</b>
<b>FROM:</b>	<b>RICHARD L BARTA/CITY ASSESSOR-BLDG OFFICIAL</b>
<b>DATE:</b>	<b>AUGUST 29, 2012</b>
<b>SUBJECT:</b>	<b>PERMIT TECH POSITION PLUMBING INSP POSITION</b>

Due to the increased number of permits being issued, I wish to request that the above referenced Permit Tech position be changed from 30 hours per week (3/4 time) to 40 hours per week (full time). With the increase of revenue generated by these additional permits, I do not foresee any concerns regarding budgeting for the additional hours (see attached).

Secondly, I'd like to bring to your attention, once I retire, there will only be one inspector qualified to conduct plumbing inspections. Therefore, I strongly suggest the new inspector position require plumbing credentials which would include either a journeyman or master degree in the plumbing field.

Although I am out of the office, if you would like to further discuss this matter, please feel free to contact me at 319-0276 (City Cell).

Thank you for your consideration regarding these matters.



# CITY OF MANDAN

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

CITY DEPARTMENTS	
ADMINISTRATION	667-3215
ASSESSING/BUILDING INSPECTION	667-3230
BUSINESS DEVELOPMENT	667-3485
CEMETERY	667-6044
ENGINEER/PLANNING & ZONING	667-3225
FINANCE	667-3213
FIRE	667-3288
HUMAN RESOURCES	667-3217
LANDFILL	667-0184
MUNICIPAL COURT	667-3270
POLICE	667-3455
PUBLIC WORKS	667-3240
WASTEWATER TREATMENT	667-3278
SPECIAL ASSESSMENTS	667-3271
UTILITY BILLING	667-3219
WATER TREATMENT	667-3275

**TO:** MAYOR VAN BEEK & MANDAN CITY COMMISSIONERS  
JIM NEUBAUER/CITY ADMINISTRATOR  
GREG WELCH/FINANCE DIRECTOR

**FROM:** RICHARD L BARTA/BLDG OFFICIAL

**DATE:** AUGUST 23, 2012

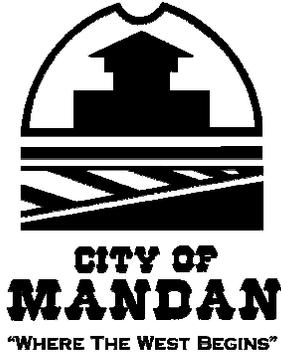
**SUBJECT:** INCREASE IN BUILDING PERMIT REVENUES

After reviewing the building permit reports and/or numbers from the past seven months, I have determined the following:

- Building Permits have seen approximately a 52% increase. Resulting in an 82% increase in fees (\$88,252).
- Plumbing, Gas and Utility Permits have seen approximately a 60% increase. Resulting in a 46% increase in fees (19,270).

To reiterate, as of July 31, 2012, we have seen an increase of revenue from permit fees of \$107,522.

Therefore, these numbers show the need for another employee and that we will also be able to meet this need financially.



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 4, 2012  
**PREPARATION DATE:** August 29, 2012  
**SUBMITTING DEPARTMENT:** Public Works  
**DEPARTMENT DIRECTOR:** Jeff Wright  
**PRESENTER:** Jeff Wright  
**SUBJECT:** Introduction of Street Department Equipment Operators

---

STATEMENT/PURPOSE:

The Introduction of the newest Street Department Equipment Operators.

BACKGROUND/ALTERNATIVES:

I am pleased to introduce our three latest hires in the Street Department: Clayton Maloney, of Mandan, Alan Fleck, of Mandan, and Pete Finck, also of Mandan. All are excited to be here, as are we to have Clayton, Alan and Pete a part of the Public Works team.

ATTACHMENTS: N/A

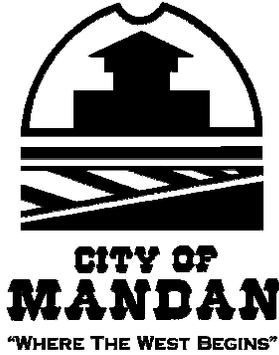
FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: N/A

SUGGESTED MOTION: N/A



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 4, 2012  
**PREPARATION DATE:** August 29, 2012  
**SUBMITTING DEPARTMENT:** Wastewater Treatment Plant  
**DEPARTMENT DIRECTOR:** Steve Himmelspach Plant Superintendent  
**PRESENTER:** Steve Himmelspach  
**SUBJECT:** Introduction of Wastewater Treatment Plant Operators

---

STATEMENT/PURPOSE: Introduction of Rodney Knoll and Ryan Malsam, to the Board of City Commission.

BACKGROUND/ALTERNATIVES: Rodney comes to the Mandan Wastewater Treatment Plant from Advanced Mechanical where he installed heating ventilation and air conditioning, plumbing experience and electrical experience. Ryan worked part time at the Wastewater Treatment Plant for two seasons doing maintenance, operation of dredge, testing, and preventative maintenance on plant equipment.

ATTACHMENTS: N/A

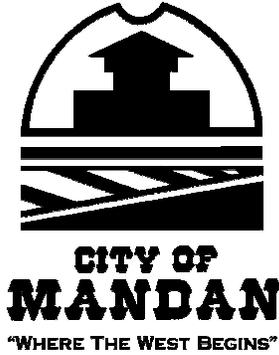
FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: N/A

SUGGESTED MOTION: N/A



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 4, 2012  
**PREPARATION DATE:** August 30, 2012  
**SUBMITTING DEPARTMENT:** Administration  
**DEPARTMENT DIRECTOR:** Jim Neubauer, City Administrator  
**PRESENTER:** Jim Neubauer, City Administrator  
**SUBJECT:** Process for issuing Class A Liquor License

---

STATEMENT/PURPOSE: To determine the process for issuing an existing Class A General retail (on and off-premises).

BACKGROUND/ALTERNATIVES: We currently have one Class A Liquor License available, and we have at least two parties interested in the license.

Guidance in the manner in which to issue the licenses can be found in Mandan Code of Ordinances Section 12-02-06, which reads in part:

Whenever the board increases the number of licenses available in any class, or when a license is not renewed, or is revoked, a one-time only issuance fee, in an amount determined by the board in its discretion, shall be paid by any new licensee. The issuance fee shall be in addition to the annual license fee. In lieu of setting an issuance fee, the board may utilize a competitive sealed bidding process for the award of these licenses, may establish a minimum bid or substitute any other procedure for the issuance of a license as determined by the board.

In order to make the license available the following schedule is proposed:

- September 4, 2012 – Commission makes available the additional license
- September 4, 2012 - Commission determines the process to award additional licenses
  - Sealed Bids
  - Minimum Bid Class A, \$? (previously a Class D-1 was \$7,500; two highest bids were \$36,000 and \$40,711; and a Class D, \$40,000; highest bid was \$80,000)
- September 14, 2012 – Notice is placed on the City of Mandan Website

- September 14, 2012 – Notice is placed in the Mandan News
- October 24, 2012 – 11:00 a.m. Deadline for applications and sealed bids to be received & opened
- November 6, 2012 – Commission determines apparent successful bidder based on highest bid

ATTACHMENTS: n/a

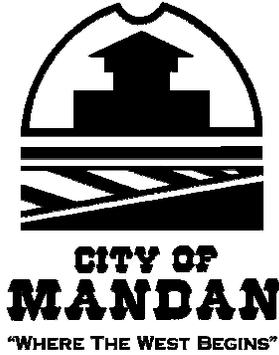
FISCAL IMPACT: unknown at this time

STAFF IMPACT: minimal

LEGAL REVIEW:

RECOMMENDATION: I recommend putting one Class A General retail on and off premise liquor license up for public bids in accordance with the schedule and minimum bid as proposed.

SUGGESTED MOTION: I move to put one Class A General retail on and off premise liquor license up for public bids in accordance with the schedule and minimum bid as proposed.



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 4, 2012  
**PREPARATION DATE:** August 29, 2012  
**SUBMITTING DEPARTMENT:** Public Works  
**DEPARTMENT DIRECTOR:** Jeff Wright  
**PRESENTER:** Jeff Wright  
**SUBJECT:** Consider a change order to have Northern Improvement do the emergency street repairs on 37<sup>th</sup> Ave NW and 34<sup>th</sup> Ave NW.

---

STATEMENT/PURPOSE: Consider a change order to have Northern Improvement do the emergency street repairs on 37<sup>th</sup> Ave NW and 34<sup>th</sup> Ave NW.

BACKGROUND/ALTERNATIVES:

The repairs are needed due to the result of high ground water conditions over the past 2 or 3 years and the high volume of truck traffic with the continued development in the area. Toman and Wenck Engineering companies have done a ground water study in this area and have recommended that the deteriorating areas of 37<sup>th</sup> and 34<sup>th</sup> Avenues be torn out, which will include 18” of sub base material and the existing asphalt and an under drain system installed along both sides of the curb. I have attached a drawing showing what this looks like.

The under drain system will be installed by the street department due to high contractor prices and/or lack of interest in doing the work. We will rent a trencher and install the under drain system prior to Northern Improvement doing the street repairs. The under drain will be tied into the existing storm water culverts under both streets. An estimated cost for the under drain system is under \$20,000. This portion of the project could be paid for with Water and Sewer Utility Fund dollars.

Northern Improvement will then replace the saturated sub base material with a geotextile fabric layer to help bridge the new 18” of aggregate base material, followed with 4.5” of hot bituminous asphalt. An estimated cost for the street repair is approximately \$425,000 based on proposed quantities. This portion of the project could be paid for with a combination of Sales Tax and General Fund dollars. Typically sales tax dollars are used on main arterials, but due to the

Board of City Commissioners

Agenda Documentation

Meeting Date: September 4, 2012

Subject: Consider a change order to have Northern Improvement do the emergency street repairs on 37<sup>th</sup> Ave NW and 34<sup>th</sup> Ave NW.

Page 2 of 10

---

seriousness of the damage and the need to repair these relatively new streets, sales tax dollars could be utilized if the commission chooses.

ATTACHMENTS: Project Location Map, Pictures, Design of new street.

FISCAL IMPACT: Under drain system – Water And Sewer Utility Fund (Annual Sewer Replacement dollars); Street Repair – General Fund (50%), Sales Tax (50%)

STAFF IMPACT: Street crew for 2-3 days to install underdrain. We could see about \$140,000 savings by installing ourselves.

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend approval of the change order for Northern Improvement to do the street repairs on 37<sup>th</sup> and 34<sup>th</sup> Avenues NW with funding split 50% General Fund and 50% Sales Tax and have the Street Department install the under drain system with funding from the Water And Sewer Utility Fund.

SUGGESTED MOTION: Move to approve the change order for Northern Improvement to do the street repairs on 37<sup>th</sup> and 34<sup>th</sup> Avenues NW with funding split 50% General Fund and 50% Sales Tax and have the Street Department install the under drain system with funding from the Water And Sewer Utility Fund.

Board of City Commissioners

Agenda Documentation

Meeting Date: September 4, 2012

Subject: Consider a change order to have Northern Improvement do the emergency street repairs on 37<sup>th</sup> Ave NW and 34<sup>th</sup> Ave NW.

Page 3 of 10



Board of City Commissioners

Agenda Documentation

Meeting Date: September 4, 2012

Subject: Consider a change order to have Northern Improvement do the emergency street repairs on 37<sup>th</sup> Ave NW and 34<sup>th</sup> Ave NW.

Page 4 of 10

---

37<sup>th</sup> Ave NW



Board of City Commissioners

Agenda Documentation

Meeting Date: September 4, 2012

Subject: Consider a change order to have Northern Improvement do the emergency street repairs on 37<sup>th</sup> Ave NW and 34<sup>th</sup> Ave NW.

Page 5 of 10

---

37<sup>th</sup> Ave NW



Board of City Commissioners

Agenda Documentation

Meeting Date: September 4, 2012

Subject: Consider a change order to have Northern Improvement do the emergency street repairs on 37<sup>th</sup> Ave NW and 34<sup>th</sup> Ave NW.

Page 6 of 10

---

37<sup>th</sup> Ave NW



Board of City Commissioners

Agenda Documentation

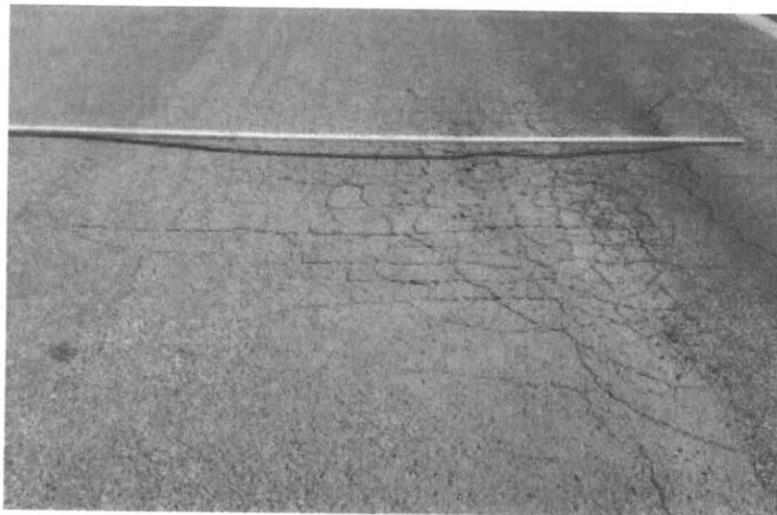
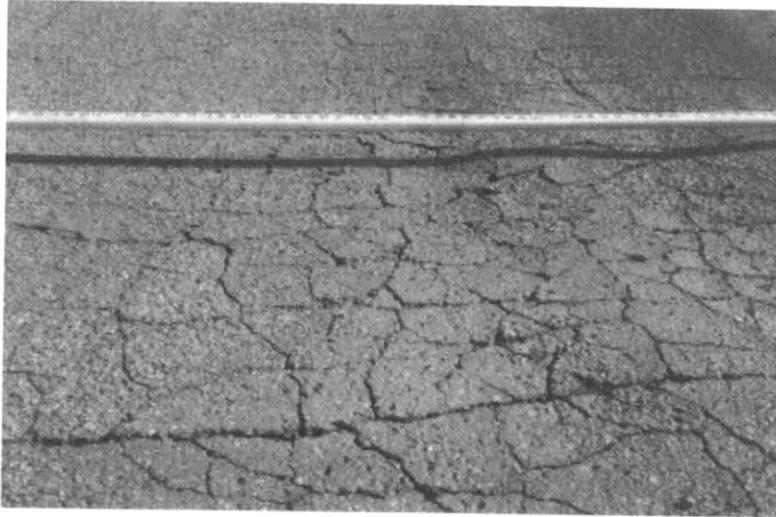
Meeting Date: September 4, 2012

Subject: Consider a change order to have Northern Improvement do the emergency street repairs on 37<sup>th</sup> Ave NW and 34<sup>th</sup> Ave NW.

Page 7 of 10

---

37<sup>th</sup> Ave NW



Board of City Commissioners

Agenda Documentation

Meeting Date: September 4, 2012

Subject: Consider a change order to have Northern Improvement do the emergency street repairs on 37<sup>th</sup> Ave NW and 34<sup>th</sup> Ave NW.

Page 8 of 10

---

34<sup>th</sup> Ave NW



Board of City Commissioners

Agenda Documentation

Meeting Date: September 4, 2012

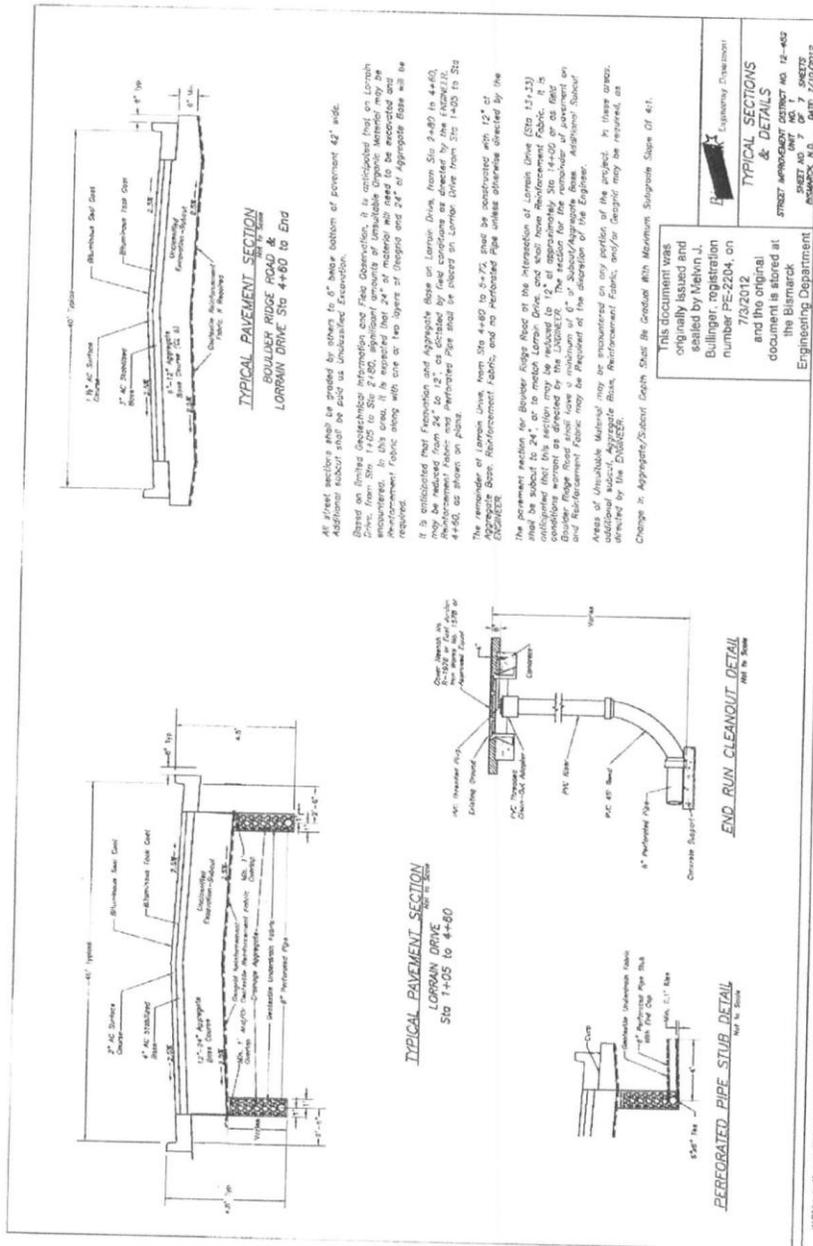
Subject: Consider a change order to have Northern Improvement do the emergency street repairs on 37<sup>th</sup> Ave NW and 34<sup>th</sup> Ave NW.

Page 9 of 10

---

34<sup>th</sup> Ave NW





**RESOLUTION OF VACATION  
Board of City Commissioners  
City of Mandan, North Dakota**

WHEREAS, Sanela Alagic, has submitted to the Board of City Commissioners of the City of Mandan a verified petition asking that a public right-of-way as platted in Helmsworth-McLean Addition, to the City of Mandan, Morton County, North Dakota be vacated. Said tract of land being the south 40' of 4<sup>th</sup> Street NE public right-of-way of the east quadrant of the intersection of 9<sup>th</sup> Avenue NE and 6<sup>th</sup> Avenue NE, as platted in Helmsworth-McLean Addition, lying in Section 26, Township 139N, Range 81W of the 5<sup>th</sup> Principal Meridian, City of Mandan, Morton County, North Dakota, more fully described as follows:

Beginning at the northwest lot corner of Lot 24, Block 29, Helmsworth- McLean Addition; thence north 11 degrees 28 minutes 48 seconds west a distance of 80.00 feet; thence south 78 degrees 31 minutes 12 seconds west a distance of 140.00 feet; thence south 11 degrees 28 minutes 48 seconds east a distance of 80.00 feet; thence south 78 degrees 31 minutes 12 seconds east a distance of 140.00 feet to the point of beginning.

WHEREAS, The Board having deemed it expedient to consider such petition and having ordered that said petition be heard by the Board at its regular meeting held at City Hall in the City of Mandan, North Dakota, on September 4, 2012, at 5:30 o'clock p.m., CT, and the City Administrator having published notice of the filing of the petition and the object therein in the official newspaper once each week for four (4) consecutive weeks, as required by law, which notice stated that the petition would be heard and considered on the date and time aforesaid, at which time any persons interested might appear and be heard, and proof of such publication of the notice having been made and filed; and

WHEREAS, on the 4<sup>th</sup> day of September, 2012, at 5:30 o'clock p.m., CT, being not less than thirty days after the first publication of the notice aforesaid, the Board of City Commissioners proceeded to hear the testimony and evidence of persons interested, and it appearing to the satisfaction of the Board of City Commissioners that said petitioners are the owners in fee simple of the property adjoining the street to be vacated; that objections to the requested vacation were addressed at the public hearing, that said petition was accompanied by a map of the area proposed to be vacated; which map is on file in the office of the City Administrator of Mandan; that by vacating the street described above, the property can be developed; and the facts and reason for the vacation of such area as established by the petition and the testimony and evidence are good and sufficient to justify the vacation of such area;

NOW, THEREFORE, BE IT RESOLVED By the Board of City Commissioners of the City of Mandan, North Dakota, that the south 40' of 4<sup>th</sup> Street NE public right-of-way of the east quadrant of the intersection of 9<sup>th</sup> Avenue NE and 6<sup>th</sup> Avenue NE, as platted in Helmsworth McLean Addition, City of Mandan, Morton County, North Dakota be and the same are hereby vacated.

BE IT FURTHER RESOLVED, That the within and foregoing Resolution shall become effective from the time of its passage and publication.

Approved and passed September 4<sup>th</sup>, 2012, by at least two-thirds vote of all the members of the Board of City Commissioners.

---

President, Board of City Commissioners  
City of Mandan, North Dakota

Attest:

---

City Administrator

Public Notice Dates: August 10, 17, 24, 31, 2012  
Public Hearing: September 4, 2012  
First Reading: September 4, 2012



STATE OF NORTH DAKOTA )  
COUNTY OF MORTON )  
CITY OF MANDAN )

ss. **CERTIFICATE**

James Neubauer, the duly appointed city administrator and city auditor of the City of Mandan, Morton County, State of North Dakota, does hereby certify that attached hereto is a true and correct copy of a Resolution of Vacation of the City of Mandan, which was duly and finally passed and adopted by said Board of City Commissioners after notice of the public hearing on the request for vacation of the public right-of-way described therein had been duly published in the official newspaper of said City prior to the public hearing and final passage of said Resolution.

I do further certify that notice of the Board's approval to vacate said public right-of-way has been published and the original copy of said Resolution is on file in the office of the City Administrator of the City of Mandan.

Dated at Mandan, North Dakota, this 4th day of September, 2012.

---

James Neubauer, City Administrator  
City of Mandan, North Dakota

**PUBLIC NOTICE OF  
STREET VACATION**

Notice is hereby given that the Mandan City Commission, on Tuesday, September 4, 2012, following a public hearing, approved a resolution vacating the following public right-of-way namely, the south 40' of 4<sup>th</sup> Street NE public right-of-way of the east quadrant of the intersection of 9<sup>th</sup> Avenue NE and 6<sup>th</sup> Avenue NE, as platted in Helmsworth McLean Addition, lying in Section 26, Township 139N, Range 81W of the 5<sup>th</sup> Principal Meridian, City of Mandan, Morton County, North Dakota more fully described in the resolution.

This resolution is available for inspection and copying during normal working hours in the office of the City Administrator.

Dated this 4th day of September, 2012.

By: James Neubauer, City Administrator

**Please Note:** The city administrator is to cause the above notice to be published once following adoption of the street vacation resolution.