

AGENDA
MANDAN CITY COMMISSION
APRIL 16, 2013
ED "BOSH" FROEHLICH MEETING ROOM,
MANDAN CITY HALL
5:30 P.M.
www.cityofmandan.com

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- A. ROLL CALL:
1. Roll call of all City Commissioners and Department Heads.
- B. APPROVAL OF AGENDA:
- C. PUBLIC COMMUNICATIONS:
- D. MINUTES:
1. Consider approval of the following minutes:
 - i. April 2, 2013 – Regular Board Meeting
 - ii. April 11, 2013 – Special Board Meeting
- E. PUBLIC HEARING:
1. Consider approving Vacation of Pedestrian Access Easement between Lots 14 & 15 Block 1 Hoovestol's 1st Addition. (See Resolutions and Ordinances No. 2)
- F. BIDS:
- G. CONSENT AGENDA:
1. Consider approval of monthly bills.
 2. Consider approving the amended Engineer's Estimate and the revised advertisement for bids for Sidewalk Improvement Project 2013-03.
 3. Consider approval of beer garden street dance application for May 11, June 22, July 20, August 17 and September 21, 2013 pending staff recommendation.
 4. Consider approval of annual Liquor License, Special B Liquor Permit and Special Sunday Permit for Dacotah Speedway from May 1, 2013 through October 30, 2013.
 5. Consider approval of Site Authorization for Abate of ND at the Hideaway Bar from July 1, 2013 through June 30, 2014.
 6. Consider approval of the following Site Authorizations:
 - i. American Foundation for Wildlife at The Lakewood Bar and Grill from July 1, 2013 through June 30, 2014
 - ii. American Foundation for Wildlife at the Last Call Bar from July 1, 2013 through June 30, 2014.
 7. Consider proclamation designating May 3, 2013 as Arbor Day in the City of Mandan.

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8. Consider the following abatements/exemptions:
 - i. Disabled Veteran's exemption – Gary Koth
 - ii. Homestead Credit Exemption – Joyce Gustafson
9. Consider for approval the request to sell 1981 Brush Truck by the Public Works Department.

H. OLD BUSINESS:

I. NEW BUSINESS:

1. Consider appointment of Jackie Bair to the MMPL Board of Trustees.
2. Introduction of new employees:
 - i. Doug Lalim, Assessing/Building Department
 - ii. Chris Webber, Utility Department
3. Consider reactivation of Community Beautification Committee and calling for property owner involvement.
4. Consider recommendation from Mandan Visitors Committee related to a funding request from Mandan School District MHS gym floor and bleacher replacement.
5. Consider application for City Infrastructure Grant funding from the Energy Impact Office, Department of ND Trust Lands. (information forthcoming)

J. RESOLUTIONS AND ORDINANCES:

1. Consider first consideration of Ordinance No.1146. – An ordinance to create and enact Chapter 21-13 of the Mandan Code of Ordinances relating to Planned Unit Developments.
2. Consider Resolution approving Vacation of Pedestrian Access Easement between Lots 14 & 15 Block 1 Hoovestol's 1st Addition.
3. Consider first consideration of Ordinance No. 1145 – An Ordinance to Repeal Section 04-06-10(5) of the Mandan Code of Ordinances Relating to Salary Increases Due to Change in Status.

K. OTHER BUSINESS:

1. Reminder of Spring Clean-Up Week.

L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. April 16, 2013 – 7:00 p.m. Working Session of City Commission
2. April 30, 2013 Board of Equalization
3. May 7, 2013
4. May 21, 2013
5. June 4, 2013

M. ADJOURN

Public Communication

A scheduled time for public participation has been placed on the agenda at Mandan City Commission meetings. The Board desires to hear the viewpoints of citizens throughout the City. Individuals wishing to address the Board are encouraged to make arrangements with the Board President or the City Administrator prior to the meeting. Comments should be made to the Board and not to individuals in the audience and be related to City operations and programs. The Board will not hear personal complaints against any person connected with the City. If a citizen would like to add a topic to the agenda, arrangements must be made in advance with the City Administrator or Board President. The Board reserves the right to eliminate or restrict the time allowed for public participation. The Board requests that comments are limited to three (3) minutes or less. Groups of individuals addressing a common concern are asked to designate a spokesperson.

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

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The Mandan City Commission met in regular session at 5:00 p.m. on April 2, 2013 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, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello (arrived at 5:23 pm), Business Development and Communications Director Huber, Engineering Project Manager Fettig, and City Assessor Barta.

B. APPROVAL OF AGENDA: Commissioner Rohr motioned to approve the Agenda as presented. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

C. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission meeting held on March 19, 2013 Regular Board Meeting.* Commissioner Tibke moved to approve the minutes from the Board of City Commission meeting held on March 19, 2013 Regular Board Meeting. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present. The motion passed.

D. PUBLIC HEARING:

1. *Consider adopting a Planned Unit Development or “PUD” zoning classification in section 21-03-01 of the Mandan Code of Ordinances relating to division of City into zoning districts.* Kim Fettig, Engineering Project Manager, reviewed with the Board a consideration to adopt a Planned Unit Development (PUD) zoning classification in section 21-03-01 of the Mandan Code of Ordinances relating to division of City into zoning districts. Fettig provided an overview of “Small Lot Plat” and “Townhouse Plan” wherein the greenery in the area would not be disturbed and outlined how the units could be constructed differently. It gives the developer some ideas of what to do and it still allows the City to monitor the development of the property through the normal workflow process as is currently done on any of the plats. Final approval would be obtained from the City Commission. The contractor would have to apply for the PUD zoning and would have to comply with the City’s requirements for that piece of property as is done with normal contractor business. Commissioner Frank stated that Mandan is one of the few communities that do not have this type of zoning. She inquired with the City of Bismarck and found out they do allow for applications for PUD’s. She stated that the South Port area is an example of how that area was utilized for PUD that allows for flexibility of roads and some private infrastructure along with positive comments about this type of zoning.

Mayor Van Beek once again stated this is a public hearing and invited comments from the public.

Jim Davis, a Mandan city resident, came forward to speak. He stated he was concerned about the PUD zoning because right across the street he indicated there remains contentious discussion about Lots 30 and 31 that are not developed and are still sitting there. He could see Wachter Development applying for a PUD there. He mentioned that

there are about 6 acres in Lot 31 and only 2 acres are developable with the rest being drainage. He does not want to get into an argument again about a re-zone in that area.

Shauna Laber, Mandan city resident who is also a member of the Planning and Zoning Commission, came forward and commented that if they come with a PUD plan, they cannot deviate from that plan without coming back to get re-approval. As a member of the Planning & Zoning Committee she indicated that it would be good to see that type of zoning in highly contentious properties because it is mixed use that people are proposing. It is a beneficial tool of what can be offered to the community – in a mixed use area.

Bill Robinson, Mandan Planning and Zoning, came forward and commented that the PUD zoning would offer another tool to the City for zoning. He stated there have been circumstances that this type of zoning would have been beneficial if it were available.

Mayor Van Beek again stated this is a public hearing and invited anyone else to come forward to comment. Hearing none, this portion of the public hearing was closed.

Commissioner Frank moved to approve a Planned Unit Development or “PUD” zoning classification in section 21-03-01 of the Mandan Code of Ordinances relating to division of City into zoning districts. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

City staff was directed to bring the first draft of an Ordinance to the next meeting for review and consideration for approval.

E. PUBLIC COMMUNICATIONS:

1. Carla Barrios came forward to state her opinion on the policy for the multi-family high density property tax exemptions. One of her concerns was supplying housing for the new businesses coming to Mandan. She is not clear on why it is up to taxpayers to assist with housing of employees of new businesses. Tax exemptions are already allowed for new businesses. Infrastructure costs are coming back to taxpayers. The ND Housing Financing has a plan where money can be donated for those purposes. New businesses can support the expenses for their own employees. She also commented that at the April 16th meeting the commission will be addressing giving a tax exemption to the old junior high building project. She stated that she objects to allowing the tax exemption. She commented that the commission gave a contract to them in that they were not going to ask for a property tax exemption – which in turn is considered as a “contract” on behalf of the citizens of Mandan too.

Shelly Gable came forward and indicated that she concurs with what Carla Barrios stated, in particular to the old junior high project. She has two main concerns: (1) What the development originally was supposed to be and what it is going to become and (2) the agreement (contract) is what was presented to the City of Mandan. To go back on that agreement now is not in the best interest of the citizens of Mandan. She would like to see the Commission outline for the citizens what the original project was to be and what

it will become. Then the Commission needs to get input from the citizens before making any decisions.

Mayor Van Beek asked for further comments from anyone. Hearing none, he stated for clarification purposes, that the agreement on the old junior high building project was between the Mandan School Board and the developer, not the City Commission.

F. BIDS:

1. *Consider award of bid for Water and Sewer Improvement District No. 60, Project 2012-21(McKenzie Drive SE). (See Resolution No. 4).* Engineering Project Manager Fettig reviewed with the Board the bids received on this project. She stated bids were received on March 26th and that the low bidder was Cofell's Plumbing and Heating in the amount of \$289,600. The engineer's estimate was \$281,548. The project will be paid for by special assessments of the properties benefiting within the district. Fettig recommended approval of the bid award to Cofell's Plumbing and Heating.

Commissioner Frank moved to approve the bid for Water and Sewer Improvement District No. 60, Project 2012-21(McKenzie Drive SE) to Cofell's Plumbing and Heating in the amount of \$289,600. (See Resolution No. 4). Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider award of bid for 2013 Annual Sidewalk Project(Project No. 2013-03).* Engineering Project Manager Fettig reviewed with the Board the bids received on this project. She stated bids were received on April 1st. The low bid in the amount of \$477,340 was received from Knife River Corp. The engineer's estimate was \$303,130. The bid was 57% higher than the engineer's estimate was. According the NDCC with cost being over the 40% allowed Fettig requested that the Commission reject this bid and then authorize a re-bid for the project. She indicated she would split the project into two bids; one for new home construction and one for repairs as a separate contract in order to attract additional bids for the project.

Commissioner Rohr stated that these types of projects occur on an annual basis and one alternative to get the sidewalk projects completed would be to require the developers do the work and then special assess the costs. He mentioned that when he lived in Kansas the homeowner was responsible to put in their own sidewalks. Therefore, there are some alternatives as to how to handle these projects now and into the future. Commissioner Frank asked Fettig what the cost comparison is for new construction projects and those of the repair projects as far as dollar amounts to do the projects. Fettig stated there will be a higher cost for the repairs vs. the new construction as the repairs will be more labor intense and time consuming for the contractor. She commented on Commissioner Rohr's suggestion to have the developer put the sidewalks in as a future consideration. She said that there is a list about 3 pages long of homeowners from last season waiting on sidewalk construction and for this season it is too late to require the contractor to put

them in. If the Board chooses to assess the contractors, the contractors should be given ample notification for their consideration in their future development costs.

Commissioner Frank asked whether the City could set a standard price to assess contractors going forward. City Attorney Brown stated that could be legally done, but he did not know if it would be practical. He recommended a policy be worked out soon in order to notify everyone for next year. However, repairs would have to be done as they are not something that can wait for a longer period of time. Fettig stated that the bid process is at least 21 days out and delaying this until the next meeting would add another two weeks to the final bid approval. Commissioner Frank commented that she did not feel there would be any harm done to grant Fettig approval to re-bid the project and in the meantime efforts could be put forth to explore the alternative options as outlined.

Commissioner Frank moved to reject the bid for 2013 Annual Sidewalk Project (Project No. 2013-03) and to allow the Engineer's Department to rebid for sidewalk construction throughout the city in 2013. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider award of bids for Street Improvement Project 2012-01 District 163, Storm Sewer Project 2012-23 District 32 and Water and Sewer Improvement Project 2012-24 District 61 (Sunset Drive NW). (See Resolution No. 8).* Engineering Project Manager Fettig reviewed the bids received on March 15th. She stated that Knife River was the low bidder on this project. The overall bid came in at \$4,036,180 with \$2,541,399 eligible for federal funds. With the construction contingency and administrative costs of \$1,413,913 the total project cost will be \$5,455,093. Of this total, the amount to be special assessed for all three projects will be \$1,937,160. This bid reflects the Option #2 for flexible pipe wherein it was recommended we go with Option #1 for the reinforced concrete pipe for a difference of \$15,606. The City's policy is to have concrete pipe under streets that are main arterials. That will be funded by City sales tax fund (50%) which is \$7,803 and Water and Sewer Fund (50%) which is \$7,803. Fettig recommended approval of the bid as presented and recommended the OPC Option #1 for the Storm Sewer Improvement, all contingent on approval of the NDDOT to award the project.

Commissioner Frank moved to approve of the bid for Street Improvement Project 2012-01 District 163, Storm Sewer Project 2012-23 District 32 and Water and Sewer Improvement Project 2012-24 District 61 (Sunset Drive NW) contingent on approval of the NDDOT to award the project. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

Commissioner Frank moved to approve Option 1 (reinforced concrete pipe) for the Storm Sewer Improvement contingent on approval of the NDDOT to award the project. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes;

Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

G. CONSENT AGENDA

1. Consider approval of games of chance for Pride Manchester House at Dean's Steakhouse on April 7, 2013.
2. Consider amending the fire department 2013 Equipment Reserve budget.
3. Pulled for reading (proclamation).
4. Consider appointment of Miles Mehlhoff to the Planning and Zoning Commission.
5. Consider approval of Special Sunday openings for O.N.E. for April 14, 2013 and June 9, 2013.
6. Pulled for discussion.
7. Consider contract amendment for administration of State Small Business Credit Initiative loan program.
8. Consider for approval Amendment No. 1 to the Engineering agreement with AE2S for 2013 Central Alarm System Upgrade.
9. Consider approval of a site authorization for the Fort Abraham Lincoln Foundation at the Round up Sports Bar from May 1, 2013 through June 30, 2013
10. Consider the following abatements/exemptions: (i) Homestead Credit – Virginia Athaus-Davis (ii) Wheelchair exemption – Curtis Klein (iii) Fire Damage to Mobile Home – Jared Ohlhauser.
11. Pulled for discussion.

Commissioner Tibke moved to approve the Consent Agenda items 1 thru 11 with the omission of items 3, 6, and 11. 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.

No. 3: Commissioner Frank requested this item be pulled for reading of the proclamation: *Consider proclaiming April 22, 2013 Earth Day in the City of Mandan.* Mayor Van Beek read the proclamation as drafted and proposed. Commissioner Frank moved to approve the Earth Day Proclamation as read. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

No. 6: Commissioner Frank requested this item be pulled for discussion: *Consider appointment of Carl Jacobsen to the Special Assessment Commission.* Commissioner Frank indicated that the reason she requested this item be removed for discussion was to point out the opportunities that exist for Mandan residents to participate in the decision making process of the Mandan community. Commissioner Frank moved to approve the appointment of Carl Jacobsen to the Special Assessment Commission. Commissioner Rohr seconded the motion. City Administrator Neubauer stated that Mr. Jacobsen agreed to serve on the commission for another term and/or until a replacement is found. However, he would like to step down in the future; therefore the City will continue to seek a replacement for him. The motion received unanimous approval of the members present. The motion passed.

No. 11: Commissioner Rohr requested this item be pulled for discussion: *Consider out of state travel for City Administrator to attend Great Open Spaces City Management Association conference.* Commissioner Rohr stated that this particular conference has been budgeted for in the 2013 budget. Finance Director Welch stated that there are sufficient monies in the budget to cover the expenses. City Administrator Neubauer commented that GOSCMA is a sub-group of the International City and County Managers Association (ICMA) of which he is a member and a credentialed manager. They provide educational training opportunities for managers and networking ideas for the managers in this area. Since the City of Mandan will be hosting the May, 2014 conference it will be beneficial to attend this conference in order to prepare for the upcoming conference in Mandan. Commissioner Rohr commented that it is important for staff to attend these conferences to bring back information that other communities and states are doing.

Commissioner Rohr motioned to approve out of state travel for City Administrator Neubauer to attend the Great Open Spaces City Management Association conference. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present. The motion passed.

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Introduction of new Public Works employees by Public Works Director Wright:* Jason Weigelt, Street Department operator, Chauntel Sullivan, Street Department operator and Chris Webber, Utility Department operator. All three new employees were employed to assist with street maintenance duties. Mayor Van Beek welcomed all new employees to the City of Mandan.

2. *Discussion regarding multifamily and new single family home exemptions.* City Administrator Neubauer presented for consideration the City's policy on any incentive for multi-family or high-density housing and New Single Family Home Exemptions. He commented that this has been before the commission for discussion at a prior meeting. Commissioner Tibke requested Neubauer provide an update on the SB2314 with regard to tax exemptions for retail establishments. Neubauer replied that SB2314 passed the house on 4/1/13. Since the bill passed in the Senate was different from the bill passed in the House it will now go to conference committee. The latest version of SB2314 said that communities that are under 40,000 which Mandan falls into, if the City wants to grant property tax exemptions for retail establishments, then you must ask that question in the November 2014 General Election on whether the community will support passing exemptions for retail establishments. Neubauer stated that he and Business Development Director Huber were in opposition to the bill in both the House and the Senate requesting that the decision be left up to the local communities.

Mayor Van Beek stated this matter has been discussed 3-4 times previously and he recommended moving forward with resolution. Commissioner Rohr stated that some of the delay is attributed to waiting to see what the state decision would be. He indicated

that based on the construction needs and demands at the current time, he is not sure the tax incentives are necessary and his position is to reduce the tax incentive program.

Commissioner Frank stated one of the frustrations to balance the need for tax exemptions is to stimulate growth in the community and also to consider the economic conditions the community is experiencing. It all comes down to what is the obligation of the commission to the community to get involved in these types of endeavors. When it comes to housing there are record low interest rates available; a record demand to recruit residents because the job and economy is here. However, housing prices are going up and the exemptions are not having much of an impact on buyers. The two issues that have been discussed by the commission are (1) Single family exemption and (2) Multi-family exemption. These should be considered as two separate decisions. As for the \$75,000 single family exemption that is currently in place, it is clear that amount does not go as far as it did 10 years ago.

Commissioner Rohr commented on the apartment projects consisting of 24 or more units in that he does not consider that affordable housing since most of them are renting for \$900 - \$1,200 per month and that would not be considered in the affordable housing area. These units are being built by groups of people who are investing their money and it does not seem they are struggling that much for the tax exemption that will make a difference in their decision of approaching their business. Commissioner Frank concurred that those building the apartment complexes are definitely a business. However, they are needed within the community.

Commissioner Braun commented that before the state “ties our hands” totally and we don’t have the option to grant incentives, we’re never really going to know because the question has been asked many times. Did you come over here because of an incentive or not? He said he never has really gotten a direct answer from anyone if they came here because of the exemption incentives. How do we know the answer to that if we don’t become independent and continue bringing in businesses? He agreed with Commissioner Frank to raise the single family exemption. He did not completely agree with Commissioner Rohr to discontinue the tax exemption for the apartment complexes. He believes there should be some provision in place.

Commissioner Rohr clarified that his recommendation would be to set a date into the future as to a certain date and time to discontinue this program so that everyone would be informed well in advance. Commissioner Frank stated that several communities have already put a plan in place wherein they will be backing down on giving these exemptions. She stated that Dickinson is one community that recently backed down and during the process the City and the contractors had a mutual agreement to do so which helped in the transition process. She stated that Mandan has recently been commended on the positive relationship it has with its local contractors. She indicated this is encouraging if the City decides to back-off the exemptions also. There has already been discussion with the Bismarck-Mandan Board of Realtors and their directors have decided to stay neutral either in support or in defense of the issue. Commissioner Tibke commented that Dickinson is different than Mandan in respect that Dickinson is not next

to Bismarck. She outlined the importance of retail businesses coming to Mandan (rather than to Bismarck) in order to buy down the property taxes. That is something Dickinson does not have to deal with. Commissioner Rohr commented that this discussion is not about retail taxes; rather the discussion is about residential and apartments. He suggested looking at the \$75,000 exemption and the over 24 unit apartment unit complex exemption differently and then perhaps that needs to be looked at separately as well. Commissioner Tibke stated that these are two different issues. City Administrator Neubauer stated the recommendation is to leave the exemption for the first \$75,000 on new home construction in place. Burleigh County offers something similar but the buyer has to qualify for the first time home buyers program to receive that. Bismarck does not offer it nor does Morton County. A few years ago when the legislature allowed going from \$75,000 to \$150,000 Dickinson did that. However, they have discontinued the program completely and they are in a different situation than Mandan.

Mayor Van Beek commented that this discussion has been good but the Commission needs to realize there is a big sister to deal with wherein other parts of the state do not have that. He is in support of using all tools available to grow the City of Mandan and to offset property taxes when the City has the opportunity to do so.

Commissioner Frank motioned to eliminate the \$75,000 exemption for single family homes to take effect in 2014. Commissioner Rohr seconded the motion.

Administrator Neubauer gave some examples of possible end dates for the tax exemption program: The exemption would be approved for building permits taken out before 12/31/13; Exemptions would be approved for those taken out 1/1/14 through 12/31/14 and they would be eligible for a one year exemption and the final exemption would be done on 12/31/15.

Commissioner Frank directed Administrator Neubauer and Assessor Barta to determine a date specific in order to allow for notifications of any changes and then subsequent scaling back from two year to one year.

Commissioner Braun asked whether there has ever been any documentation kept of those who have benefited from receiving a tax exemption through this program. Administrator Neubauer commented that feedback received from first time home buyers includes “thank-you’s” to the effect that the exemption actually assisted the homeowner to purchase a home, to put in a yard, to put on a deck; things to enhance the property by saving the homeowner the dollars to do these various things. On the other side of the coin, when the two years are up, the calls will come in from homeowners inquiring why their taxes went up so much – forgetting that the first \$75,000 was not taxed those first two years.

Mayor Van Beek asked if there was any further discussion on this matter and hearing none, he called for a roll call vote: Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: No; Commissioner Frank: Yes; Commissioner Braun: No; Commissioner Van Beek: No. The motion failed.

Based on the motion failing, Mayor Van Beek inquired if another motion will be made? Administrator Neubauer clarified if no other motion is made, it stays as is.

Commissioner Tibke stated that regarding SB 2314, (that bill is the one that will affect the larger apartment unit projects), should this Commission wait to see the outcome of that bill? Then that might affect how the City moves forward? Administrator Neubauer stated that as that bill sits today, there is no definition of what retail is. He gave some examples of how “services” may not be qualified; however, that was not defined. If it comes back, he stated they would propose that retail includes services as a clarification point. Commissioner Tibke commented that without knowing how the bill will affect Mandan and those communities 40,000 and under, perhaps discussion should wait until that is determined. The long term goal is retail services. That is what Mandan citizens want. She deferred to the other commissioners as to whether or not to move ahead at this time with deciding the multi-family exemption. Commissioner Frank stated she would be willing to wait with deciding on the multi-family exemption and would approve of continuing to take applications on a case-by-case basis for consideration until the legislature decides SB 2314.

Mayor Van Beek inquired if further discussion is warranted at this time regarding the multi-family exemption.

Administrator Neubauer clarified that if there is no more discussion on the first \$75,000 exemption for new single family homes – that stays where it’s at. If the Commission wishes to postpone discussion on the multi-family a motion to postpone that portion would be appropriate and it would be discussed at a later time or it would be left “hanging” out there.

Mayor Van Beek stated that if this matter goes to a general election in 2014, that would allow additional time for the city staff to move forward with it or it can be left alone and addressed on a case-by-case basis.

Commissioner Tibke motioned to postpone any further discussion for multi-family until May. Commissioner Braun seconded the motion. 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.

J. RESOLUTIONS AND ORDINANCES:

1. *Youth Commission Resolutions:* Hannah Fishbeck and Connor Leingang presented on behalf of the Mandan Youth Commission representatives. Fishbeck provided a summary of the Youth Commission program that was started in October 2012. The Youth Commission includes 10 youth members and Commissioner Frank and City Administrator Neubauer. She reviewed some of the projects they are working on and reviewed the goals for future accomplishments. Before the Commission tonight is a request to approve two resolutions that the Youth Commission have developed:

i. Adult Playground Equipment: To improve the health of the young adults in the community;

ii. Recycling: To help make Mandan more environmentally friendly.

Commissioner Frank extended a compliment to Hannah Fishbeck and Connor Leingang, representatives of the Youth Commission for this first presentation provided to the City Commission.

Commissioner Frank motioned to approve the Youth Commission Resolutions: (i) Adult Playground Equipment and (ii) Recycling. 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 Resolution Authorizing Issuance of \$1,675,000 Refunding Improvement Bonds of 2013, Series A.* Finance Director Welch stated that this resolution is a required resolution to complete the refinancing of the old bonds. The sale of the new bonds took place at the last City Commission meeting. As a result of this bond sale the benefiting properties that are affected by this refinancing represented by the improvement districts on the cover of the agenda documentation, the City saved \$178,531 due to lower interest rate that passes to the property owners that will take effect on April 10, 2013.

Commissioner Frank moved to approve the Resolution Authorizing Issuance of \$1,675,000 Refunding Improvement Bonds of 2013, Series A. 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.

3. *Consider Resolution Authorizing Issuance of \$1,400,000 Refunding Improvement Bonds of 2013, Series B.* Finance Director Welch stated that this resolution is a required resolution to complete the refinancing of the old bonds. The sale of the new bonds took place at the last City Commission meeting; the City saved \$77,208 due to lower interest rate that passes to the property owners that will take effect on April 10, 2013.

Commissioner Rohr moved to approve a Resolution Authorizing Issuance of \$1,400,000 Refunding Improvement Bonds of 2013, Series B. 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.

4. *Consider Resolution Approving Contract and Contractor's Bond for Water and Sewer Improvement District No. 60, Project 2012-21(McKenzie Drive SE).* Commissioner Frank moved to approve a Resolution Approving Contract and Contractor's Bond for Water and Sewer Improvement District No. 60, Project 2012-21(McKenzie Drive SE).

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.

5. *Consider second consideration and final passage of Ordinance No.1143 Zone Change for Terra Vallee 6th Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.* Commissioner Rohr moved to approve second consideration and final passage of Ordinance No.1143 Zone Change for Terra Vallee 6th Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.

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.

6. *Consider second consideration and final passage of Ordinance 1144 - An ordinance to amend Sections 21-04-18 relating to the purpose in the Gateway and Memorial Highway Overlay Districts.* Commissioner Tibke moved to approve second consideration and final passage of Ordinance 1144 - An ordinance to amend Sections 21-04-18 relating to the purpose in the Gateway and Memorial Highway Overlay Districts.

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 Resolution establishing rates and charges for Commercial/non-resident services related to the Solid Waste Utility Fund.* Director of Public Works Wright presented a request for rate increases for commercial/non-resident inert waste disposal from \$20 to \$30 per ton which would generate an additional \$240,000 to be used to cover increased costs and to start building the equipment replacement fund. The residential costs will remain at \$15 per ton. Also, the opportunity for contractors to recycle the burnable wood from construction sites will be available by separating the burnable wood which has a current charge of \$15 per ton, half the cost of placing it in the inert material site to be buried. Notices will be sent to major contributors prior to the proposed implementation date of June 1, 2013.

Commissioner Rohr moved to approve a Resolution establishing rates and charges for Commercial/non-resident services related to the Solid Waste Utility Fund.

Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

8. *Consider Resolution of Concurrence to award Projects SU-1- 988 (033) 044, PCN 18334 – Mandan Sunset Drive from 7th St. N to 500' north of 15th St. NW to the low*

bidder. Commissioner Braun moved to approve a Resolution of Concurrence to award Projects SU-1- 988(033)044, PCN 18334 – Mandan Sunset Drive from 7th St. N to 500' north of 15th St. NW to the low bidder.

Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS

1. *Consider bid for 1989 fire truck*: Fire Chief Steve Nardello apologized for the lateness of this matter to this Agenda. The new fire truck arrived yesterday. One bid was received in the amount of \$2,050. The New England Fire Department currently runs a 1971 fire truck. They would appreciate a truck like this. Nardello recommended rejecting the bid for the 1989 fire truck and donating it to the New England Fire Department who can use the truck in their normal operating procedures.

Commissioner Braun asked if the New England Fire Department would have any funds to offer for the truck. Chief Nardello stated that there are no funds available in the New England Fire Department to pay for the truck. Commissioner Rohr motioned to approve rejecting the bid that was received for the 1989 fire truck and to donate the fire truck to the New England Fire Department. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed. Chief Nardello stated that if the New England Fire Department would donate any funds for the 1989 fire truck that the money will go into the Fire Department Reserve Fund.

2. *Consider Adjustment to Northern Bridge Corridor Route*: City Administrator Neubauer presented a request to relocate the frontage road access intersection on 38th Street across the Missouri River. Representatives from the City of Mandan, Morton County and MDU have met to discuss the construction of MDU RM Heskett Unit 3 Combustion Turbine Addition project. A brief summary of the history of the intersection was given and after the meeting the MDU officials, Morton County and City of Mandan representatives found several interferences at the preliminary intersection site. It was felt that moving the intersection to the west would minimize the interferences. Neubauer recommended moving the preliminary Northern Bridge Corridor Route Frontage Road access further to the west as outlined.

Commissioner Frank motioned to approve moving the preliminary Northern Bridge Corridor Route Frontage Road access further to the west as depicted on the drawings presented. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

There being no further actions to come before the Board of City Commissioners, Commissioner Rohr moved to adjourn the meeting at 6:50 p.m. Commissioner Frank

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

The Mandan City Commission met in Special Session at 12:00 p.m. on April 11, 2013 in the Ed “Bosh” Froehlich Room at City Hall. Commissioners present were: Van Beek, Rohr, and Braun. City Department Heads present were City Administrator Neubauer and City Attorney Brown. Absent: Commissioner Tibke and Commissioner Frank.

NEW BUSINESS:

1. *Consider moving into executive session under North Dakota Century Code Section 44-04-19.1 for attorney consultation regarding attorney consultation regarding “To meet with legal counsel to discuss settlement negotiations in the matter of the City of Mandan vs. Biwer.”*

Commissioner Rohr motioned to move into executive session to discuss this matter. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

Commissioner Rohr motioned to reconvene the Special Meeting, Commissioner Braun seconded the motion. The motion received unanimous approval of the members present.

Commissioner Rohr motioned to have Attorney Brown continue negotiations regarding the City v. Biwer. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

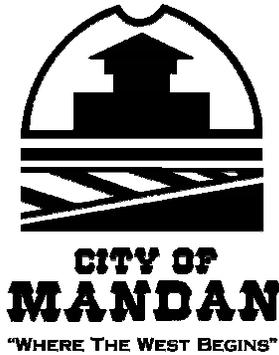
Mayor Van Beek announced the future meetings of the Board of City Commissioners.

ADJOURN

There being no further actions to come before the Board of City Commissioners, Commissioner Rohr moved to adjourn the meeting at 12:20 p.m. Commissioner Braun 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: April 16, 2013
PREPARATION DATE: April 9, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Engineering & Planning
PRESENTER: Kim Fettig, Project Manager
SUBJECT: Consider the vacation of pedestrian access easement between Lots 14 & 15 Block 1 Hoovestol's 1st Addition.

STATEMENT/PURPOSE: To consider the vacation of pedestrian access easement between Lots 14 & 15 Block 1 Hoovestol's 1st Addition.

BACKGROUND/ALTERNATIVES: Request from property owner, Austin Sullivan, to build over the easement.

ATTACHMENTS: 1. Map
2. Resolution

FISCAL IMPACT: N/A

STAFF IMPACT: Minimal.

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

RECOMMENDATION: I would move to approve the vacation of Pedestrian access easement between Lots 14 & 15, Block 1 Hoovestol's 1st Addition.

SUGGESTED MOTION: I move to approve the vacation of the pedestrian access easement between Lots 14 & 15, Block 1 Hoovestol's 1st Addition.

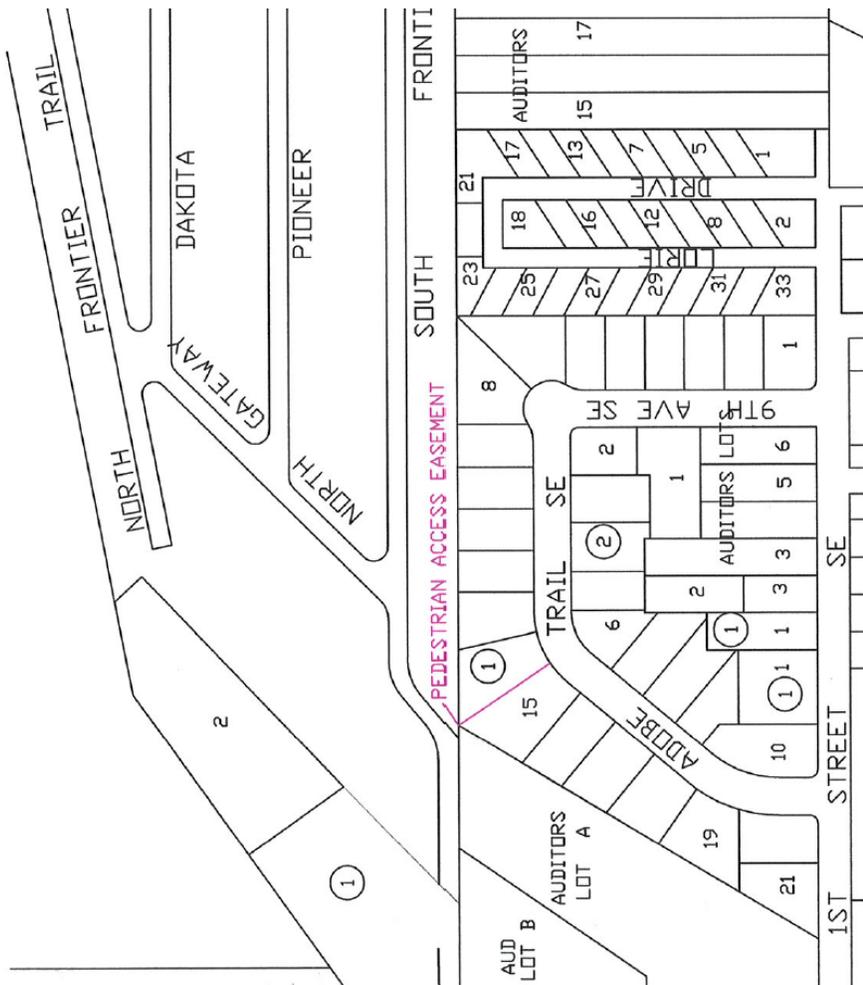
Board of City Commissioners

Agenda Documentation

Meeting Date: April 16, 2013

Subject: Consider the vacation of pedestrian access easement between Lots 14 & 15
Block 1 Hoovestol's 1st Addition.

Page 2 of 5



Board of City Commissioners

Agenda Documentation

Meeting Date: April 16, 2013

Subject: Consider the vacation of pedestrian access easement between Lots 14 & 15

Block 1 Hoovestol's 1st Addition.

Page 3 of 5

RESOLUTION OF VACATION

Board of City Commissioners

City of Mandan, North Dakota

WHEREAS, Austin Sullivan has submitted to the Board of City Commissioners of the City of Mandan a verified petition asking that a pedestrian access easement located between Lots 14 & 15, Block 1, as platted in Hoovestol's 1st Addition in Section 26, Township 139N, Range 81W of the 5th Principal Meridian, City of Mandan, Morton County, North Dakota. Said tract of land having a nominal width of 15 feet, 7.5 feet on both sides of the center line. The property is located at 924 and 1000 Adobe Trail SE.

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 April 16, 2013, at 5:30 o'clock p.m., CDT, 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 16th of April, at 5:30 o'clock p.m., CDT, 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 no one having appeared against said petition of vacation, 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 pedestrian access easement to be vacated; that no objections by the immediately adjoining landowner to the requested vacation were raised 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; 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, Morton County, North Dakota, that the above described pedestrian access easement located between Lots 14 & 15, Block 1 as platted in Hoovestol's 1st Addition in Section 26, Township 139N, Range 81W of the 5th Principal Meridian, 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.

Board of City Commissioners

Agenda Documentation

Meeting Date: April 16, 2013

Subject: Consider the vacation of pedestrian access easement between Lots 14 & 15

Block 1 Hoovestol's 1st Addition.

Page 4 of 5

Approved and passed April 16, 2013, by at least two-thirds vote of all the members of the Board of City Commissioners.

President, Board of City Commissioners

ATTEST:

City Administrator

Public Notice Dates: March 15, 22, 29 and April 5, 2013

Public Hearing: April 16, 2013

Final Passage: April 16, 2013

Publication Date: _____

Board of City Commissioners

Agenda Documentation

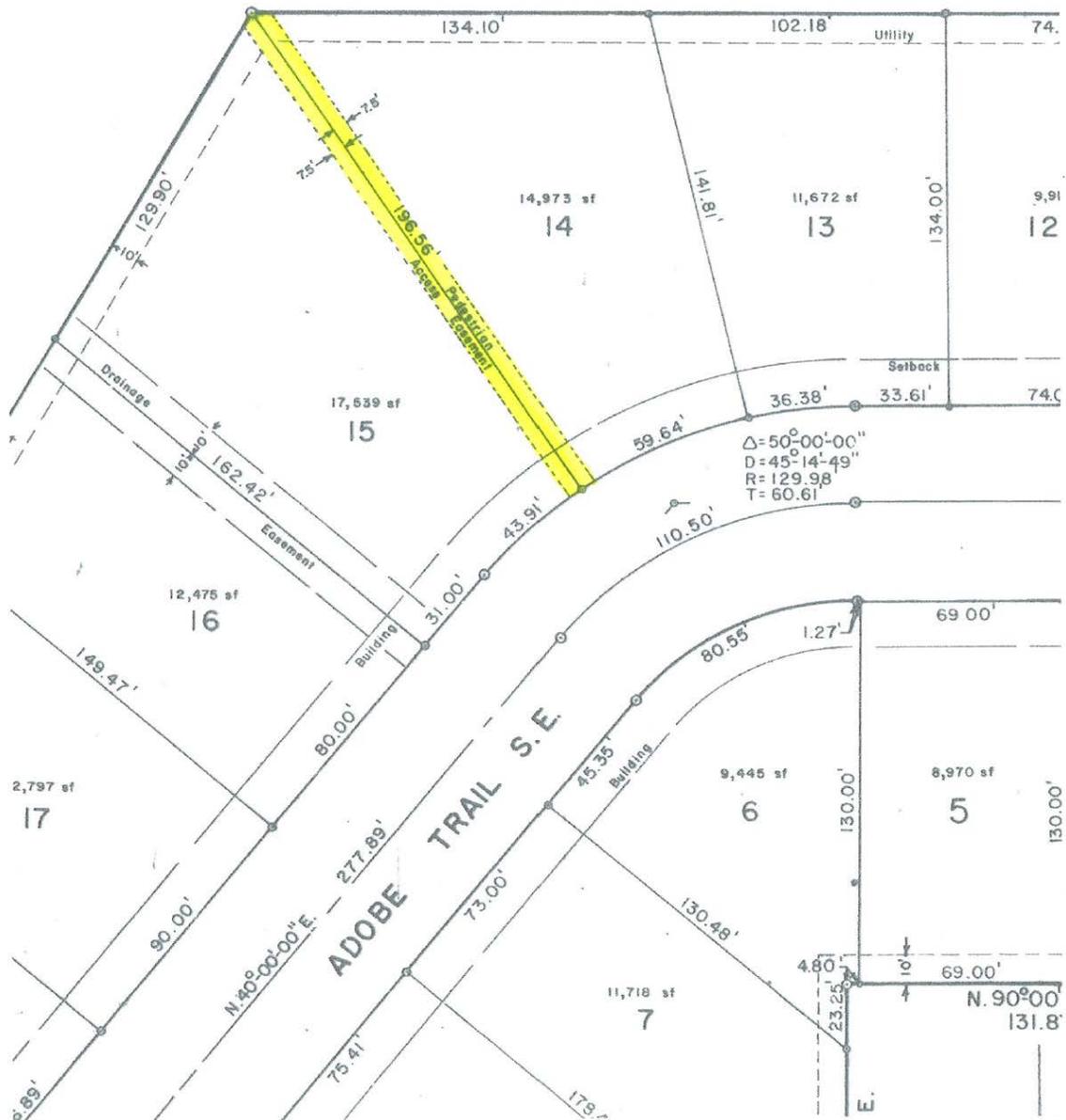
Meeting Date: April 16, 2013

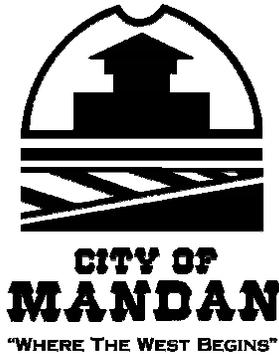
Subject: Consider the vacation of pedestrian access easement between Lots 14 & 15

Block 1 Hoovestol's 1st Addition.

Page 5 of 5

Block Corners are 15' Radius
o Denotes Iron Pipe to be set.
Block 1 = 5.77 acres
Block 2 = 2.76 acres
Total = 11.12 acres





Board of City Commissioners

Agenda Documentation

MEETING DATE: April 16, 2013
PREPARATION DATE: April 9, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Engineering & Planning
PRESENTER: Kim Fettig, Project Manager
SUBJECT: Consider approving the amended Engineer's estimates and the revised ad for bids for Sidewalk Improvement Project 2013-03.

STATEMENT/PURPOSE: To consider approving the amended Engineer's estimates and the revised advertisement for bids for Sidewalk Improvement Project 2013-03.

BACKGROUND/ALTERNATIVES: I revised the ad to separate the project into two contracts: Part A- New (construction of new sidewalks, aprons, and curb and gutter) and Part B for Repairs (remove and replace of existing sidewalks, aprons, and curb and gutter). Due to separating the project into two separate contracts we had to amend the Engineer's Estimate. At this time we also revisited the quantity amounts.

ATTACHMENTS:

1. Engineer's Estimate Part A
2. Engineer's Estimate Part B
3. Revised Advertisement for bid

FISCAL IMPACT: N/A

STAFF IMPACT: There will be more time put into separating the projects in the record keeping of this project.

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

RECOMMENDATION: I would move to approve the amended Engineer's Estimates and approve the revised advertisement for bid for the 2013-03 Sidewalk Project.

SUGGESTED MOTION: I move to approve the amended Engineer's Estimates and approve the revised advertisement for bid for the 2013-03 Sidewalk Project.

Board of City Commissioners

Agenda Documentation

Meeting Date: April 16, 2013

Subject: Consider approving the amended Engineer's estimates and the revised advertisement for bids for Sidewalk Improvement Project 2013-03.

Page 2 of 5

ENGINEER'S ESTIMATE (PART A - NEW)

MUNICIPAL SIDEWALK IMPROVEMENT

APRIL, 2013
PROJECT NO. 2013-03

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE BOARD OF CITY COMMISSIONERS
CITY OF MANDAN, MANDAN, NORTH DAKOTA

GENTLEMEN:

I HEREWITH SUBMIT AN ESTIMATE OF THE PROBABLE COST OF THE CONSTRUCTION OF
MUNICIPAL SIDEWALK PROJECT NO. 2013-03 IN THE CITY OF MANDAN, N.D.

BID NO.	ITEM NO.	ITEM	APPROX QUANTITY		UNIT PRICE	AMOUNT
1	601	4" CONCRETE SIDEWALK	32,000	SF	\$3.25	\$104,000.00
2	601	6" CONCRETE SIDEWALK	15,000	SF	\$4.25	\$63,750.00
3	602	6" CONCRETE DRIVEWAY	25,000	SF	\$4.25	\$106,250.00
4	603	6" CURB AND GUTTER	3,000	LF	\$15.00	\$45,000.00
5	601	4" HANDICAP CURB RAMPS	800	SF	\$10.00	\$8,000.00
6	601	4" CONCRETE STEPS	100	SF	\$6.00	\$600.00
7	601	3/4" FELT EXPANSION MATERIAL	8,000	LF	\$1.00	\$8,000.00
8	202	UNCLASSIFIED EXCAVATION	2,200	CY	\$6.00	\$13,200.00
9	1504	CONCRETE REMOVAL	5,000	SF	\$2.00	\$10,000.00
10	1503	SAW CUTTING	400	LF	\$5.00	\$2,000.00
11	1505	ADJUST WATER CURB STOP	36	EA	\$45.00	\$1,620.00
12	1506	ADJUST WATER VALVE BOX	15	EA	\$45.00	\$675.00
13	1507	BLACK DIRT AND SEED	200	SY	\$5.00	\$1,000.00
14	1203	SOD	100	SY	\$3.00	\$300.00
15	201	TREE ROOT REMOVAL (2" TO 6")	3	EA	\$40.00	\$120.00
16	201	TREE ROOT REMOVAL (OVER 6" TO	3	EA	\$65.00	\$195.00
17	201	TREE ROOT REMOVAL (OVER 12")	2	EA	\$110.00	\$220.00
18	501	COLD WEATHER PROTECTION- CURB & GUTTER	600	LF	\$0.50	\$300.00
19	501	COLD WEATHER PROTECTION- CONCRETE PAVEMENT	6,500	SF	\$0.50	\$3,250.00
TOTAL PROJECT COST						\$368,480.00

Board of City Commissioners

Agenda Documentation

Meeting Date: April 16, 2013

Subject: Consider approving the amended Engineer's estimates and the revised advertisement for bids for Sidewalk Improvement Project 2013-03.

Page 3 of 5

ENGINEER'S ESTIMATE (PART B - REPAIR)

MUNICIPAL SIDEWALK IMPROVEMENT

APRIL, 2013
PROJECT NO. 2013-03

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE BOARD OF CITY COMMISSIONERS
CITY OF MANDAN, MANDAN, NORTH DAKOTA

GENTLEMEN:

I HEREWITH SUBMIT AN ESTIMATE OF THE PROBABLE COST OF THE CONSTRUCTION OF
MUNICIPAL SIDEWALK PROJECT NO. 2013-03 IN THE CITY OF MANDAN, N.D.

BID NO.	ITEM NO.	ITEM	APPROX QUANTITY		UNIT PRICE	AMOUNT
1	601	4" CONCRETE SIDEWALK	3,200	SF	\$4.00	\$12,800.00
2	601	6" CONCRETE SIDEWALK	1,500	SF	\$5.00	\$7,500.00
3	602	6" CONCRETE DRIVEWAY	2,500	SF	\$5.00	\$12,500.00
4	603	6" CURB AND GUTTER	300	LF	\$15.00	\$4,500.00
5	601	4" HANDICAP CURB RAMPS	80	SF	\$10.00	\$800.00
6	601	4" CONCRETE STEPS	10	SF	\$6.00	\$60.00
7	601	3/4" FELT EXPANSION MATERIAL	800	LF	\$1.00	\$800.00
8	202	UNCLASSIFIED EXCAVATION	220	CY	\$6.00	\$1,320.00
9	1504	CONCRETE REMOVAL	7,500	SF	\$2.00	\$15,000.00
10	1503	SAW CUTTING	300	LF	\$5.00	\$1,500.00
11	1505	ADJUST WATER CURB STOP	4	EA	\$45.00	\$180.00
12	1506	ADJUST WATER VALVE BOX	2	EA	\$45.00	\$90.00
13	1507	BLACK DIRT AND SEED	20	SY	\$10.00	\$200.00
14	1203	SOD	10	SY	\$10.00	\$100.00
15	201	TREE ROOT REMOVAL (2" TO 6")	2	EA	\$40.00	\$80.00
16	201	TREE ROOT REMOVAL (OVER 6" TO	2	EA	\$65.00	\$130.00
17	201	TREE ROOT REMOVAL (OVER 12")	2	EA	\$110.00	\$220.00
18	501	COLD WEATHER PROTECTION- CURB & GUTTER	60	LF	\$0.50	\$30.00
19	501	COLD WEATHER PROTECTION- CONCRETE PAVEMENT	650	SF	\$0.50	\$325.00
TOTAL PROJECT COST						\$58,135.00

Board of City Commissioners

Agenda Documentation

Meeting Date: April 16, 2013

Subject: Consider approving the amended Engineer's estimates and the revised advertisement for bids for Sidewalk Improvement Project 2013-03.

Page 4 of 5

**ADVERTISEMENT FOR BIDS FOR
2013 ANNUAL SIDEWALK IMPROVEMENT PROJECT #2013-03
MANDAN, NORTH DAKOTA**

Notice is hereby given, that the City of Mandan, North Dakota, will receive sealed bids at the Office of the City Engineer, City Hall, until May 3, 2013, at 10:00 a.m., local time, for the purpose of the construction and repair of sidewalks, curb and gutters, and all other work related to the 2013 Annual Sidewalk Improvement Project 2013-03. The work consists of all labor, skill and materials required to properly construct the improvement. Bids will be separated and awarded in two contracts: Part A – New and Part B - Repair. A bid can be submitted for either of these two parts or for both.

Plans and Specifications are on file in the office of the City Engineer. Plans may be obtained at the office of the City Engineer, 205 2nd Avenue Northwest, Mandan, North Dakota 58554, upon a non-refundable deposit of \$25.00 per set. An additional \$15.00 postage and handling fee if plans are mailed out.

The Contractor shall include a copy of his license or certificate or renewal thereof enclosed in the required bid bond envelope as required pursuant to Section 43-07-12 of the North Dakota Century Code, as amended. Unless a bidder obtains a contractor's license for the full amount of its bid within twenty days after it is determined the bidder is the lowest and best bidder, the bid must be rejected and the contract awarded to the next lowest, best, and licensed bidder.

Each bid shall be accompanied by a separate envelope containing a bidder's bond in the amount of five (5) percent of the amount of the bids as required by Section 48-01.1-05 (3), North Dakota Century Code, as amended, and executed as provided by law. The bid bond shall be conditioned that if the principal's bid is accepted and the contract awarded to the principal, the principal, within ten days after notice of award shall execute a contract in accordance with the terms of the bid and a contractor's bond as required by law and the regulations and determinations of the city's governing body.

Bids shall be made on the basis of cash payment for the work to be done. All work under this advertisement shall be started on a date to be specified in a written order from the Board of City Commissioners, or no later than ten (10) days after written notice to proceed has been received from the city.

All work shall be completed no later than December 31, 2013. If the contractor fails to complete all the work within this time, or such additional time as has been granted for excusable delays, there shall be deducted from any money due the contractor the sum of One Hundred Dollars for each calendar day the completion of the work is delayed. Such deducted amounts shall be charged as liquidated damages and not as a penalty.

The bid proposals shall be sealed and endorsed "Proposal for the 2013 Annual Sidewalk Improvement Project #2013-03". Bids shall be delivered or mailed to: City

Board of City Commissioners

Agenda Documentation

Meeting Date: April 16, 2013

Subject: Consider approving the amended Engineer's estimates and the revised advertisement for bids for Sidewalk Improvement Project 2013-03.

Page 5 of 5

Engineer, 205 2nd Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 10:00 a.m., local time, on May 3, 2013. All bidders are invited to be present at the public opening of the bids. No bid may be read or considered if it does not fully comply with the requirements of NDCC '48-01.1-05 and any deficient bid submitted must be resealed and returned to the bidder immediately.

The Board of City Commissioners of the City of Mandan, North Dakota, will meet at the City Hall in said city on Tuesday, May 7, 2013 at 5:30 p.m., local time, to review the bids submitted, consider the engineer's recommendation, and to award the contract to the successful bidder, subject to the Board finding filed protests are insufficient to bar the work. The contract will be awarded on the basis of the low bid submitted by a responsible and responsive bidder deemed most favorable to the City's interest.

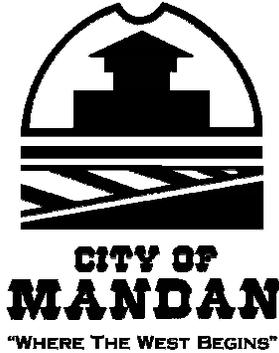
The Board of City Commissioners reserves the right to hold all bids for a period of thirty (30) days after the date fixed for the opening thereof, and to reject any or all bids and to waive irregularities whenever it is in the best interest of the City of Mandan.

Dated this 2nd day of April, 2013.

City of Mandan, North Dakota

BY: James Neubauer
City Administrator

Publication Dates: April 12th and 19th, 2013



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 16, 2013
PREPARATION DATE: April 11, 2013
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Beer Garden – Street Dance Application for “The Drink”

STATEMENT/PURPOSE: To consider a Beer Garden – Street Dance Application.

BACKGROUND/ALTERNATIVES: We received a Street Dance Beer Garden application for “The Drink” on May 11, June 22, July 20, August 17 and September 21, 2013.

Concerns arise due to the location of this establishments close proximity to a residential area and the number of requests (one per month)

Staff (Police, Fire, Public Works, and Engineering) has not yet had an opportunity to meet and discuss the application.

ATTACHMENTS: Application

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

LEGAL REVIEW: n/a

RECOMMENDATION: I would recommend approval pending positive recommendations from staff.

SUGGESTED MOTION: I move to approve the application pending positive recommendations from staff.

City of Mandan

3pm to 1am

1. Type of license being applied for:
Street Dance _____
Beer Gardens: _____
Both: X

2. Applicant:
Name: The Drink at Lakewood Bar & Grill
Address: 4007 SE BAY DR.
mandan ND. 58554.
Date of Birth: _____
Social Security or Driver's License: _____

3. Name of individual or individuals who will manage or conduct the event:
Name: Karen Aldrich Name: _____
Address: 4111 Lockport St # 217 Address: _____
Date of Birth: 5-16-68 Date of Birth: _____
S.S. or D.L.: _____ S.S. or D.L.: _____

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

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

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

7. List the place, date and hours of the proposed event (special not, all applications must be received 30 days in advance of the proposed event). MAY 11th June 22
 July 20 Aug 17 Sept 21 2013

8. Site Plan: See attached sheets.
 - a. Beer Gardens
 - b. Street Dance

9. Please provide an estimate of the number of persons that the person conducting the event has determined can be safely accommodated at the site and also an estimate of the number of persons expected to attend:

Maximum Capacity: 150⁰⁰
Expected Attendance: 100

10. Is there going to be advance ticket sales? Yes _____ No

If yes, please list the maximum amount to be sold: _____

11. What plans are there to limit attendance if there are no advance ticket sales? We have.

4 Door persons at place: - 2 at front
2 at back.

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

Number of toilet facilities: 3

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

Yes No _____

14. Fencing and Barricades should be supplied on the site plan.

15. List below a description of the signing which is proposed to control pedestrian and vehicular traffic, parking and notices to the persons in attendance. Out side Banners
flagging for parking will be used.
to provide to control traffic

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

Private City Police _____

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

Private 6 City Police _____

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

[Signature]
Signature of Applicant

4-11-13.
Date

Telephone Number

Corporation Liquor License Application

1. Type of License:

Liquor On-Sale X Off-Sale _____ Class: B C D D I E F W B M P D Y
(Circle One)

Beer On-Sale X Off-Sale _____ Class: B C D D I E F W B M P D Y

2. Duration of License: Annual: (July 1, _____ to June 30, _____)
Part of Year from: May 1, 2013 To Oct 30, 2013.

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

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

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

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

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

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

N/A

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

see Attached Board of Directors

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

Name: Teresa Seeman Address: 4645 24th Ave.

City: Mandan State: ND Age: _____ DOB: _____ Citizenship: _____

If naturalized, give date and Place of Naturalization: _____

List all Other Places of Residence within last 5 Years: _____

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

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

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

Yes _____ No _____ *NA*

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

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

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

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

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

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

CITY OF MANDAN

SUNDAY ALCOHOLIC BEVERAGE PERMIT

Date of Application: April 3, 2013

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

Address of Licensee: Box 6272 Bismarck ND 58506

Address of public facility if used: 2500 Longspur Trail

State the purpose of organization: Promote Auto Racing

Date(s) of requested Sunday(s): June 9, July 28, Aug. 11

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

Description of the rooms on the premises, which have been specifically reserved, for the dispensing of alcoholic beverages and dancing during the term of the permit: Main Concessions Area & Pit Area

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

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

I the applicant will abide to the following conditions:

- a. Alcoholic beverages may be distributed for consumption on the premises and Dancing may be permitted only in those rooms specifically reserved for event activities;
- b. Dancing and the dispensing of alcoholic beverages shall be permitted only between the hours of twelve noon on the date specified in the permit and one a.m. on the following Monday;
- c. Any conditions or circumstances delineated by the Board relating to the conduct of the event or to the admission of the general public to the event.

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

Herb Bergman
Signature of Applicant

Kamuel
Received by:

Date Received: 4-5-13

Commission Approval: _____

Auditor Approval: _____

3 @ 5.15⁰²
\$5.00 Fee per Sunday-Amount paid \$ 15.00

Receipt # _____

Copy to be filed with Mandan Police Department

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

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

CITY OF MANDAN
SPECIAL "B" LIQUOR PERMIT

Date of Application: April 3, 2013
Name of Licensee: Bismarck-Mandan Stock Car Assoc. Inc.
Address of Licensee: Box 6272 Bismarck ND 58506
Address of public facility if used: 2500 Longspur Trail
State the purpose for which this permit will be used: Mandan Rodeo

Date(s) of requested (not to exceed 3 day) July 2, 3, 4, 2013
Time of day which the applicant desires the permit to be in effect: 8:00 AM to Midnight

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

Yes No

Hub Bangman
Signature of Applicant

Kari Mottel
Received by:

Date Received: 4-5-2013

Commission Approval: _____

\$100.00 per Event – Amount paid \$ 100.00

Consent No. 5



GAMING SITE AUTHORIZATION
OFFICE OF ATTORNEY GENERAL
SFN 17996 (02-2011)

G - _____ (_____)
Site License Number
(Attorney General Use Only)

Abate of North Dakota is hereby authorized to conduct games of
(Full, Legal Name of Gaming Organization)

chance under the license granted by the Attorney General of the State of North Dakota at the following
location: Hideaway the address of which is:

1000 Boundry Road Mandan 58554 Morton
(Street) (City) (Zip Code) (County)

Date(s) Authorized: Beginning 7/1/13 Ending 6/30/14

Specific location where games of chance will be conducted and played at the site (required): On south side of
entrance

Number of twenty-one tables (required) (if zero, enter "0") : 0

RESTRICTIONS: (to be completed ONLY if restrictions are set by the local governing body)
1. Days of week of gaming operations _____
2. Hours of gaming _____
3. List each specific game type prohibited _____

Attorney General Date Signature of City/County Auditor Date

PRINT Name / Official Position of person signing above

INSTRUCTIONS:

- 1. City/County Auditors - Retain a **copy** of the Site Authorization for your files.
- 2. City/County Auditors - Return the **original** Site Authorization form to the Organization.
- 3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval.

RETURN ALL DOCUMENTS TO:

Office of Attorney General
Licensing Section
600 E Boulevard Ave, Dept. 125
Bismarck, ND 58505-0040
Telephone: 701-328-2329 OR 800-326-9240



RENTAL AGREEMENT
 OFFICE OF ATTORNEY GENERAL
 SFN 9413 (Rev. 06-2010)

STATE USE ONLY
SITE LICENSE NO. G- _____ (____)_____

Site Owner (Lessor) Hidden Inc.		Site Name Hideaway		Site Phone Number (701) 663-8362
Site Address 1000 Boundry Road		City Mandan	State ND	Zip Code 58554
Organization (Lessee) Abate Of North Dakota		Rental Period 7/1/2013 to 6/30/2014		Monthly Rent Amount
1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	\$ 0.00
		<input type="checkbox"/> No	<input type="checkbox"/> Yes	
2. Is a raffle drawing going to be conducted at this site?		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	\$ 0.00
3. Is Prize Boards involving a dispensing device conducted at this site?		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	\$ 0.00
4. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	\$ 0.00
Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____				
5. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	\$ 0.00
6. Is Pull Tabs involving both a jar bar and dispensing device conducted at this site? If "Yes," skip questions 7 & 8.		<input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	\$ 0.00
7. Is Pull Tabs involving only a jar bar conducted at this site?		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	\$ 0.00
8. Is Pull Tabs involving only a dispensing device conducted at this site?		<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	\$ 275.00
TERMS OF RENTAL AGREEMENT:				Total Monthly Rent \$ 275.00

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.

The LESSOR agrees that no game will be directly operated as part of the lessor's business.

The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab or prize boards involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.

The LESSOR agrees that the lessor's oncall or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.

If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.

The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.

The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor 	Title President	Date 3/25/13
Signature of Lessee (Top Executive Official) 	Title President	Date 3-20-13

Consent No. 6i



GAMING SITE AUTHORIZATION
OFFICE OF ATTORNEY GENERAL
SFN 17996 (02-2011)

G - _____ (_____) _____
Site License Number
(Attorney General Use Only)

AMERICAN FOUNDATION FOR WILDLIFE
(Full, Legal Name of Gaming Organization)

is hereby authorized to conduct games of

chance under the license granted by the Attorney General of the State of North Dakota at the following

location: LAKE WOOD BAR + GRILL the address of which is:

1007 SOUTH BAY DR SE MANDAN 58554 MORAN
(Street) (City) (Zip Code) (County)

Date(s) Authorized: Beginning JULY 1, 2013 Ending JUNE 30, 2014

Specific location where games of chance will be conducted and played at the site (required): ALL GAMING EAST WALL CHIMNEY OF BAR

Number of twenty-one tables (required) (if zero, enter "0") : ONE

RESTRICTIONS: (to be completed ONLY if restrictions are set by the local governing body)

1. Days of week of gaming operations _____
2. Hours of gaming _____
3. List each specific game type prohibited _____

Attorney General Date Signature of City/County Auditor Date

PRINT Name / Official Position of person signing above

INSTRUCTIONS:

1. City/County Auditors - Retain a **copy** of the Site Authorization for your files.
2. City/County Auditors - Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval.

RETURN ALL DOCUMENTS TO:

Office of Attorney General
Licensing Section
600 E Boulevard Ave, Dept. 125
Bismarck, ND 58505-0040
Telephone: 701-328-2329 OR 800-326-9240



RENTAL AGREEMENT
OFFICE OF ATTORNEY GENERAL
SFN 9413 (Rev. 06-2010)

STATE USE ONLY
SITE LICENSE NO. G- _____ (____) _____

Site Owner (Lessor) LAKEWOOD BARP + G.P.H. LLC	Site Name LAKE WOOD BARP + G.P.H.	Site Phone Number 751-2898
Site Address 4007 SOUTH BAY DR. S13	City MANDAN	County MANDAN
Organization (Lessee) AMERICAN FOUNDATION FOR WILDLIFE	Rental Period JULY 1, 2013 to JUNE 30, 2015	Monthly Rent Amount

1. Is Bingo going to be conducted at this site? 1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes	\$
2. Is a raffle drawing going to be conducted at this site?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	\$
3. Is Prize Boards involving a dispensing device conducted at this site?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	\$
4. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____ Number of Tables with wagers over \$5 <u>1</u> X Rent per Table \$ <u>150</u>	<input type="checkbox"/> No <input type="checkbox"/> Yes	\$ \$ <u>150</u>
5. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	\$
6. Is Pull Tabs involving both a jar bar and dispensing device conducted at this site? If "Yes," skip questions 6 & 7.	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	\$ <u>125</u>
7. Is Pull Tabs involving only a jar bar conducted at this site?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	\$
8. Is Pull Tabs involving only a dispensing device conducted at this site?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	\$

TERMS OF RENTAL AGREEMENT:	Total Monthly Rent \$ <u>275</u>
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This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.

The LESSOR agrees that no game will be directly operated as part of the lessor's business.

The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab or prize boards involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.

The LESSOR agrees that the lessor's oncall or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.

If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.

The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.

The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor <i>[Signature]</i>	Title <i>[Signature]</i>	Date <u>2-8-2013</u>
Signature of Lessee (Top Executive Official) <i>[Signature]</i>	Title <i>[Signature]</i>	Date <u>2-8-13</u>

Consent No. 6ii



GAMING SITE AUTHORIZATION
OFFICE OF ATTORNEY GENERAL
SFN 17996 (02-2011)

G - _____ () _____
Site License Number
(Attorney General Use Only)

AMERICAN FOUNDATION FOR W.L.D.L.Y.E.F.
(Full, Legal Name of Gaming Organization)

is hereby authorized to conduct games of

chance under the license granted by the Attorney General of the State of North Dakota at the following

location: LAST CALL BAR the address of which is:

118 W MAIN MANDAN 58554 MORTON
(Street) (City) (Zip Code) (County)

Date(s) Authorized: Beginning JULY 1, 2013 Ending JUNE 30, 2014

Specific location where games of chance will be conducted and played at the site (required): ALL GAMING CREWEL OF BAR EAST WALL

Number of twenty-one tables (required) (if zero, enter "0") : ONE

RESTRICTIONS: (to be completed ONLY if restrictions are set by the local governing body)

1. Days of week of gaming operations _____

2. Hours of gaming _____

3. List each specific game type prohibited _____

Attorney General Date Signature of City/County Auditor Date

PRINT Name / Official Position of person signing above

INSTRUCTIONS:

- 1. City/County Auditors - Retain a **copy** of the Site Authorization for your files.
- 2. City/County Auditors - Return the **original** Site Authorization form to the Organization.
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RETURN ALL DOCUMENTS TO:

Office of Attorney General
Licensing Section
600 E Boulevard Ave, Dept. 125
Bismarck, ND 58505-0040
Telephone: 701-328-2329 OR 800-326-9240



RENTAL AGREEMENT
 OFFICE OF ATTORNEY GENERAL
 SFN 9413 (Rev. 06-2010)

STATE USE ONLY
SITE LICENSE NO.
G- _____ (____) _____

Site Owner (Lessor) LAST CHAL BAP INC		Site Name LAST CHAL BAP		Site Phone Number 663-9211	
Site Address 118 W MAIN ST		City MANDAN	State ND	Zip Code 58554	County MARTIN
Organization (Lessee) AMERICAN FOUNDATION FOR WLD LIFE			Rental Period 7-1-13 to 6-30-14		Monthly Rent Amount
1. Is Bingo going to be conducted at this site?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$	
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$	
2. Is a raffle drawing going to be conducted at this site?		<input type="checkbox"/> No <input type="checkbox"/> Yes		\$	
3. Is Prize Boards involving a dispensing device conducted at this site?		<input type="checkbox"/> No <input type="checkbox"/> Yes		\$	
4. Is Twenty-One conducted at this site?		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$	
Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____				\$	
Number of Tables with wagers over \$5 1 X Rent per Table \$ 300				\$ 300	
5. Is Paddlewheels conducted at this site?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$	
Number of Tables _____ X Rent per Table \$ _____				\$	
6. Is Pull Tabs involving both a jar bar and dispensing device conducted at this site? If "Yes," skip questions 6 & 7.		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ 200	
7. Is Pull Tabs involving only a jar bar conducted at this site?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$	
8. Is Pull Tabs involving only a dispensing device conducted at this site?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$	
TERMS OF RENTAL AGREEMENT:				Total Monthly Rent \$ 500	

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.

The LESSOR agrees that no game will be directly operated as part of the lessor's business.

The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab or prize boards involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.

The LESSOR agrees that the lessor's oncall or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.

If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.

The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.

The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor 	Title PRESIDENT	Date 3-11-13
Signature of Lessee (Top Executive Official) 	Title PRESIDENT	Date 3-11-13

Arbor Day Proclamation

Whereas, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal,

NOW, THEREFORE, I Arlyn Van Beek Mayor of the City of
Mandan, ND, do hereby proclaim
May 3, 2013 as

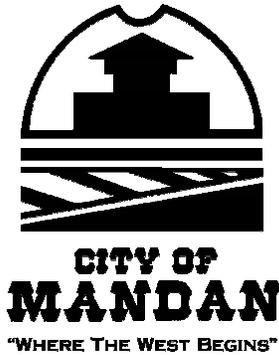
Arbor Day

in the City of Mandan, ND, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

Dated this 16th day of April in the year 2013

Mayor _____



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 16, 2013
PREPARATION DATE: April 10, 2013
SUBMITTING DEPARTMENT: Assessing Dept
DEPARTMENT DIRECTOR: Richard L Barta
PRESENTER: Richard L Barta
SUBJECT: Disabled Veteran Exemption for Gary Koth

STATEMENT/PURPOSE: To consider a 100% disabled veteran exemption for 7 months of year 2012.

BACKGROUND/ALTERNATIVES: Mr. Koth meets all criteria according to North Dakota Century Code 57-02-08 (20)(b) to receive a 100% disabled veteran exemption.

This property is also known as S 4' Lot 18 & All Lot 19, Block 1, Sharon Heights 1st Addition at 1407 Monte Dr. NW on Parcel #5737.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$893 for the year 2012. Please note that this amount is reimbursed by the State and the City is not actually losing any revenue.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval to receive a 100% disabled veteran exemption for 7 months for the year 2012.

SUGGESTED MOTION: I recommend a motion to approve the applications from Mr. Koth to receive a 100% disabled veteran exemption for 7 months for the year 2012 by meeting all criteria according to North Dakota Century Code 57-02-08(20)(b).

Application for Property Tax Exemption

5937

This application must be filed with the assessor every year by February 1 of the year for which the exemption is claimed, except as stated in note (7) below.

Property Number: 65-4573000 # 5937
 Property Owner: Gary Koth
 Property Address: 1407 Monte Drive
 Mandan, ND 58554

Legal Description
 S. 4' Lot 18 + All Lot 19
 Block 1 Sharon Heights 1st

Date property was acquired: _____ Market value of property claimed exempt: \$ _____

Exemption Claimed Pursuant to One of the Following Sections of the North Dakota Century Code:

- 1. N.D.C.C. § 57-02-08(7)(9), property used exclusively for public worship or property belonging to a religious organization and used for religious purposes: Church Parsonage Other (attach explanation)
- 2. N.D.C.C. § 57-02-08(8), property owned by an institution of public charity and used for the charitable purposes for which it was organized: Public Hospital (1) Nursing Home (1) Other (attach explanation) (1)
- 3. N.D.C.C. § 57-02-08(11), property owned by nonprofit lodges, clubs, etc. and used for their meetings and ceremonies:
 - a. If licensed to sell alcoholic beverages, describe each area of the building where these beverages are sold or consumed.
 - b. If food is sold, describe each area of the building where the food is sold or consumed.
- 4. N.L.C.C. § 57-02-08(20), buildings owned and occupied as a homestead by one of the following:
 - a. Paraplegic Disabled Veteran or Veteran awarded specially adapted housing (2)(4)(5)(6)(7)
 - b. Disabled Veteran (50% or greater disability) (2)(4)(5)(7)
 - c. Permanently and Totally Disabled Person Confined to a Wheelchair (2)
- 5. N.D.C.C. § 57-02-08(22), buildings owned and occupied as a home by a blind person or spouse. (2)
- 6. N.D.C.C. § 57-02-08(26), buildings owned and occupied as a homestead by a paraplegic disabled person. (2)(3)
- 7. N.D.C.C. § 57-02-08(31), group homes owned by nonprofit corporations.
- 8. N.D.C.C. § 57-55-10, mobile home is exempt or the provisions of N.D.C.C. ch. 57-55 apply.
- 9. N.D.C.C. § _____ Subsection _____

7 months of
 2012 @ 100%
 Vet. exemption

For what purpose(s) was the property used during the 12-month period prior to the year for which this exemption is claimed? (Note: Be specific. If there were several types of use, indicate such usages by square foot areas of the building and floor location. If additional space is needed, attach another sheet.)

Is any income derived from the use of any portion of this property by other individuals or groups, whether considered as rent or reimbursement for expenses or services rendered? Yes No If Yes, give details.

- (1) Provide a current copy of organizational documents supporting claim (e.g., articles of incorporation and by-laws, etc.) if claiming exemption for first time or upon request.
- (2) Provide an affidavit or physician's certificate if claiming exemption for first time.
- (3) Provide an annual statement that previous year's income did not exceed the amount provided in N.D.C.C. § 57-02-08.1.
- (4) Provide a copy of the DD Form 214 showing veteran's honorable discharge from active military service if claiming exemption for first time.
- (5) Provide a certificate from the Department of Veterans Affairs certifying to the percentage of disability when claiming exemption for the first time, or if the veteran receives a change in the percentage of certified rated service-connected disability.
- (6) Provide evidence from the Department of Veterans Affairs showing award of specially adapted housing if claiming exemption for this status for first time.
- (7) Exemption is automatically renewed each following year, but the veteran or veteran's unremarried surviving spouse must refile if that person sells the property or no longer claims it as a primary place of residence, or if the veteran dies or receives a change in the percentage of the certified rated service-connected disability.

I (We) make application for real property tax exemption for the year 2012 on the property described above and, in compliance with North Dakota Century Code § 57-02-14.1, certify the information is accurate to the best of my (our) knowledge and belief.

Note: N.D.C.C. § 12.1-11-02 provides that making a false statement in a governmental matter is punishable as a Class A misdemeanor.

Applicant: Gary Koth 4/10/13
 Assessor or Director of Tax Equalization: Richard L. Kott 4-10-13

Application is: Approved Disapproved
 Percentage approved (4.b.) 100 %

Application For Abatement And Settlement Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

County of Morton

Name KOTH G D & REYNOLDS P

Address 1407 MONTE DR NW

Legal Description of the property involved in this application
 S 4' LOT 18 & ALL LOT 19

Property ID Number

City 5737

County 65-4573000

Block: 001

SHARON HEIGHTS 1ST

Total true and full value of the property described above for the year 2012 is:		Total true and full value of the property described above for the year 2012 should be:	
Land	\$13,400	Land	\$13,400
Improvements	\$92,300	Improvements	\$92,300
Total (1)	\$105,700	Total (2)	\$105,700

The difference of \$0 true and full value between (1) and (2) above is due to the following reason(s):

1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2

2. Residential or commercial property's true and full value exceeds the market value

3. Error in property description, entering the description, or extending the tax

4. Nonexisting improvement assessed

5. Complainant or property is exempt from taxation (Attach a copy of Application for Property Tax Exemption)

6. Duplicate assessment

7. Property improvement was damaged by fire, flood or tornado (see N.D.C.C. § 57-23-04(1)(g))

8. Error in noting payment of taxes, taxes erroneously paid

9. Property qualifies for Homestead Credit According to N.D.C.C. § 57-02-08.1 (Attach a copy of Homestead Credit Application)

10. Other (Explain) NDCC 57-02-08 VETERANS EXEMPTION @ 100%

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

1. Purchase price of property: \$ _____ Date of Purchase: _____

Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____

Was there personal property involved in the purchase price? _____ Estimated value: \$ _____

2. Has the property been offered for sale on the open market? _____ If yes, how long? _____

Asking price: \$ _____ Terms of sale: _____

3. The property was independently appraised: _____ Purpose of appraisal: _____

_____ Market value estimate: \$ _____

Appraisal was made by whom? _____

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

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

The Applicant asks that **WE ABATE TAXES DUE TO QUALIFICATION OF VETERANS EXEMPTION @ 100% FOR 7 MONTHS OF 2012.**

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

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

Signature of Preparer (if other than applicant) _____ Date _____ Signature of Applicant Gary Koth Date 4/10/13

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of Mandan City Commissioners

On _____ the governing board of this municipality, after examination of this application and the facts, passed a resolution recommending to the Board of County Commissioners that the application be _____

Dated this _____ day of _____, _____.

 City Auditor or Township Clerk

Action by the Board of County Commissioners

Application was _____ by action of _____ County Board of Commissioners.
Approve/Rejected

Based upon an examination of the facts and the provisions of North Dakota Century Code § 57-23-04, we approve this application. The taxable valuation is reduced from \$ _____ to \$ _____ and the taxes are reduced accordingly. The taxes, if paid, will be refunded to the extent of \$ _____. The Board accepts \$ _____ in full settlement of taxes for the tax year _____.

We reject this application for the following reason(s): _____

Dated _____, _____.

 County Auditor

 Chairperson

Certification of County Auditor

I certify that the Board of County Commissioners took the action stated above and the records of my office and the office of the County Treasurer show the following facts as to the assessment and the payment of taxes on the property described in this application.

Year	Taxable Value	Tax	Date Paid(if paid)	Payment Made Under Written Protest? yes / no

I further certify that the taxable valuation and the taxes ordered abated or refunded by the Board of Commissioners are as follows:

Year	Reduction in Taxable Valuation	Reduction in Taxes

 County Auditor

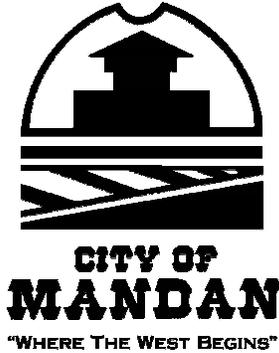
 Date

Application For Abatement
 And Settlement Of Taxes

 Name of Applicant

 County Auditor's File No.

 Date Application Was Filed
 With The County Auditor



Board of City Commissioners

Agenda Documentation

MEETING DATE:

April 16, 2013

PREPARATION DATE:

April 11, 2013

SUBMITTING DEPARTMENT:

Assessing Dept

DEPARTMENT DIRECTOR:

Richard L Barta

PRESENTER:

Richard L Barta

SUBJECT:

Homestead Credit Exemption for Joyce Gustafson

STATEMENT/PURPOSE: To consider a 100% Homestead Credit exemption for the year 2012 due to meeting all criteria.

BACKGROUND/ALTERNATIVES: Ms. Gustafson meets all qualifications according to the guidelines established by the State for a 100% exemption through the Homestead Credit program.

This parcel is also known as Lots 15 & 16, Block 2, Heartview Addition at 1414 3rd St NW on Parcel #1017.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$1846. Please note that this amount is reimbursed by the State and the City is not actually losing any revenue.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval of the requested 100% Homestead Credit exemption for the year 2012.

SUGGESTED MOTION: I recommend a motion to approve the request by Ms. Gustafson to receive a 100% Homestead Credit exemption for the year 2012 due to meeting all criteria according to the guidelines established through the State.

Application For Abatement And Settlement Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

County of Morton

Name GUSTAFSON JOYCE

Address 1414 3 ST NW

Legal Description of the property involved in this application

LOTS 15 & 16

Property ID Number

City 1017

County 65-1146000

Block: 002

HEARTVIEW

Total true and full value of the property described above for the year 2012 is:		Total true and full value of the property described above for the year 2012 should be:	
Land	\$13,400	Land	\$13,400
Improvements	\$90,600	Improvements	\$90,600
Total (1)	\$104,000	Total (2)	\$104,000

The difference of \$0 true and full value between (1) and (2) above is due to the following reason(s):

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- 2. Residential or commercial property's true and full value exceeds the market value
- 3. Error in property description, entering the description, or extending the tax
- 4. Nonexisting improvement assessed
- 5. Complainant or property is exempt from taxation (Attach a copy of Application for Property Tax Exemption)
- 6. Duplicate assessment
- 7. Property improvement was damaged by fire, flood or tornado (see N.D.C.C. § 57-23-04(1)(g))
- 8. Error in noting payment of taxes, taxes erroneously paid
- 9. Property qualifies for Homestead Credit According to N.D.C.C. § 57-02-08.1 (Attach a copy of Homestead Credit Application)
- 10. Other (Explain) NDCC 57-02-08 HOMESTEAD TAX CREDIT

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

1. Purchase price of property: \$ _____ Date of Purchase: _____
 Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
 Was there personal property involved in the purchase price? _____ Estimated value: \$ _____

2. Has the property been offered for sale on the open market? _____ If yes, how long? _____
 Asking price: \$ _____ Terms of sale: _____

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

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

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

The Applicant asks that WE ABATE THE TAXES DUE TO QUALIFICATION OF THE HOME-STEAD TAX CREDIT @ 100%.

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

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

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

Joyce Gustafson _____ 4-11-13
 Signature of Applicant _____ Date _____

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of Mandan City Commissioners

On _____ the governing board of this municipality, after examination of this application and the facts, passed a resolution recommending to the Board of County Commissioners that the application be _____

Dated this _____ day of _____, _____ . _____
 City Auditor or Township Clerk

Action by the Board of County Commissioners

Application was _____ Approve/Rejected _____ by action of _____ County Board of Commissioners.

Based upon an examination of the facts and the provisions of North Dakota Century Code § 57-23-04, we approve this application. The taxable valuation is reduced from \$ _____ to \$ _____ and the taxes are reduced accordingly. The taxes, if paid, will be refunded to the extent of \$ _____. The Board accepts \$ _____ in full settlement of taxes for the tax year _____.

We reject this application for the following reason(s): _____

Dated _____, _____ . _____
 County Auditor _____ Chairperson _____

Certification of County Auditor

I certify that the Board of County Commissioners took the action stated above and the records of my office and the office of the County Treasurer show the following facts as to the assessment and the payment of taxes on the property described in this application.

Year	Taxable Value	Tax	Date Paid(if paid)	Payment Made Under Written Protest? yes / no

I further certify that the taxable valuation and the taxes ordered abated or refunded by the Board of Commissioners are as follows:

Year	Reduction in Taxable Valuation	Reduction in Taxes

County Auditor _____ Date _____

**Application For Abatement
 And Settlement Of Taxes**

Name of Applicant _____
 County Auditor's File No. _____
 Date Application Was Filed With The County Auditor _____

Board of City Commissioners
 Agenda Documentation
 Meeting Date: April 16, 2013
 Subject: Homestead Credit Exemption for Joyce Gustafson
 Page 4 of 4

HOMESTEAD CREDIT APPLICATION FOR SENIOR CITIZENS & DISABLED PERSONS
 OFFICE OF STATE TAX COMMISSIONER
 24757 (5/2009)

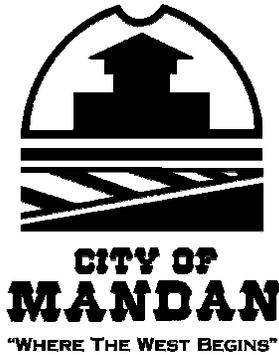
Use 2011 Income

For the Year of 2012

File application with the local assessor prior to February 1 of the year for which the credit is requested.

To: (Assessor)	Richard Barta
City or Twn:	City of Mandan
County:	Morton County

Applicant Information				City Seq No:	01017
Name:		GUSTAFSON JOYCE		Date of Birth:	
Address:		1414 3 ST NW		Phone No.:	
Legal Description of Applicant's Property:				County No.:	65-1146000
Lot:	Block:	Addition:	City:		
15-16	002	0012	MANDAN		
1. Which of the following would best describe the type of ownership of the homestead property (check only one): A. Is recorded in your (and spouse's) name as owner <input checked="" type="checkbox"/> B. Is being purchased by you under a contract for deed <input type="checkbox"/> C. Is held in joint tenancy with one other than spouse <input type="checkbox"/> D. Is held under a life estate in property <input type="checkbox"/> E. Is held in a revocable trust <input type="checkbox"/>					
2. Is the above-described property exempt as a farm residence? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>					
3. Do you have assets in excess of \$75,000 including the value of any assets gifted or otherwise divested within the last three years, and excluding the unencumbered value of your homestead up to \$100,000? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>					
Complete Schedule A					
To Be Completed By The Assessor					
Application is: Approved <input checked="" type="checkbox"/> Denied <input type="checkbox"/> <u>100</u> % reduction allowed this applicant or a maximum of \$ _____					
Reason for Denial:					
Date:		Signature of Assessor:			
4-11-13		<i>Richard L. Barta</i>			
Schedule A					
The Following is an Accurate Account of Total Income for the Preceding Calendar Year (See Attachment for an explanation of income from other sources)					
4. Applicant's and spouse's income from Social Security benefits (excluding Medicare):				\$	
5. Applicant's and spouse's income from salary and wages:				\$	
6. Applicant's and spouse's income from interest:				\$	
7. Applicant's and spouse's income from other sources:				\$	
8. Dependents' total income from all sources:				\$	
9. Total income from all sources (add lines 4, 5, 6, 7 and 8):				\$	
Medical expenses actually paid during the year and not paid for by insurance:					
Total amount of health and hospital insurance premiums (exclude Medicare):				\$	
Medicine and drugs:				\$	
Doctor, dentist and hospital costs:				\$	
Hearing aids, eyeglasses, dentures, etc.:				\$	
Transportation costs for medical care: .50 Cent Per Mile				\$	
Nursing home care costs and/or home nursing care costs:				\$	
10. Total medical expenses:				\$	
11. Income from all sources excluding medical expenses (line 9 less line 10):				\$	
Applicant Signature					
I declare that this application, including Schedule A, has been examined by me and to the best of my knowledge and belief is a true and correct application. I am willing to furnish proof of age, income, and assets if requested to do so by someone authorized to administer this assessment credit. I reside on the property described in this application and I hereby claim the Homestead Credit on this property as provided for in R.S.C. 55-57-02-06-1.					
Date:		Signature of Applicant:			
4-11-13		<i>Joyce Gustafson</i>			



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 16, 2013
PREPARATION DATE: April 10, 2013
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Jeff Wright
PRESENTER: Jeff Wright, Director of Public Works
SUBJECT: Request to sell 1981 Brush Truck.

STATEMENT/PURPOSE: Request to advertise for sale, the 1981 Brush Truck from the Public Works Department. The truck is a 1 ton Chevy 4x4 with a 250 gal/min. pump and approximately 250 gallon Tank.

BACKGROUND/ALTERNATIVES: Last fall the Fire Department departed with the brush truck and was initially intended to make a weed spraying truck for the street department. The city mechanic looked at it and has determined that we could not use it for spraying because of the pressure and volume the pump puts out. We already have the tank and pump set up for another pickup, which we can continue to use.

We have recently found out that there is outside interest in the truck with its original equipment. Since the truck is of no use for spraying we could try to sell it. We will advertise and put a minimum price of \$2,500 with hope to find good use of the truck.

ATTACHMENTS: picture

FISCAL IMPACT: N/A

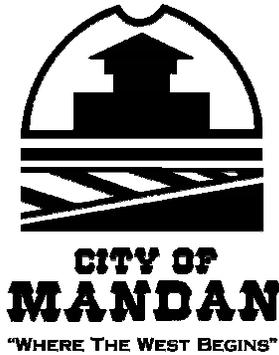
STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Recommend advertising the 1981 Brush truck for sale with the minimum price of \$2,500.

SUGGESTED MOTION: Move to advertise the 1981 Brush Truck with a minimum price of \$2,500.





Board of City Commissioners

Agenda Documentation

MEETING DATE: April 16, 2013
PREPARATION DATE: March 26, 2012
SUBMITTING DEPARTMENT: Morton Mandan Public Library
DEPARTMENT DIRECTOR: Kelly Steckler, Library Director
PRESENTER: Kelly Steckler, Library Director
SUBJECT: Appoint trustee

STATEMENT/PURPOSE:

To have the Board of City Commissioners appoint a City representative to the Morton Mandan Public Library (MMPL) Board of Trustees.

BACKGROUND/ALTERNATIVES:

Currently, there is one (city) vacancy on the MMPL Board. Per the Memorandum of Understanding signed by both Commissions, MMPL operates with an equal number of city and county representatives. Since the joint board has equal representation per the Memorandum of Understanding, both the City and County Commissions should approve MMPL trustee appointments.

The MMPL Board recommends Jackie Bair from Mandan.

ATTACHMENTS: Letter of interest from Jackie Bair

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION:

The MMPL Board of Trustees recommends appointing Jackie Bair as a trustee on the Morton Mandan Public Library Board of Trustees.

SUGGESTED MOTIONS:

To appoint Jackie Bair to the Morton Mandan Public Library Board of Trustees to complete the vacant term ending June 2015.

March 6, 2013

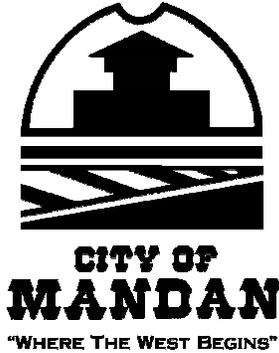
Kelly Steckler
Director, Morton Mandan Public Library
609 W. Main St.
Mandan, ND 58554

Dear Ms. Steckler,

Please consider me for a position on the library board. I would like to be of some kind of service to the community and the library is of great interest to me. Also, having worked with the bookmobile for almost 4 years, I have some insight into library issues which may help.

I will wait to hear your reply.

Jackie Bain



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 16, 2013
PREPARATION DATE: April 9, 2013
SUBMITTING DEPARTMENT: Assessing & Building Inspections
DEPARTMENT DIRECTOR: Richard Barta
PRESENTER: Richard Barta
SUBJECT: Introduction of New Employee Doug Lalim,
Building Official

STATEMENT/PURPOSE:

Introduction of Doug Lalim, new Building Official in the Building & Inspections Office, to the Board of City Commission.

BACKGROUND/ALTERNATIVES:

Doug comes from the Williston, ND area and had worked for the City of Williston as the Building Official for 15 years. Doug brings lots of experience and knowledge working in the building inspections area regarding construction, building regulation and compliance, and planning and zoning. Doug has a wife and two grown adult sons.

ATTACHMENTS: N/A

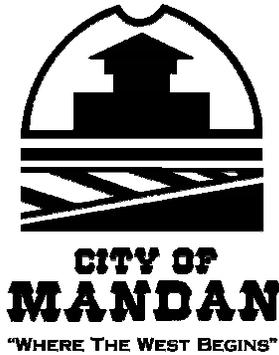
FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: N/A

SUGGESTED MOTION: N/A



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 16, 2013
PREPARATION DATE: April 10, 2013
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Jeff Wright
PRESENTER: Jeff Wright, Director of Public Works
SUBJECT: Introduction of new Public Works employee.

STATEMENT/PURPOSE: Introduction of new Public Works employee, Chris Webber, Utility Department.

BACKGROUND/ALTERNATIVES: Chris was unable to make the last meeting, Chris has been in the Bismarck/Mandan area since he was a child, is currently married and has had Power Plant Technology and Electrical Lineman schooling and experience with MDU.

ATTACHMENTS: N/A

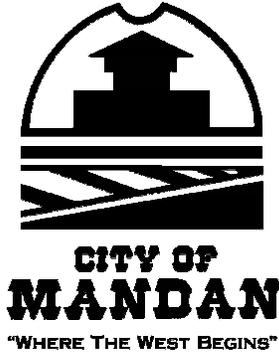
FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: N/A

SUGGESTED MOTION: N/A



Board of City Commissioners

Agenda Documentation

MEETING DATE: April 16, 2013
PREPARATION DATE: April 10, 2013
SUBMITTING DEPARTMENT: Business Development & Communications
DEPARTMENT DIRECTOR: Ellen Huber, Business Development & Communications Director
PRESENTER: Leadership, Pride & Image Committee
SUBJECT: Reactivation of Community Beautification Committee

STATEMENT/PURPOSE: To consider reactivating Mandan’s Community Beautification Committee and strengthening it with property owner representation and involvement.

BACKGROUND/ALTERNATIVES: City of Mandan staff used to meet monthly to address community beautification issues such as incidents involving potential violation of nuisance or zoning ordinances. These staff members included the city administrator, a police department staff member, fire department staff member, chief building official, an engineering and planning department staff member, public works director and Custer District Health representative. Beautification meetings were cancelled during the 2011 flood and have not since resumed.

The Mandan Tomorrow – Leadership, Pride and Image Committee is asking that a Community Beautification Committee be reactivated and that it include property owner or citizen representation. The LPI Committee suggests six private-sector appointees that may include interested representatives of the LPI Committee, representatives of businesses and at-large community representatives or general citizens. The LPI Committee suggests the City Commission issue an announcement seeking letters of interest from individuals willing to serve. At least two LPI members are interested at this point.

What the Mandan Tomorrow community strategic plan had to say about community attractiveness. The planning process included a community assessment report summarizing responses to an online poll (with nearly 1,000 respondents) as well as focus group feedback. The poll included a request to respond to the statement, “Mandan is an attractive and desirable place to live.” Only 36% agreed and 34% disagreed (with the remainder being neutral.)

The strategic plan, adopted in 2009, called for a community beautification initiative such as:

- Affiliation with “Keep American Beautiful”
- An annual day-long “Great Mandan Clean-Up” event
- Creation of a project list and coordination of volunteer opportunities with local departments, businesses and citizen groups.
- Neighborhood clean-up efforts to remove trash, graffiti and debris from community streets, the riverfront, green spaces, and commercial districts.
- Assessing the potential to develop additional volunteer and public education events related to the upkeep and enhancement of Mandan’s public spaces.

The LPI Committee explored KAB, but found it to be expensive and instead recommends more of a do-it-yourself approach, in which a reactivated Community Beautification Committee may be able to help tackle some of these initiatives.

Mandan has made considerable progress since the community strategic plan was adopted in 2009. A question posed on the City’s website for the month of April should help in determining if communication beautification is still needed and relevant. Responses to the question “What property maintenance problem in Mandan do you find most troublesome?” as of April 10 are as follows:

Total Votes: 45

- Advertising sign violations - 3 or 7%
- Bushes overgrown - 2 or 4%
- Commercial properties with torn awnings, boarded up windows - 4 or 9%
- Dumping of trash - 3 or 7%
- Graffiti that needs to be removed - 1 or 2%
- Grass or weeds higher than 6 inches - 3 or 7%
- Litter along roadsides and elsewhere - 7 or 16%
- Residential structures (houses, detached garages, sheds) not in good order - 5 or 11%
- Vehicles - abandoned, disabled or illegally parked - 4 or 9%
- Other - please send an e-mail to info@mandan.govoffice.com - 0
- All or Most - I generally see several of these problems with property maintenance in Mandan. 10 or 22%
- Few to None - I don't find significant problems with property maintenance in Mandan. 3 or 7%

A Community Beautification Committee would be responsible for addressing topics such as those listed above and determining potential solutions or actions in accordance with existing ordinances. It may also identify the need for and recommend potential new ordinances if remedies do problems are not outlined in existing municipal code. Private

sector representatives on the committee would serve in an advisory capacity to City staff and the Mandan City Commission on community beautification matters that together would result in development and formulation of programs and projects to enhance the aesthetic appearance of the community, recommendations for practices and policies that will enhance and upgrade existing properties, and coordination of periodic community clean-up campaigns and encouragement of public participation in such efforts.

ATTACHMENTS: None

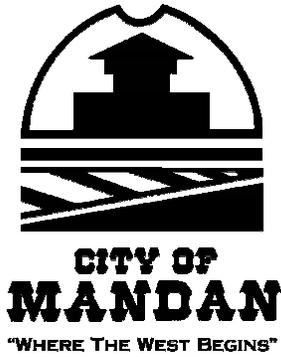
FISCAL IMPACT: Possible indirect costs.

STAFF IMPACT: Staff time will be required for participating in quarterly or bi-monthly meetings and potential follow-up and enforcement of identified issues.

LEGAL REVIEW: n/a

RECOMMENDATION: I recommend reactivation of the Community Beautification Committee with citizen and property owner involvement.

SUGGESTED MOTION: I move to reactivate the Community Beautification Committee to include the staff representation as well as the appointment of up to six citizens and property owners within the City of Mandan, striving for representation from both residents and the business sector.



Board of City Commissioners

Agenda Documentation

MEETING DATE:	April 16, 2013
PREPARATION DATE:	April 11, 2013
SUBMITTING DEPARTMENT:	Administration
DEPARTMENT DIRECTOR:	Jim Neubauer, City Administrator
PRESENTER:	Jim Neubauer, City Administrator
SUBJECT:	Visitors Committee Recommendation – Mandan School District – MHS Gym Floor & Bleachers

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

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

The Mandan Visitors Committee met on April 11, 2013 to consider a request from the Mandan School District for funding assistance related to the replacement of MHS Gym floor and bleachers. The amount requested was 40% of the total estimated project cost or \$180,000.

The gym floor is the original floor installed in 1950's and after years of sanding and refinishing has become extremely hard and causing injuries (shin splints etc).

The bids for this project came in less than estimated and therefore 40% of the bid amount is \$146,000. Mandan Public Schools will fund approximately 50% of this project and private funds will cover approximately 10%.

I have attached the request from the School District which contains additional information related to the number of visitors to this facility.

ATTACHMENTS: Funding Request

FISCAL IMPACT: (\$146,000) there exist adequate funds on hand to meet this request.

STAFF IMPACT: minimal

LEGAL REVIEW: Funds may be used for capital construction and promotion projects to attract visitors to the community to use travel and tourism facilities.

Board of City Commissioners

Agenda Documentation

Meeting Date: April 16, 2013

Subject: Visitors Committee Recommendation – Visitors Committee Recommendation – Mandan School District – MHS Gym Floor & Bleachers

Page 2 of 4

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

SUGGESTED MOTION: I move to approve the recommendation from the Visitors Committee for a grant to the Mandan Public School District for MHS gym floor and bleacher replacement in the amount of \$146,000.

Visitor's Fund Request

From: Mandan Public Schools

Project: Mandan High School Gymnasium Upgrade

A) Outline the nature of the request in size and scope.

The Mandan High School gymnasium is in need of a new gym floor, bleachers, and acoustical panels.

The gym floor is the original floor installed when the gymnasium was built in the late 1950's. It has been sanded and sealed a number of times. The result of the past maintenance and the type of floor, leave the floor very hard. Our floor is one of the poorest in all of Class A schools. We have also had major issues with it being slippery. We clean it on a daily basis, but it just doesn't seem to help. Our plan is to replace it with a floor identical to the floor at our middle school gymnasium which is much softer, but one without hollow spots. It would be a great addition to our school and athletic programs and much safer for our athlete as stress fractures, joint and muscle conditions are more prevalent on solid surfaces.

The bleachers in our gymnasium need to be replaced. The mechanisms are wearing out. We have replaced wheels and other equipment to allow us to move them in and out. We have issues when pulling them out as sometimes they pull out crooked. Code will not allow us to put hand rails on our existing bleachers. Code will require hand rails on new bleachers. This will allow a much safer environment for everyone, especially our senior citizens.

Mandan Public Schools invested in a 'state of the art' public address sound system in our gymnasium about 5 years ago. It is still hard to hear the announcers because of the echo. The acoustical panels would solve this issue.

B) Benefits to the community.

The Mandan High School Gymnasium attracts around 45,000 people to our community through hosting regular season contests and local and NDHSAA sponsored tournaments. These guests, by visiting Mandan, have the opportunity to purchase fuel, hotel rooms, retail, and food. The surrounding communities 'love' to come to Mandan to participate in our gym. They enjoy the atmosphere that our gym allows and they also enjoy our hospitality. The tournaments in our facility to include but are not limited to the following: West Region Volleyball, WDA JV/Soph Volleyball, BNC Mandan Holiday Boys' Basketball Tournament, District 9 Boys' Basketball, and Region 5 Girls' Basketball. We

need these improvements to continue to attract events that bring people into our community. We host approximately 30 home varsity contests (and over 75 sub-varsity contests) each year when considering Volleyball, Wrestling, Boys' Basketball, and Girls' Basketball. With the rivalries with the WDA schools, we have very large crowds. These guests, by visiting Mandan also have the opportunity to purchase fuel, hotel rooms, retail, and food. Even our guests from Bismarck might purchase fuel, retail, and food either before or after an event. We also hold graduation ceremonies in our gymnasium if we have inclement weather and are unable to hold them at Faris Field. Our facility attracts nearly 80,000 total guests. These upgrades will also make our gymnasium safer for our guests as the bleachers will be ADA accessible and safer for our students as the floor will be softer and better for our students bodies while training for physical education classes and also our athletic teams.

C) Request must conform to all applicable municipal ordinances and codes. These improvements will be required to meet all building and seating codes.

D) Principle people or organizations involved: Mandan Public Schools

E) List of other funds or commitments for the project.

Mandan Public Schools - \$225,000

Visitors Fund - \$180,000

Private Donations - \$45,000

F) Time Line for the start and completion of the project. May 1 to Sept. 1

G) Number of dollars requested from visitors fund. \$180,000

H) Present acceptable evidence that additional required private financing is available which will allow the proposal, if accepted to be completed.

The school board is committed to funding at least \$225,000 of the project with private funding and/or visitors fund providing the balance.

ORDINANCE NO. 1146

An Ordinance to Create and Enact
Chapter 21-13 of the Mandan Code of Ordinances
Relating to Planned Unit Developments

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

An Ordinance to create a new Section to Title 21 of the Mandan Code of Ordinances relating to Planned Unit Developments.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF MANDAN, NORTH DAKOTA:

CHAPTER 21-13. PLANNED UNIT DEVELOPMENTS.

21-13-01. Processing of Planned Unit Development (PUD) Applications.

a. It is the intent of this ordinance to encourage flexibility in development of lands within the jurisdiction of the City of Mandan in order to promote its most appropriate use; to improve the design, character and quality of new developments; to facilitate the adequate and economical provisions of streets and utilities; and to preserve the natural and scenic features of open space.

b. Re-zone to Planned Unit Development District Required: In order to take advantage of the flexibility provided by this Ordinance, an applicant shall be required to submit an application to require a PUD District. Each PUD District shall have a unique re-zone PUD District Number that shall be recorded on the zoning map.

c. All planned units shall be considered by the Planning and Zoning Commission and the City Commission in the same manner as a zoning change. The City Commission may grant the proposed planned unit, in whole or in part, without or without modifications and conditions, or deny it.

d. The ordinance establishing the new PUD District shall:

- 1) Specify the PUD Re-Zone Ordinance Number,
- 2) All land development standards that shall apply to the PUD District,

3) Specify findings of fact and conclusions of law that substantiate the benefit of any and all deviations from existing City land development regulations.

4) Shall specify that all land development shall be in compliance with the adopted PUD Re-zone Ordinance.

e. Requested amendments or changes to an approved planned unit development shall be processed based on the nature, scope and magnitude of the requested change(s). Major changes to an approved PUD shall be processed as though it were a first or original PUD. The following shall be considered major changes to an approved PUD:

1) A change in the land area of the PUD in excess of 5% of the approved land area.

2) A change in the residential density or number of residential dwelling units in excess of 10% of the approved number of residential dwelling units.

3) A change in the aggregate square footage of non-residential building in excess of 10% of the approved aggregate square footage of non-residential building(s).

4) Any change to a condition of approval that appears in the ordinance conditionally approving the PUD.

5) Any change in the location, type or size of a building located within 100 feet of a property line that abuts an existing or planned residential use, or residential zoning district.

6) A significant departure from the approved alignment of a major thru-street.

All other changes to an approved PUD shall be considered “administrative” and processed and acted upon by staff.

21-13-02. Planned Unit Development Review Criteria. The proposed PUD must meet each of the following criteria:

a. The proposal conforms to the comprehensive plan of the City.

b. The character and nature of the proposal contains a planned and coordinated land use or mix of land uses which are compatible and harmonious with adjacent land areas. Any and all potential land use incompatibilities have been satisfactorily mitigated.

c. All existing and proposed streets and other transportation system improvements are designed to adequately accommodate the expected amount and type of traffic generated from the proposed PUD.

d. The PUD is in compliance with the following development standards:

1) Land Use Intensity: The maximum density of residential uses and the maximum intensity of non-residential uses shall not exceed that allowed by the underlying zoning district(s).

2) Mixed Uses: A PUD may have a mix of land uses, provided that any one land use type shall not comprise more than 70%, nor less than 30% of the total land area and/or total square footage of the PUD; and further provided that the PUD is designed to maximize the compatibility of all adjacent land uses, both within and outside the PUD.

21-13-03. Site Plan, Written Statement and Architectural Drawings. The application must be accompanied by a site plan, a written statement and architectural drawings:

a. Site Plan. A complete site plan of the proposed PUD prepared at a scale of not less than one inch (1") equals one hundred feet (100') shall be submitted in sufficient detail to evaluate the land planning, building design, and other features of the PUD. The site plan must contain, insofar as applicable, the following minimum information.

- 1) The existing topographic character of the land;
- 2) Existing and proposed land uses;
- 3) The location of all existing and proposed buildings, structures and improvements;
- 4) A phasing plan for the PUD, including all public improvements such as improvements to or new streets, water system infrastructure, sewer system infrastructure, parks and recreational facilities;
- 5) The maximum height of all buildings;
- 6) The density and type of dwelling;
- 7) The internal traffic and circulation systems, off-street parking areas, and major points of access to public right-of-way;

- 8) Areas which are to be conveyed, dedicated or reserved as common park areas, including public parks and recreational areas; and public roadway right-of-way;
 - 9) Proposed interior buffer areas between uses as well as landscape buffers, including the width and landscaping specifications for all buffer areas abutting adjacent properties;
 - 10) Acreage of the PUD;
 - 11) Utility service plan showing existing utilities in place and all existing and proposed utility easements;
 - 12) Landscape plan; including the location, size, and type of all landscape buffer areas; and
 - 13) Surrounding land uses, zoning and ownership.
- b. Written statement. The written statement to be submitted with the application must contain the following information:
- 1) A statement of the present ownership (Attorney's Title Opinion or Title Commitment) and a legal description of all the land included in the PUD including any abutting or adjacent land owned by the applicant or others;
 - 2) An explanation of the objectives to be achieved by the PUD, including the functional interaction of all proposed and adjacent existing land uses and how potential land use incompatibilities will be successfully mitigated.
 - 3) The designation of all common areas and assurances of how the common areas will be adequately maintained.
- c. Architectural Renderings. Architectural renderings of proposed buildings shall be submitted in sufficient detail to allow evaluation of building form, massing, and primary residential architectural features. The renderings shall be of the front and one side elevation of the proposed building(s).
- d. All applications will require submittal to and approval of the Mandan Architectural Review Committee.

21-13-04. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

By: _____
Arlyn Van Beek, Board of City Commissioners

ATTEST:

City Administrator

First Consideration: April 16, 2013

Second Consideration
and Final Passage: May 7, 2013

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

WHEREAS, Austin Sullivan has submitted to the Board of City Commissioners of the City of Mandan a verified petition asking that a pedestrian access easement located between Lots 14 & 15, Block 1, as platted in Hoovestal's 1st Addition in Section 26, Township 139N, Range 81W of the 5th Principal Meridian, City of Mandan, Morton County, North Dakota. Said tract of land having a nominal width of 15 feet, 7.5 feet on both sides of the center line. The property is located at 924 and 1000 Adobe Trail SE.

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 April 16, 2013, at 5:30 o'clock p.m., CDT, 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 16th of April, at 5:30 o'clock p.m., CDT, 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 no one having appeared against said petition of vacation, 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 pedestrian access easement to be vacated; that no objections by the immediately adjoining landowner to the requested vacation were raised 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; 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, Morton County, North Dakota, that the above described pedestrian access easement located between Lots 14 & 15, Block 1 as platted in Hoovestal's 1st Addition in Section 26, Township 139N, Range 81W of the 5th Principal Meridian, 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 April 16, 2013, by at least two-thirds vote of all the members of the Board of City Commissioners.

President, Board of City Commissioners

ATTEST:

City Administrator

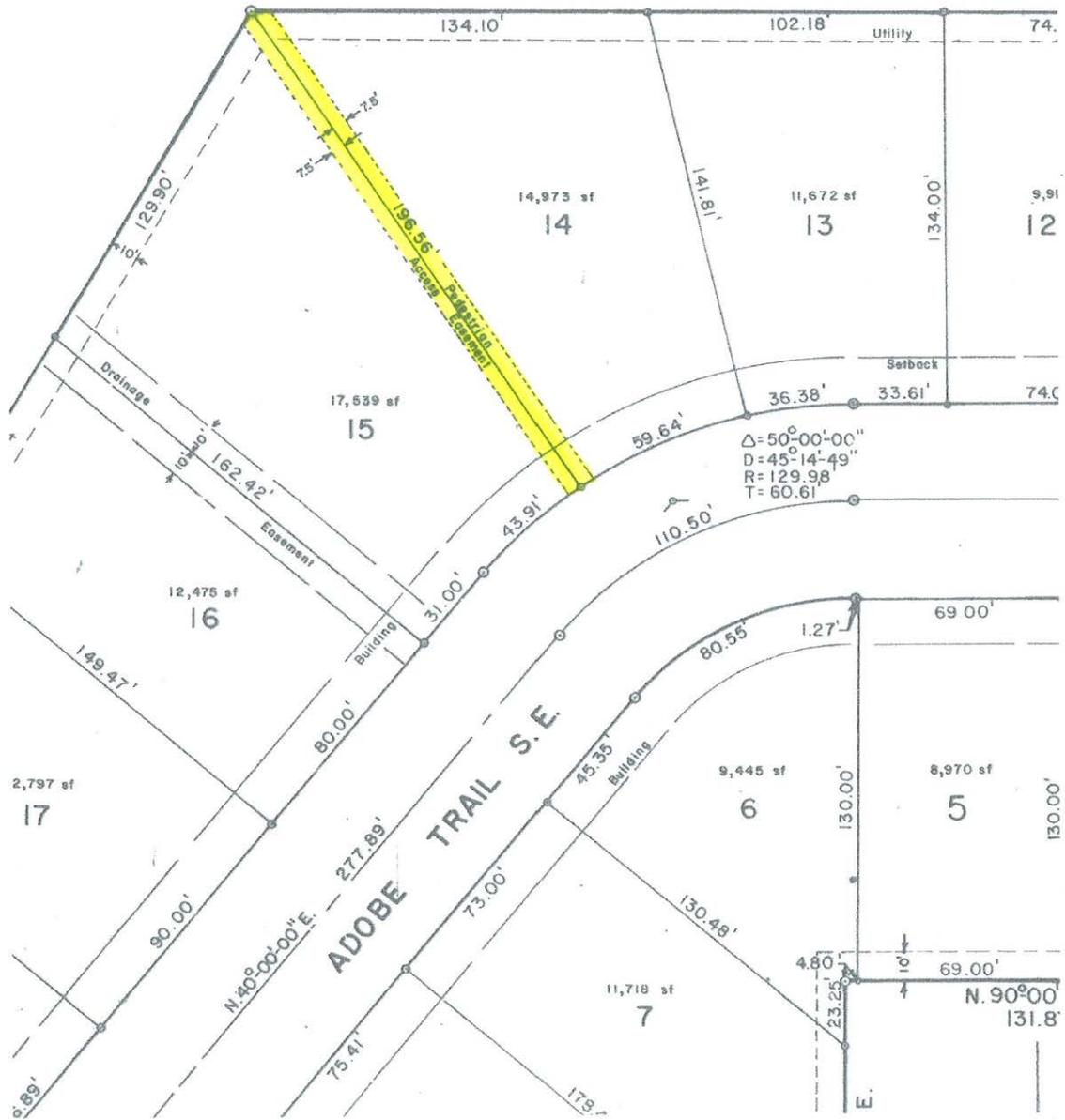
Public Notice Dates: March 15, 22, 29 and April 5, 2013

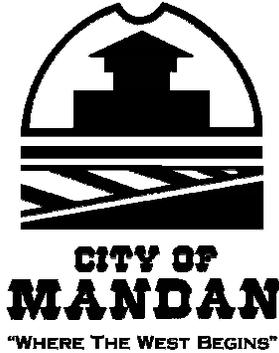
Public Hearing: April 16, 2013

Final Passage: April 16, 2013

Publication Date: _____

Block Corners are 15' Radius
 o Denotes Iron Pipe to be set.
Block 1 = 5.77 acres
Block 2 = 2.76 acres
Total = 11.12 acres





Board of City Commissioners

Agenda Documentation

MEETING DATE: April 16, 2013
PREPARATION DATE: April 11, 2013
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Salary Increases due to Change in Status

STATEMENT/PURPOSE: To consider an ordinance repealing Section 04-06-10(5) of the Mandan Code of Ordinances (MCO).

BACKGROUND/ALTERNATIVES: The MCO contains a section in Title 4 related to salary increases due to changes in status that we feel is inadequate in addressing promotions, retention and market competition. For many promotions the current code only provides for a one step increase, or 2.5%. We feel this is inadequate as many times the promotion moves an employee into a supervisory role and the 2.5% increase does not commiserate with the additional responsibilities.

We are proposing a new promotional policy that would provide for an increase of at least 5% or to the minimum range for the new position. After successful completion of the probationary period an addition increase of up to 5% may be granted. This would not be an automatic increase as there may be other considerations to where a full 5% increase may not be appropriate.

Several discussions with our management team and human resources have occurred and the consensus is the new policy (which is modeled after the city of Bismarck) will provide more incentive for employees move into positions of increasing responsibility.

Our recommendation is to adopt this new policy and if any changes to the policy in the future would be brought back to the Board for their consideration.

The last salary study was conducted by Condrey firm in 2008. There are currently 9 employees in various departments that his policy would affect and we are proposing to adjust those employees salary retroactively to the first pay period in 2013.

We are currently nearing completion of our in house salary study and will be proposing retroactive adjustments to the first pay period in 2013, in order to match that of the promotional policy.

ATTACHMENTS: Ordinance No. 1145, Suggested Promotion Policy

FISCAL IMPACT: Annual Salary, Social Security & Medicare, and Pension contribution \$32,909.14.

STAFF IMPACT: n/a

LEGAL REVIEW: City Attorney Brown has drafted Ordinance No. 1145.

RECOMMENDATION: I recommend the commission move to approve the first reading of Ordinance No. 1145 and the Promotion Policy as presented.

SUGGESTED MOTION: I move to approve the first reading of Ordinance No. 1145 and the Promotion Policy as presented.

ORDINANCE NO. 1145

An Ordinance to Repeal
Section 4-06-10(5) of the Mandan Code of Ordinances
Relating to Salary Increases Due to Change in Status

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS AS
FOLLOWS:

Section 4-06-10(5) of the Mandan Code of Ordinances is hereby repealed:

5. ~~Salary Increases Due to Change in Status. If an employee is transferred, promoted or demoted, his rate of pay for the new position shall be determined as follows:~~

- a. ~~The salary shall remain the same if the action is a transfer, except as described in subdivision b of this subsection. The salary shall be adjusted to the next higher dollar amount in the grade (or one step higher with department head and portfolio commissioner written approval (if the action is a promotion, or adjusted to a lower dollar amount if the action is a demotion. In promotions or transfers, if the rate of pay in the former class is less than the minimum rate established for the class of the new position, the rate of pay shall be advanced to the minimum rate of the new class. In demotions, if the rate of pay in the former is more than the maximum rate established for the class of the new position, the rate of pay shall be reduced to the maximum rate of the new class.~~
- b. ~~If an employee requests a transfer to a position in a lower pay range and if he is qualified for that position, the salary shall be set commensurate with the employee's experience and qualifications.~~

By: _____

President, Board of City
Commissioners

Attest:

City Administrator

First Consideration: April 16, 2013

Second Consideration

and Final Passage: May 7, 2013

PROMOTION POLICY

Employees receiving a promotion shall receive at least a 5% increase or the minimum of the range for the new position. After the probationary period of employment, new or promoted employees in the position may receive another salary consideration of up to a 5% increase. However, the additional 5% salary increase will be given only up to 95% of the new range. In other words, no additional salary increase will be given to the employee, after the probationary period in the new position, if such an increase would put the employee over 95% of the mid-point of the new salary range.

Approval Date: 4/16/13