

AGENDA
MANDAN CITY COMMISSION
AUGUST 21, 2012
ED "BOSH" FROEHLICH MEETING ROOM
5:30 P.M.
www.cityofmandan.com

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- A. ROLL CALL:
1. Roll call of all City Commissioners and Department Heads.
- B. MINUTES:
1. Consider approval of the minutes from the August 7, 2012 Board of City Commission meeting.
- C. PUBLIC HEARING:
- D. BIDS:
1. Consider Bid for the Abrasive Blast and Coating of 2 Million Gallon Concrete Reservoir Dome.
- E. CONSENT AGENDA:
1. Consider approval of monthly bills
 2. Consider approval of authorized check signers for the Mandan Consortium relating to the U.S. Department of Treasury's State Small Business Credit Initiative Allocation Agreement.
 3. Consider approval of Sunday Opening for Mandan Eagles Club for August 26, 2012.
 4. Consider entering into a mutual aid agreement with the Bismarck Fire Department.
 5. Consider approval of site authorization for American Foundation for Wildlife at the Lakewood Bar & Grill (The Drink) from August 24, 2012 through June 30, 2013.
- F. OLD BUSINESS:
- G. NEW BUSINESS:
1. Consider the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Street Improvement District No. 173, Project No. 2012-14 (Meadows 5th Addition).
 2. Consider the execution of a 3-way agreement for the installation of water & sewer in Meadows 5th Addition. (Project #2012-15)
 3. Consider the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a change order for Street Improvement District No. 174, Project No. 2012-16 (Plainview Heights 13th Addition).

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4. Consider the execution of a 3-way agreement for the installation of water & sewer in Plainview 13th Addition. (Project #2012-17)
5. Consider City Attorney Brown's written opinion as to Prairie Ridge Estates Subdivision with regard to whether the City of Mandan or the Morton County Commission has planning and zoning jurisdiction over the north/south section line which separates Sections 4 and 5, 139N-8W.
6. Consider appointments to a Morton/Mandan Jail Review Committee
7. Consider the Mandan Airport Authority's 2013 Budget.
8. Consider the Morton Mandan Public Library's 2013 Budget.
9. Consider appointment to the Morton Mandan Public Library (MMPL) Board of Trustees.
10. Consider the creation of Street Improvement District No. 175 Project # 2012-18. (Meadow Ridge 1st & 2nd Addition).

H. RESOLUTIONS & ORDINANCES:

1. Consider the introduction and first consideration, and call for a public hearing of Ordinance No. 1129 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2013, and ending December 31, 2013, and making the annual tax levy for the year 2012.
2. Resolution establishing rates and charges for services from the Solid Waste Utility Fund.

I. OTHER BUSINESS:

J. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. September 4, 2012 – 5 p.m. start time
2. September 18, 2012 – 5 p.m. start time
3. October 2, 2012

K. ADJOURN

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.

The Mandan City Commission met in regular session at 5:30 p.m. on August 7, 2012 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Frank, and Braun. Department Heads present were Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development and Communications Director Huber, and City Assessor Barta. Absent: Finance Director Welch and Engineering Project Manager Bechtel.

MINUTES: *Consider approval of the minutes for July 17, 2012 regular meeting minutes.* Commissioner Frank moved to approve the minutes of the July 17, 2012 regular meeting minutes. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

PUBLIC HEARING:

1. *Public Hearing to consider exemption for Wal-Mart for Property Tax Incentives for New or Expanding Businesses.* City Assessor Barta reviewed a request for a tax exemption for Wal-Mart Real Estate Business Trust pursuant to NDCC 40-57.1. Wal-Mart has applied for an exemption on a new commercial retail building. The Notice to Competitors was published in the 7/13/12 and 7/20/12 Mandan News. The Mandan Growth Fund (MGF) Committee unanimously voted to approve the exemption request at 100% for years one and two; 75% for year three; 50% for year four and 25% for year five. The Morton County Auditor, Mandan Public School District and the Mandan Park District were notified of this application on 6/27/12 and 7/31/12. At this time there have been three letters of objection received, one of them being Morton County Commission. The property is known as Parcel #7568 at 1000 Old Red Trail NW on a portion of Lot 1, Block 1, Terra Vallee Second Addition. Barta stated the fiscal impact will be approximately \$201,690 for years one and two; \$151,268 for year three; \$100,845 for year four; and \$50,423 for year five. The City Assessor’s office recommended approval of the exemption in accordance to what the MGF recommended: 100% for years one and two; 75% for year three; 50% for year four and 25% for year five based upon meeting all the criteria under the City of Mandan’s Commercial Property Tax Exemption Policy and Guidelines and also under state statute. The application is available for review. Wal-Mart is anticipating employing 167 people, 83 of them being part-time employees.

Jeff Nelson, Attorney at Law, Vogel Law Firm, Bismarck, North Dakota, representing Wal-Mart came forward to support this exemption request. He stated that Brian Cutting, Director of Real Estate for most of the central United States region and Ryan Irsik, Public Relations Manager were unable to attend tonight’s meeting. Both representatives attended the MGF meeting via teleconference. Nelson provided the following details of the Wal-Mart project: The store will be approximately 100,000 square feet. It will be owned by Wal-Mart Real Estate Business Trust and it will be leased and operated by Wal-Mart Stores Inc. Wal-Mart anticipates closing on the real estate property the latter part of this month and thereafter will award the construction contract as soon as possible after the closing with construction to begin as soon as possible. The Grand Opening of the store is tentatively set for the fall of 2013. Nelson stated that Wal-Mart is requesting

the exemption at 100% for years one and two; 75% for year three; 50% for year four and 25% for year five as outlined under the City of Mandan policy guidelines. Nelson stated that Wal-Mart believes they would qualify for a full five year 100% exemption based on the number of jobs that this will create but they have voluntarily agreed to seek the lower exemption level. Mandan's Commercial Property Tax Exemption Policy Guidelines set forth six general criteria to be used in evaluating it: (1) The economic impact (2) Job creation (3) Diversification of the economic base (4) Growth potential of company and spinoff of businesses (5) Impact of City services (6) Utilization of local resources. Wal-Mart believes it meets all those criteria thus their application for tax exemption should be approved. Wal-Mart expects the project to cost approximately \$15 million dollars with an anticipated income of \$50 million the first year in operation. Nelson reviewed the highlights of each of the criteria. Also noted in the policy is that a new or expanding business must not gain an unfair advantage with existing competitors with the use of the exemption. Wal-Mart does not believe that granting this exemption would create an unfair advantage. This tax exemption is available to any competitors that want to expand their business or open a business per the guidelines. Another point to bring out is that Wal-Mart takes pride in being a part of the community and its philosophy is to operate globally and to give back locally. Most of the donations are given locally. Over \$3.5 million has been donated since 2011 in the Bismarck stores.

In addressing the comment that Wal-Mart does not need the exemption so why should they be given the exemption? In response, need, is not one of the identified criteria in the policy. It is not a small business incentive or a need incentive; it is an economic development incentive. Wal-Mart has been aware of the incentive since selecting this site and believes it has met the state of criteria required for the exemption based on the policy guidelines. In summary, Nelson does not see any reason to treat Wal-Mart differently than any other business requesting the tax exemption. They have elected to not seek the full 100% five-year exemption. Commissioner Rohr inquired as to the number of payroll employees and how that would calculate out to per person. Nelson will request Wal-Mart provide a breakdown of compensation for its employees. Commissioner Tibke clarified the guidelines outline that a business may be "eligible" for a tax exemption rather than "entitled" as Nelson stated. Nelson concurred with Tibke that he meant "eligible" for tax exemption rather than "entitled" to the exemption if all criteria have been met. Commissioner Frank asked Nelson about his statement that Wal-Mart has yet to close on the property and where they plan to situate the building.

Commissioner Frank requested contingencies on the property that Nelson is aware of. Nelson stated that he does not think the normal due diligence period has expired yet. Frank inquired if one of the contingencies may be the approval of this incentive being given. Nelson stated that it's not one of the contingencies that they would not go through with the project if it was not granted. Commissioner Frank inquired if Wal-Mart has pursued requesting tax exemptions in other communities? Nelson replied that in North Dakota they have not. He is not aware of requests being made in any other states.

Russ Staiger, Bismarck Mandan Development Association (BMDA) came forward to comment on the Wal-Mart tax exemption request. Staiger provided a brief history of

when the City of Mandan approached the BMDA to assist the City with a plan to revitalize the downtown area. He said that 5-6 years ago when Bismarck went through their “big-box” boom, Mandan came forward and stated they would be interested in obtaining a big box entity too. Wal-Mart was the store in focus because they just constructed two superstores in Bismarck and subsequent to that BMDA pursued and succeeded in getting discussion going on building a Wal-Mart in Mandan. Based on all the discussions among the public and city officials of Wal-Mart coming to Mandan, Staiger directed attention to why Mandan should consider Wal-Mart being based in Mandan. In particular, the tax exemption requests presented by City Assessor Barta and Attorney Nelson add up to a lot of money, but you have to look at what Wal-Mart is giving back. Staiger stated that Wal-Mart has qualified for all the property tax exemptions that they have requested. He pointed out that they will not be exempted from paying the basic land tax that comes with the land because the land is not exempted by state statute and the value of the land as it currently sets is at \$12,000. The City has added a public improvement that will value it in excess of \$200,000 per year when they reach the level where they come out of the property tax exemption. With having qualified for it, Staiger suggested looking at the value of what has happened. Wal-Mart says they will generate \$50 million per year. If we exempt \$10 million from that for non taxable items that will leave \$400,000 that Mandan will get out of it for taxes. This is a 23% increase in the sales tax you will be collecting. The numbers being used are conservative. Assuming that the city gets the \$400,000 and also at the end of the 5 year period, the city will receive some \$600,000 in new revenue from Wal-Mart, \$400,000 in sales tax and \$200,000 in property tax. In addition to those revenues, you will have 250 people employed for an estimated payroll of \$4 million dollars. The final item is the prospect of additional retail of locating in Mandan because Wal-Mart made the decision to be here. We will work on them and hopefully we will see results going forward. In summary, the community stands to get \$600,000 in new revenue and we have accomplished what the City of Mandan asked the BMDA to do and this is a tremendous opportunity for Mandan to rebuild its retail.

Mayor Van Beek announced this is a public hearing and invited comments or questions from the public. All topics are to be kept to the topic at hand.

Susan Beehler, a Mandan resident came forward and read the following from a document she requested be made a part of these meeting minutes (*in italics*):

Written objection to proposed property tax relief for Walmart

My name is Susan Beehler 20 year Mandan resident, property tax payer, owner of Suzy's Shuze N Starz a Pride of Dakota Company.

I object to the proposed tax incentive for Walmart as a business owner who pays property tax in Mandan , the city is taking my tax dollars I receive from my business and giving it to a competitor. Every dollar out of my pocket is one less dollar I have to invest in my business, my family, my home. This is unfair competition. I pay the taxes they should pay the taxes, it is the cost of doing business, when government lowers their cost it gives them an unfair an advantage.

It would be like giving Olympic players receiving additional points not based on merit and performance but just because you can give the extra points. How many countries would want to play with a country that would do that? How many businesses are you, the commission turning away because of unfair practices in our city? Don't stack the deck, it is cheating! Surveys say we have an image problem, part of it is because our leaders do not value what we have and our willing to sell themselves out, the street has another term for those who give their selves away. Prove to our sister city we are good enough and we do not have to sell out our public dollars to be able to "shop" in our city. Stop acting DESPARATE! Patience is a virtue!

What is the "true" cost of this tax exemption?

If they do not receive this exemption our city, our county our school and other property tax entities would receive over \$700,000, if you divide this out over the property tax homeowners in Mandan, the city is asking each of us property tax payers to pay over \$100 (housing units 7950, 74.6% homeownership, equals 5963Homeowners/\$700,000 is \$117) to be part of the "Wal-mart" club.

Where is the public benefit in being forced to give to one store over another store? Sounds UnAMERICAN and not very patriotic to me!

The county and our schools do not benefit from the city sales tax Walmart will be paying. For every \$1000 dollars given in a property tax exemption it takes \$100,000 in sales to make up the property tax and it will take over \$70 million dollars in sales at Walmart to be the equalivent of what our city has given away; the county and the school will not get one penny of those sales tax dollars yet their share of the exemption you will give is over 70% of the exemption, the value in tax dollars to our school and our county is almost a half a million dollars, and the school wants to grow Mandan so we can lower our taxes, as Mandan is growing, you the city is giving away the property tax relief the long standing homeowners desire.

The cost to me as an individual tax payer is equalivant

to giving up any one of these

one day of work

3 to 4 tanks of gas

½ a month of health insurance

two months of phone service

two months of water service

Would I give up one day of my life to be able to shop Wal-mart in Mandan? NO, but you as city commissioners are deciding this tonight. You will be telling me it is for my own good, my benefit, the public benefit you are deciding to do this.

Let's look at in terms of your pay as a commissioner, you are willing to hand over your pay tonight to Wal-mart, because this is the equalivant of what it costs you, you are asking school board members to give up their pay, you are asking the county commissioners to give up their

pay. You were elected to represent our city not our county, not our school and you are deciding to take money from our county, our schools with this decision in front of you tonight. Don't do it!

What can \$700,000 buy in property tax any one of these is a greater need and a better public benefit, then paying public dollars for a place to shop.

10 to 12 mills in property tax relief for every homeowner

47,700 in hot lunches

one neighborhood street repaving project

one Mandan High School Parking lot

15 to 18 salaries for our police officers

about 140,000 cubic yards of gravel for county roads

15 to 18 teachers' salaries

over 80 students to attend Mandan schools

\$700,000 is more than 20% of your city budget, Are you willing to cut the city budget by 20% to give homeowners property tax relief?

As elected officials you have been given entrusted to make these decisions, but as taxpayers we do have the right to recall or refer any decision we feel strongly enough about and this could be just the time this may be exercised based on how you vote tonight. It only takes 717 signatures to get this issue on the ballot; 1195 to recall each of you who choose to vote for this exemption. Obviously almost 300 objecting to special assessments was not enough to get this city's commission attention, then maybe 700 to 1200 residents will get your attention?

*I am asking you NOT to give this property tax exemption, Wal-mart can open for business without our property tax dollars aiding them. I am asking you **NOT** to deprive our county and schools the tax benefit with this new enterprise, you have overreached your elected authority by digging into the pockets of our county and school tax dollars. You were elected to represent and be good stewards of our city tax dollars, do not deprive our children, our county services. Do **NOT** give this tax exemption.*

Carla Barrios, a Mandan resident came forward to speak. She stated she is opposed to granting Wal-Mart a tax exemption. She also stated that the policy to give away tax dollars has to stop because businesses will come here regardless because of the oil boom.

Tom Tuntland, a Mandan attorney came forward to speak. He wanted to bring forward two issues: (1) Mandan has been told there will be 250 jobs created. Those jobs will bring families who will place additional burden on the schools and the taxpayers. (2) The area he lives in is located below the area where Wal-Mart is going to be constructed. There have been drainage and road problems in that area for many years and there will continue to be drainage and damage done when and after Wal-Mart is built. Now is not the time to look at the streets; however, the City Commission needs to look at the impact

this struggling (or not?) new business will have in this area. He suggested that all consequences be looked at if Wal-Mart comes in. One thing the City will be looking at is annexing the land to the east of Terra Vallee and it will need to be paved and maintained. Where is the City going to get the money to do that? Rather than assessing the residents for the improvement costs, the City should be asking Wal-Mart to pay their fair share.

Tom Kelsch, a Mandan resident came forward to comment on this issue. He urged the Commission to deny this request. He stated that his understanding is that big-box companies do not come to communities to take advantage of tax breaks. They do their business studies and make decisions based upon what the results of the studies show. It is his position that Wal-Mart is coming to Mandan anyway and by giving this exemption to them is like giving away \$700,000 of the Mandan citizens' money. He urged the Commission to vote against granting the exemption.

Lillian Bachmeier, a Mandan resident came forward to speak. She agreed with everything the previous residents testified to in opposition for the tax break for Wal-Mart. She encouraged the Commission to think "local".

Bob Vayda, a Mandan resident came forward to speak. He stated he supports Wal-Mart coming to Mandan but he does not support the City granting them a tax exemption.

He reviewed the Application filed by Wal-Mart and posed questions regarding the figures provided by Wal-Mart as to payroll for full time and part time workers. The figures provided by Wal-Mart did not match up according to the figures he provided to the Commission using Wal-Mart's data. He stated this will put an unnecessary tax burden on Mandan residents. He asked the Commission to vote against granting the exemption.

Tim Helbling, a Mandan resident came forward to speak. He requested the Commission do what is best for the community as a whole. He reiterated as previously testified to by others that the citizens of Mandan have repeatedly requested "retail" in the community. He commented on Ms. Beehler's previous statement "Don't act desperate." Helbling stated "We are desperate. We need to stop the sales tax trend from going to Bismarck." We need to keep the sales tax in the Mandan community to lower property taxes and fix roads. He pointed out that Main Street has improved over the last ten years due to programs being put into place allowing for tax breaks for those businesses to either improve their business or move their business into Mandan. He commented that if the Commission were to deny Wal-Mart the tax exemption, what message would that send to other businesses interested in coming to Mandan. He stated that if this request does not go through, the City will probably be facing much higher taxes. He pointed out that there is ample interest in the surrounding property and there is a lot of interest of people now wanting to come to the community because Wal-Mart will be coming here. Regarding the policy, Helbling stated that there is nothing wrong with the policy and it can be changed. However, the goals and objectives need to be met before change should be made to it. He urged the Commission to support the tax exemption request received from Wal-Mart. He suggested the Commission consider the exemption at 50% for 5 years. That way the community receives something up front. He indicated that if the

Commission denies this request that the City then consider annexing the Mandan Refinery into the City even though the county is opposed to it, to lower the tax burden and help with some of the street repairs in the community. He strongly urged the Commission grant the tax exemption to Wal-Mart.

Mark Bitz, Morton County Commission, came forward to speak. He disagreed with Helbling's comment that the City of Mandan is "desperate". He stated that North Dakota leads the country in economic growth and North Dakota has the lowest unemployment rate. Bitz gave several examples of how businesses do not need the tax exemption in order to build in Mandan or Bismarck. The State of North Dakota guidelines state that after a public hearing the governing body may determine in the best interests of the municipality and approves or denies in whole or in part the application for tax incentives. He pointed out that a year ago, the county commission turned down a tax exemption for a \$35 million project. He stated this commission has the discretion to say "no" to this request. He requested the Commission vote against granting the exemption.

Mayor Van Beek announced this is a public hearing and invited comments or questions from the public regarding the request for tax exemption received from Wal-Mart. Seeing and hearing none, this portion of the public hearing was closed.

Commissioner Rohr clarified that this action would not be taking any money out of anyone's pocket and the City is not taking any money out of the bank. By example, he stated that the money Wal-Mart will bring in to the community will be abstract dollars and not at the expense of the taxpayers. He commented that when looking at competitive issues it is important to take into consideration all the aspects surrounding the issue.

Commissioner Braun commented that he has been a Mandan resident all his life. He recalls the K-Mart loss and to have Wal-Mart come in to the community would definitely be an asset. He pointed out that Mandan citizens will all struggle with the exemption if it is granted. His question was if Mandan will succeed in five years. He agreed that Wal-Mart will prompt other businesses to come to Mandan. He stated that the long term goal is to get Mandan out of the property issues and to fix the streets and to build schools and to take care of the families.

Commissioner Frank remarked that there are issues that were brought up tonight that should be addressed. She requested Administrator Neubauer address the drainage issues that were addressed earlier; in particular issues at the Terra Vallee area near the Wal-Mart property. Neubauer stated that the plans for that area show there would not be any further runoff into the Terra Vallee subdivision. The storm water from the proposed site would be collected in water detention pond on the southwest side of that property. There would be no drainage into the Terra Vallee area. The intersection has been constructed with traffic signals with several turning lanes and the street was recently milled and overlaid on Old Red Trail and there would be no further infrastructure needed. The half of the 8th Street that Mr. Tuntland referenced will become a whole street and that will not have impact on the Wal-Mart location. Commissioner Frank voiced concern about the impact on the schools, the parks and the county. Although a county representative

presented testimony she stated it was interesting that the schools or parks did not come forward, thus lack of comments would be considered a sign of support for this request. She questioned how this would not create an unfair advantage to businesses located within the community. She requested Attorney Nelson provide clarification to the second point in the policy that the new or expanding business must not gain unfair advantage with existing competitors through the use of the exemption.

Jeff Nelson, attorney for Wal-Mart approached the podium again to provide clarification on some issues. He stated that to address the point on unfair advantage to competition, the first response would be to separate “Is Wal-Mart going to be competing with competitors in Mandan?” There is no question that they will be. Right now it will be a matter of Mandan people who drive to Bismarck to shop Wal-Mart, will they stay in Mandan and shop at the Mandan Wal-Mart because in essence the Bismarck Wal-Mart’s are the competition. Nelson stated that Wal-Mart qualifies for the exemption by meeting the criteria under the guidelines as outlined.

Mayor Van Beek extended a thank you to all who came out tonight to speak on this issue of a tax exemption for Wal-Mart. He highlighted some of the testimony given tonight and summarized that the City has a policy and how is the City going to follow through with it? They (Wal-Mart) have asked for the exemption and it is not their fault for wanting to come to Mandan. They do their homework as a new business coming to town and review the policy and guidelines.

BIDS:

CONSENT AGENDA:

1. *Consider placing city owned lot up for sale.* The Board approved of placing city owned lot up for sale.
2. *Consider for approval the application for beer garden and street dance event.* The Board approved of the application for beer garden and street dance event.
3. *Consider proclamation designating August 6-12, 2012 as Lifelong Learning Week in the City of Mandan.* The Board approved of the proclamation designating August 6-12, 2012 as Lifelong Learning Week in the City of Mandan.
4. *Consider approval of the Service Area Agreement and Amendment No. 1 between Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. (Montana-Dakota), and Mor-Gran-Sou Electric Cooperative, Inc., 2816 37th St. NW, Mandan, ND 58554 (Mor-Gran-Sou).* The Board approved of the Service Area Agreement and Amendment No. 1 between Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc. (Montana-Dakota), and Mor-Gran-Sou Electric Cooperative, Inc., 2816 37th St. NW, Mandan, ND 58554 (Mor-Gran-Sou).

Commissioner Tibke moved to approve the Consent Agenda items as presented. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: No; Commissioner Van Beek: No. The motion passed. Commissioner Braun seconded the motion.

OLD BUSINESS:

NEW BUSINESS:

1. *Consider Growth Fund Committee recommendation regarding property tax exemption application by Wal-Mart.* Commissioner Tibke commented that this matter has been discussed since she was appointed to the City Commission in 2003. She pointed out similar sized cities such as Dickinson and Williston (pre-oil) that have had a sales tax buffer. The majority of Mandan's sales tax is going to Bismarck to help with their infrastructure. She stated that the City of Mandan has asked the BMDA to try to attract retail to grow the primary sector. She gave examples of current sales tax collection in Jamestown (higher), a comparable sized city, and how it compares to Mandan (much lower) sales tax collection. In addition to the \$400,000 sales tax collection, how much more can be collected from prospective businesses that will come to that area? She explained that these decisions are quite complex due to all the factors to be considered. The goal is long term development and how a community can grow with tax revenue dollars without giving your community away. This is how the City came up with the newest policy where the breaks were given for the retail coming in with an attempt to make it more attractive to live in Mandan as opposed to Bismarck. Commissioner Frank commented that there is flexibility in the policy wherein it states the criteria and that each application is based on its merits.

Commissioner Frank moved to approve the tax exemption requested by Wal-Mart based on the same standards that have been given to homeowners and that the exemption is given for the first two years at 100%. Further, she recommended that the policy be reevaluated at the next commission meeting with consideration given to dropping the exemptions for years three through five.

Commissioner Rohr commented that most requests are treated within a normal standard and now this abnormal request comes through from a much larger environment. These are guidelines, not rules, and the Commission has to come up with a way to approach this.

Commissioner Frank clarified that her motion is to grant a tax exemption to Wal-Mart at 100% for two years. Commissioner Tibke seconded the motion.

Mayor Van Beek suggested a 50% exemption for five-years indicating that tax revenue would be coming in right away. Commission Braun stated he was more comfortable with that recommendation. Commissioner Frank stated that her concern is that with the original motion the policy was being followed. Mayor Van Beek's recommendation deviates from the policy.

Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: No; Commissioner Van Beek: No. The motion passed.

2. *Consider actions associated with participating in the U.S. Department of Treasury's State Small Business Credit Initiative: i. Allocation agreement; ii. Cooperative agreement; iii. Administrative contract; iv. Steering committee appointment; v. Loan committee appointment:* Business Development and Communications Director Huber reviewed with the Board a request to consider agreements associated with participating US Department of Treasury's State Small Business Credit Initiative. In addition, to consider appointments associated with the implementation of the SSBCI program to represent the City of Mandan. On September 20, 2011, the City of Mandan through the Mandan Business Development and Communications Director along with the Lewis and Clark Regional Development Council submitted applications by September 27, 2011 on behalf of Mandan. The consortium received notice in late June 2012 of approval by the US Dept of Treasury. The consortium as a whole is eligible to receive \$9,710,768 to support a loan participation program for small businesses to help them expand and create jobs. Huber outlined the criteria required to qualify for and receive funds. The allocation of the funds is proportionate to the population represented by the consortium as a pro rata share of \$13.1 million available for North Dakota in comparison to the population represented by another consortium, led by the City of Carrington. Participating municipalities through their designated municipality office and authorized representative have ultimate authority to oversee the SSBCI program management, reviews and reporting as required by the Allocation Agreement. Thirty-seven other cities in the state of North Dakota will participate in the initiative.

Huber recommended approval of all agreements and also approval of the SSBCI Agreement Cooperative agreement among participating municipalities. She recommended approval of the contract for SSBCI program administrative services with Lewis and Clark Regional Development Council. Huber suggested that she be appointed to the SSBCI consortium Steering Committee. Huber submitted a candidate, Jim Goetz, who is interested in and willing to represent Mandan on the SSBCI loan committee for a two-year appointment. Huber indicated that Goetz is Chairman and CEO of Security First Bank of North Dakota with locations throughout North Dakota.

Commissioner Frank moved to approve the SSBCI allocation agreement; the SSBCI Cooperative Agreement among participating municipalities; the contract for SSBCI program administrative services with the Lewis and Clark Regional Development Council; to appoint Ellen Huber to the SSBCI consortium's steering committee to represent the City of Mandan; to appoint Jim Goetz to the SSBCI consortium's loan committee to represent the City of Mandan. Commissioner Rohr seconded the motion. Commissioner Frank commented about the importance of communicating all new and expanding business ventures within the community. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Bismarck Mandan Development Association (BMDA) Mid-Year Report.* Brian Ritter and Richard Mower, BMDA representatives, reviewed the mid-year report with the commission. They provided an update on the following items:

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- History of BMDA’s Site Location Reports
 - BMDA Mandan Work Plan
 - Resources
 - Bismarck-Mandan Regional Future Land Use Plan
 - City of Mandan Zoning Map
 - Memorial Highway Corridor Study
 - City of Mandan Engineering, Admiration and Business Development and Communications Departments
 - Commercial Real Estate Brokerages
 - Industrial
 - Identified and evaluated potential sites to be developed as an Industrial Park (size of parcel; access; utilities; zoning; availability)
 - Top 3 Industrial Sites
 1. Old Red Trail Industrial Park (60 acres)
 2. Cloverdale Industrial Park (5 acres)
 3. Kist Property (100 acres)
 - Office
 - Identified and evaluated potential sites to be developed as a site for a 10,000 sq. ft. Office Building (size of parcel, access, visibility, surrounding uses)
 - Top 3 Office sites
 1. Riverbend Center (.09 acres)
 2. Sunset Commercial Park (3.86 acres)
 3. Old Red Trail (3.1 acres)
 - Retail
 - Identified and evaluated potential sites to be developed as a site as a site for 10,000 – 20,000 sq. ft. retail building (size, visibility, access, traffic count, proximity to other retail)
 - Top 3 Retail sites
 1. NWC Memorial High and Expressway (41.47 acres)
 2. WW Ranch Property (30 acres)
 3. 4720 19th Street Southeast (3.9 acres)

4. *Introduction of new employee, Shirley Shaw, Assessing & Building Inspection.*
 Richard Barta, City Assessor, introduced Shirley Shaw, who will do Appraiser work for the City of Mandan. Ms. Shaw has worked in this field for ten years so she comes to the city with many years of experience.

RESOLUTIONS & ORDINANCES:

1. *Consider second consideration and final passage of Ordinance No.1126 Zone Change for Meadow Ridge 2nd 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 Tibke moved to approve the second consideration and final passage of Ordinance No.1126 Zone Change for Meadow Ridge 2nd 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 Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider second consideration and final passage of Ordinance 1127, An ordinance annexing certain adjoining lands to the City of Mandan, North Dakota, and extending the corporate boundaries thereof (tract of land being a part of 35-139N-81W).*

Commissioner Frank moved to approve the second consideration and final passage of Ordinance 1127, An ordinance annexing certain adjoining lands to the City of Mandan, North Dakota, and extending the corporate boundaries thereof (tract of land being a part of 35-139N-81W). Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider second consideration and final passage of Ordinance 1128, An ordinance annexing certain adjoining lands to the City of Mandan, North Dakota, and extending the corporate boundaries thereof (tract of land being a part of 34-139N-81W).*

Commissioner Tibke moved to approve the second consideration and final passage of Ordinance 1128, An ordinance annexing certain adjoining lands to the City of Mandan, North Dakota, and extending the corporate boundaries thereof (tract of land being a part of 34-139N-81W).

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.

OTHER BUSINESS:

1. *Consider moving into executive session under North Dakota Century Code Section 44-04-19.1 for attorney consultation regarding contract negotiations and instructions related to the Don McGuire and John Schultz proposal for development of city-owned property.*

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

Mayor Van Beek stated that the executive session will be recorded and all members of the governing body are reminded to limit their discussion during the executive session to the announced topic. Collective decisions or collective commitment or other final action by the governing body must occur after it reconvenes in an open meeting unless the final action is specifically required by law to be taken during the executive session. The prohibition of taking final action during the executive session does not apply to providing guidance or instructions to our attorney or negotiator. The Board was excused to convene in Dykshoorn Room.

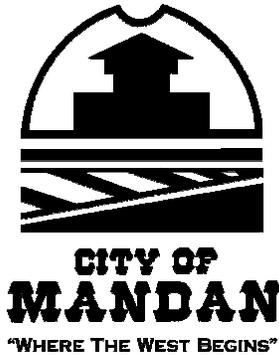
The regular meeting adjourned at 7:55 p.m. to enter into Executive Session. Present: Commissioners Van Beek, Braun, Frank, Rohr and Tibke. Department Heads present Were: City Administrator Neubauer, Business Development and Communications Director Huber, and City Attorney Brown.

Commissioner Tibke motioned to adjourn the Executive Session at 8:45 p.m. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present. The motion passed.

There being no further actions to come before the Board of City Commissioners, Commissioner Rohr moved to adjourn the regular meeting at 8:47 p.m. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present. The motion passed.

James Neubauer,
City Administrator

Arlyn Van Beek,
President, Board of City
Commissioners



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 21, 2012
PREPARATION DATE: August 15, 2012
SUBMITTING DEPARTMENT: Water Treatment Plant
DEPARTMENT DIRECTOR: Duane Friesz, WTP Superintendent
PRESENTER: Duane Friesz, WTP Superintendent
SUBJECT: Bid for Abrasive Blast and Coating of 2 Million Gallon Concrete Reservoir Dome.

STATEMENT/PURPOSE: To consider Bid for the Abrasive Blast and Coating of 2 Million Gallon Concrete Reservoir Dome.

BACKGROUND/ALTERNATIVES: The 1951 two million gallon concrete reservoir dome has developed numerous cracks and the finish has deteriorated to a point where a new coating and crack repair are very much needed. The Water Treatment Plant 2012 budget contains \$72,000.00 in Capital Outlay for the Abrasive Blast and Coating of 2 Million Gallon Concrete Reservoir Dome. In accordance with the City's Bidding procedure an advertisement was taken out in the Mandan News once each week for two consecutive weeks with a bid opening (August 7th, 2012) at least 10 days after the last advertisement on July 27, 2012. In addition the project was also on the City of Mandan web site from July 16th to August 7th and several Contractors were notified. On August 7th, 2012 the Water Treatment Plant received six bids. One of the bidders (Cutting Edge) withdrew their bid as they had made an error in pricing materials. The lowest acceptable bid was from Oxentenko, Inc. for a total contract amount of \$56,887.50.

ATTACHMENTS:

- Bid results

FISCAL IMPACT:

- The Bid from Oxentenko, Inc. for the Abrasive Blast and Coating of 2 Million Gallon Concrete Reservoir Dome project cost is \$56,887.50.
- We currently have \$72,000.00 in the Water Treatment Plant 2012 budget Capital Outlay budget for the Abrasive Blast and Coating of 2 Million Gallon Concrete Reservoir.

STAFF IMPACT: N/A

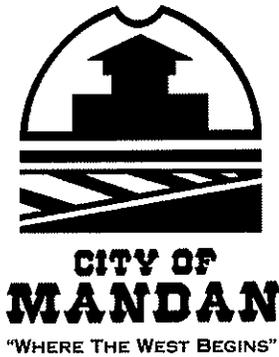
LEGAL REVIEW: All commission data has been forwarded to the City Attorney for review

RECOMMENDATION: Permission to accept the bid of \$56,887.50 from Oxentenko, Inc. for the Abrasive Blast and Coating of 2 Million Gallon Concrete Reservoir Dome project.

SUGGESTED MOTION: I move to accept the bid of \$56,887.50 from Oxentenko, Inc. for the Abrasive Blast and Coating of 2 Million Gallon Concrete Reservoir Dome project.

Bid Results
Abrasive Blast and Coating of 2 Million Gallon Concrete Reservoir Dome

Cutting Edge Coatings	\$18,400.00
Oxentenko, Inc.....	\$56,887.50
Interstate Improvements, Inc	\$57,547.36
Specialized Cleaning and Restoration	\$64,350.00
Protech Contracting Services, Inc.....	\$71,962.00
TMI Coatings, Inc.....	\$133,000.00



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 21, 2012
PREPARATION DATE: August 15, 2012
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Greg Welch
SUBJECT: Authorize check signers for the Mandan Consortium relating to the U.S. Department of Treasury's State Small Business Credit Initiative Allocation Agreement.

PURPOSE

To consider approval of authorized check signers for the Mandan Consortium relating to the U.S. Department of Treasury's State Small Business Credit Initiative Allocation Agreement.

BACKGROUND

As the lead municipality in the consortium, the City of Mandan, through its Business Development and Communications Office, will be responsible for the following:

- Issuing funds to contractor as needed for approved loans.
- Collaborating with contractor to assemble and submit to Treasury all quarterly & annual reports & certifications pursuant to requirements of allocation agreement.
- Identifying compliance & oversight risks; developing a risk monitoring & mitigation plan.
- Reviewing invoices for allowable administrative expenses from contractor.
- Facilitating dual approval & authorization system for loan disbursements and expense payments.

On August 7, 2012, the Board of City Commissioners approved the Agreements associated with participating in the U.S. Department of Treasury's State Small Business Credit Initiative.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 21, 2012

Subject: Authorize check signers for the Mandan Consortium relating to the U.S. Department of Treasury's State Small Business Credit Initiative Allocation Agreement.

Page 2 of 2

As a result, the City is required to authorize check signers to disburse the funds according to the cash management functions indicated above. During the application process, the City designated the following individuals as authorized check signers:

- Mayor/President, Board of City Commissioners
- City Administrator
- Business Development Director

For internal control purposes, all disbursement of funds will require the manual approval of two of the three authorized signers as noted above.

ATTACHMENT

None

FISCAL IMPACT

None

STAFF IMPACT

None

LEGAL REVIEW

N/A

RECOMMENDATION

To approve Arlyn Van Beek (Board President), Jim Neubauer (City Administrator), and Ellen Huber (Business Development Director) as authorized check signers for the Mandan Consortium relating to the U.S. Department of Treasury's State Small Business Credit Initiative Allocation Agreement.

SUGGESTED MOTION

Move to approve Arlyn Van Beek (Board President), Jim Neubauer (City Administrator), and Ellen Huber (Business Development Director) as authorized check signers for the Mandan Consortium relating to the U.S. Department of Treasury's State Small Business Credit Initiative Allocation Agreement.

SUNDAY ALCOHOLIC BEVERAGE PERMIT

Date of Application: 8/10/12

Name of Licensee: Mandan Eagles Club

Address of Licensee: 1400 Collins Ave Mandan, ND 58554

Address of public facility if used: _____

State the purpose of organization: club/bar

Date(s) of requested Sunday(s): Aug 26th

Time of day which the applicant desires the permit to be in effect: 12-6pm

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 area bar & downstairs / Banquet halls

State whether the applicant requests permission to open to the general public, and if so an explanation of the reasons for the request: request for general public - our annual ~~public~~ picnic.

If applicable, estimated number of police officers necessary to provide security at the dance to be open to the public: 0

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.

Kenneth Mall
 Received by: _____

 Signature of Applicant

Date Received: 8-10-12

Commission Approval: _____

Auditor Approval: _____

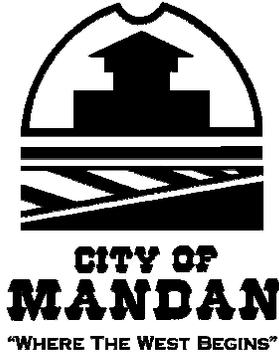
\$5.00 Fee per Sunday-Amount paid \$ 5.00

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.



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 21, 2012
PREPARATION DATE: August 16, 2012
SUBMITTING DEPARTMENT: Fire
DEPARTMENT DIRECTOR: Steve Nardello, Fire Chief
PRESENTER: Steve Nardello, Fire Chief
SUBJECT: Mutual Aid Agreement

STATEMENT/PURPOSE: The City of Mandan, Mandan Fire Department, currently has a mutual aid agreement with the City of Bismarck, Bismarck Fire Department. We would like to update the agreement using a slightly modified version of a format provided by the North Dakota Department of Emergency Services.

BACKGROUND/ALTERNATIVES: The proposed agreement contains a reimbursement addendum that is not part of our current agreement. The addendum was requested by Bismarck Fire Department primarily to ensure qualification for state or federal reimbursement should funding become available after an incident. The right to waive reimbursement is contained within the addendum and reimbursement would only be allowable if services are beyond eight hours.

ATTACHMENTS: Proposed mutual aid agreement.

FISCAL IMPACT: There should be no fiscal impact unless the event of a major incident in which either we provide aid to Bismarck or they provide aid to us requiring services over eight hours at one incident.

STAFF IMPACT: None

LEGAL REVIEW: City Attorney, Malcolm Brown, has reviewed the proposed agreement as well as the Bismarck City attorney and all recommendations are contained within the document.

RECOMMENDATION: That the Mandan City Board of Commissioners approves the mutual aid agreement.

SUGGESTED MOTION: Move to approve a mutual aid agreement between the City of Bismarck, Bismarck Fire Department and City of Mandan, Mandan Fire Department.

MUTUAL AID AGREEMENT

Memorandum of Understanding (MOU) between

Mandan Fire Department

And

Bismarck Fire Department

■ Whereas, the laws of the State of North Dakota provide that each political subdivision is empowered to make and enter into mutual aid agreements with other political subdivisions in order to more effectively respond and provide public safety services during emergency situations;

■ Whereas, the undersigned political subdivisions that are parties to this mutual aid agreement must confront numerous threats to public health and safety, including but not limited to natural or manmade disasters;

■ Whereas, none of the parties to this Agreement possesses all of the necessary resources to cope with every possible incident, emergency, or disaster by itself, and an effective, efficient response can best be achieved by the application and leveraging of the collective resources of these entities;

■ Whereas, the parties to this Agreement have determined it is in their collective best interest to develop and implement preparedness plans and conduct joint exercises in advance of a sudden and immediate need in order to enhance the efficiency and effectiveness of their response to any emergency or disaster;

■ Whereas, it is desirable that each of the parties hereto should voluntarily aid and assist each other in the event an emergency situation should occur, by the interchange of response services; and

■ Whereas, it is necessary and desirable that a mutual aid agreement be executed for the interchange of such mutual assistance on a local basis; Now, therefore, it is hereby agreed by and between each and all of the parties hereto as follows:

■ Terms of the Agreement

- 1) Each party agrees that in the event of an emergency situation, each other party to this mutual aid agreement shall furnish such personnel, equipment, facilities, or services as are available, provided that such actions would not unreasonably diminish the assisting entity's ability to provide emergency services within its jurisdiction.
- 2) Each party shall designate the appropriate official within its jurisdiction who has the legal authority to bind its jurisdiction to this Agreement and who shall sign this Agreement.
- 3) In order to invoke assistance under the provisions of this Agreement, the authorized representative from the requesting entity shall be required to contact the Authorized Representative of the responding entity by voice communication system, in writing or through a message relay provided by an emergency dispatch center. Any request for aid hereunder shall include a statement of the amount and type of equipment and personnel requested, and shall specify the location to which the equipment and personnel are to be dispatched. The responding entity may

request such information from the requesting entity as is necessary to confirm the emergency situation and to assess the types and amounts of assistance that shall be provided.

- 4) During an emergency situation, the ranking officer from the assisting entity will immediately report to incident command or staging as directed for assignment. All personnel shall work under the direction of the designated incident command/unified command. Under normal conditions personnel from both the assisting and requesting entity shall operate under the direction of their commander or officer once they are authorized to undertake assignments, (i.e. ICS Branch assignment, Group assignment, RIT, or special operations). However, personnel from either the requesting or the assisting entity may receive supervision from any command personnel from the combined participating entities if authorized by the incident commander or agency representatives in the incident command structure.
- 5) In any emergency situation in which the mutual aid agreement has been invoked, radio communications will be established between the entities, where possible, through the use of the local public mutual aid radio system or utilization of the statewide frequency management interoperability plan.
- 6) Assisting entity personnel and equipment shall be released by the requesting entity when the resources are no longer needed. The assisting entity may also withdraw its personnel and equipment when deemed to be in the best interest of the assisting entity and following notice provided to the requesting entity of the intended action. The assisting entity may withdraw resources if it determines response conditions are beyond acceptable risk. There will be no liability for withdrawal placed on or transferred to the assisting entity.
- 7) The requesting entities agree to reimburse assisting entities for actual costs of personnel, equipment, facilities, and related resources used during the period of assistance unless mutually accepted costs associated with these resources have been pre-identified in addendum to this agreement. The providing jurisdiction and or discipline may waive all or any part of the payment for costs at its sole discretion depending on the size of the mutual aid package and the length of the deployment. Funding sources associated with this agreement may include any or all combinations of federal, state, local, and private funding. Signatories understand that federal reimbursement, as a result of declared disasters or emergencies, is contingent upon policy and practice. If participating jurisdictions routinely waive response costs, such costs normally acceptable for federal reimbursement will be ineligible. All reimbursement will be based upon proper documentation, accountings, inventories, receipts, and other evidence of expenses provided by the responding entity.
- 8) Liability, Workforce Safety, Property Damage.

A. Workforce Safety Coverage.

Each member political subdivision or agency will be responsible for its own actions and those of its employees. Each member political subdivision or agency is responsible for complying with North Dakota's workforce safety rules. Each member political subdivision or agency should understand that workforce safety coverage does not automatically extend to volunteers. Each party may obtain workforce safety coverage for any volunteer at its discretion.

B. Liability Insurance Coverage.

Each party is responsible for its own actions. Each party agrees to obtain public liability insurance coverage with at least a \$250,000.00 per person and \$500,000.00 per occurrence combined single limit and coverage by a policy with an insurance company licensed to do business in North Dakota, (1) by being a qualified self-insured, or (2) by being a member of a group self-insurance association.

Each party is responsible for complying with the motor vehicle financial responsibility laws of the State of North Dakota. Each party agrees to obtain automobile liability coverage with at least a \$250,000.00 per person and \$500,000.00 per occurrence combined single limit and coverage extended to owned, non-owned, and hired vehicles by a policy with an insurance company licensed to do business in North Dakota, (1) by being a qualified self-insured, or (2) by being a member of a group self-insurance association.

C. General Liability, Public Officials Liability.

- (1) For the purposes of North Dakota Century Code (NDCC 32-12.1 Governmental Liability) only, the employees and officers of the assisting department are deemed to be employees (NDCC 32-12.1-02(3)) of the requesting department.
- (2) The requesting department agrees to defend and indemnify the assisting department against any claims brought or actions filed against the assisting department or any employee of the assisting department for personal injury or damage to the property of any third person or persons, arising from the performance and provision of assistance pursuant to this Agreement within the limits of NDCC 32-12.1.
- 9) On a regular basis, each party shall develop and update a plan providing for effective mobilization of resources and facilities.
- 10) Interagency assistance plans may be developed and updated on a regular basis by the parties hereto and are operative between the parties in accordance with the provisions of such plans. In addition to the emergency response plans set forth in this agreement, the parties herein may develop and implement memorandums of agreement relating to additional assistance on a routine non-emergency basis.
- 11) The parties agree to meet on a regular basis to review interagency assistance plans and the provisions of this Agreement.
- 12) Nothing within this agreement shall prevent any of the parties herein from entering into similar agreements with any other entity.
- 13) This Agreement shall become effective when approved and executed by the appropriate political subdivision of each party to this Agreement. The Agreement shall remain in effect between each and every party until participation in this Agreement is terminated by the party. Termination of participation in this Agreement by a response entity shall not affect the continued operation of this Agreement between and among the remaining parties. Any party to this Agreement may terminate participation in this Agreement upon thirty days written notice addressed to the designated public official of each of the other signatory political subdivisions that are parties to this Agreement.
- 14) The execution of this Agreement shall not give rise to any liability or responsibility for failure to respond to any request for assistance made pursuant to this Agreement. This Agreement shall not be construed as or deemed to be an Agreement for the benefit of any third party or parties, and no third party or parties shall have any right of action whatsoever hereunder for any cause whatsoever.

In witness whereof, this Agreement has been executed and approved and is effective and operative as to each of the parties as herein provided.

Jurisdiction/ Organization

Jurisdiction/ Organization

Name

Name

Date: _____

Date: _____

Attest:

Attest:

■ Addendum - Responding Entity Reimbursement Requirements
Schedule

This addendum to the Mutual Aid Agreement between Mandan Fire Department and Bismarck Fire Department identifies the supporting costs that will be billed and sought after rendering aid mutually in accordance with the agreement. The costs associated with the Memorandum of Understanding have been pre-identified below and made known to all parties to this agreement.

The right to waive reimbursement costs for extenuating or unusual circumstances is retained and reserved for the authorized representative or in the absence a designee.

All periods or hours	
All hours after _____ & _____ hour/s	
Fuel and oil:	Actual costs based on receipts:
Consumable Supplies:	Actual costs based on consumption:
Return to station cleanup:	Actual costs based on time:
Equipment damage repair and replacement:	Actual costs based on receipts:
Responding personnel:	Actual salary costs:
Backfill personnel:	Actual salary costs:

Signature of Authorized Representative Date Department

Signature of Authorized Representative Date Department



GAMING SITE AUTHORIZATION
OFFICE OF ATTORNEY GENERAL
SFN 17996 (10-2009)

Consent No. 5

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

A. RICHAN FOUNDATION FOR WILDLIFE 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: LAKEWOOD BAMP FC/ILL the address of which is:

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

Date(s) Authorized: Beginning AUGUST 24, 2012 Ending JUNE 30, 2013

Specific location where games of chance will be conducted and played at the site (required):
EAST WALL CENTER OF BAMP

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)

- Days of week of gaming operations _____
- Hours of gaming _____
- List each specific game type prohibited _____

Attorney General Date Signature of City/County Auditor Date

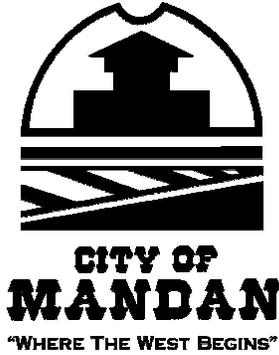
PRINT Name / Official Position of person signing above

INSTRUCTIONS:

- City/County Auditors - Retain a **copy** of the Site Authorization for your files.
- City/County Auditors - Return the **original** Site Authorization form to the Organization.
- 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



New Business No. 1

Board of City Commissioners

Agenda Documentation

MEETING DATE: August 7, 2012
PREPARATION DATE: August 2, 2012
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR:
PRESENTER: Dave Bechtel
SUBJECT: Consider the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a change order for Street Improvement District No. 173, Project No. 2012-14 (Meadows 5th Addition).

STATEMENT/PURPOSE: To create and allow the assessments of specials related to, authorize the required paperwork for the requested project, and allow for the project to be change ordered to an existing project.

BACKGROUND/ALTERNATIVES: The developer is requesting that the City allow the special assessment of street costs to the benefitting property for the development of an additional subdivision of the Meadows development area. This project would construct the streets of 39th Avenue NW and Wildrye Street NW. The addition would bring approximately another 29 lots online for building. Water and Sewer would be installed by 3 way agreement to provide City services to all the lots. The change order would be to an open contract for the street improvement project of 2012-04, District #167, as has been similar with all the other requested street projects this year.

ATTACHMENTS:

1. Letter of Request
2. District Map

FISCAL IMPACT: Based on the estimate of cost included with your documentation, the cost of the project would be \$381,387.50, engineering and administration will add \$95,346.86, bring the total to \$476,734.38. 6 lots would be assessed at half the full lot price as they are corner lots with only one side paved, they would look to receive approximately \$9,167.97 per lot as they were assessed for approximately or at half the cost with the existing streets. All the other lots would expect to receive approximately \$18,335.94 as this street would be the primary street for these residences.

STAFF IMPACT: Minimal

Board of City Commissioners

Agenda Documentation

Meeting Date: August 7, 2012

Subject: Consider the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Street Improvement District No. 173, Project No. 2012-14 (Meadows 5th Addition).

Page 2 of 4

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

RECOMMENDATION: This office supports moving forward with the project.

SUGGESTED MOTION: I move to approve the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a change order on Street Improvement District No. 173, Project No. 2012-14.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 7, 2012

Subject: Consider the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Street Improvement District No. 173, Project No. 2012-14 (Meadows 5th Addition).

Page 3 of 4

PETITION FOR PERMANENT STREET, SIGNAGE & LIGHTING IMPROVEMENTS

Date: July 30, 2012

To the Honorable Board of City Commissioners
Mandan, North Dakota

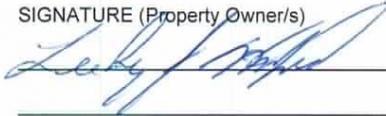
Commissioners:

The undersigned owners of the property liable to be assessed for the improvement respectfully petition your Honorable Board to have permanent streets, signs and street lighting improvements completed on the following City right-of-ways (see attached maps):

(Serving Meadows 5th Addition – as generally shown as Area 'A', attached exhibit)

39th Avenue NW
Meadow View Drive
Wildrye St.

SIGNATURE (Property Owner/s)

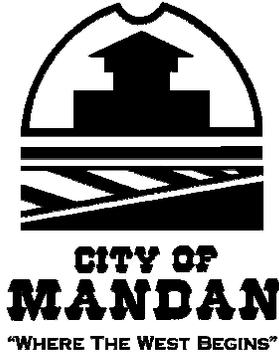


PROPERTY DESCRIPTION

Lots 1-12, Block 1; Lots 1-5, Block 2

Lots 1-7, Block 3; Lots 1&2, Block 4

Lots 1-3, Block 5



New Business No. 2

Board of City Commissioners

Agenda Documentation

MEETING DATE: August 21, 2012
PREPARATION DATE: August 10, 2012
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR:
PRESENTER: Dave Bechtel
SUBJECT: Consider the execution of a 3-way agreement for the installation of water & sewer in Meadows 5th Addition. (Project #2012-15)

STATEMENT/PURPOSE: To authorize the installation of water and sewer for the development of the subject area.

BACKGROUND/ALTERNATIVES: The Meadows 5th plat is located approximately a half mile north of Old Red Trail on 37th Avenue NW. The work will take place on 39th Avenue NW and Wildrye Street NW within the plat. The proposed utilities only serve the developer of the benefiting land; therefore, this is being paid for under a 3-way agreement. The project would be installing water and sanitary sewer for 29 residential lots. A letter of credit has been secured for the project.

ATTACHMENTS:

1. Map showing streets to be constructed
2. 3-way agreement

FISCAL IMPACT: The entire cost of the project is being paid by the developer as part of the 3 way agreement.

STAFF IMPACT: Minimal

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

RECOMMENDATION: This office supports the authorization to move forward with this project.

SUGGESTED MOTION: I move to authorize the execution of the 3-way agreement for the construction of the subject project.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 21, 2012

Subject: Consider the execution of a 3-way agreement for the installation of water & sewer in Meadows 5th Addition.

Page 2 of 7



Board of City Commissioners

Agenda Documentation

Meeting Date: August 21, 2012

Subject: Consider the execution of a 3-way agreement for the installation of water & sewer in Meadows 5th Addition.

Page 3 of 7

3 – WAY AGREEMENT

THIS AGREEMENT, Made on the _____ day of _____, 2012, between the City of Mandan, a municipal corporation, hereinafter called the City and Mitzel Builders, Inc. hereinafter called the Developer, and _____ hereinafter called the Contractor. The Engineer mentioned in this contract shall be Kadmas, Lee & Jackson, Inc.

WHEREAS, The Developer wishes to enter upon the public streets and rights-of-way to construct under private contract the following improvements:

<u> X </u>	Water Mains
<u> X </u>	Sanitary Sewer Mains
<u> X </u>	Storm Sewer
<u> </u>	Streets
<u> X </u>	Others: Water and Sewer Services

For property to be developed and offered for sale by the Developer, and

WHEREAS, The City wishes to safeguard the public interest in assuring that said construction work will be in accord with the plans, specifications and requirements of the City and will be completed in a proper and safe manner in accord with said City plans and specifications for said type of work and

WHEREAS, the Developer has filed a petition to the Board of City Commissioners to permit the Developer to contract directly for said improvements;

NOW, THEREFORE, It is agreed between the parties, for the considerations herein named, as follows:

1) **LICENSE TO CONSTRUCT**

The City grants to the Developer the right, privilege, and license to enter upon and construct in the public rights-of-way of the City the above improvements in the following streets:

Meadows 5th Addition

39th Avenue NW
Meadow View Dr.
Wildrye St.

Which license shall continue so long as the Developer performs the agreements assumed by it herein.

2) SCOPE OF WORK

The Developer will through a contractor licensed under the laws of North Dakota, to do said work, furnish all materials, and all equipment and labor, necessary to perform all of the work shown on the plans and specifications prepared by a licensed professional engineer, which are hereby referred to and made apart of this Agreement. Construction staking shall be done by Kadrmass, Lee & Jackson, Inc., and testing by the Contractor as required by the engineer at the expense of the Developer. The Developer shall complete all stubouts to the property line on utilities to be constructed under this contract.

All work incidental to the project, such as grading, taps to the water main, and any other usual charges as determined by the Engineer shall be borne by the Developer.

3) TIME OF COMPLETION

The work to be performed under this Agreement shall be commenced within 10 days of the date of the execution of this Agreement, and shall be completed within ___calendar days of the date of the execution of this Agreement, but no later than August 25, 2012.

4) SUPERVISION AND INSPECTION OF WORK

The City and the City Engineering Department shall at all times have access to the work, in its preparation and progress. The licensed professional engineer and his authorized representatives will give all grades or locations for all work and no work depending upon such grades or locations shall be commenced until the same have been established. Upon all questions concerning the interpretation and compliance with the plans and specifications and the performance and execution of the work called for by them, the decisions of the City Engineer shall be final and binding upon the Developer and its contractors, servants, employees or agents.

5) ENGINEER'S DECISIONS

The Project Engineer shall have general supervision and direction of the work. He has authority to stop the work when such stoppage may in his opinion be necessary to insure proper execution of the contract. He shall also have the authority to reject all work and materials which do not conform to the plans and specifications, and to decide all questions which arise in the execution of the work. All such decisions of the Project Engineer shall be final.

6) PAYMENT

The Developer shall provide an irrevocable letter of credit or a certificate of deposit in an escrow account from a bona fide bank in the amount of the project cost including engineering, testing and inspection. The project cost is _____ Final payment will be for actual quantities used. The money in such account shall be used only for the payment of the project costs. The Developer will be responsible to pay the Contractor for all the contract work in accord with the plans and specifications prepared by the City made a part of this contract. The Developer shall, where over size mains are required, be responsible to construct and pay for the same unless it is practical and possible to separate the proposed construction work requiring extra size, and separately bid the same through public bidding.

7) CONTENTS OF DEVELOPER'S CONTRACT

All contracts made by the Developer with any person, firm or corporation in connection with or in carrying out this contract work shall provide: "This contract is subject to all the terms and conditions of a contract dated _____ between the Developer and the Contractor."

8) OWNERSHIP OF WORK-LINES

All contract work, except utility stubouts, furnished or placed in the public street, alleys, or rights-of-way shall become the property of the City of Mandan. The placing and furnishing of all contract work by the Developer, its contractor, its subcontractors, if any, and by any person, firm, or corporation, as labor or material or otherwise, shall be under the provisions of this contract and with the express waiver of any right to claim against the City, or to make any claims or lien against the contract work.

9) WARRANTY

The Contractor shall guarantee all work against faulty materials and workmanship for a period of one year from the date of final payment and the performance bond of the contract shall remain in full force and effect for that period.

10) VERBAL AGREEMENTS

No verbal agreements or conversations with any officer, agent, or employee of the City before or after the execution of this contract shall affect or modify any of their terms or obligations contained in the documents comprising the contract.

11) PROTECTION OF PUBLIC AND WORK

The Developer shall provide and maintain all necessary watchmen, barricades, lights, and warning signs and take all necessary precautions for protection of the public, and shall further maintain at all times adequate protection of the work from damage. The Developer shall also take out and furnish general liability insurance to protect itself and the City with an insurer licensed to do business in North Dakota, in the sum of \$1,000,000 for one accident, against and from all suits, actions, or claims of any character, name and description brought for an account of any injuries or damages received or sustained by any person or persons or property on account of any negligent act of fault of the Developer, its contractor, or officers, agents or employees in execution of the contract or on account of its failure to provide necessary barricades, warning lights, or signs, and as will protect the City from any contingent liability under this contract. In no case shall the liability insurance be less than specified in Section 100-33 of the City of Mandan Construction Specifications for Municipal improvements.

12) UTILITIES

It shall be the responsibility of the Developer and Contractor to familiarize itself with the location of all existing sewer, water mains and service lines, gas mains and service lines, telephone cable, power, light, telephone poles, guys, valve boxes, stop boxes, and all utilities installations that might be affected in the performance of the work. The developer shall notify all utility companies 48 hours in advance of any construction affecting said utilities, and shall work out with said utilities any conflicts or changes.

13) CHANGES

The board of City Commissioners reserves the right to make any necessary changes in the alignment, grade, or design of the proposed work deemed by them advisable.

14) CLEAN UP

Extra materials, tools, and temporary structures shall be removed by the Developer and all dirt, rubbish, and excess earth from excavations shall be disposed of and the construction area left clean to the satisfaction of the City Engineer. The Developer shall maintain for a period of three months after completion of the work the surface of unpaved trenches, adjacent curbs and gutters, sidewalks, driveways, shrubbery, fences, sod and other surfaces disturbed. The Developer shall conduct its operations in such a manner as to cause minimum inconvenience to adjoining property owners and the public.

Street surfacing in unpaved area shall be restored to as good as or better than prior to construction by the Developer. The Developer will be required to replace paving or gravel surface removed or damaged in the construction work or repair any area disturbed as a result of construction work.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 21, 2012

Subject: Consider the execution of a 3-way agreement for the installation of water & sewer in Meadows 5th Addition.

Page 7 of 7

15) ASSURANCE OF PERFORMANCE AND PAYMENT OF BILLS

The Contractor shall furnish a performance bond in an amount at least equal to one hundred percent (100%) of the total contract amount as security for the faithful performance of the contract and also a payment bond in an amount of not less than one hundred percent (100%) of the total contract amount as security for the payment of all persons performing labor on the project under the contract and furnishing materials in connection with the contract.

IN WITNESS WHEREOF, The Parties have executed the within and foregoing contract.

CITY OF MANDAN

DEVELOPER

Dave Bechtel
City Engineering Project Manager

Firm Name

Mitzel Builders, Inc.

Arlyn Van Beek, President
Board of City Commissioners

Authorized Representative

Owner

2401 46th Ave. SE, #101

Mandan, ND 58554
Address

Attest:

CONTRACTOR

James Neubauer, City Administrator

Firm Name

Authorized Representative

Owner
Title

Address



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 21, 2012
PREPARATION DATE: August 10, 2012
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR:
PRESENTER: Dave Bechtel
SUBJECT: Consider the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a change order for Street Improvement District No. 174, Project No. 2012-16 (Plainview Heights 13th Addition).

STATEMENT/PURPOSE: To create and allow the assessments of specials related to, authorize the required paperwork for the requested project, and allow for the project to be change ordered or go out for bid.

BACKGROUND/ALTERNATIVES: The developer is requesting that the City allow the special assessment of street costs to the benefitting property for the development of an additional subdivision of the Plainview Heights 13th development area. This project would construct the streets of Shires Drive SE, Suffolk Drive SE and 14th Avenue SE. The addition would bring approximately another 27 lots online for residential construction. Water and Sewer would be installed by 3 way agreement to provide City services to all the lots. The change order would be to an open contract for the street improvement project of 2012-04, District #167, as has been similar with all the other requested street projects this year.

ATTACHMENTS: 1. Letter of Request
2. District Map

FISCAL IMPACT: Based on the estimate of cost included with your documentation, the cost of the project would be \$354,360.25, engineering and administration will add \$88,590.06, bringing the total to \$442,950.31. All the developable lots would expect to receive approximately \$17,036.55 as this street would be the primary street for these residences.

STAFF IMPACT: Minimal

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

RECOMMENDATION: This office supports moving forward with the project.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 21, 2012

Subject: Consider the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a change order for Street Improvement District No. 174, Project No. 2012-16 (Plainview Heights 13th Addition).

Page 2 of 4

SUGGESTED MOTION: I move to approve the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a change order on Street Improvement District No. 174, Project No. 2012-16.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 21, 2012

Subject: Consider the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a change order for Street Improvement District No. 174, Project No. 2012-16 (Plainview Heights 13th Addition).

Page 3 of 4

PETITION FOR PERMANENT STREET, SIGNAGE & LIGHTING IMPROVEMENTS

Date: July 30, 2012

To the Honorable Board of City Commissioners
Mandan, North Dakota

Commissioners:

The undersigned owners of the property liable to be assessed for the improvement respectfully petition your Honorable Board to have permanent streets, signs and street lighting improvements completed on the following City right-of-ways (see attached maps):

(Serving Plainview Heights 13th Addition – as generally shown as Area 'B', attached exhibit)

14th Avenue SE
Shires Drive SE
Suffolk Drive SE

SIGNATURE (Property Owner/s)



PROPERTY DESCRIPTION

Lots 1-7, Block 1; Lots 1-9, Block 2

Lots 1-3, Block 3; Lot 1 Block 4

Lots 3-8, Block 4

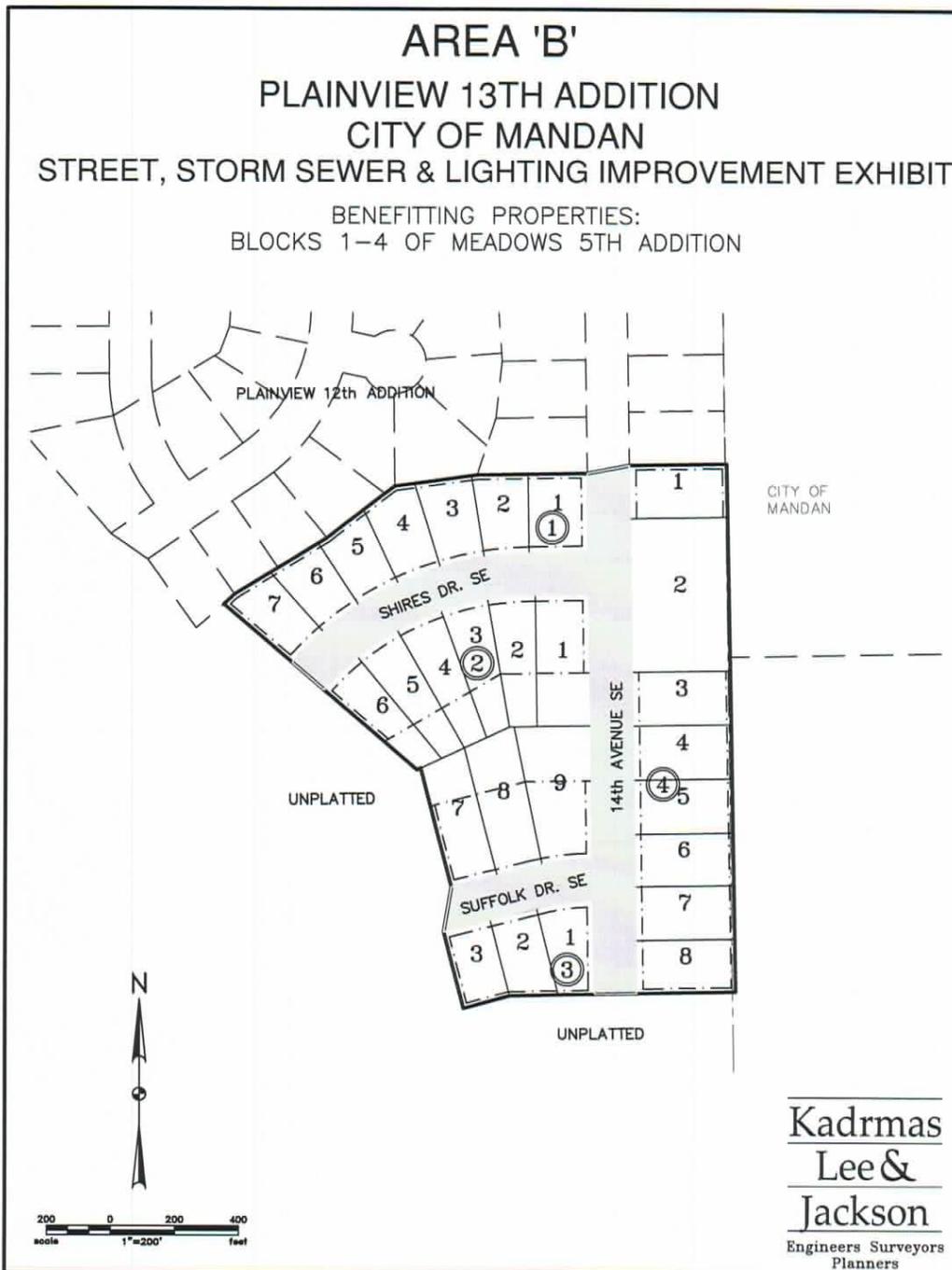
Board of City Commissioners

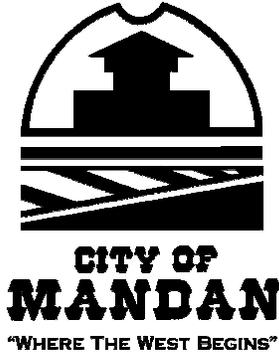
Agenda Documentation

Meeting Date: August 21, 2012

Subject: Consider the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a change order for Street Improvement District No. 174, Project No. 2012-16 (Plainview Heights 13th Addition).

Page 4 of 4





Board of City Commissioners

Agenda Documentation

MEETING DATE: August 21, 2012
PREPARATION DATE: August 10, 2012
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR:
PRESENTER: Dave Bechtel
SUBJECT: Consider the execution of a 3-way agreement for the installation of water & sewer in Plainview Heights 13th Addition. (Project #2012-17)

STATEMENT/PURPOSE: To authorize the installation of water and sewer for the development of the subject area.

BACKGROUND/ALTERNATIVES: The Plainview Heights 13th plat is located approximately a ¼ mile south of 27th Street SE and adjacent to the City's south reservoir site. The work will take place on Shires Drive SE, Suffolk Drive SE and 14th Avenue SE within the plat. The proposed utilities only serve the developer of the benefiting land; therefore, this is being paid for under a 3-way agreement. The installation of water and sewer for the development will benefit the 27 immediate lots with the plat as well as allow future development as well. A letter of credit has been secured for the project.

ATTACHMENTS:

1. Map showing streets to be constructed
2. 3-way agreement

FISCAL IMPACT: The entire cost of the project is being paid by the developer as part of the 3 way agreement.

STAFF IMPACT: Minimal

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

RECOMMENDATION: This office supports the authorization to move forward with this project.

SUGGESTED MOTION: I move to authorize the execution of the 3-way agreement for the construction of the subject project.

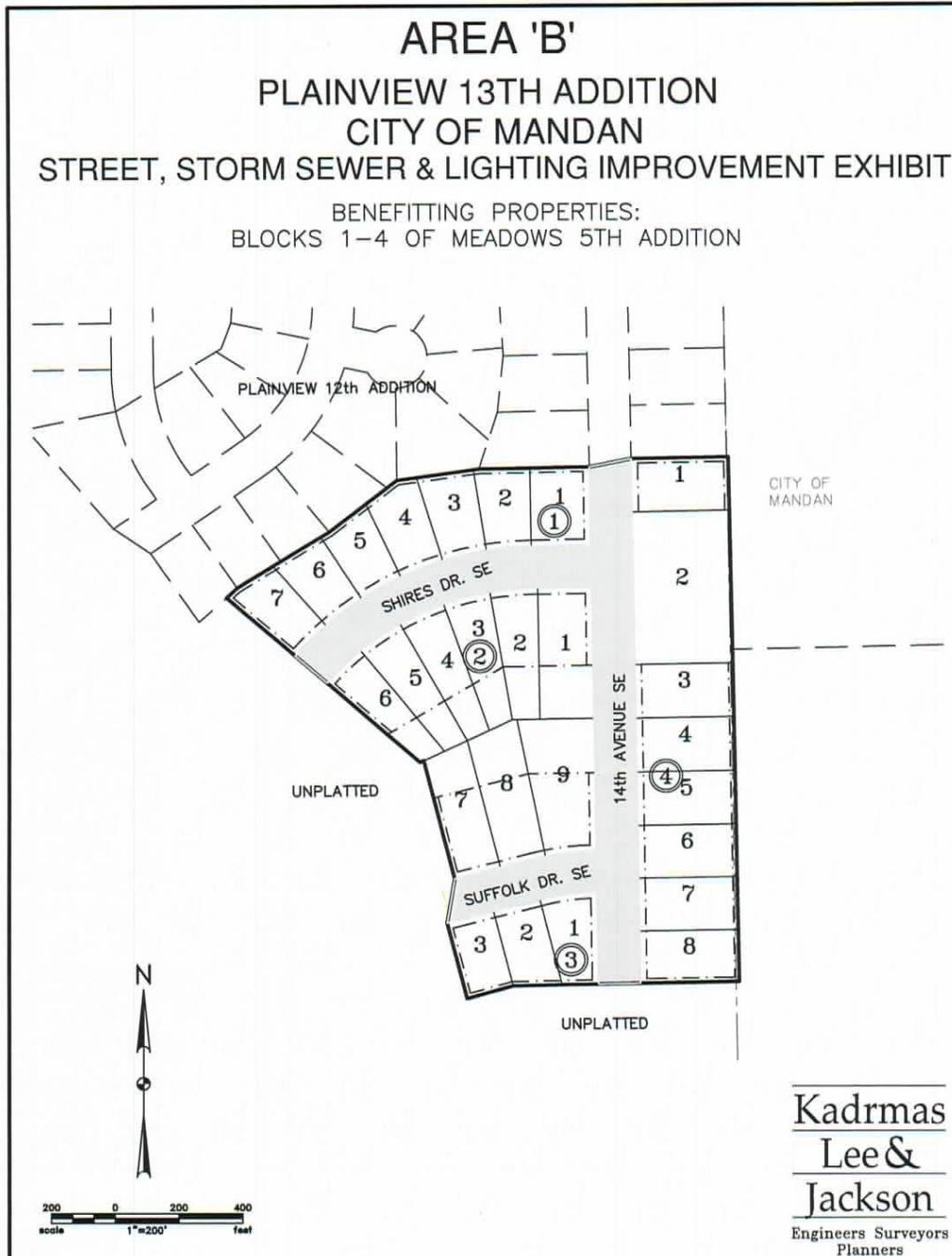
Board of City Commissioners

Agenda Documentation

Meeting Date: August 21, 2012

Subject: Consider the execution of a 3-way agreement for the installation of water & sewer in Plainview 13th Addition. (Project #2012-17)

Page 2 of 7



Board of City Commissioners

Agenda Documentation

Meeting Date: August 21, 2012

Subject: Consider the execution of a 3-way agreement for the installation of water & sewer in Plainview 13th Addition. (Project #2012-17)

Page 3 of 7

3 – WAY AGREEMENT

THIS AGREEMENT, Made on the _____ day of _____, 2012, between the City of Mandan, a municipal corporation, hereinafter called the City and Mitzel Builders, Inc. hereinafter called the Developer, and _____ hereinafter called the Contractor. The Engineer mentioned in this contract shall be Kadrmass, Lee & Jackson, Inc.

WHEREAS, The Developer wishes to enter upon the public streets and rights-of-way to construct under private contract the following improvements:

<u> X </u>	Water Mains
<u> X </u>	Sanitary Sewer Mains
<u> X </u>	Storm Sewer
<u> </u>	Streets
<u> X </u>	Others: Water and Sewer Services

For property to be developed and offered for sale by the Developer, and

WHEREAS, The City wishes to safeguard the public interest in assuring that said construction work will be in accord with the plans, specifications and requirements of the City and will be completed in a proper and safe manner in accord with said City plans and specifications for said type of work and

WHEREAS, the Developer has filed a petition to the Board of City Commissioners to permit the Developer to contract directly for said improvements;

NOW, THEREFORE, It is agreed between the parties, for the considerations herein named, as follows:

1) **LICENSE TO CONSTRUCT**

The City grants to the Developer the right, privilege, and license to enter upon and construct in the public rights-of-way of the City the above improvements in the following streets:

Plainview Heights 13th Addition

14th Avenue SE
Shires Drive SE
Suffolk Drive SE

Which license shall continue so long as the Developer performs the agreements assumed by it herein.

2) SCOPE OF WORK

The Developer will through a contractor licensed under the laws of North Dakota, to do said work, furnish all materials, and all equipment and labor, necessary to perform all of the work shown on the plans and specifications prepared by a licensed professional engineer, which are hereby referred to and made apart of this Agreement. Construction staking shall be done by Kadrmass, Lee & Jackson, Inc., and testing by the Contractor as required by the engineer at the expense of the Developer. The Developer shall complete all stubouts to the property line on utilities to be constructed under this contract.

All work incidental to the project, such as grading, taps to the water main, and any other usual charges as determined by the Engineer shall be borne by the Developer.

3) TIME OF COMPLETION

The work to be performed under this Agreement shall be commenced within 10 days of the date of the execution of this Agreement, and shall be completed within ___ calendar days of the date of the execution of this Agreement, but no later than August 25, 2012.

4) SUPERVISION AND INSPECTION OF WORK

The City and the City Engineering Department shall at all times have access to the work, in its preparation and progress. The licensed professional engineer and his authorized representatives will give all grades or locations for all work and no work depending upon such grades or locations shall be commenced until the same have been established. Upon all questions concerning the interpretation and compliance with the plans and specifications and the performance and execution of the work called for by them, the decisions of the City Engineer shall be final and binding upon the Developer and its contractors, servants, employees or agents.

5) ENGINEER'S DECISIONS

The Project Engineer shall have general supervision and direction of the work. He has authority to stop the work when such stoppage may in his opinion be necessary to insure proper execution of the contract. He shall also have the authority to reject all work and materials which do not conform to the plans and specifications, and to decide all questions which arise in the execution of the work. All such decisions of the Project Engineer shall be final.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 21, 2012

Subject: Consider the execution of a 3-way agreement for the installation of water & sewer in Plainview 13th Addition. (Project #2012-17)

Page 5 of 7

6) PAYMENT

The Developer shall provide an irrevocable letter of credit or a certificate of deposit in an escrow account from a bona fide bank in the amount of the project cost including engineering, testing and inspection. The project cost is _____ Final payment will be for actual quantities used. The money in such account shall be used only for the payment of the project costs. The Developer will be responsible to pay the Contractor for all the contract work in accord with the plans and specifications prepared by the City made a part of this contract. The Developer shall, where over size mains are required, be responsible to construct and pay for the same unless it is practical and possible to separate the proposed construction work requiring extra size, and separately bid the same through public bidding.

7) CONTENTS OF DEVELOPER'S CONTRACT

All contracts made by the Developer with any person, firm or corporation in connection with or in carrying out this contract work shall provide: "This contract is subject to all the terms and conditions of a contract dated _____ between the Developer and the Contractor."

8) OWNERSHIP OF WORK-LINES

All contract work, except utility stubouts, furnished or placed in the public street, alleys, or rights-of-way shall become the property of the City of Mandan. The placing and furnishing of all contract work by the Developer, its contractor, its subcontractors, if any, and by any person, firm, or corporation, as labor or material or otherwise, shall be under the provisions of this contract and with the express waiver of any right to claim against the City, or to make any claims or lien against the contract work.

9) WARRANTY

The Contractor shall guarantee all work against faulty materials and workmanship for a period of one year from the date of final payment and the performance bond of the contract shall remain in full force and effect for that period.

10) VERBAL AGREEMENTS

No verbal agreements or conversations with any officer, agent, or employee of the City before or after the execution of this contract shall affect or modify any of their terms or obligations contained in the documents comprising the contract.

11) PROTECTION OF PUBLIC AND WORK

The Developer shall provide and maintain all necessary watchmen, barricades, lights, and warning signs and take all necessary precautions for protection of the public, and shall further maintain at all times adequate protection of the work from damage. The Developer shall also take out and furnish general liability insurance to protect itself and the City with an insurer licensed to do business in North Dakota, in the sum of \$1,000,000 for one accident, against and from all suits, actions, or claims of any character, name and description brought for an account of any injuries or damages received or sustained by any person or persons or property on account of any negligent act or fault of the Developer, its contractor, or officers, agents or employees in execution of the contract or on account of its failure to provide necessary barricades, warning lights, or signs, and as will protect the City from any contingent liability under this contract. In no case shall the liability insurance be less than specified in Section 100-33 of the City of Mandan Construction Specifications for Municipal improvements.

12) UTILITIES

It shall be the responsibility of the Developer and Contractor to familiarize itself with the location of all existing sewer, water mains and service lines, gas mains and service lines, telephone cable, power, light, telephone poles, guys, valve boxes, stop boxes, and all utilities installations that might be affected in the performance of the work. The developer shall notify all utility companies 48 hours in advance of any construction affecting said utilities, and shall work out with said utilities any conflicts or changes.

13) CHANGES

The board of City Commissioners reserves the right to make any necessary changes in the alignment, grade, or design of the proposed work deemed by them advisable.

14) CLEAN UP

Extra materials, tools, and temporary structures shall be removed by the Developer and all dirt, rubbish, and excess earth from excavations shall be disposed of and the construction area left clean to the satisfaction of the City Engineer. The Developer shall maintain for a period of three months after completion of the work the surface of unpaved trenches, adjacent curbs and gutters, sidewalks, driveways, shrubbery, fences, sod and other surfaces disturbed. The Developer shall conduct its operations in such a manner as to cause minimum inconvenience to adjoining property owners and the public.

Street surfacing in unpaved area shall be restored to as good as or better than prior to construction by the Developer. The Developer will be required to replace paving or gravel surface removed or damaged in the construction work or repair any area disturbed as a result of construction work.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 21, 2012

Subject: Consider the execution of a 3-way agreement for the installation of water & sewer in Plainview 13th Addition. (Project #2012-17)

Page 7 of 7

15) ASSURANCE OF PERFORMANCE AND PAYMENT OF BILLS

The Contractor shall furnish a performance bond in an amount at least equal to one hundred percent (100%) of the total contract amount as security for the faithful performance of the contract and also a payment bond in an amount of not less than one hundred percent (100%) of the total contract amount as security for the payment of all persons performing labor on the project under the contract and furnishing materials in connection with the contract.

IN WITNESS WHEREOF, The Parties have executed the within and foregoing contract.

CITY OF MANDAN

DEVELOPER

Dave Bechtel
City Engineering Project Manager

Firm Name

Mitzel Builders, Inc.

Arlyn Van Beek, President
Board of City Commissioners

Authorized Representative

Owner

2401 46th Ave. SE, #101

Mandan, ND 58554

Address

Attest:

CONTRACTOR

James Neubauer, City Administrator

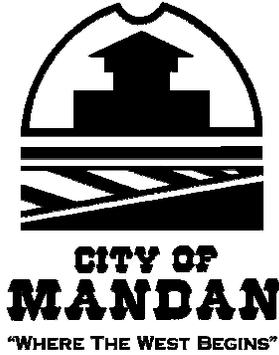
Firm Name

Authorized Representative

Owner

Title

Address



New Business No. 5

Board of City Commissioners

Agenda Documentation

MEETING DATE: August 21, 2012
PREPARATION DATE: August 15, 2012
SUBMITTING DEPARTMENT: Legal
DEPARTMENT DIRECTOR: Malcolm H. Brown, City Attorney
PRESENTER: Malcolm H. Brown, City Attorney
SUBJECT: Section Line Vacation in Rural Subdivision

STATEMENT/PURPOSE: To confirm the vacation of a section line right-of-way within a rural subdivision.

BACKGROUND/ALTERNATIVES: Dale and Jeanne Blasewitz are the owners of Lot 11, Block 1, Prairie Ridge Estates Subdivision, north of the City of Mandan. This subdivision is within the extraterritorial jurisdiction of the City. Subsequent to the platting of the subdivision, the former owner of Lot 11 constructed buildings within the West 33 feet of Lot 11 which was the former section line right-of-way. The west lot line of Lot 11 is on the section line.

ATTACHMENTS: May 3, 2012 letter from Malcolm H. Brown to David R. Bliss, counsel for Blasewitz; and May 24, 2012 letter from State's Attorney Allen Kopy to Morton County Commissioner Bruce Strinden.

FISCAL IMPACT: N/A.

STAFF IMPACT: N/A.

LEGAL REVIEW: N/A.

RECOMMENDATION: That the Commission formally recognize that the section line right-of-way on the West 33 feet of the lot of Lot 11, Block 1, Prairie Ridge Estates Subdivision, does not exist.

SUGGESTED MOTION: Move that the Commission accepts and adopts City Attorney's opinion that the City had planning and zoning authority over the East 33 feet of the section line which separates Sections 4 and 5, Township 139 North, Range 81 West, as it concerns Lot 11, Block 1 of the Prairie Ridge Estates Subdivision, and that the platting of said subdivision vacated the section line within said Lot 11.



CITY OF MANDAN

MANDAN CITY HALL - 205 2nd Avenue NW
MANDAN, NORTH DAKOTA 58554

CITY DEPARTMENTS	
ADMINISTRATION	667-3215
ASSESSING/BUILDING INSPECTION	667-3230
ENGINEER/PLANNING	667-3225
FINANCE	667-3213
FIRE	667-3288
PERSONNEL	667-3217
POLICE	667-3250
PUBLIC WORKS	667-3240
SPECIAL ASSESSMENTS	667-3211
WASTE WATER PLANT	667-3278
WATER BILLING	667-3219
FAX	667-3223

May 3, 2012

Mr. David R. Bliss
Bliss & Stebbins Law Firm, LLC
400 E. Bdwy. Ave, Suite 308
PO Box 4126
Bismarck, ND 58502-4126

**Re: Prairie Ridge Estates Subdivision/City of Mandan
Your File No.: 11-60**

Dear Mr. Bliss:

This letter will confirm my receipt of your recent inquiry in regard to the above-mentioned matter. You have informed me that your clients, Dale and Jeanne Blasewitz, own Lot 11, Block 1 in Prairie Ridge Estates Subdivision in north Mandan. You have inquired as to whether the City of Mandan or the Morton County Commission has planning and zoning jurisdiction over the north/south section line which separates Sections 4 and 5, 139N-8W. As you are aware, the centerline of this section line is also the west border of Prairie Ridge Estates Subdivision. As a result, the east 33' of this section line lies within the Prairie Ridge Estates Subdivision.

In my view, the City and not the County has planning and zoning authority over the east 33' of this section line. N.D.C.C. 24-07-03 specifically excludes platted recorded subdivisions from the County's section line vacation authority. On October 23, 2003, the City by ordinance extended its extra territorial authority (ETA) to include another mile of extra territorial authority. Prairie Ridge Estates Subdivision is located in the "second mile" of the City's extraterritorial authority. Under the amended N.D.C.C. 40-47-01.1(b) and (3) which controls a municipality's extraterritorial jurisdiction, the City retains its zoning and subdivision authority when a plat has been presented before May 1, 2009, the date of enactment of N.D.C.C. 40-47-01.1(b) and (3). Prairie Ridge Estates Subdivision's plat was presented well before this statute was amended. The City, therefore, does not consider the east 33' of the section line to be a public right of way subject to County jurisdiction.

RECEIVED

MAY 08 12

Mr. David R. Bliss
May 3, 2012
Page Two

You have also inquired as to whether the City or the County has jurisdiction over the west 33' of the section line at issue. In my view, the County still maintains control over the west 33' of this section line. The west 33' of the section line at issue is not a part of any recorded platted subdivision, as is Prairie Ridge Estates Subdivision. The City has no ordinance that specifically relates to the regulation and jurisdiction of section lines.

The board of county commissioners, on the other hand, has specific statutory authority to regulate section lines under N.D.C.C. 24-07 and has specific statutory authority to remove obstructions to section lines under N.D.C.C. 24-06-28. Until such time as the City elects to attempt to plan and zone section lines within its ETA but which are not a part of any site plan or platted subdivision, it is the City's position that the County has not relinquished its authority to regulate section line issues. In addition, were the "joint zoning and subdivision regulation jurisdiction" to apply as set forth in the amended N.D.C.C. 40-47-01.1(a)(2) and (2), the County as the "other political subdivision" would have jurisdiction to adopt, modify or enforce any zoning designation or regulation and approve the same, and would notify the City of its decision.

Sincerely,



Malcolm H. Brown
City Attorney

MHB:lj

cc: Mayor Tim Helbling
Allen M. Kopy, Morton County States Attorney

OFFICE OF THE
STATE'S ATTORNEY
MORTON COUNTY
210 2ND AVE NW
MANDAN, NORTH DAKOTA 58554
(701)667-3350
FAX: (701)667-3474

ALLEN KOPPY
STATE'S ATTORNEY

BRIAN D. GROSINGER
JACKSON J. LOFGREN
GABRIELLE J. GOTER

ASSISTANT STATE'S ATTORNEYS

May 24, 2012

Chairman Bruce Strinden
Morton County Bd. of Commissioners
210 2nd Avenue NW
Mandan, N.D. 58554

RE: Section Line between Sections 4 & 5 in Twp. 139 N. Rg. 81 W. and Prairie Ridge Estates

Dear Commissioner Strinden:

Thank you for your letter of May 22, 2012, sent via e-mail inquiring as to how best to proceed in the matter of the section line running north and south between the north halves of Sections 4 and 5 in Township 139 North, Range 81 West in Morton County. This area is familiar to many and is located at the west side of the Prairie Ridge Estates Subdivision. The involved neighbors are the Blasewitz family on the east side of the section line and the Wanner family on the west side of the section line.

Mandan City Attorney, Malcolm Brown, recently settled the question regarding the status of the east half of the section line, deeming it to be within the City's purview based upon the inclusion of the east half of the section line into the Prairie Ridge subdivision plat. I agree with Mr. Brown's view that the west half of the (66) foot right-of-way is still under County control, since it is a Congressional section line laid out by statute in Title 24 N.D.C.C. [Highways]

The question now presents as to what becomes of any fixtures or fences that may be found within that west 33 feet of the section line highway that still is under County control? There are several statutes in Title 24 that directly address the prospect of what to do about obstructions, fences and other encroachments lying within the right-of-way of a county road such as the west one-half of the congressional section line between Sections 4 and 5, above.

Assuming for the sake of discussion that an encroachment such as a fence may be found crossing or running within the stretch of road between sections 4 and 5 above, we can look to Section 24-06-30 of the Century Code, which is entitled **Removal of Fences-Notice-Cost**, and which states:

When a public highway is opened along any section line, the board of county commissioners or the board of township supervisors, as the case may be, shall notify the owner of adjacent property to remove any fences not constructed pursuant to subsection 2 of section 24-06-28 within thirty-three feet [10.06 meters] of the section line in the manner provided for notice to remove stones, trees, or rubbish. If the owner of adjacent property fails to remove the fences within thirty days after the notice is given, the board of county commissioners or the board of township supervisors, as the case may be, shall remove the fences. The cost of removal must be entered the same as taxes against the adjacent property and paid in the same manner as taxes.

If the question arises as to whether the section line in question was ever opened as a public highway by the board of county commissioners, Section 24-07-03 N.D.C.C. answers the question directly with the following statutory language:

24-07-03. Section lines considered public roads open for public travel Closing same under certain conditions. In all townships in this state, Outside the limits of incorporated cities, and outside platted townsites, additions, or subdivisions recorded pursuant to sections 40-50.1-01 through 40-50.1-17 or recorded prior to July 1, 1987, under former chapter 40-50, the congressional section lines are considered public roads open for public travel to the width of thirty-three feet [10.06 meters] on each side of the section lines. [emphasis added]

So the question of whether the section line in question has ever formally been opened for travel by the public is answered “yes” as a matter of law. No formal action was ever necessary to be taken by the county board of commissioners to deem the road in question to be “open for public travel”, since Section 24-07-03 above deems all section lines open for travel unless otherwise noted.

Section 24-06-31 of the Highways Code goes on to provide statutory authority to the county overseer of highways to take summary action to remove obstructions in the public way after having been notified in writing of the obstruction or encroachment, such as a fence or gate. Section 24-06-31 reads as follows:

24-06-31. Obstructions in highway. Each overseer of highways having personal knowledge, or on being notified in writing, of any obstruction in the highway or public street in the overseer's district immediately shall remove or cause any such obstruction to be removed.

Title 24 [Highways] is rife with statutory authority giving the county government authority to take the action necessary to ensure a clear way is made for travel on public ways

such as the section line in this case. Section 24-05-03 N.D.C.C., for instance, provided additional authority for the county to remove obstructions from the right-of-way, as follows:

24-05-23. Encroachment upon county roads, ditches, approaches
Liability for damages. A landowner who encroaches upon a county road or its ditches or approaches must be given notice by the board of commissioners for that county that the encroachment has been discovered. If the landowner fails to remedy the encroachment within twenty days after receiving the notice, that landowner is liable to the county for damages resulting from the encroachment. The board of commissioners for that county shall issue to the landowner written notice of the amount of damages determined to be a result of the encroachment. If the landowner fails to pay the county for the damages, the expense of the repair must be charged to the land of the landowner. The expenses charged become a part of the taxes to be levied against the land for the ensuing year and must be collected in the same manner as other real estate taxes are collected and placed to the credit of the county that incurred the expense of the repair.

In conclusion, the various provisions of the Century Code in Title 24 [Highways] outlined and discussed above, give the Board of County Commissioners and the County Highway Department the legal authority to take the action necessary to remove encroachments on section lines that impede travel on the section lines and the method for having the obstructions removed.

Sincerely yours,

Allen Kopyy
State's Attorney
AK/ak w/ copy to: Mike Aubol, County Highway Superintendent

Proposed Mandan City Commission Minutes

On July __, 2012, City Attorney Malcolm Brown reported that he had been contacted by Bismarck attorney David Bliss, counsel for Dale and Jeanne Blasewitz, who own Lot 11, Block 1 in Prairie Ridge Estates Subdivision. The Blasewitzes inquired as to whether the City of Mandan or the Morton County Commission has planning and zoning jurisdiction over the north/south section line which separates Sections 4 and 5, 139N-8W. Mr. Brown reported that the centerline of this section line is also the west border of Prairie Ridge Estates Subdivision. As a result, the east 33' of this section line lies within the Prairie Ridge Estates Subdivision.

In his May 3, 2012 letter to Attorney Bliss, Mr. Brown's opinion was that the City and not the County has planning and zoning authority over the east 33' of this section line, since N.D.C.C. 24-07-03 specifically excludes platted recorded subdivisions from the County's section line vacation authority. On October 23, 2003, the City by ordinance extended its extra territorial authority (ETA) to include another mile of extra territorial authority. Prairie Ridge Estates Subdivision is located in the "second mile" of the City's extraterritorial authority. Under the amended N.D.C.C. 40-47-01.1(b) and (3) which controls a municipality's extraterritorial jurisdiction, the City retains its zoning and subdivision authority when a plat has been presented before May 1, 2009, the date of enactment of N.D.C.C. 40-47-01.1(b) and (3). Prairie Ridge Estates Subdivision's plat was presented well before this statute was amended. It is Mr. Brown's opinion, therefore, that the City should not consider the east 33' of the section line to be a public right of way subject to County jurisdiction.

Mr. Brown reported that the City, not the County, has jurisdiction over the east 33' of the section line at issue and that the County still maintains control over the west 33' of this section line. The west 33' of the section line at issue is not a part of any recorded platted subdivision, as is Prairie Ridge Estates Subdivision. The board of county commissioners, on the other hand, has specific statutory authority to regulate section lines under N.D.C.C. 24-07 and has specific statutory authority to remove obstructions to section lines under N.D.C.C. 24-06-28.

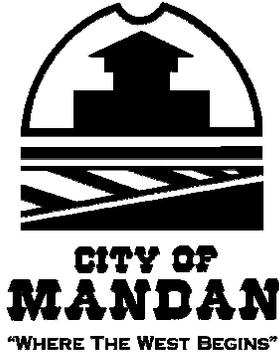
Mr. Brown recommended that until such time as the City elects to attempt to plan and zone section lines within its ETA but which are not a part of any site plan or platted subdivision, it should be the City's position that the County has not relinquished its authority to regulate section line issues. In addition, were the "joint zoning and subdivision regulation jurisdiction" to apply as set forth in the amended N.D.C.C. 40-47-01.1(a)(2) and (2), the County as the "other political subdivision" would have jurisdiction to adopt, modify or enforce any zoning designation or regulation and approve the same, and would notify the City of its decision.

Mr. Brown also noted that the original owners of the Blasewitz property were allowed to construct the home and the barn north of the home within a few feet of the centerline of

the section line. The Blasewitz's west property line, therefore, does not allow them reasonable access from their home to their barn in the event that the west 33' of the section line were to be developed. Mr. Brown recommends that the City acknowledge that the Blasewitzes and any subsequent owners of the Blasewitz property will need proper access across the west 33' of the section line to get to and from their barn from their home, and that the City should accommodate their need for such access if and when development should occur to the west of the Blasewitz property.

On motion by Commissioner _____ and seconded by Commissioner _____, the Commission hereby accepts and adopts City Attorney Brown's opinion that the City and not the County has planning and zoning authority over the east 33' of this section line, and that the City shall not consider the east 33' of the section line to be a public right of way subject to County jurisdiction. It is further adopted that the City recognizes the continued authority of the Morton County Commission over the west 33' of the section line at issue. It is further adopted that the City acknowledges that the Blasewitzes and subsequent owners of their property will require reasonable access across the west 33' of the section line should the west 33' be developed and become a part of the City's planning and zoning authority, and that the City will accommodate such access should the need arise.

Dated this ____ day of July, 2012.



New Business No. 6

Board of City Commissioners

Agenda Documentation

MEETING DATE: August 21, 2012
PREPARATION DATE: August 15, 2012
SUBMITTING DEPARTMENT: Morton County Sheriff's Department
DEPARTMENT DIRECTOR: Dave Shipman
PRESENTER: Dave Shipman
SUBJECT: Establishment of Morton Jail Committee

STATEMENT/PURPOSE: To establish a Morton/Mandan Jail review committee

BACKGROUND/ALTERNATIVES: Kimme and Associates recently completed a jail study, presented to the Burleigh, Morton, City of Mandan and City of Bismarck Commissions. The Morton County Commission has established a Morton Jail Committee, consisting of Chairman Strinden, Commissioner Bitz and Sheriff Shipman. We are requesting that Mayor Van Beek, 1 other commissioner, and Chief Bullinger be part of this committee as well. The purpose of the committee is to discuss the option of Morton County building a joint detention facility with Burleigh County, and to discuss funding options.

ATTACHMENTS: None

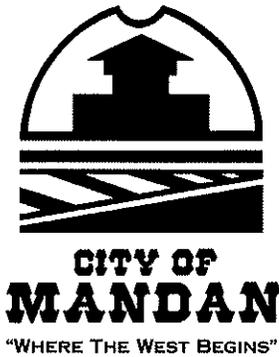
FISCAL IMPACT: None

STAFF IMPACT: Mayor Van Beek, 1 other city commissioner, Chief Bullinger

LEGAL REVIEW: N/A

RECOMMENDATION:

SUGGESTED MOTION: To approve the Mayor, 1 other city commissioner, and Chief Bullinger to join the Morton County Jail review committee.



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 21, 2012
PREPARATION DATE: August 15, 2012
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Jim Lawler, Airport Manager
SUBJECT: Mandan Airport Authority's 2013 Budget

PURPOSE

To consider the Mandan Airport Authority's 2013 Budget.

BACKGROUND

The Mandan Airport Authority manages the local airport facility. The Authority's five member board is appointed by the City Commission. The Authority is fiscally dependent upon the City because the City Commission levies taxes and must approve any bond issuances. The Authority is reported as a component unit in the City of Mandan's audited financial statements.

The Authority's Board approved the 2013 Budget on July 16, 2012.

ATTACHMENT

Mandan Airport Authority's 2013 Budget

FISCAL IMPACT

The City of Mandan has included the following revenues for the Mandan Airport Authority in the City's 2013 Budget:

- Property Taxes (4 Mills) = \$176,950
- Delinquent Taxes = \$8,700
- Mobile Home Taxes = \$2,100
- State Aid Distribution = \$5,600
- Disabled Veterans Credit = \$700
- Homestead Credit = \$2,200
- Operating Subsidy = \$10,650
- Total = \$206,900

STAFF IMPACT

None

LEGAL REVIEW

None

RECOMMENDATION

To consider the Mandan Airport Authority's 2013 Budget.

SUGGESTED MOTION

Move to consider the Mandan Airport Authority's 2013 Budget.

Mandan Airport Authority
Revenue and Expense Report
 January through December 2013

Budget	Mandan Airport Auth. 2013	<u>Jan - Dec 2013</u>
Revenue		
	Revenue	
	800.31.101 Property Tax	201,300.00
	800.33.301 Federal Grants	4,320,000.00
	800.33.303 State Aid	245,600.00
	800.34.418 Fuel Sale	125,000.00
	800.34.418 Jet Fuel	20,000.00
	800.36.601 Interest Income	1,500.00
	800.36.602 Hangar Rent	100,000.00
	800.36.602 Land Lease	<u>3,824.00</u>
	Total Revenue	5,017,224.00
 Expense		
	51001 Payroll Expenses	
	Health	5,750.00
	Pension	4,550.00
	Social Security/Medicare	4,875.00
	Term Life	50.00
	Unemployment	50.00
	Workers Comp	500.00
	51001 Payroll Expenses - Other	<u>65,000.00</u>
	Total 51001 Payroll Expenses	80,775.00
	 52001 Fees & Services Charges	
	Accounting Fees	500.00
	Auditor Fees	600.00
	Bank Service Charges	4,000.00
	Garbage	600.00
	Legal Fees	250.00
	Postage Fees	600.00
	Web Page	<u>180.00</u>
	Total 52001 Fees & Services Charges	6,730.00
	 53001 Insurance	
	Automobile	400.00
	Building	1,450.00
	Fuel Tank	500.00
	Inland Marine	1,500.00
	Liability	<u>2,200.00</u>
	Total 53001 Insurance	6,050.00
	 55001 Travel & Training	
	Mileage	1,000.00
		<u>5,500.00</u>
	Total 55001 Travel & Training	6,500.00
	 56001 Utilities	
	Cable TV	700.00
	Electric	17,000.00

Mandan Airport Authority
Revenue and Expense Report
January through December 2013

Budget	Mandan Airport Auth. 2013	<u>Jan - Dec 2013</u>
	Propane	7,500.00
	Telephone	2,750.00
	Water	<u>1,800.00</u>
	Total 56001 Utilities	29,750.00
	57001 Publishing & Printing	
	Advertising/Public Relations	2,500.00
	Legal Notices	<u>250.00</u>
	Total 57001 Publishing & Printing	2,750.00
	58001 Dues and Subscriptions	2,500.00
	59001 Supplies & Maintenance	
	Avgas	115,000.00
	AWOS Maintenance	3,000.00
	Diesel Fuel	5,000.00
	Electrical Supplies	2,000.00
	Grounds Supplies	4,000.00
	Hardware	250.00
	Janitorial Supplies	1,000.00
	Jet Fuel	24,000.00
	Miscellaneous Supplies	500.00
	Motor Vehicle Supplies	1,000.00
	Office Supplies	3,000.00
	Safety	2,500.00
	Shop Supplies	1,000.00
	Signage	500.00
	Small Tools	<u>2,000.00</u>
	Total 59001 Supplies & Maintenance	164,750.00
	60001 Repairs & Maintenance	
	Building Repairs	10,000.00
	Electrical	3,500.00
	Equipment Repairs	5,000.00
	Fire Ext.	500.00
	Fuel System	2,500.00
	Plumbing & Septic System	<u>1,500.00</u>
	Total 60001 Repairs & Maintenance	23,000.00
	62001 Capitol Outlay	
	Machinery, Equipment, Const.	<u>30,000.00</u>
	Total 62001 Capitol Outlay	30,000.00
	62001 New Construction	
	FAA Project	
	Advertising	
	Construction	
	Engineering	
	Testing	
	Total FAA Project	<u>4,800,000.00</u>
	Architect	0.00

Mandan Airport Authority
Revenue and Expense Report
 January through December 2013

Budget	Mandan Airport Auth. 2013	<u>Jan - Dec 2013</u>
	Electrical	0.00
	General Construction	0.00
	Testing	<u>0.00</u>
	Total T-hangar	<u>0.00</u>
	Total 62001 New Construction	0.00
	 63001 Debt Service	
	Interest Revenue Bonds	40,077.51
	Principal Revenue Bonds	<u>70,049.69</u>
	Total 63001 Debt Service	110,127.20
	 64001 Misc	
	Possessory Leasehold Tax	<u>20,000.00</u>
	Total 64001 Misc	<u>20,000.00</u>
	 Total Expense	<u>5,282,932.20</u>
	 Other Expense	
	Other Expenses	<u>0.00</u>
	Total Other Expense	<u>0.00</u>
		<u>0.00</u>
		<u>0.00</u>
	 Net Revenue	 -265,708.20



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 21, 2012
PREPARATION DATE: August 15, 2012
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Kelly Steckler, Library Director
SUBJECT: Morton Mandan Public Library's 2013 Budget

PURPOSE

To consider the Morton Mandan Public Library's 2013 Budget.

BACKGROUND

The Morton Mandan Public Library serves all citizens of Morton County and the City of Mandan, and is governed by a Board of Trustees which is appointed by the County Commission and the City Commission. The Library is fiscally dependent upon the County and the City because the County Commission and the City Commission consider the Library's budget, levies taxes and must approve any bond issuances. The Library is reported as a component unit in the City of Mandan's audited financial statements.

The Library's Board of Trustees approved the 2013 Budget on July 23, 2012.

ATTACHMENT

- Morton Mandan Public Library's 2013 Budget

FISCAL IMPACT

The City of Mandan has included the following revenues for the Morton Mandan Public Library in the City's 2013 Budget:

- Property Taxes (7 Mills) = \$309,650
- Delinquent Taxes = \$15,250
- Mobile Home Taxes = \$3,700
- State Grants = \$18,200
- State Aid Distribution = \$10,650
- Disabled Veterans Credit = \$1,800

- Homestead Credit = \$3,650
- Operating Subsidy = \$21,000
- Total = \$383,900

STAFF IMPACT

None

LEGAL REVIEW

None

RECOMMENDATION

To consider the Morton Mandan Public Library's 2013 Budget.

SUGGESTED MOTION

Move to consider the Morton Mandan Public Library's 2013 Budget.

**Morton Mandan Public Library
2013 Budget**

General Fund

Statement of Purpose: To account for operating revenue and expenditures for the current fiscal year.

	<i>Original Budget <u>FY 2012</u></i>	<i>Revised Budget <u>FY 2012</u></i>	<i>Proposed Budget <u>FY 2013</u></i>
Revenues			
Taxes:			
Property Taxes (City)	\$ 298,550	\$ 298,600	\$ 309,650
Delinquent Taxes (City)	\$ 14,150	\$ 15,250	\$ 15,250
Mobile Home Taxes (City)	\$ 3,700	\$ 3,700	\$ 3,700
Total Taxes	\$ 316,400	\$ 317,550	\$ 328,600
Intergovernmental:			
State Grants:			
NDSL (City)	\$ 15,683	\$ 18,200	\$ 18,200
NDSL (County)	\$ 17,177	\$ 18,100	\$ 18,100
State Aid Distribution (City)	\$ 10,650	\$ 10,650	\$ 10,650
Disabled Veterans Credit (City)	\$ 1,100	\$ 1,800	\$ 1,800
Homestead Credit (City)	\$ 3,200	\$ 3,650	\$ 3,650
Morton County	\$ 155,513	\$ 160,100	\$ 160,100
City of Mandan	\$ 31,500	\$ 31,500	\$ 21,000
Total Intergovernmental	\$ 234,823	\$ 244,000	\$ 233,500
Charges for Services:			
Miscellaneous Charges	\$ 50	\$ 50	\$ 50
Copier/Fax/Computer Fees	\$ 2,700	\$ 2,700	\$ 2,700
New Card Fees	\$ 100	\$ 100	\$ 100
Total Charges for Services	\$ 2,850	\$ 2,850	\$ 2,850
Fines and Forfeits:			
Fines	\$ 5,000	\$ 5,000	\$ 5,000
Total Fines and Forfeits	\$ 5,000	\$ 5,000	\$ 5,000
Miscellaneous:			
Interest Earnings	\$ 850	\$ 450	\$ 450
Rent:			
Rice Bowl	\$ 31,200	\$ 31,200	\$ 31,200
Thermo Cool	\$ 4,800	\$ 4,800	\$ 4,800
Donations:			
Donations	\$ 2,000	\$ 2,000	\$ 2,000
Noon Kiwanis-Summer Kids' Programming	\$ 2,000	\$ 2,000	\$ 2,000
Noon Kiwanis-Teen Programming	\$ 1,000	\$ 1,000	\$ 1,000
Refunds:			
Refunds	\$ 200	\$ 700	\$ 700

**Morton Mandan Public Library
2013 Budget**

General Fund

Statement of Purpose: To account for operating revenue and expenditures for the current fiscal year.

	<i>Original Budget FY 2012</i>	<i>Revised Budget FY 2012</i>	<i>Proposed Budget FY 2013</i>
Courier Fees-Bismarck Public Library	\$ 1,100	\$ -	\$ -
Other	\$ -	\$ 2,950	\$ 2,950
Total Miscellaneous	\$ 43,150	\$ 45,100	\$ 45,100
Total Revenues	\$ 602,223	\$ 614,500	\$ 615,050

Expenditures

Library:

Salaries and Benefits:

Assistant Director-Mary Henderson	\$ 44,606	\$ 44,650	\$ 45,800
Reference/ILL Aid-Leatrice Miller	\$ 28,600	\$ 28,600	\$ 29,350
Programming:			
Program Coordinator-Linda Austin	\$ 34,846	\$ 34,850	\$ 35,750
Program Assistant/Circulation Assistant I-Nicole Eckroth	\$ 9,540	\$ 9,550	\$ 9,800
Technical Services/Circulation Aid-Terry Piper	\$ 21,454	\$ 21,450	\$ 22,000
Director-Kelly Steckler	\$ 63,027	\$ 63,050	\$ 64,650
Bookmobile:			
Outreach Services Coordinator-Sheila Berreth	\$ 36,610	\$ 36,600	\$ 37,550
Outreach Services Assistant I-Mary Gaebe	\$ 21,783	\$ 21,800	\$ 22,350
Outreach Services Driver-Renee Maruska	\$ 16,199	\$ 16,200	\$ 16,600
Circulation Assistant I (Temporary)	\$ 9,288	\$ 9,300	\$ 11,200
Page	\$ -	\$ 1,600	\$ -
Social Security and Medicare	\$ 21,875	\$ 22,000	\$ 22,550
Pension	\$ 20,017	\$ 17,600	\$ 18,000
Unemployment Compensation	\$ -	\$ 250	\$ 250
Workers' Compensation	\$ 800	\$ 800	\$ 800
Health Insurance	\$ 43,800	\$ 38,350	\$ 40,250
Term Life Insurance	\$ 350	\$ 300	\$ 300
Total Salaries and Benefits	\$ 372,796	\$ 366,950	\$ 377,200

Fees and Other Service Charges:

Audit Fees	\$ 600	\$ 500	\$ 500
Accounting Fees	\$ 4,000	\$ 4,000	\$ 4,200
Courier Fees	\$ 2,200	\$ 2,200	\$ 2,200
Computer Telecommunications	\$ 1,000	\$ 1,600	\$ 1,600
System-Related Charges (CDLN Contract)	\$ 10,500	\$ 10,500	\$ 10,500
Technology Support (Server)	\$ 4,500	\$ 4,500	\$ 4,500
Total Fees and Other Service Charges	\$ 22,800	\$ 23,300	\$ 23,500

Insurance:

**Morton Mandan Public Library
2013 Budget**

General Fund

Statement of Purpose: To account for operating revenue and expenditures for the current fiscal year.

	<i>Original Budget FY 2012</i>	<i>Revised Budget FY 2012</i>	<i>Proposed Budget FY 2013</i>
Insurance	\$ 3,700	\$ 2,800	\$ 2,900
Total Insurance	<u>\$ 3,700</u>	<u>\$ 2,800</u>	<u>\$ 2,900</u>
Rentals:			
Building Rental	\$ 1,100	\$ 1,100	\$ 1,000
Total Rentals	<u>\$ 1,100</u>	<u>\$ 1,100</u>	<u>\$ 1,000</u>
Travel and Training:			
Staff Training	\$ 4,500	\$ 4,500	\$ 2,500
Board Expenses/Program Mileage	\$ 600	\$ 600	\$ 1,000
Total Travel and Training	<u>\$ 5,100</u>	<u>\$ 5,100</u>	<u>\$ 3,500</u>
Utilities:			
Utilities	\$ 25,000	\$ 17,850	\$ 18,400
Telephone	\$ 2,500	\$ 1,700	\$ 1,800
Total Utilities	<u>\$ 27,500</u>	<u>\$ 19,550</u>	<u>\$ 20,200</u>
Publishing and Printing:			
Advertising/Public Relations	\$ 3,000	\$ 3,000	\$ 2,000
Total Publishing and Printing	<u>\$ 3,000</u>	<u>\$ 3,000</u>	<u>\$ 2,000</u>
Library Materials:			
Dues and Memberships	\$ 700	\$ 700	\$ 500
Adult/General Materials	\$ 59,000	\$ 59,000	\$ 59,000
Reference, Including Electronic E-books	\$ 7,000	\$ 7,000	\$ 10,000
Easy Materials	\$ 10,000	\$ 10,000	\$ 10,000
Periodicals	\$ 7,000	\$ 7,000	\$ 6,000
Junior Materials	\$ 9,000	\$ 9,000	\$ 7,000
Software Materials	\$ 1,000	\$ 1,000	\$ 1,000
Audiovisuals	\$ 6,000	\$ 6,000	\$ 5,000
Young Adult Materials	\$ 6,000	\$ 6,000	\$ 6,000
Satellite/Movie Services	\$ 500	\$ 500	\$ 600
Reference/Junior Materials	\$ -	\$ -	\$ 2,000
Total Library Materials	<u>\$ 106,200</u>	<u>\$ 106,200</u>	<u>\$ 107,100</u>
Supplies and Maintenance:			
Office Supplies	\$ 7,000	\$ 7,000	\$ 7,000
Postage and Sort Fees	\$ 4,000	\$ 4,000	\$ 4,000
Janitorial Supplies	\$ 3,000	\$ 3,000	\$ 3,000
Gas, Oil, Grease	\$ 4,500	\$ 5,250	\$ 5,400

**Morton Mandan Public Library
2013 Budget**

General Fund

Statement of Purpose: To account for operating revenue and expenditures for the current fiscal year.

	<i>Original Budget FY 2012</i>	<i>Revised Budget FY 2012</i>	<i>Proposed Budget FY 2013</i>
Copier/Fax/Computer	\$ 1,500	\$ 1,500	\$ 3,000
Materials Processing	\$ 7,000	\$ 7,000	\$ 6,000
Program Supplies:			
Preschool to Grade 6	\$ 4,500	\$ 4,500	\$ 4,500
Teens	\$ 2,000	\$ 2,000	\$ 2,000
Total Supplies and Maintenance	<u>\$ 33,500</u>	<u>\$ 34,250</u>	<u>\$ 34,900</u>
Repairs and Maintenance:			
Equipment Repairs and Maintenance	\$ 2,000	\$ 2,000	\$ 2,000
Building Repairs and Maintenance	\$ 13,000	\$ 13,000	\$ 13,000
Maintenance Contracts:			
Maintenance Contracts	\$ 5,250	\$ 5,250	\$ 4,850
City of Mandan	\$ 8,750	\$ 8,750	\$ 9,150
Vehicle Repairs and Maintenance	\$ 2,000	\$ 2,000	\$ 2,000
Total Repairs and Maintenance	<u>\$ 31,000</u>	<u>\$ 31,000</u>	<u>\$ 31,000</u>
Capital Outlay:			
Office Equipment/Furniture	\$ 2,000	\$ 2,000	\$ 2,000
Total Capital Outlay	<u>\$ 2,000</u>	<u>\$ 2,000</u>	<u>\$ 2,000</u>
Transfers:			
Bookmobile Replacement Fund	\$ 10,000	\$ 10,000	\$ 10,000
Capital Reserve Fund	\$ -	\$ -	\$ 50,000
Total Transfers	<u>\$ 10,000</u>	<u>\$ 10,000</u>	<u>\$ 60,000</u>
Total Expenditures	<u>\$ 618,696</u>	<u>\$ 605,250</u>	<u>\$ 665,300</u>

**Morton Mandan Public Library
2013 Budget
General Fund**

Summary

Statement of Purpose: To account for the revenue and expenditures along with the goal of maintaining at least 17% of operating expense reserve balance.

	<i>Original Budget <u>FY 2012</u></i>	<i>Revised Budget <u>FY 2012</u></i>	<i>Proposed Budget <u>FY 2013</u></i>
Actual Fund Balance-January 1	\$ 168,353	\$ 168,353	
Estimated Fund Balance-January 1			\$ 177,603
Operating:			
Revenues	\$ 602,223	\$ 614,500	\$ 615,050
Expenditures	\$ 608,696	\$ 595,250	\$ 605,300
	<hr/>		
Excess of Revenues Over (Under) Expenditures	\$ (6,473)	\$ 19,250	\$ 9,750
	<hr/>		
Non-Operating:			
Expenditures:			
Transfers:			
Bookmobile Replacement Fund	\$ 10,000	\$ 10,000	\$ 10,000
Capital Reserve Fund	\$ -	\$ -	\$ 50,000
	<hr/>		
Estimated Fund Balance-December 31	\$ 151,881	\$ 177,603	\$ 127,353
	<hr/>		
	Total Operating Expenditures	\$ 605,300	\$ 605,300
	x Operating Reserve (17%)	17%	17%
	Estimated Fund Balance-December 31	\$ 102,901	\$ 102,901
	<hr/>		

**Morton Mandan Public Library
2013 Budget**

Bookmobile Replacement Fund

Statement of Purpose: To be used as future replacement of Bookmobile unit.

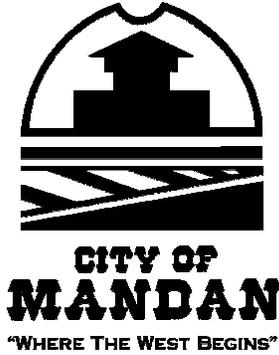
	<i>Original Budget FY 2012</i>	<i>Revised Budget FY 2012</i>	<i>Proposed Budget FY 2013</i>
Actual Fund Balance-January 1	\$ 195,606	\$ 195,606	
Estimated Fund Balance-January 1			\$ 20,856
Revenues			
Miscellaneous:			
Interest Earnings	\$ -	\$ -	\$ -
Total Miscellaneous	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
Transfers:			
General Fund	\$ 10,000	\$ 10,000	\$ 10,000
Total Transfers	<u>\$ 10,000</u>	<u>\$ 10,000</u>	<u>\$ 10,000</u>
Total Revenues	<u>\$ 10,000</u>	<u>\$ 10,000</u>	<u>\$ 10,000</u>
Expenditures			
Capital Outlay:			
Bookmobile	\$ -	\$ 184,750	\$ -
Total Capital Outlay	<u>\$ -</u>	<u>\$ 184,750</u>	<u>\$ -</u>
Total Expenditures	<u>\$ -</u>	<u>\$ 184,750</u>	<u>\$ -</u>
Excess of Revenues Over (Under) Expenditures	<u>\$ 10,000</u>	<u>\$ (174,750)</u>	<u>\$ 10,000</u>
Estimated Fund Balance-December 31	<u>\$ 205,606</u>	<u>\$ 20,856</u>	<u>\$ 30,856</u>

**Morton Mandan Public Library
2013 Budget**

Capital Reserve Fund

Statement of Purpose: To be used for future building and capital improvements over \$5,000.

	<i>Original Budget <u>FY 2012</u></i>	<i>Revised Budget <u>FY 2012</u></i>	<i>Proposed Budget <u>FY 2013</u></i>
Actual Fund Balance-January 1	\$ 45,656	\$ 45,656	
Estimated Fund Balance-January 1			\$ 42,506
Revenues			
Transfers:			
General Fund	\$ -	\$ -	\$ 50,000
Total Transfers	\$ -	\$ -	\$ 50,000
Total Revenues	\$ -	\$ -	\$ 50,000
Expenditures			
Repairs and Maintenance:			
Building Repairs and Maintenance	\$ -	\$ 3,150	\$ -
Total Repairs and Maintenance	\$ -	\$ 3,150	\$ -
Capital Outlay:			
Building Improvements	\$ -	\$ -	\$ -
Office Equipment/Furniture	\$ -	\$ -	\$ -
Total Capital Outlay	\$ -	\$ -	\$ -
Total Expenditures	\$ -	\$ 3,150	\$ -
Excess of Revenues Over (Under) Expenditures	\$ -	\$ (3,150)	\$ 50,000
Estimated Fund Balance-December 31	\$ 45,656	\$ 42,506	\$ 92,506



New Business No. 9

Board of City Commissioners

Agenda Documentation

MEETING DATE: August 21, 2012
PREPARATION DATE: August 15, 2012
SUBMITTING DEPARTMENT: Morton Mandan Public Library (MMPL)
DEPARTMENT DIRECTOR: Kelly Steckler, Director MMPL
PRESENTER: Kelly Steckler, Director MMPL
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 are three vacancies 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 David Leingang from Mandan.

The County Commission approved this appointment at their August 14, 2012 meeting.

ATTACHMENTS: Letter of interest from David Leingang

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION:

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

SUGGESTED MOTIONS:

To appoint David Leingang to the Morton Mandan Public Library Board of Trustees to a three-year term to be held July 2012 to June 2015.

Board of City Commissioners
Agenda Documentation
Meeting Date: August 21, 2012
Subject: Appointment to MMPL
Page 2 of 2

David Leingang
600 5th Ave NW
Mandan, ND 58554
dave.leingang@gmail.com

Date: 13 July 2012

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

Ms. Steckler,

While reviewing information on the city of Mandan's website I noticed that Morton Mandan Public Library is seeking two Mandan citizens to represent the library as a Board of Trustee.

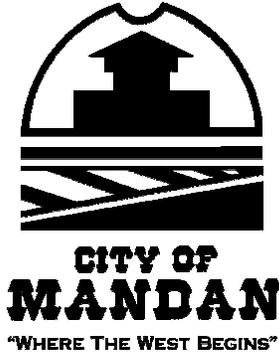
Having been a Mandan resident for 30 years, and living out of state for 18 years while serving in the United States Navy, I greatly appreciate Mandan's community atmosphere and grateful for this opportunity to assist in moving the library into the future.

After graduating from the Mandan High School in 1982 I enlisted in the Navy and returned in 2000 to be the area recruiter. Some of the responsibilities as a recruiter was to promote the Navy to local schools and businesses, which allowed me to network within numerous North Dakota cities, including Mandan. Shortly after retiring from the Navy in 2003, I continued my education and received a Bachelor's degree with a major in business and minor in accounting. During this time I also started to work for the North Dakota Department of Transportation as the Business Planner. This position focuses on the departments strategic plan, performance measures, and overseeing the employee and customer satisfaction surveys. In 2010 I completed the University of Mary's Strategic Leadership graduate program. I am an active member of the Leadership Bismarck/Mandan Alumni Association (LBMAA) and a life-long learner who values the possibilities that books can bring to people.

It has been an interest of mine to become more active within the city government and I would be honored to be selected as a member of the Board of Trustees for the Morton Mandan Public Library.

Sincerely,


David Leingang



New Business No. 10

Board of City Commissioners

Agenda Documentation

MEETING DATE: August 21, 2012
PREPARATION DATE: August 15, 2012
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR:
PRESENTER: Dave Bechtel
SUBJECT: Consider the creation of Street Improvement District No. 175 Project # 2012-18. (Meadow Ridge 1st & 2nd Addition).

STATEMENT/PURPOSE: To create a special assessment district for the requested project.

BACKGROUND/ALTERNATIVES: The Engineering office has received a petition from Mike Wachter requesting the special assessment of streets within the Meadow Ridge 1st and 2nd plats. The location of the plats is the southeast corner of 8th Avenue NW and 27th Street NW. The roads to be paved would be 6th Avenue NW & all of Meadow Ridge 2nd (Cul-de-Sac Street).

ATTACHMENTS:

1. Petition by Owner
2. District Map
3. Estimate of Cost

FISCAL IMPACT: Based on the estimate of cost included with your documentation, the cost of the project would be \$290,082.85, engineering and administration will add \$72,520.71, bringing the total to \$362,603.56.

STAFF IMPACT: Minimal

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

RECOMMENDATION: I would recommend approval of this project.

SUGGESTED MOTION: This office recommends approval for the creation of the district.

Board of City Commissioners

Agenda Documentation

Meeting Date: August 21, 2012

Subject: Consider the creation of Street Improvement District No. 175 Project # 2012-18.
(Meadow Ridge 1st & 2nd Addition).

Page 2 of 4

2186

August 15, 2012

PETITION

To the Honorable Board of City Commissioners of the City of Mandan, North Dakota.

The undersigned, being the Developer of Meadow Ridge 1st & 2nd Addition, Mandan, North Dakota, hereby petitions the City of Mandan to create a Special Assessment District for the purpose of performing improvements consisting of asphalt paving, curb and gutter, earthwork and all work and material incidental thereto on a portion of 6th Avenue NW and from 27th Street NW South 750' and all of Meadow Ridge 2nd (Cul-de-Sac Street).



Mike Wachter
Harmony Properties, LLC

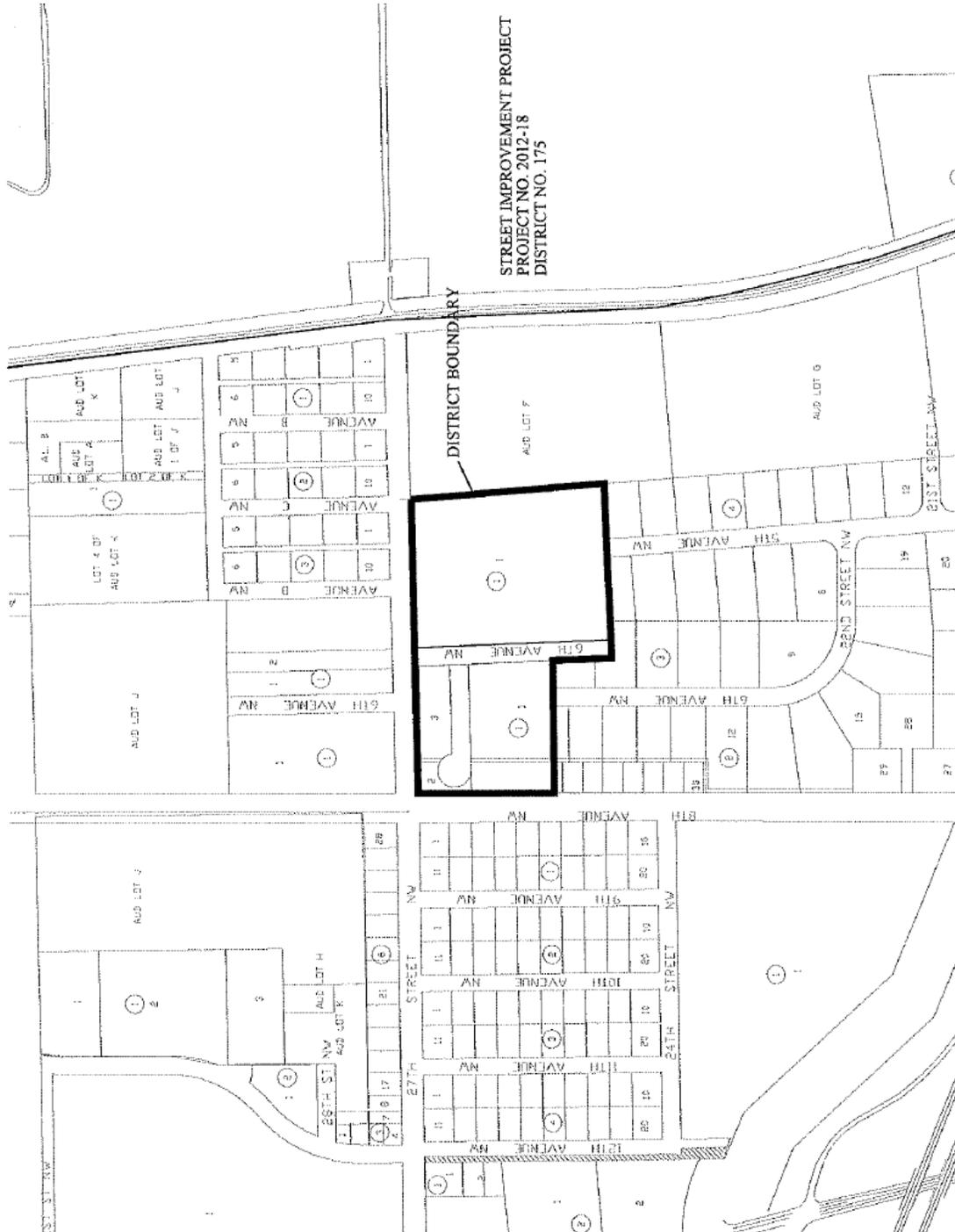
Board of City Commissioners

Agenda Documentation

Meeting Date: August 21, 2012

Subject: Consider the creation of Street Improvement District No. 175 Project # 2012-18.
(Meadow Ridge 1st & 2nd Addition).

Page 3 of 4



Board of City Commissioners

Agenda Documentation

Meeting Date: August 21, 2012

Subject: Consider the creation of Street Improvement District No. 175 Project # 2012-18.
(Meadow Ridge 1st & 2nd Addition).

Page 4 of 4

**MEADOW RIDGE 1ST & 2ND ADDITION
TECO #2186
August 15, 2012**

Item No.	Description	Unit	Quan.	Unit Price	Northern Improvement Co.
1	Unclassified excavation & embankment	CY	2,000	\$ 5.80	\$ 11,600.00
2	Water for compaction	M.Gal.	20	\$ 14.90	\$ 298.00
3	Subgrade preparation (6")	SY	5,950	\$ 1.70	\$ 10,115.00
4	AC Surface course (2")	Ton	605	\$ 91.30	\$ 55,236.50
5	AC Base course (2½")	Ton	760	\$ 91.30	\$ 69,388.00
6	Bituminous tack coat	Gal.	300	\$ 2.30	\$ 690.00
7	Bituminous seal coat	SY	5,450	\$ 2.00	\$ 10,900.00
8	18" Storm Sewer Pipe (RCP)	LF	80	\$ 58.30	\$ 4,664.00
9	Type 36" Inlet	Each	2	\$ 3,780.00	\$ 7,560.00
10	Apply soil sterilizer	LS	1	\$ 4,035.00	\$ 4,035.00
11	Install mountable curb and gutter	LF	2,300	\$ 17.70	\$ 40,710.00
12	Street Lights 250W (galvanized Pole Type "C")	Each	8	\$ 3,348.00	\$ 26,784.00
13	Copper conductor circuitry (3 - #4 & 1- #6)	LF	1,300	\$ 7.00	\$ 9,100.00
14	Trenching for conduit & circuitry	LF	1,300	\$ 4.90	\$ 6,370.00
15	Adjust gate valve box	Each	4	\$ 384.00	\$ 1,536.00
16	Adjust Manhole Casting	Each	5	\$ 384.00	\$ 1,920.00
17	Type III Barricade (furnish & install)	Each	1	\$ 116.60	\$ 116.60
18	Street Name Post with 4 Signs	Each	2	\$ 324.00	\$ 648.00
19	Silt Fence	LF	200	\$ 7.00	\$ 1,400.00
20	Respread 4" topsoil from onsite stockpile with seeding & hydromulch	Acre	1	\$ 12,568.00	\$ 12,568.00
21	Stabilized Gravel Base (Class 5)	Ton	30	\$ 29.30	\$ 879.00
22	Remove & stockpile 6" topsoil	Acre	0.75	\$ 2,393.00	\$ 1,794.75
23	4" Concrete (sidewalk)	SY	70	\$ 54.00	\$ 3,780.00
24	8" Concrete valley gutter	SY	30	\$ 63.00	\$ 1,890.00
25	Culvert Modification	LS	1	\$ 700.00	\$ 700.00
26	Stop sign	Each	1	\$ 400.00	\$ 400.00
27	Control Panel	Each	1	\$ 5,000.00	\$ 5,000.00
CONSTRUCTION TOTAL					\$ 290,082.85
ENGINEERING & CONTINGENCY					\$ 72,520.71
					\$ 362,603.56



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 21, 2012
PREPARATION DATE: August 15, 2012
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Greg Welch
SUBJECT: Preliminary 2013 Budget

PURPOSE

To consider the introduction and first consideration, and call for a public hearing of Ordinance No. 1129 adopting the 2013 Budget.

BACKGROUND

The City of Mandan is required to prepare the annual Budget in accordance with the Municipal Budget Law (North Dakota Century Code Chapter 40-40) and also with existing City Ordinances, Resolutions, contacts and agreements. In addition to these legal requirements, the City's Significant Budget Policies provide further direction and guidance to the budgeting process.

The Preliminary 2013 Budget is in compliance with these legal requirements and City Policies.

The proposed Budget for 2013 is submitted to you as a recommendation from the City's Budget Committee.

The City's Budget Committee consists of the following members:

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

The City will publish a Notice of Public Hearing on August 31, 2012 for the second and final consideration of Ordinance No. 1129 adopting the 2013 Budget on September 18, 2012.

The Preliminary 2013 Budget will also be posted on the City's website at cityofmandan.com.

ATTACHMENTS

- Preliminary 2013 Budget
- Ordinance No. 1129

FISCAL IMPACT

See Preliminary 2013 Budget

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

Property Taxes:

- 2012 Budget = \$769
- 2013 Budget = \$738
- Annual decrease = \$31

Utility Bill:

- 2012 Budget = \$790
- 2013 Budget = \$836
- Annual increase = \$46

Total:

- 2012 Budget = \$1,560
- 2013 Budget = \$1,574
- Annual increase = \$14

STAFF IMPACT

None

LEGAL REVIEW

The Budget was prepared in accordance with the Municipal Budget Law (North Dakota Century Code Chapter 40-40) and also with existing City Ordinances, Resolutions, contracts and agreements.

RECOMMENDATION

To approve the introduction and first consideration, and call for a public hearing of Ordinance No. 1129 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2013, and ending December 31, 2013, and making the annual tax levy for the year 2012.

SUGGESTED MOTION

Move to approve the introduction and first consideration, and call for a public hearing of Ordinance No. 1129 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2013, and ending December 31, 2013, and making the annual tax levy for the year 2012.



**CITY OF
MANDAN**

“WHERE THE WEST BEGINS”

**PRELIMINARY
2013 BUDGET**

PURPOSE

To consider the introduction and first consideration, and call for a public hearing of Ordinance No. 1129 adopting the 2013 Budget.

BACKGROUND

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

REVENUES

Total = \$24,695,700

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

EXPENDITURES

Total = \$24,125,050

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

MAJOR FUNDS

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

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

Condensed Operating Statements:

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

TAXABLE VALUATION

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

- Increase from Tax Year 2011 (2012 Budget) = 3.7%
- 1 Mill = \$46,569

MILL LEVY

Mill Levy = 93.65 Mills

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

PROPERTY TAXES

Property Taxes = \$4,361,191

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

SALARIES AND BENEFITS

Salaries = \$5,671,000

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

Benefits = \$1,900,000

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

Salaries and Benefits = \$7,571,000

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

DEBT SERVICE

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

- Total Principal and Interest = \$74,745,906
- Amortization:
 - % of Debt Service retired in 10 years = 84%
 - % of Debt Service retired in 15 years = 97%
- Bond Rating = A1

CAPITAL OUTLAY

Capital Outlay = \$1,854,550

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

ANNUAL COST FOR CITY SERVICES

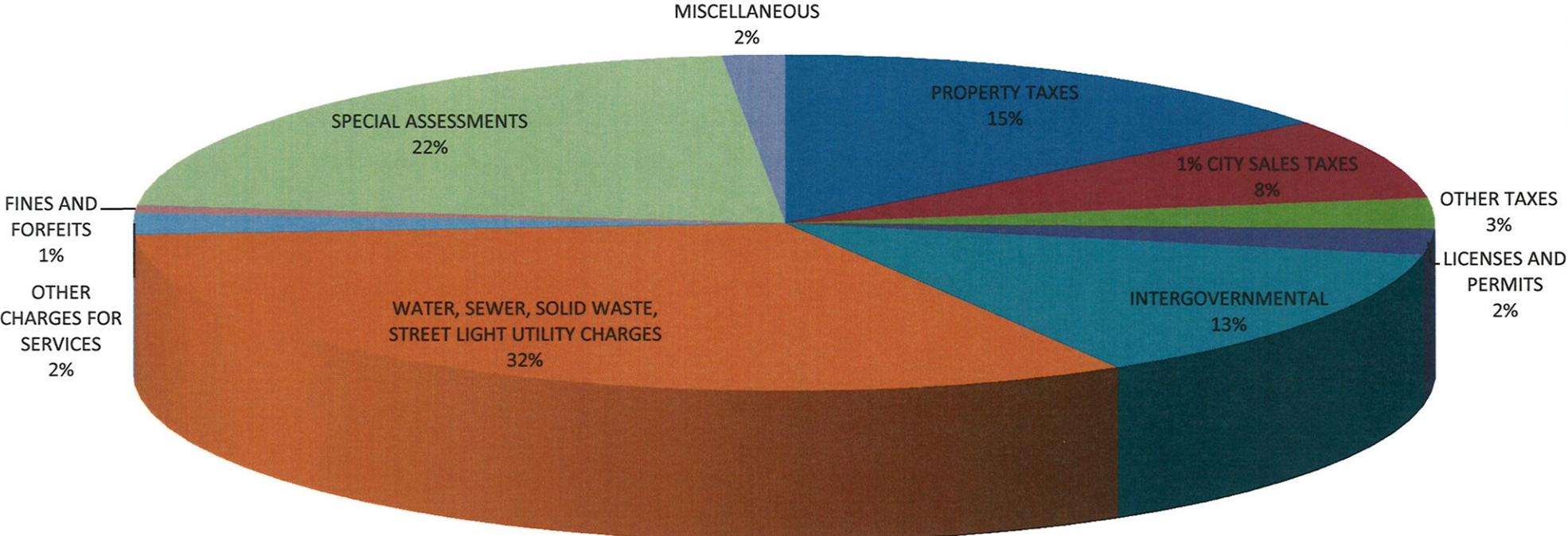
The annual cost for City services for an existing \$175,000 residential home with an average valuation increase of 0.1% (Board of Equalization) and using 8 units of water per month, excluding special assessments = \$1,574

- Increase from 2012 Budget = \$14

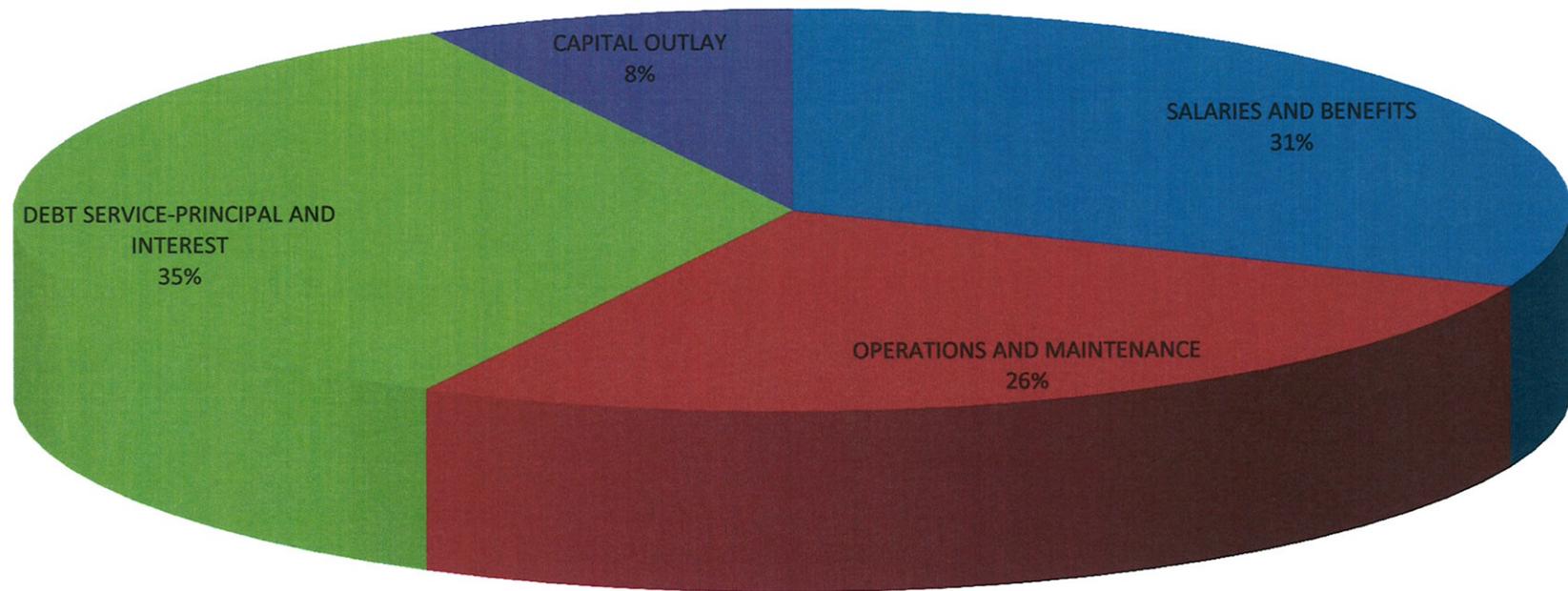
The City will publish a Notice of Public Hearing on August 31, 2012 for the second and final consideration of Ordinance No. 1129 adopting the 2013 Budget on September 18, 2012.

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CITY OF MANDAN 2013 BUDGET REVENUES



CITY OF MANDAN 2013 BUDGET EXPENDITURES



**CITY OF MANDAN
2013 BUDGET**

	<u>GENERAL FUND</u>	<u>CEMETERY FUND</u>	<u>MANDAN GROWTH FUND</u>
FUND BALANCE-DECEMBER 31, 2012	\$ 3,670,333	\$ 100,451	\$ 355,461
REVENUES	\$ 8,451,050	\$ 185,200	\$ 318,950
EXPENDITURES	<u>\$ 7,864,900</u>	<u>\$ 146,700</u>	<u>\$ 159,650</u>
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	<u>\$ 586,150</u>	<u>\$ 38,500</u>	<u>\$ 159,300</u>
CAPITAL OUTLAY	<u>\$ (677,100)</u>	<u>\$ (2,000)</u>	<u>\$ -</u>
INCREASE (DECREASE) IN FUND BALANCE	<u>\$ (90,950)</u>	<u>\$ 36,500</u>	<u>\$ 159,300</u>
FUND BALANCE-DECEMBER 31, 2013	<u><u>\$ 3,579,383</u></u>	<u><u>\$ 136,951</u></u>	<u><u>\$ 514,761</u></u>
<u>FUND BALANCE-DECEMBER 31, 2013</u>			
RESERVED	\$ 1,378,492	\$ 26,093	
CAPITAL IMPROVEMENT	2,200,891	110,858	
ECONOMIC DEVELOPMENT			\$ 397,546
STOREFRONT IMPROVEMENT PROGRAM			87,896
RETAIL AND RESTAURANT INCENTIVE PROGRAM			29,318
TOTAL	<u><u>\$ 3,579,383</u></u>	<u><u>\$ 136,951</u></u>	<u><u>\$ 514,761</u></u>

**CITY OF MANDAN
2013 BUDGET**

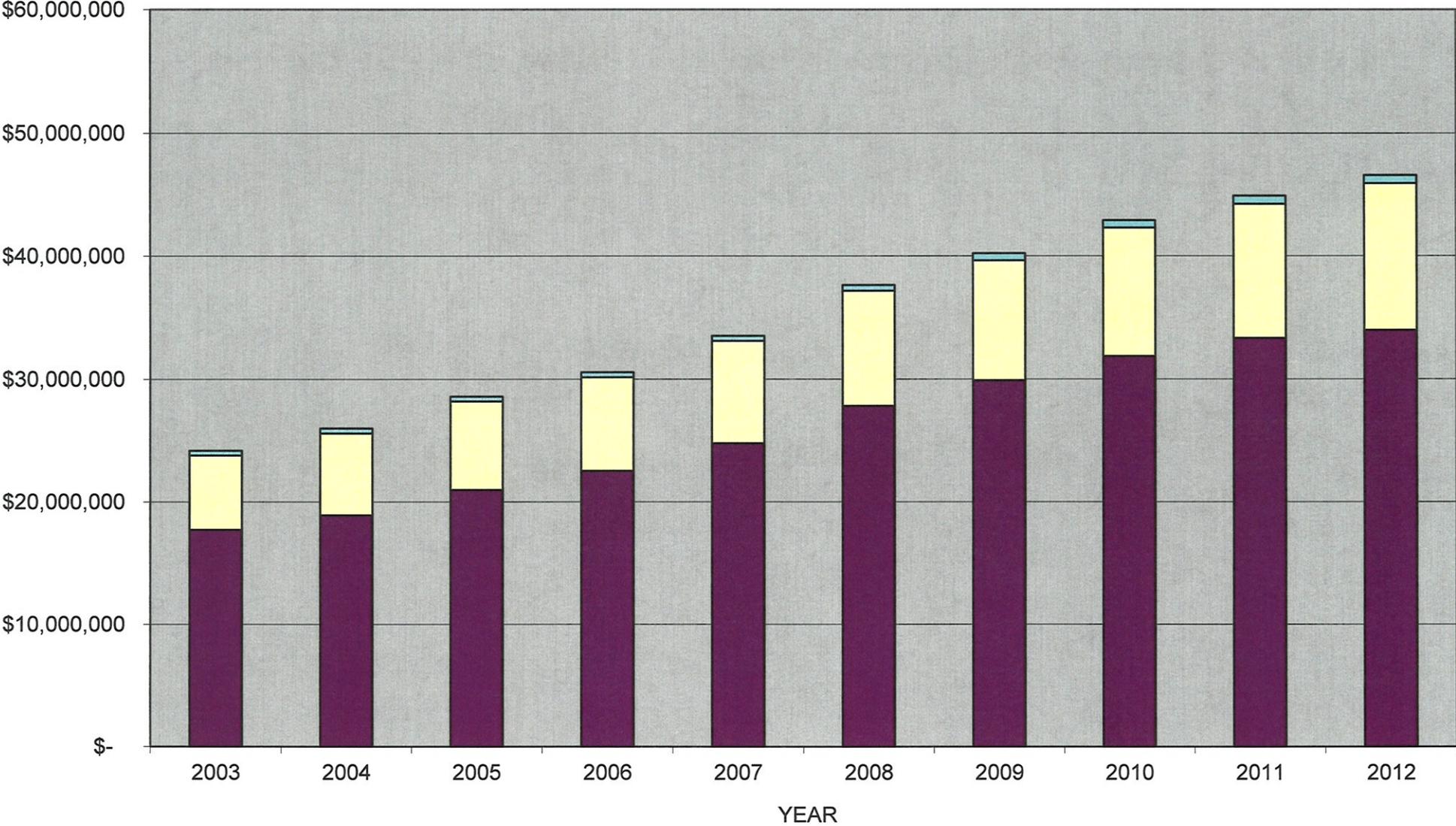
	WATER & SEWER UTILITY FUND	SOLID WASTE UTILITY FUND	STREET LIGHT UTILITY FUND
FUND BALANCE-DECEMBER 31, 2012	\$ 2,986,847	\$ 1,618,801	\$ 105,660
REVENUES	\$ 6,293,950	\$ 1,458,950	\$ 377,650
EXPENDITURES	\$ 5,297,350	\$ 1,362,450	\$ 339,550
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	\$ 996,600	\$ 96,500	\$ 38,100
CAPITAL OUTLAY	\$ (774,450)	\$ -	\$ (54,000)
INCREASE (DECREASE) IN FUND BALANCE	\$ 222,150	\$ 96,500	\$ (15,900)
FUND BALANCE-DECEMBER 31, 2013	<u>\$ 3,208,997</u>	<u>\$ 1,715,301</u>	<u>\$ 89,760</u>
<u>FUND BALANCE-DECEMBER 31, 2013</u>			
RESERVED	\$ 799,312	\$ 353,739	\$ 87,699
CAPITAL IMPROVEMENT	383,473	361,562	2,061
REVENUE BONDS	2,026,212		
LANDFILL AND TRANSFER STATION		1,000,000	
TOTAL	<u>\$ 3,208,997</u>	<u>\$ 1,715,301</u>	<u>\$ 89,760</u>

**CITY OF MANDAN
2013 BUDGET
STATE REVOLVING FUND (SRF) PROGRAM PROJECTS**

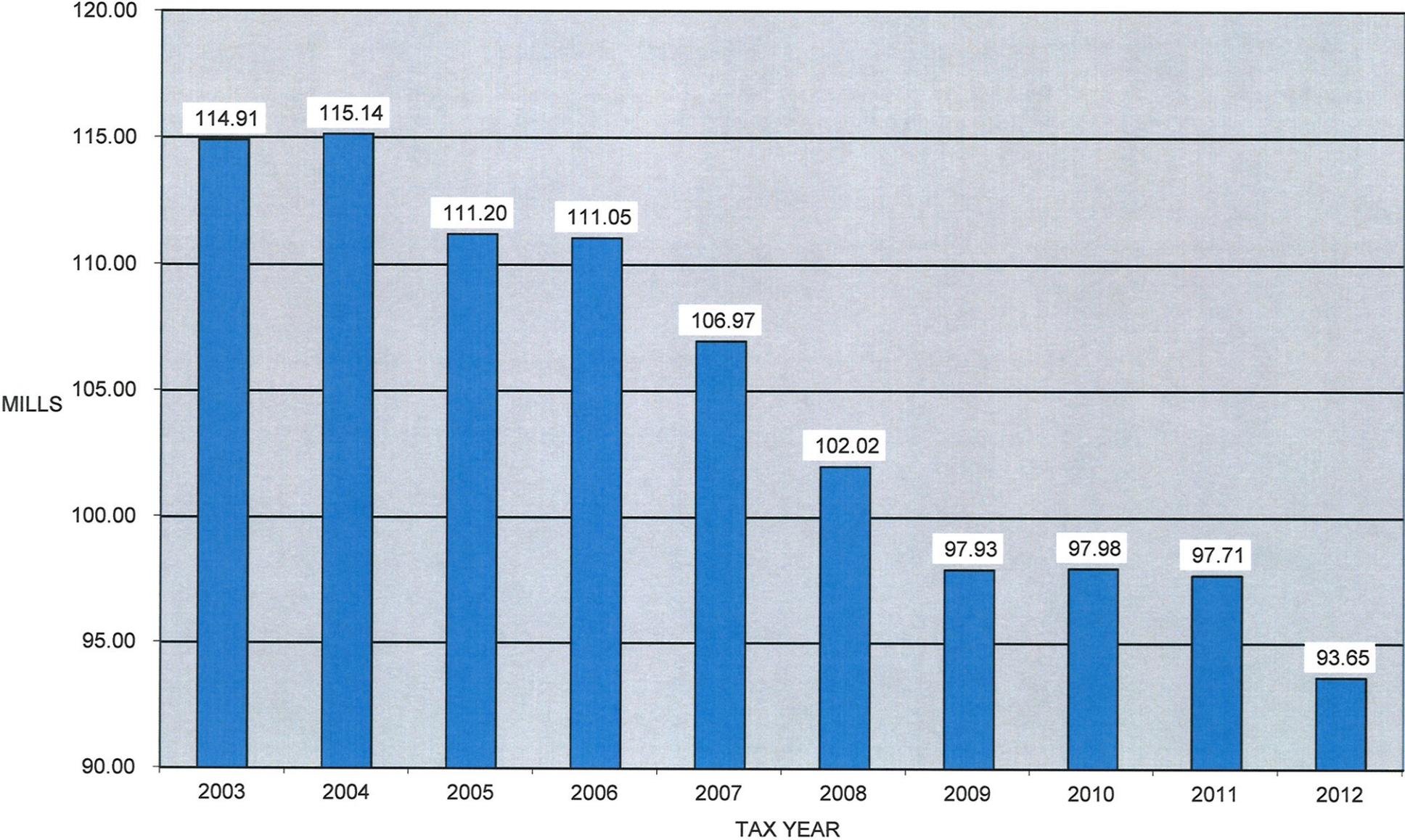
	<u>TOTAL</u>
<u>WATER AND SEWER UTILITY FUND</u>	
WATER TREATMENT PLANT FINAL OPTIMIZATION	\$ 1,143,000
WATER METER/MXU REPLACEMENT PROJECT	\$ 1,800,000
LIFT STATION ALARM SYSTEM	\$ 264,839
ROUGH RIDER LIFT STATION/ABANDON SEWER PONDS	\$ 635,634
ENERGY INFRASTRUCTURE AND IMPACT OFFICE GRANTS MATCH	<u>\$ 1,000,000</u>
TOTAL	<u>\$ 4,843,473</u>
<u>LESS PROJECT SAVINGS</u>	
WATER TREATMENT PLANT RESIDUALS MANAGEMENT FACILITY	\$ (63,805)
SOUTH SIDE RESERVOIR	<u>\$ (691,415)</u>
TOTAL	<u>\$ (755,221)</u>
TOTAL	<u><u>\$ 4,088,252</u></u>

CITY OF MANDAN TAXABLE VALUATIONS

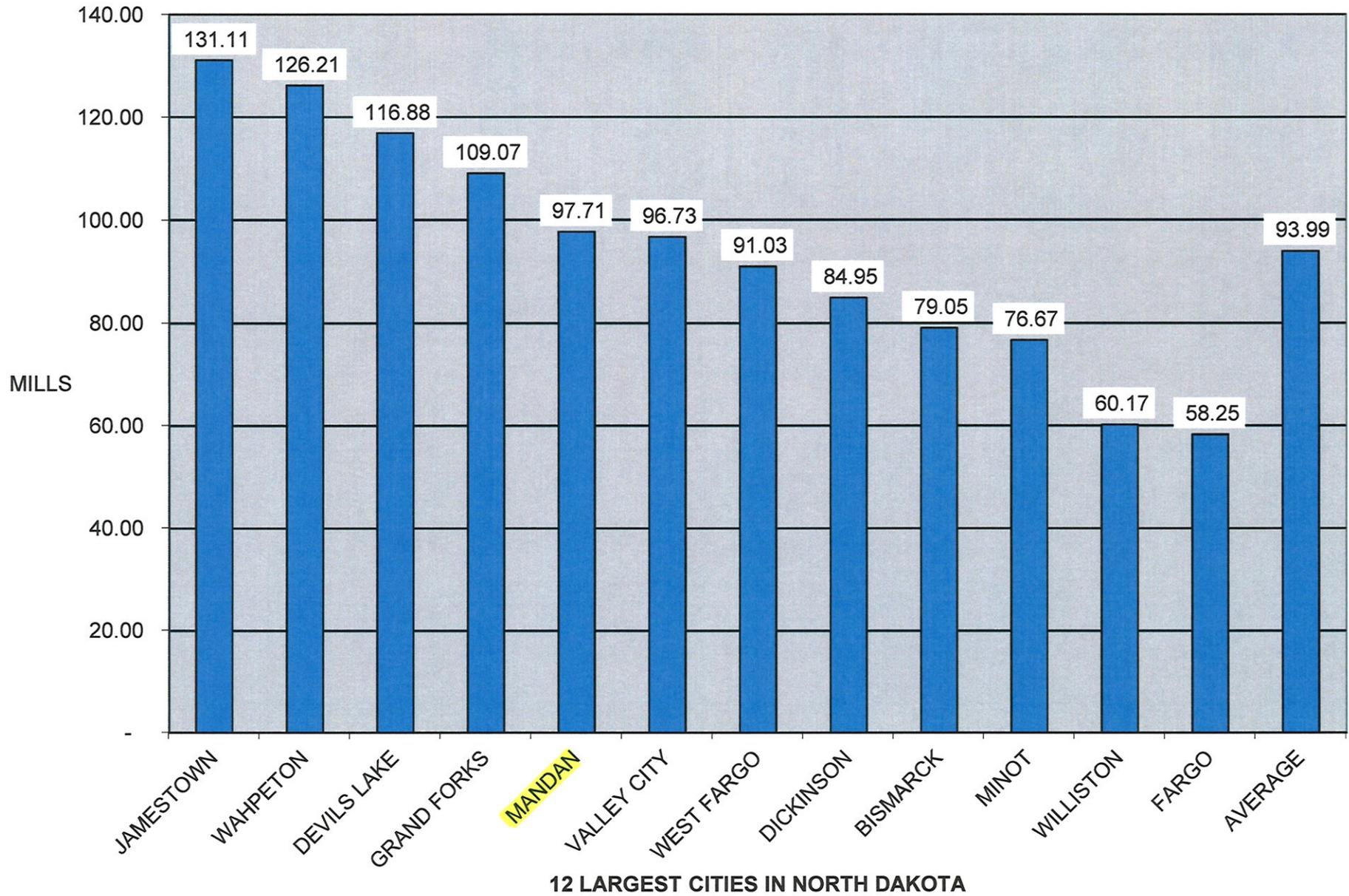
■ AGRICULTURAL ■ RESIDENTIAL □ COMMERCIAL ■ OTHER



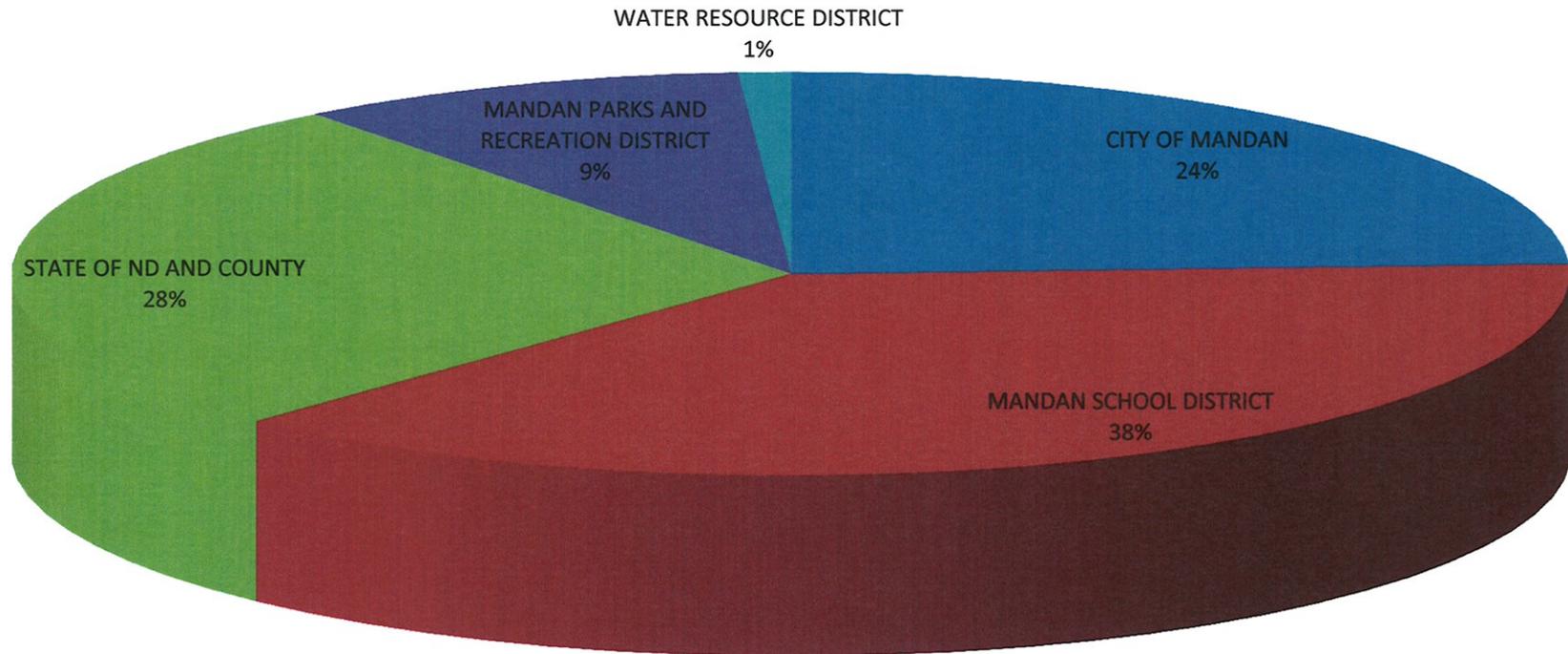
CITY OF MANDAN PROPERTY TAX RATES



CITY MILL LEVY TAX YEAR 2011



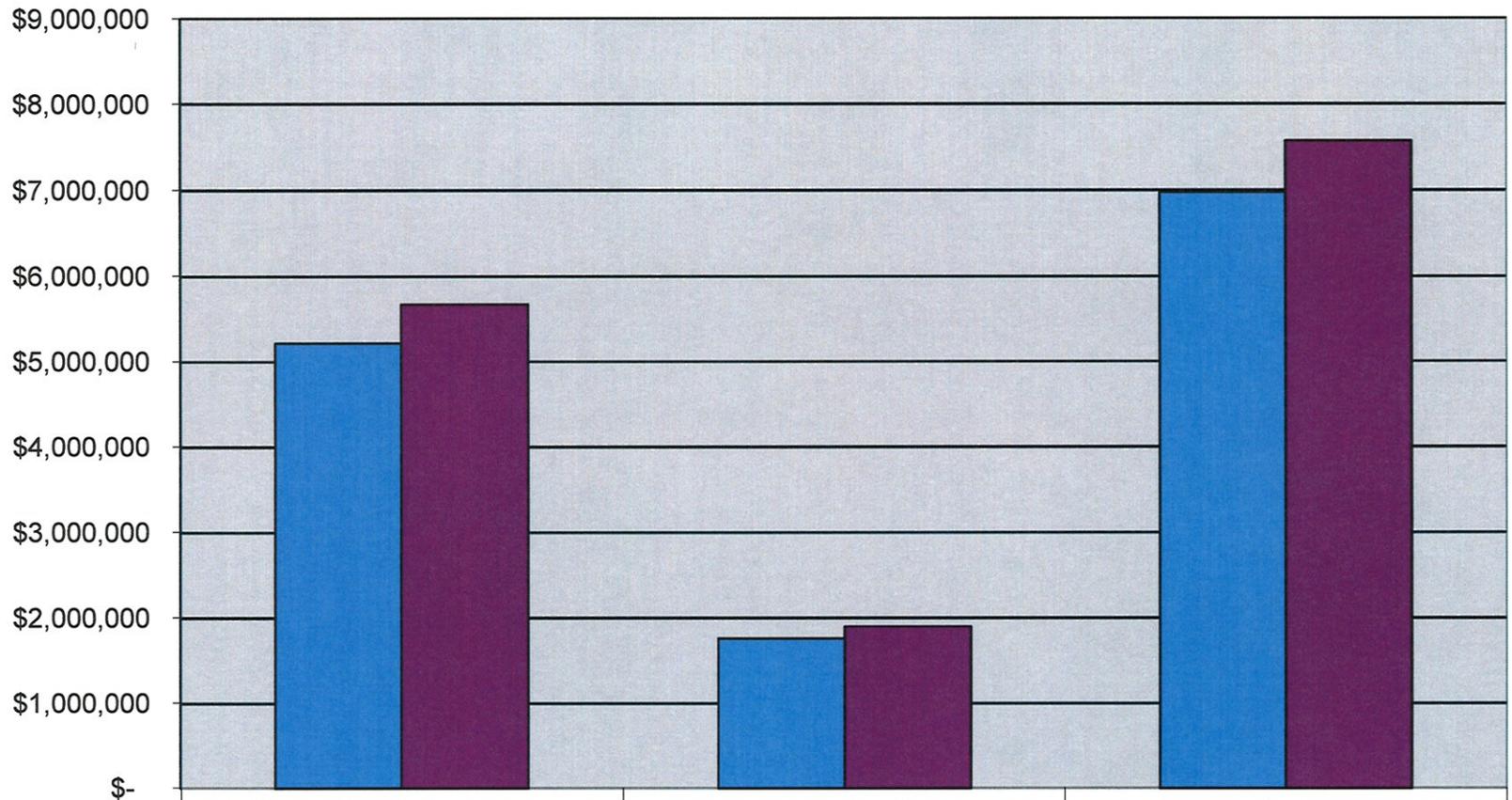
PROPERTY TAX RATES TAX YEAR 2011



**CITY OF MANDAN
2013 BUDGET
MILL LEVY AND PROPERTY TAXES**

<u>FUND</u>	<u>MILL LEVY</u>	<u>PROPERTY TAXES</u>
GENERAL	72.60	\$ 3,380,926
SPECIAL REVENUE FUNDS:		
CITY'S SHARE OF SPECIAL ASSESSMENTS	3.56	\$ 165,700
CEMETERY	2.00	\$ 93,138
PUBLIC TRANSPORTATION SYSTEM	2.00	\$ 93,138
DEBT SERVICE FUNDS:		
GENERAL OBLIGATION BONDS:		
LIBERTY MEMORIAL BRIDGE	1.50	\$ 69,892
REFUNDING IMPROVEMENT BONDS:		
STREET IMPROVEMENT DISTRICT #145	0.72	\$ 33,508
STREET IMPROVEMENT DISTRICT #148	0.27	\$ 12,626
MANDAN AIRPORT AUTHORITY	4.00	\$ 186,277
MORTON MANDAN PUBLIC LIBRARY	7.00	\$ 325,985
TOTAL	<u>93.65</u>	<u>\$ 4,361,191</u>

CITY OF MANDAN SALARIES AND BENEFITS



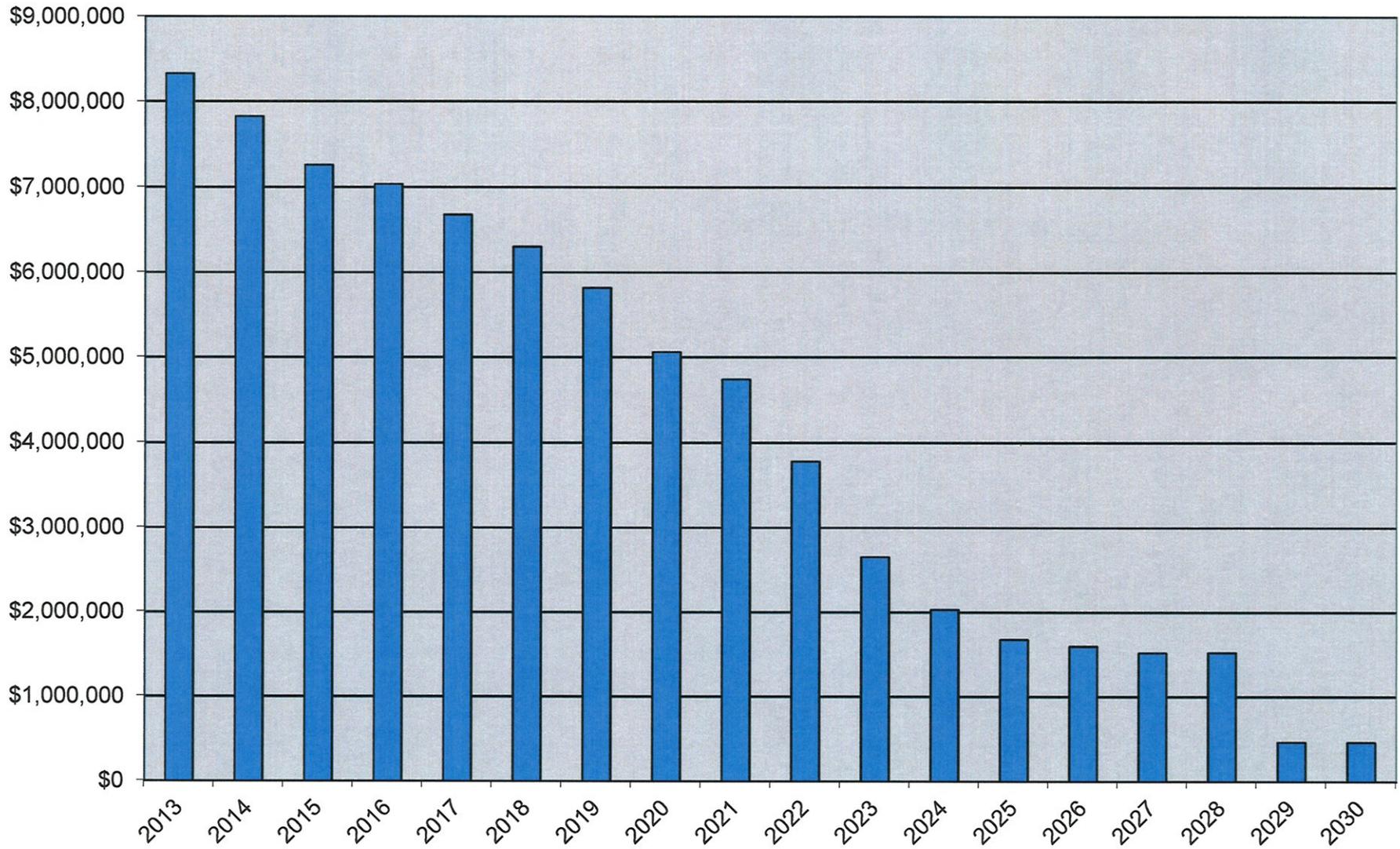
	SALARIES	BENEFITS	TOTAL
2012 BUDGET (REVISED)	\$5,216,100	\$1,760,350	\$6,976,450
2013 BUDGET	\$5,671,000	\$1,900,000	\$7,571,000

**CITY OF MANDAN
2013 BUDGET
PERSONNEL**

GENERAL FUND	TOTAL	
<u>ASSESSOR/BUILDING INSPECTION</u>		
PERMIT TECHNICIAN	\$ 1,199	ADDITIONAL 50 HOURS
APPRAISER/INSPECTOR	\$ 53,355	
 <u>PLANNING AND ZONING/ENGINEERING</u>		
PRINCIPAL PLANNER	\$ 66,680	
ENGINEERING TECHNICIAN	\$ 46,839	
 <u>POLICE</u>		
POLICE OFFICER (SCHOOL RESOURCE)	\$ 52,444	MANDAN PUBLIC SCHOOL DISTRICT SHARE = 75%
 <u>STREET</u>		
STREET MAINTENANCE ASSISTANT SUPERINTENDENT	\$ 5,962	INTERNAL POSITION UPGRADE
EQUIPMENT OPERATOR I	\$ 42,930	
EQUIPMENT OPERATOR I	\$ 42,930	
 <u>WEED CONTROL</u>		
GROUNDS MAINTENANCE	\$ 11,960	PART-TIME (TRANSFERRED FROM UTILITY MAINTENANCE)
TOTAL	\$ 324,300	
 <u>CEMETERY FUND</u>		
GROUNDS MAINTENANCE	\$ 2,637	PART-TIME
 <u>WATER AND SEWER UTILITY FUND</u>		
<u>WATER TREATMENT</u>		
MAINTENANCE OPERATOR	\$ 861	PART-TIME
 <u>SEWER TREATMENT</u>		
MAINTENANCE	\$ 1,238	PART-TIME
BIOSOLIDS DRIVER	\$ 6,513	PART-TIME
 <u>UTILITY MAINTENANCE</u>		
GROUNDS MAINTENANCE	\$ (11,960)	PART-TIME (TRANSFERRED TO WEED CONTROL)
UTILITY OPERATOR I	\$ 42,930	STREET LIGHT UTILITY FUND SHARE = 5%
WATERLINE MAINTENANCE	\$ (5,657)	ELIMINATE PART-TIME POSITION
TOTAL	\$ 33,925	
 <u>SOLID WASTE UTILITY FUND</u>		
LANDFILL	\$ 6,808	PART-TIME
TOTAL	\$ 367,669	

NOTE: TOTAL INCLUDES SALARY AND BENEFITS

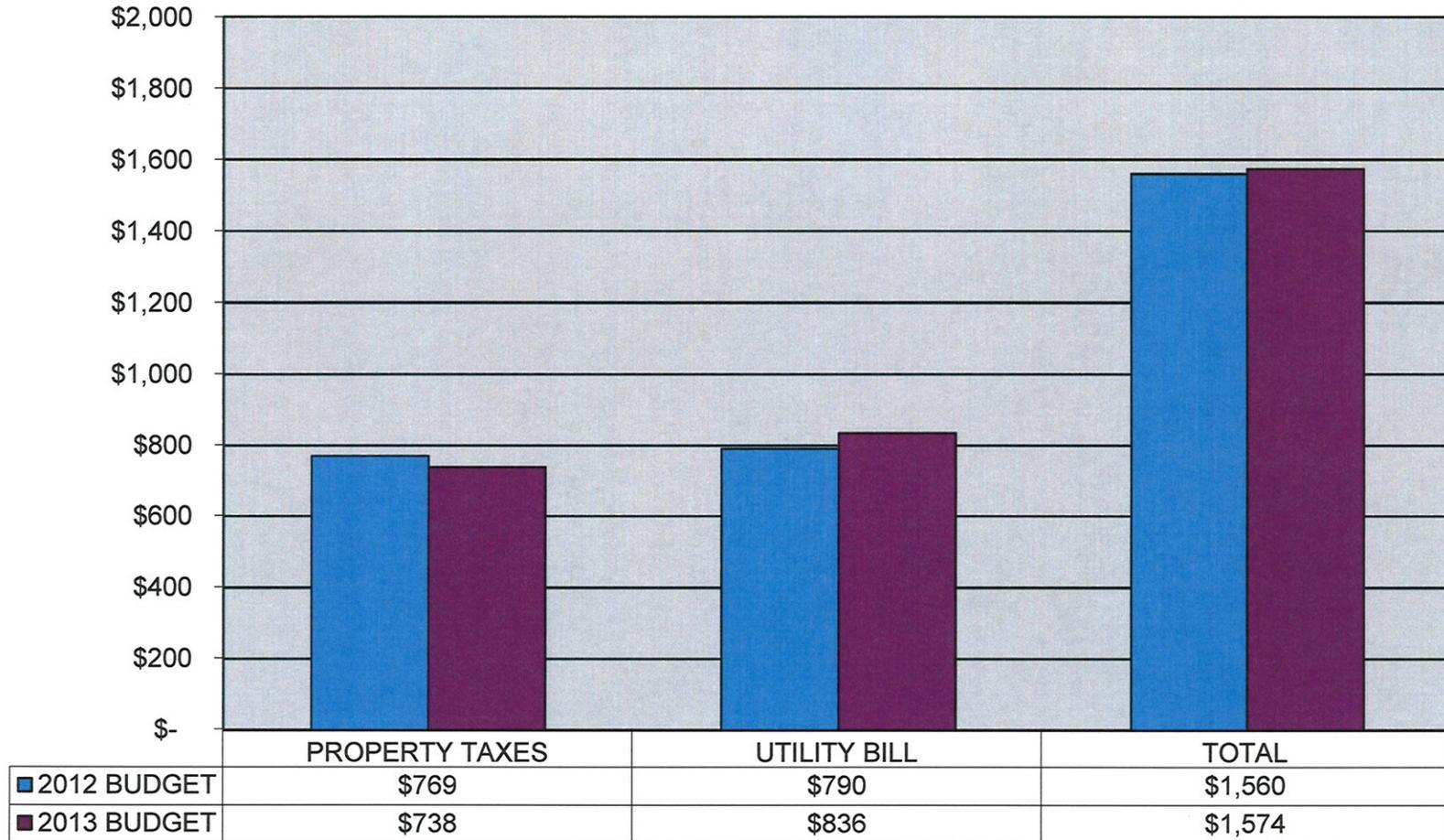
CITY OF MANDAN DEBT SERVICE



**CITY OF MANDAN
2013 BUDGET
CAPITAL OUTLAY**

<u>GENERAL FUND</u>	<u>TOTAL</u>
<u>AUDITOR-FIRE</u>	
EMERGENCY OUTDOOR WARNING SIREN SYSTEM	\$ 128,600
 <u>INFORMATION TECHNOLOGY</u>	
VARIOUS COMPUTER HARDWARE AND SOFTWARE	\$ 36,700
 <u>POLICE</u>	
PATROL VEHICLE	\$ 30,750
PATROL VEHICLE	\$ 30,750
 <u>FIRE</u>	
PAINT OVERHEAD DOORS (STATION NO. 1)	\$ 4,000
 <u>STREET</u>	
96" SNOW PLOW FOR SKID STEER LOADER	\$ 3,200
3 TON DUMP TRUCK	\$ 71,000
173 HP FRONT END LOADER	\$ 137,800
173 HP FRONT END LOADER	\$ 154,800
14' REVERSIBLE SNOW PLOW	\$ 14,500
 <u>FORESTER</u>	
BUCKET TRUCK WITH CHIP BOX	\$ 55,000
 <u>WEED CONTROL</u>	
ZERO TURN MOWER	\$ 10,000
TOTAL	<u>\$ 677,100</u>
 <u>CEMETERY FUND</u>	
RIDING MOWER	\$ 2,000
 <u>FIRE EQUIPMENT RESERVE FUND</u>	
1500 GALLON PER MINUTE FIRE ENGINE	\$ 345,000
 <u>POLICE EQUIPMENT RESERVE FUND</u>	
POLICE BALLISTICS SHIELD	\$ 2,000
 <u>WATER AND SEWER UTILITY FUND</u>	
<u>WATER TREATMENT</u>	
PRESSURE TRANSMITTER	\$ 4,000
AUTOMATIC EMERGENCY GENERATOR SWITCH	\$ 6,500
PUMP	\$ 7,000
SKID STEER LOADER	\$ 35,000
 <u>WATERLINE MAINTENANCE</u>	
BACKHOE LOADER	\$ 73,950
WATER MAINTENANCE PROJECT (MASTER PLAN)	\$ 350,000
 <u>SEWERLINE MAINTENANCE</u>	
3/4 TON PICKUP	\$ 27,500
SEWER MAINTENANCE PROJECT (MASTER PLAN)	\$ 188,000
 <u>SEWER TREATMENT</u>	
BIOCHEMICAL OXYGEN DEMAND INCUBATOR	\$ 5,500
1/2 TON PICKUP	\$ 27,000
 <u>METER READING</u>	
WATER METERS (NEW CONSTRUCTION)	\$ 50,000
TOTAL	<u>\$ 774,450</u>
 <u>STREET LIGHT UTILITY FUND</u>	
LED LIGHTS REPLACEMENT PROJECT	\$ 54,000
TOTAL	<u>\$ 1,854,550</u>

ANNUAL COST FOR CITY SERVICES



**EXISTING \$175,000 RESIDENTIAL HOME
(WITH AN AVERAGE VALUATION INCREASE OF 0.1% AND USING 8 UNITS OF WATER PER MONTH,
EXCLUDING SPECIAL ASSESSMENTS)**

ORDINANCE NO. 1129

AN ORDINANCE MAKING THE ANNUAL APPROPRIATIONS FOR EXPENDITURES OR EXPENSES OF THE CITY OF MANDAN, NORTH DAKOTA, FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2013, AND ENDING DECEMBER 31, 2013, AND MAKING THE ANNUAL TAX LEVY FOR THE YEAR 2012.

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

Section 1. There are hereby appropriated the following sums of money for so much thereof that may be necessary for the purpose of paying expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2013, and ending December 31, 2013.

General Fund	\$8,542,000
Highway Distribution Fund	1,201,550
City's Share of Special Assessments Fund	165,700
Cemetery Fund	148,700
City Visitors' Promotion Fund	74,200
Alarm-Equipment Reserve Fund	27,650
City Sales Tax Fund	1,310,850
Public Transportation System Fund	100,000
Fire Equipment Reserve Fund	345,000
Mandan Growth Fund	159,650
Narcotics Task Force Grant Fund	86,500
Police Equipment Reserve Fund	7,000
Traffic Safety Grants Fund	10,100
Underage Drinking Enforcement Grant Fund	1,000
Narcotics Task Force Grant Fund-HIDTA	49,200
BNSF Settlement Fund	1,500
Mandan SEP Trust Fund	1,750
Downtown Redevelopment Fund	67,300
Mandan Community Center Revenue Bonds of 2005 Fund	138,750
Liberty Memorial Bridge General Obligations Bonds Fund	64,700
Refunding Improvement Bonds Fund	5,935,550
City Visitors' Promotion Capital Construction Fund	8,350
Water and Sewer Utility Fund	6,071,800
Solid Waste Utility Fund	1,362,450
Street Light Utility Fund	393,550
City Shop Fund	406,650
Morton Mandan Public Library	665,300
Mandan Airport Authority	5,282,932

Section 2. There are hereby levied the following sums of money on all taxable property in the City of Mandan, North Dakota, for the year 2012 for the purpose of paying expenditures or expenses of the City of Mandan, North Dakota.

General Fund	\$3,380,926
City's Share of Special Assessments Fund	165,700
Cemetery Fund	93,138
Public Transportation System Fund	93,138
General Obligation Bonds Fund:	
Liberty Memorial Bridge	69,892
Refunding Improvement Bonds Fund:	
Street Improvement District #145	33,508
Street Improvement District #148	12,626
Mandan Airport Authority	186,277
Morton Mandan Public Library	325,985

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

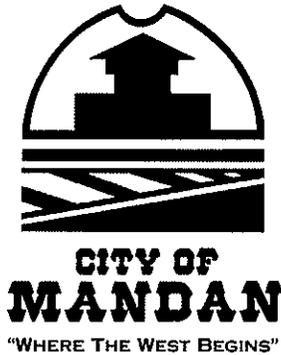
Section 4. Taking Effect. This ordinance shall be in full force and effect from and after its final passage and adoption.

President, Board of City Commissioners

Attest:

City Administrator

First Consideration: August 21, 2012
Second Consideration: September 18, 2012
Final Passage and Adoption: September 18, 2012



Board of City Commissioners

Agenda Documentation

MEETING DATE: August 21, 2012
PREPARATION DATE: August 15, 2012
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Jeff Wright
PRESENTER: Jeff Wright
SUBJECT: Resolution establishing rates and charges for services from the Solid Waste Utility Fund

STATEMENT/PURPOSE:

To consider increasing the tipping fee at the Landfill from \$37.00/ton to \$40.00/ton as a result of the recent rate adjustment by Waste Management of North Dakota for providing transportation and landfill services from the City of Mandan's transfer station.

BACKGROUND/ALTERNATIVES:

The City of Mandan's Agreement (July 1, 2005 to June 30, 2015) for transportation and landfill services with Waste Management of North Dakota allows for a maximum annual price increase of 5%. Effective July 1, 2012, the hauling fee charged by Waste Management of North Dakota to the City increased from \$36.78/ton to \$37.77/ton or 2.7%. For budgetary purposes, the City desires to maintain a \$2/ton to \$3/ton margin between the tipping fee and the hauling fee.

ATTACHMENT:

Resolution establishing rates and charges for services from the Solid Waste Utility Fund.

FISCAL IMPACT:

\$22,000 per year for a \$3/ton increase in the tipping fee at the Landfill.

STAFF IMPACT:

None

LEGAL REVIEW:

N/A

Board of City Commissioners

Agenda Documentation

Meeting Date: August 21, 2012

Subject: Resolution establishing rates and charges for services from the Solid Waste
Utility Fund

Page 2 of 2

RECOMMENDATION:

To approve the Resolution establishing rates and charges for services from the Solid Waste Utility Fund.

SUGGESTED MOTION:

Move to approve the Resolution establishing rates and charges for services from the Solid Waste Utility Fund.

**RESOLUTION ESTABLISHING RATES AND CHARGES FOR SERVICES FROM THE
SOLID WASTE UTILITY FUND**

BE IT RESOLVED by the Board of City Commissioners of the City of Mandan, North Dakota, pursuant to the provisions of the Mandan Municipal Code, that the following rates and charges are hereby established for services from the Solid Waste Utility Fund:

- 1) Residential area. For garbage and rubbish collection and disposal services for residential areas, there shall be a charge of \$10.05 per month, per family living unit. Residents who deliver garbage and rubbish, excluding inert materials, to the Mandan Municipal Landfill Facility will be charged ~~\$37.00~~ \$40.00 per ton.
- 2) Non-residential area. For garbage and rubbish disposal services for non-residential establishments, there shall be a charge of ~~\$37.00~~ \$40.00 per ton. Non-residents who deliver garbage and rubbish, excluding inert materials, to the Mandan Municipal Landfill Facility will be charged a minimum of \$7.00.

3) <u>Other disposal charges:</u>	<u>Resident</u>	<u>Commercial/ Non-resident</u>
a) Major appliances and furniture	\$7.00	\$10.00
b) Refrigerated appliances	\$20.00	\$25.00
c) Tires:		
Auto	\$2.00	\$4.00
Truck	\$5.00	\$7.00
Tractor	\$10.00	\$15.00
d) Minimum charge (includes scale usage)	\$3.00	\$5.00
e) Minimum monthly charge for services billed on account (includes scale usage)	\$5.00	\$5.00
f) Untarped and unsecured garbage	\$5.00	\$10.00

Grass clippings and leaves are exempt from all charges.

- 4) Inert materials. For disposal of inert materials there shall be a charge of \$15.00 per ton for Mandan Residents and \$20.00 per ton for Commercial and Non-Residents. Inert materials shall be materials so defined by the North Dakota State Department of Health including trees, lumber, demolition lumber, wooden furniture, metal, bricks, concrete, bottom ash from coal fired boilers and asphalt roofing.
- 5) No motor vehicle bodies or dangerous, flammable or hazardous material may be deposited at the Mandan Municipal Landfill Facility.

