

**AGENDA**  
**MANDAN CITY COMMISSION**  
**JUNE 18, 2013**  
**ED "BOSH" FROEHLICH MEETING ROOM,**  
**MANDAN CITY HALL**  
**5:30 P.M.**  
**[www.cityofmandan.com](http://www.cityofmandan.com)**

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- A. ROLL CALL:
1. Roll call of all City Commissioners and Department Heads.
- B. APPROVAL OF AGENDA:
- C. PUBLIC COMMUNICATIONS:
- D. MINUTES:
1. Consider approval of the following minutes:
    - i. June 4, 2013 – Special Board Meeting
    - ii. June 4, 2013 – Regular Board Meeting
- E. PUBLIC HEARING:
1. Consider approval of a zone change for Lot 2, Block 1 of the Replat of Lot 1, Block 1, Hoovestol's 2<sup>nd</sup> Addition.(First consideration of Ordinance #1153)(See *Ordinances No. 1*).
  2. Consider approval of a zone change for Lot 2, Block 1, of West Bay Estates 2<sup>nd</sup> Addition. (First consideration of Ordinance #1154)(See *Ordinances No. 2*).
  3. Consider the annexation of the west 280 feet of the south 300 feet of Government Lot 4 in Section 7, Township 139N, Range 81W. (First consideration of ordinance #1155)(See *Ordinances No. 3*).
  4. Consider approval of a zone change for the west 280 feet of the south 300 feet of Government Lot 4 in Section 7, T139N, R81W. (First consideration of Ordinance #1156)(See *Ordinances No. 4*).
- F. BIDS:
1. Consider award of bid for Street Improvement District 182 Project 2013-16(Meadow Ridge 1<sup>st</sup> Addition). (See Resolution No. 5)
- G. CONSENT AGENDA:
1. Consider approval of monthly bills.
  2. Consider approval of Sales & Use Tax Collection Agreement with the ND Office of State Tax Commissioner for 2013-2015
  3. Consider approval of Special Sunday openings for O.N.E. for June 30, 2013.
  4. Consider approval of Water Transmission Line Agreement, Release of Easement & Easement
  5. Consider closing administrative office July 5, 2013

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6. Consider approval of annual Liquor Licenses for July 1, 2013 to June 30, 2014.
7. Consider approval of Special Sunday Openings for all annual Liquor Licenses.

H. OLD BUSINESS:

I. NEW BUSINESS:

1. Introduction of new employee, Justin Froseth, Planning & Engineering Director.
2. Consider approving the plans and specifications and authorizing the execution of a 3-way agreement for the installation of water & sewer in Plainview Heights 14<sup>th</sup> Addition, Project 2013-11. (See *Resolutions No. 6*).
3. Consider the creation of, approval of the feasibility report for, approve the plans and specifications, approve engineer's report, direct advertisement for bids and approve sufficiency of petition for Street Improvement District No. 180, Project No. 2013-12 (Plainview Heights 14<sup>th</sup> Addition). (See Resolution No. 7).
4. Consider approving the plans and specifications and authorizing the execution of a 3-way agreement for the installation of water & sewer in Meadows 7<sup>th</sup> Addition, Project 2013-14. (See *Resolutions No. 8*).
5. Consider the creation of, approval of the feasibility report for, approve the plans and specifications, approve engineer's report, direct advertisement for bids and approve sufficiency of petition for Street Improvement District No. 181, Project No. 2013-15 (Meadows 7<sup>th</sup> Addition). (See Resolution No. 9).
6. Consider approving the plans and specifications and authorizing the execution of a 3-way agreement for the installation of water & sewer in Keidels South Heart Terrace Phase IV, Project 2013-08. (See *Resolutions No. 10*).
7. Consider the creation of, approval of the feasibility report for, approve the plans and specifications, approve engineer's report, direct advertisement for bids and approve sufficiency of petition for Street Improvement District No. 187, Project No. 2013-23 (Mandan Municipal Golf Course and Alleys). (See Resolution No. 11).
8. Consider a recommendation from the Mandan Visitors Committee related to Mandan Park District Land Acquisition.
9. Consider adoption of Compensation Plan.

J. RESOLUTIONS AND ORDINANCES:

1. *First consideration of Ordinance No.1153 Zone Change for Lot 2, Block 1 of the Replat of Lot 1, Block 1, Hoovestol's 2<sup>nd</sup> Addition – An ordinance to amend and reenact section 21-13-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.*

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2. *First consideration of Ordinance No.1154 Zone Change for Lot 2, Block 1 of West Bay Estates 2<sup>nd</sup> Addition* – An ordinance to amend and reenact section 21-13-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.
3. *First consideration of Ordinance No. 1155*, 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 Section 7, Township 139N, Range 81W).
4. *First consideration of Ordinance No. 1156 Zone Change for the west 280 feet of the south 300 feet of Government Lot 4 in Section 7, T139N, R81W* - An ordinance to amend and reenact section 21-13-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.
5. Consider Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 182, Project 2013-16(Meadow Ridge 1<sup>st</sup> Addition).
6. Consider Resolution approving plans and specifications and authorizing execution of 3-way agreement for water and sewer Improvement Project 2013-11.(Plainview Heights 14<sup>th</sup> Addition)
7. Consider the Resolutions creating district, approving engineer's report, determining sufficiency of protest, approving the plans and specifications and directing advertisement for bids for Street Improvement District No. 180, Project No. 2013-12 (Plainview Heights 14<sup>th</sup> Addition).
8. Consider Resolution approving plans and specifications and authorizing execution of 3-way agreement for water and sewer Improvement Project 2013-14.(Meadows 7<sup>th</sup> Addition)
9. Consider the Resolutions creating district, approving engineer's report, determining sufficiency of protest, approving the plans and specifications and directing advertisement for bids for Street Improvement District No. 181, Project No. 2013-15 (Meadows 7<sup>th</sup> Addition).
10. Consider Resolution approving plans and specifications and authorizing execution of 3-way agreement for water and sewer Improvement Project 2013-08.(Keidels South Heart Terrace Phase IV).
11. Consider the Resolutions creating district, approving engineer's report, determining sufficiency of protest, approving the plans and specifications and directing advertisement for bids for Street Improvement District No. 187, Project No. 2013-23 (Mandan Municipal Golf Course and Alleys).

K. OTHER BUSINESS:

1. Announcement of Public Meeting, North Mandan Sub Area Study, Thursday, June 20, 2013; Mandan Middle School, 5:30 – 7:00 p.m.

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North Annexation area residents have been invited to attend and welcome to stay after the public meeting is complete to ask questions.

L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. June 25, 2013, 6:00 p.m. Working Session
2. July 2, 2013
3. July 16, 2013
4. August 6, 2013

M. ADJOURN

**Public Communication**

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

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

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The Mandan City Commission met in Special Session at 4:35 p.m. on June 4, 2013 in the Ed “Bosh” Froehlich Room at City Hall. Commissioners present were: Van Beek, Tibke, Rohr, and Frank. City Department Heads present were City Administrator Neubauer and City Attorney Brown.

NEW BUSINESS:

1. *Consider moving into executive session under North Dakota Century Code Section 44-04-19.1(9) to discuss contract negotiations that may have an adverse fiscal effect on the bargaining position of the public entity as it relates to potential expenditures from the visitor’s fund.*

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: absent; Commissioner Van Beek: yes. The motion passed.

The Board was excused to convene in Dykshoorn Room.

In addition to those present above, in attendance were Mandan Park Board President Jason Arenz, Parks and Recreation Director Cole Higlin and Attorney for the Park District Arlyn Ruff.

Commissioner Rohr motioned to adjourn the Executive Session at 5:00 p.m. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present. The motion passed.

ADJOURN

There being no further actions to come before the Board of City Commissioners, Commissioner Tibke moved to adjourn the meeting at 5:01 p.m. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

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James Neubauer,  
City Administrator

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Arlyn Van Beek  
President, Board of City  
Commissioners

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The Mandan City Commission met in regular session at 5:30 p.m. on June 4, 2013 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, and Frank. Department Heads present were Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Fire Chief Nardello, Business Development and Communications Director Huber, Engineering Project Manager Fettig, and Building Official Lalim. Absent: Commissioner Braun, Finance Director Welch, and Director of Public Works Wright.

B. APPROVAL OF AGENDA: Commissioner Rohr motioned to approve the Agenda as presented. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Absent; Commissioner Van Beek: Yes. The motion passed.

C. PUBLIC COMMUNICATIONS:

(1) Susan Beehler, Mandan City Resident, came forward and commented on the minutes for the Board of Equalization meeting dated April 30, 2013. She mentioned she had posed a question to the Assessing Department, Mr. Barta, and she said she has not received an answer. “Mr. Barta stated that 30% of the commercial property is exempt from property tax in our City”. Of that amount Beehler stated she would like to know what is contributed to the discretionary tax exemption that the City Commission grants and what percentage is attributed to government and non-profit buildings not required to pay that tax. Beehler asked for clarification on this question that was brought up at that meeting: Are the exempt properties added into the property valuations when determining the mill levy? Because if they are, according to Miss Marcy Dickerson from the State Tax Department, (Property Tax Division), she said that most county auditors do this. She said when this happens then the rest of the properties that are not exempt are paying the property tax for those that are exempt.

Beehler stated she has been attending the City Commission meetings beginning in 2005 and have disagreed with the liberal policy of property tax exemptions. She looked back on the budgets from 2006 compared to the 2013 budget and she has found that all the growth in our City has only brought in a little over \$500,000 more in property tax revenue. A 20% increase in revenue yet our taxable value from 2006 to 2012 was over \$30 million to almost \$47 million and it was about a 57% increase yet we have only achieved a 20% increase. What is the cause that we’re not growing the property tax revenue but the property tax valuations are growing? From 2006 to 2013 the Police Department has had a 28% increase in their budget yet the Auditor’s Office had a 96% increase and the Building Inspections had 158% increase and the Assessor’s Office had a 37% increase and Planning and Zoning went up 74%? She would like to know where our property tax dollars are going and why they are not going to provide for the safety of our residents. Tonight the City will be looking at annexing in several parcels of land. Back in 2006 it was also looked at being done at that time. She is of the opinion that the current safety needs for residents are not being looked at and she wanted to provide her comments in regards to those matters.

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Commissioner Rohr commented that it is not correct to compare one department to another explaining there is a rationale behind it and one has to understand the dynamics and what you are comparing.

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission meetings held on (i) April 30, 2013 – Board of Equalization and (ii) May 21, 2013 – Regular Board Meeting.* Commissioner Tibke moved to approve the minutes from the Board of City Commission meetings of (i) April 30, 2013 – Board of Equalization and (ii) May 21, 2013 – Regular Board Meeting. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

1. *Public Hearing to consider a two-year tax exemption for JDS Holding, LLP.* Building Official Lalim presented an application from JDS Holding, LLP for the construction of a new 42-unit apartment building tax exemption. The notices to competitors were published in the Mandan News on May 3<sup>rd</sup> and May 10<sup>th</sup>. There has been no opposition to the request. Notices were sent to Morton County, Mandan Park District and Mandan School District and there was no opposition received from those entities.

Mayor Van Beek announced this is a public hearing for consideration for a two-year tax exemption for JDS Holding, LLP. He invited anyone for or against the request to come forward.

Susan Beehler, a Mandan resident, came forward and stated she objects to the tax exemption for JDS Holding, LLP. This is not any kind of a special apartment building need for the City of Mandan. She inquired as to when our economy will be at a point where we do not have to subsidize businesses with property tax exemptions. She stated that every dollar that is given as a tax exemption is one less dollar she has for her family or her business. She recommended that if the City Commission is compelled to give a tax exemption that only the City portion is given.

Mayor Van Beek provided a second announcement to come forward to speak for or against the request for property tax exemption for JDS Holding, LLP. Hearing none, this portion of the public hearing was closed.

Commissioner Tibke asked if a representative from JDS Holding was available to answer any questions. James Moen from Minot came forward. Commissioner Tibke questioned the annual expenses on the application. She inquired if the property tax amount is a part of the expenses. Moen replied that yes, an estimated property tax is included.

Commissioner Frank asked whether there would be a commitment to affordable housing within this project and if they have such a plan in this complex. Moen indicated that affordable housing is not a part of this plan. The rents are expected to run between \$1,000 and \$1,100 per month. Commissioner Frank inquired about any green space in

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the apartment complex plan. Moen replied that green space will be taken into account in the space available to meet the requirements. Moen stated that the green space allotted for this project will be according to the ordinances and that any space not used for buildings will be used as green space. Commissioner Frank referred to the application under Business Competition at line item #25, (“Is any similar business being conducted by other operators in municipality?”) “No” was checked for the question. Moen stated that it has been updated to where there are various other businesses of similar nature. Commissioner Frank questioned Moen as to his thoughts on including affordable housing. Moen replied he thought that is something that could be incorporated into the plan. Commissioner Frank suggested using a percentage of the City’s commitment to the project (dollar-wise). The percent could be designated to the overall investment in the building. In this case it would be about 3% buy-in from the City. Would Moen designate 3% of his units to affordable housing? Moen replied that they could do that.

Commissioner Tibke asked Moen if he would commit to designating 3% of affordable housing to this project. Moen replied that yes, he would be comfortable with that.

Commissioner Frank stated that the City’s investment would be 3.5% which would equate to 1.5 units. She would suggest using the chart referred to as Median Family Incomes which is a chart that puts the rent between \$600 and \$1,000 per month. Those details could be outlined in the exemption contract.

Commissioner Frank moved to approve the two-year tax exemption for JDS Holding, LLP at 100% including the commitment to designate 3% of the build-out for affordable housing to be defined.

Moen clarified that the 3% would equal 1.5 units and he proposed making it 2 units committed to affordable housing. Commissioner Tibke seconded the motion.

Commissioner Rohr stated that the property tax exemption for retail has been one of the biggest conflicts in terms of decision making as a commissioner. He recommended that the City Commission revisit the policy for property tax exemptions and determine if a more conservative method should be adhered to or what future direction the City should be taking while considering the best interests of the City and its residents. Roll call vote: Commissioner Rohr: No; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Absent; Commissioner Van Beek: Yes. The motion passed.

Commissioner Tibke requested the Board set a date to revisit the property tax exemption policy review. July 8<sup>th</sup> has already been set aside. However, Tibke suggested moving the date sooner rather than later. Dates suggested were Tuesday, June 18<sup>th</sup> before the regular meeting, or Thursday, June 20<sup>th</sup>. Thursday, June 20<sup>th</sup>, 6:00 p.m. was tentatively set pending schedules being checked and Commissioner Braun’s availability.

F. BIDS:

1. *Consider award of bid for Street Improvement District No. 176, Project 2012-20(McKenzie Drive SE, Genoa Court SE & 34<sup>th</sup> Avenue SE). (See Resolution No. 4).*

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Engineering Project Manager Fettig reviewed with members the bids that were received on May 28, 2013 and that Northern Improvement Company was the low bidder for the project in the amount of \$1,240,657.70. The engineer's estimate was \$1,422,246.00. The project will be paid for by special assessments from the benefiting properties within the district. A preliminary assessment was provided and calculated by units and per unit it would cost \$15,704.53.

Commissioner Rohr moved to approve the award of bid for Street Improvement District No. 176, Project 2012-20(McKenzie Drive SE, Genoa Court SE & 34<sup>th</sup> Avenue SE) to the low bidder, Northern Improvement Company in the amount of \$1,240,657.70. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: No; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Absent; Commissioner Van Beek: Yes. The motion passed.

2. *Consider awarding the Roughrider Estates Collection System Extension project to Kvamsdal Construction, Inc.* City Administrator Neubauer stated that bids were received for the replacement of the Roughrider Estates lagoon system, with plans to replace it with a regional lift station. Two bids were received with the low bidder (including the leveling of the existing pond dikes Alternative No. 1) being Kvamsdal Construction for \$822,422. The total budget for this project was \$743,000. Public Works and Planning & Zoning recommended awarding the bid to Kvamsdal Construction for \$822,422.

Commissioner Frank motioned to award the base contract along with Alternate No. 1 to Kvamsdal Construction, Inc. for \$822,422 contingent upon approval from the North Dakota Department of Health and upon constructing the lift station outside the proposed beltway corridor. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: No; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Absent; Commissioner Van Beek: Yes. The motion passed.

G. CONSENT AGENDA

1. *Consider for approval the final plat of the Replat of Lot 3, Block 1, Lakewood Commercial Park 2<sup>nd</sup> Addition.*
2. *Consider for approval the final plat of Meadows 7<sup>th</sup> Addition.*
3. *Consider for approval the final plat of River Garden Addition.*
4. *Consider for approval a variance request for Lots 11 & 12, Block 1, Terra Vallee 6<sup>th</sup> Addition.*
5. *Consider approval of site authorization for Mandan Baseball Club, Inc. at Westside Bar & Grill/Mulligans from July 1, 2013 through June 30, 2014.*
6. *Consider approval of a Homestead Credit Exemption for Lorraine Glasser.*
7. *Consider to waive the competitive bidding requirement for the replacement of air handling unit at the Memorial Building (City Hall).*

Commissioner Tibke moved to approve the Consent Agenda as presented. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner

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

H. OLD BUSINESS:

1. *Consider a two-year tax exemption for Zueger Properties, Goldstar Properties, and Verity Homes.* Commissioner Rohr stated that this matter was discussed at the last meeting and at that time he had excused himself because of a conflict of interest. He again excused himself for this portion of the meeting. City Administrator Neubauer stated that at the last meeting there was a motion to consider the request by the entity because they were requested to consider some low income or affordable housing for this project. The developer was requested to research that possibility and to come back with an answer in order for the Board to make a definitive motion on whether to grant or not grant the exemption request.

Jeff Zueger came forward and stated that he and his business partner did look into what it would take to have these units potentially qualify for low income housing. Zueger asked for clarification from Commissioner Frank of the request because he indicated it may have some effect on his business plan. Commissioner Frank explained that the request was to provide some affordable housing under this public/private partnership. According to most people, affordable housing is spending no more than 30% of income on housing expenses. For the extremely low income, which is earning 0-30% of the median family income, their rent affordability is \$408.00 per month. For very low income, (31-50% of the median family income), they should spend no more than \$681.00 per month. Then there is the low income group who shouldn't spend more than \$1,089.00 per month. (These are based on the median housing income in Mandan which is \$54,492.) For term, the two year tax exemption period would be the time frame and then when that two-year period expires the business would be on the tax rolls.

Zueger questioned whether there is an inflationary element to that so that if the project is constructed in late 2014 there would be some other element to this? Commissioner Frank deferred to City Administrator Neubauer and City Attorney Brown to establish that language. Commissioner Frank stated in summary, it would be a two-year commitment from Zueger Properties to the City for affordable housing for this project. She stated that the percentage would equate to 1.06 units at the 3.5%. Zueger replied that 3% building costs is not quite the same as the 3.5% property tax exemption. He explained that the property tax exemption is important to their business venture and is one of the reasons they want to build in Mandan. He stated that they are not in a position at this time to commit to the affordable housing request but they will consider it as they move forward with their business plan. The rates for his units will average \$1000 per month. He stated that if a contingency would be in place if a qualified renter for this unit could not be found, that it could be rented out under normal rental rates. Commissioner Frank replied that should be acceptable.

Commissioner Frank motioned to approve a two-year tax exemption for Zueger Properties, Goldstar Properties, and Verity Homes including a requirement that one unit be designated for affordable housing based on finding a qualified rental (low-income)

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candidate, based on the median family income for the City of Mandan and affordable housing rates to be more specifically stated in an agreement drafted by the City Attorney.

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

I. NEW BUSINESS:

1. *Consider the creation of, approval of the feasibility report for, approve the plans and specifications, approve engineer's report, direct advertisement for bids and approve sufficiency of petition for Street Improvement District No. 185, Project No. 2013-19 (Heart Ridge 2nd Addition). (See Resolution No. 5).* Engineering Project Manager Fettig reviewed with the Board a request from the developers that the City allow the special assessment of street costs to the benefitting properties for the development of Heart Ridge 2<sup>nd</sup> Addition. The costs of the project would be \$1,048,816.55. Engineering and administration will add \$262,204.14 bringing the total to \$1,311,020.69. This would be special assessed to the benefitting properties. There are 78 lots within the special assessment district which will come out to \$16,808 per lot in specials.

Commissioner Rohr moved to approve the creation of, approval of the feasibility report for, approve the plans and specifications, approve engineer's report, direct advertisement for bids and approve sufficiency of petition for Street Improvement District No. 185, Project No. 2013-19 (Heart Ridge 2nd Addition).

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

2. *Consider mill and overlay projects on 46<sup>th</sup> Ave SE and 2<sup>nd</sup> Street NW.* City Administrator Neubauer reviewed with the Board that it was discussed at the May 21<sup>st</sup> meeting that the City of Mandan received funds from the State of North Dakota for street repair and maintenance projects. Two projects were selected with the Board's concurrence. One project is to take care of problems on Second Street (Collins Avenue to 6<sup>th</sup> Avenue) for milling, patching and overlay chip and seal. Two bids were received with Northern Improvement Company as the low bidder in the amount of \$112,723. There also is a Part 2 on 46<sup>th</sup> Avenue SE (29<sup>th</sup> Street to South Bay Drive). There are some repairs that need to be done due to all the truck traffic created during the flood of 2011. The low bid was from Northern Improvement for \$103,995. Neubauer requested change orders to these projects to the Diane's Addition Street Maintenance Project. These will be paid in full via the additional funding received and there will be no cost to the residents for these two projects. The total bid amount would be to Northern Improvement for \$103,995. This will include a mill overlay and chip seal.

Commissioner Frank inquired if the funds will cover the project costs and no assessments to homeowners? Administrator Neubauer replied that is correct; there would be no special assessments for these two projects.

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Commissioner Rohr moved to approve the mill and overlay projects on 46<sup>th</sup> Ave SE and 2<sup>nd</sup> Street NW to Northern Improvement for \$216,718, and to allow a change order on Diane's Addition project. Commissioner Frank seconded the motion.

Commissioner Rohr commented that Second Street has been in need of repair for a long time and to repair any sewer or water lines would create astronomical costs to the property owners in that area. Although this is not the best approach to resolving the street repairs at this at this time, it is an affordable one that can be done at the present time.

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

J. RESOLUTIONS AND ORDINANCES:

1. *Second consideration and final passage of Ordinance No. 1150, 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 Section 3, Township 138 North, Range 81 West).* Commissioner Tibke moved to approve the Second consideration and final passage of Ordinance No. 1150, 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 Section 3, Township 138 North, Range 81 West).

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

2. *Second consideration and final passage of Ordinance No.1151 Zone Change for parts of Meadow Ridge 3<sup>rd</sup> 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.1151 Zone Change for parts of Meadow Ridge 3<sup>rd</sup> Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.

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

3. *Second consideration and final passage of Ordinance No.1152 Zone Change for School District 5<sup>th</sup> 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.1152 Zone Change for School District 5<sup>th</sup> Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.

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

4. *Consider Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 176, Project 2012-20(McKenzie Drive SE, Genoa Court SE & 34<sup>th</sup> Avenue SE).* Commissioner Frank moved to approve the Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 176, Project 2012-20(McKenzie Drive SE, Genoa Court SE & 34<sup>th</sup> Avenue SE).

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

5. *Consider the Resolutions creating district, approving engineer's report, determining sufficiency of protest, approving the plans and specifications and directing advertisement for bids for Street Improvement District No. 185, Project No. 2013-19 (Heart Ridge 2nd Addition).* Commissioner Rohr moved to approve the Resolutions creating district, approving engineer's report, determining sufficiency of protest, approving the plans and specifications and directing advertisement for bids for Street Improvement District No. 185, Project No. 2013-19 (Heart Ridge 2nd Addition).

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

6. *Consider Resolution annexing certain lands adjoining the City of Mandan.* City Administrator Neubauer stated that at the May 21<sup>st</sup> meeting, staff including both City Attorney Brown and himself were directed to come up with a Resolution annexing certain lands adjoin the City of Mandan. As stated earlier by Ms. Beehler, the City attempted an annexation in north Mandan in 2006/2007; however, that effort was not successful. There are 70-80 acres that have been purchased to the north and 500-600 acres to the northwest have or will be requesting to have City infrastructure installed. We can start to plan and service this area more effectively and efficiently with the annexation of the land. Between 100 and 110 property owners in this area will be notified and there will be an opportunity for protest with the 30 days from Friday if this Resolution is approved and a public hearing will be held July 16.

Commissioner Tibke moved to approve and cause publication of the Resolution annexation of certain lands adjoining the City of Mandan as described in the Resolution. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Absent; Commissioner Van Beek: Yes. The motion passed.

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K. OTHER BUSINESS

1. Buggies-n-Blues weekend is scheduled for June 8<sup>th</sup> and June 9<sup>th</sup>. Commissioners and the public were all encouraged to attend the events scheduled.

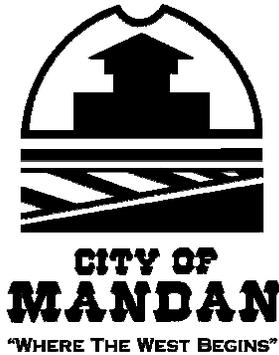
There being no further actions to come before the Board of City Commissioners, Commissioner Frank moved to adjourn the meeting at 6:25 p.m. Commissioner Tibke seconded the motion. The motion received unanimous approval of the members present. The motion passed.

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James Neubauer,  
City Administrator

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Arlyn Van Beek,  
President, Board of City  
Commissioners



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 18, 2013  
**PREPARATION DATE:** June 12, 2013  
**SUBMITTING DEPARTMENT:** Engineering/Planning  
**DEPARTMENT DIRECTOR:** Kim Fettig, Project Manager  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider a change of zoning for Lot 2, Block 1 of the Replat of Lot 1, Block 1, Hoovestol's 2<sup>nd</sup> Addition.

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**STATEMENT/PURPOSE:** Request to change the zoning for Lot 2, Block 1 of the Replat of Lot 1, Block 1, Hoovestol's 2<sup>nd</sup> Addition in Section 26, T139N, Range 81W from CC (Heavy Commercial) to MB (Heavy Industrial/Heavy Commercial).

**BACKGROUND/ALTERNATIVES:** Request by Heart River Partners for a change of zoning from CC (Heavy Commercial) to MB (Heavy Industrial/Heavy Commercial). The zone change would allow for storage units. The Planning & Zoning Commission voted unanimously to approve the zone change on May 28, 2013.

**ATTACHMENTS:**

1. Office Report
2. Map
3. Ordinance

**FISCAL IMPACT:** Minimal

**STAFF IMPACT:** Minimal

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

**RECOMMENDATION:** To approve the zone change to MB (Heavy Industrial/Heavy Commercial).

Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2013

Subject: Zone change for Lot 2, Block 1, Replat of Lot 1, Block 1, Hoovestol's 2<sup>nd</sup> Add.

Page 2 of 5

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SUGGESTED MOTION: I move to approve the zone change for Lot 2, Block 1 of the Replat of Lot 1, Block 1, Hoovestol's 2<sup>nd</sup> Addition in Section 26, T139N, Range 81W from CC (Heavy Commercial) to MB (Heavy Industrial/Heavy Commercial).

Board of City Commissioners

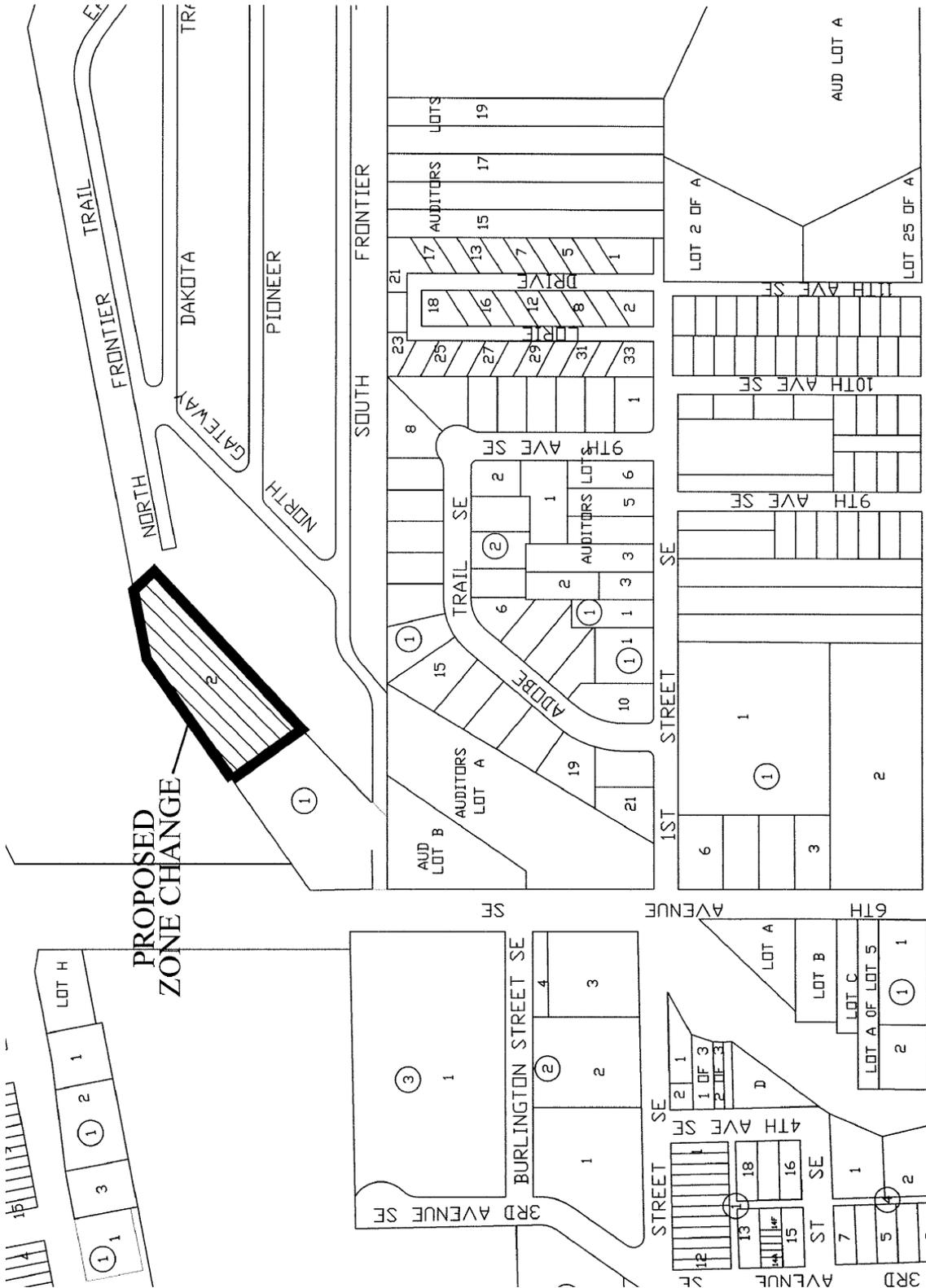
Agenda Documentation

Meeting Date: June 18, 2013

Subject: Zone change for Lot 2, Block 1, Replat of Lot 1, Block 1, Hoovestol's 2<sup>nd</sup>  
Add.

Page 3 of 5

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Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2013

Subject: Zone change for Lot 2, Block 1, Replat of Lot 1, Block 1, Hoovestol's 2<sup>nd</sup> Add.

Page 5 of 5

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**ORDINANCE NO. 1153**

**AN ORDINANCE TO AMEND AND REENACT SECTION 21-03-02 OF ORDINANCE 1088 OF THE MANDAN CODE OF ORDINANCES RELATING TO DISTRICT BOUNDARIES AND ZONING MAP.**

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

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

The following described property located within the City of Mandan, Morton County, North Dakota shall be excluded from CC (Heavy Commercial) and shall be included in the **MB (Heavy Industrial/Heavy Commercial)** zoning namely,

Lot 2, Block 1 of the Replat of Lot 1, Block 1, Hoovestol's 2<sup>nd</sup> Addition in Section 26, Township 139N, Range 81W

and as so amended said section is hereby reenacted. The city administrator is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

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President, Board of City Commissioners

Attest:

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City Administrator

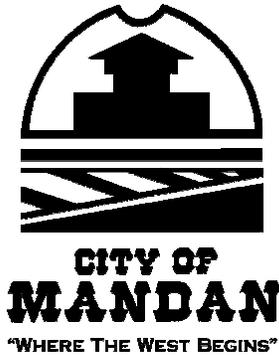
Public Hearing: May 28, 2013

First Consideration: June 18, 2013

Second Consideration  
and Final Reading: July 3, 2013

Publication Date: \_\_\_\_\_

Recording Date: \_\_\_\_\_



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 18, 2013  
**PREPARATION DATE:** June 12, 2013  
**SUBMITTING DEPARTMENT:** Engineering/Planning  
**DEPARTMENT DIRECTOR:** Kim Fettig, Project Manager  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider a change of zoning for Lot 2, Block 1 of West Bay Estates 2<sup>nd</sup> Addition.

---

**STATEMENT/PURPOSE:** Request to change the zoning for Lot 2, Block 1 of West Bay Estates 2<sup>nd</sup> Addition in Section 6, T138N, Range 80W from MA (Light Non-Nuisance Industrial/Heavy Commercial) to CB (Heavy Commercial).

**BACKGROUND/ALTERNATIVES:** Request by JL Partnership for a change of zoning from MA (Light Non-Nuisance Industrial/Heavy Commercial) to CB (Heavy Commercial). The Planning & Zoning Commission voted unanimously to approve the zone change on May 28, 2013.

**ATTACHMENTS:**

1. Office Report
2. Map
3. Ordinance

**FISCAL IMPACT:** Minimal

**STAFF IMPACT:** Minimal

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

**RECOMMENDATION:** To approve the zone change to CB (Heavy Commercial).

**SUGGESTED MOTION:** I move to approve the zone change for Lot 2, Block 1 of West Bay Estates 2<sup>nd</sup> Addition from MA (Light Non-Nuisance Industrial/Heavy Commercial) to CB (Heavy Commercial).

MANDAN PLANNING OFFICE REPORT  
June 13, 2013

Applicant(s): JL Partnership

Owner(s): same

Requested Action: Zone Change Approval

Name of Subdivision: West Bay Estates 2<sup>nd</sup> Addition

Legal Description: Lot 2, Block 1, West Bay Estates 2<sup>nd</sup> Addition in Section 6, Township 138, Range 80

Located: 46<sup>th</sup> Avenue SE

Parcel Acreage: 8.65

Existing Land Use: vacant

Proposed Land Use:

Adjacent Land Use: Raging Rivers, commercial office, multi-family residential

Existing Zoning: MA (Light Non-Nuisance Industrial/Heavy Commercial restricted to RV Park and seasonal cabin rental)

Proposed Zoning: CB Heavy Commercial

Adjacent Zoning: A (Agricultural), MA (Light Non-Nuisance Industrial/Heavy Commercial), CB (Heavy Commercial), RM (Multi-Family Residential)

Fee(s) Required: \$250.00      Date Received: April 26, 2013

Adjacent Property Owner Notification: May 14, 2013

Dates of Legal Notices: May 17 & 24, 2013

Recommendations: The Planning Office recommends approval.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2013

Subject: Zone change for Lot 2, Block 1, West Bay Estates 2<sup>nd</sup> Addition

Page 3 of 4



**ORDINANCE NO. 1154**

**AN ORDINANCE TO AMEND AND REENACT SECTION 21-03-02 OF  
ORDINANCE 1088 OF THE MANDAN CODE OF ORDINANCES  
RELATING TO DISTRICT BOUNDARIES AND ZONING MAP.**

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

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

The following described property located within the City of Mandan, Morton County, North Dakota shall be excluded from **MA (Light Non-Nuisance Industrial/Heavy Commercial restricted to RV Park and seasonal cabin rental)** and shall be included in the **CB (Heavy Commercial)** zoning namely,

Lot 2, Block 1, West Bay Estates 2<sup>nd</sup> Addition in Section 6, Township 138, Range 80

and as so amended said section is hereby reenacted. The city administrator is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

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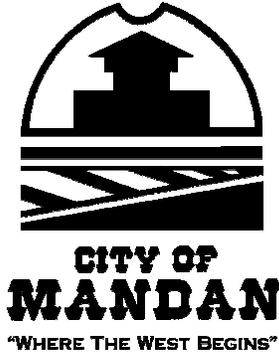
President, Board of City Commissioners

Attest:

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City Administrator

Public Hearing:	<u>May 28, 2013</u>
First Consideration:	<u>June 18, 2013</u>
Second Consideration and Final Reading:	<u>July 3, 2013</u>
Publication Date:	_____
Recording Date:	_____



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 18, 2013  
**PREPARATION DATE:** June 14, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Engineering & Planning  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider the annexation of the west 280 feet of the south 300 feet of Gov't Lot 4 in Section 7, Township 139N, Range 81W.

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STATEMENT/PURPOSE: To annex subject lands as requested by the owner.

BACKGROUND/ALTERNATIVES: Request by Adeline Boehm Klapprodt to annex the west 280 feet of the south 300 feet of Government Lot 4 in Section 7, Township 139N, Range 81W.

ATTACHMENTS: 1. Ordinance  
2. Vicinity Map

FISCAL IMPACT: Minimal.

STAFF IMPACT: Minimal.

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

RECOMMENDATION: This office supports the approval of the annexation.

SUGGESTED MOTION: I move to approve Ordinance No. 1155, annexing the west 280 feet of the south 300 feet of Government Lot 4 in Section 7, Township 139N, Range 81W.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2013

Subject: Consider the annexation of the west 280 feet of the south 300 feet of Government Lot 4 in Section 7, Township 139N, Range 81W.

Page 2 of 3

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**ORDINANCE NO. 1155**

AN ORDINANCE ANNEXING CERTAIN ADJOINING LANDS TO THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, AND EXTENDING THE CORPORATE BOUNDARIES THEREOF.

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

WHEREAS, the City of Mandan, Morton County, North Dakota has determined it to be its interests to annex the hereinafter described property, which is contiguous to the City of Mandan, Morton County, North Dakota, but not embraced within the limits thereof, and has met all requirements as directed by Section 40-51.2-03 of the North Dakota Century Code.

**SECTION 1. Property Annexed.** The following described land is situated in the County of Morton, State of North Dakota, and contiguous to the corporate limits of the City of Mandan, North Dakota, is hereby added to, taken into, annexed and made part of the City of Mandan, namely:

A tract of land being the west 280 feet of the south 300 feet of Government Lot 4 in Section 7, Township 139N, Range 81W of the Fifth Principal Meridian, Morton County, North Dakota that lies within the following described traverse:

Commencing at the southwest corner of Section 7, T139N, R81W; thence north 00° 01' 44" east along the west boundary line of said section 7 for 102.77 feet to a point on the north right-of-way line of Old Red Trail, said point also being the point of beginning; thence continuing north 00° 02' 47" east along said west boundary line for 197.20 feet; thence south 89° 42' 41" east for 280.00 feet; thence south 00° 02' 47" west 197.20 feet to a point on said north right-of-way line; thence north 89° 42' 41" west along said north right-of-way line for 280.00 feet to the point of beginning. Said tract of land containing 1.27 acres, more or less.

**SECTION 2. Corporate Boundary Extended.** Upon the taking effect of this Ordinance, the corporate limits and boundary lines of the City of Mandan shall thereafter include said lands.

By: \_\_\_\_\_  
Arlyn Van Beek, President,  
Board of City Commissioners

Attest

\_\_\_\_\_  
James Neubauer, City Administrator

First Consideration: June 18, 2013  
Second Consideration  
and Final Passage: July 2, 2013  
Date of Recording: \_\_\_\_\_

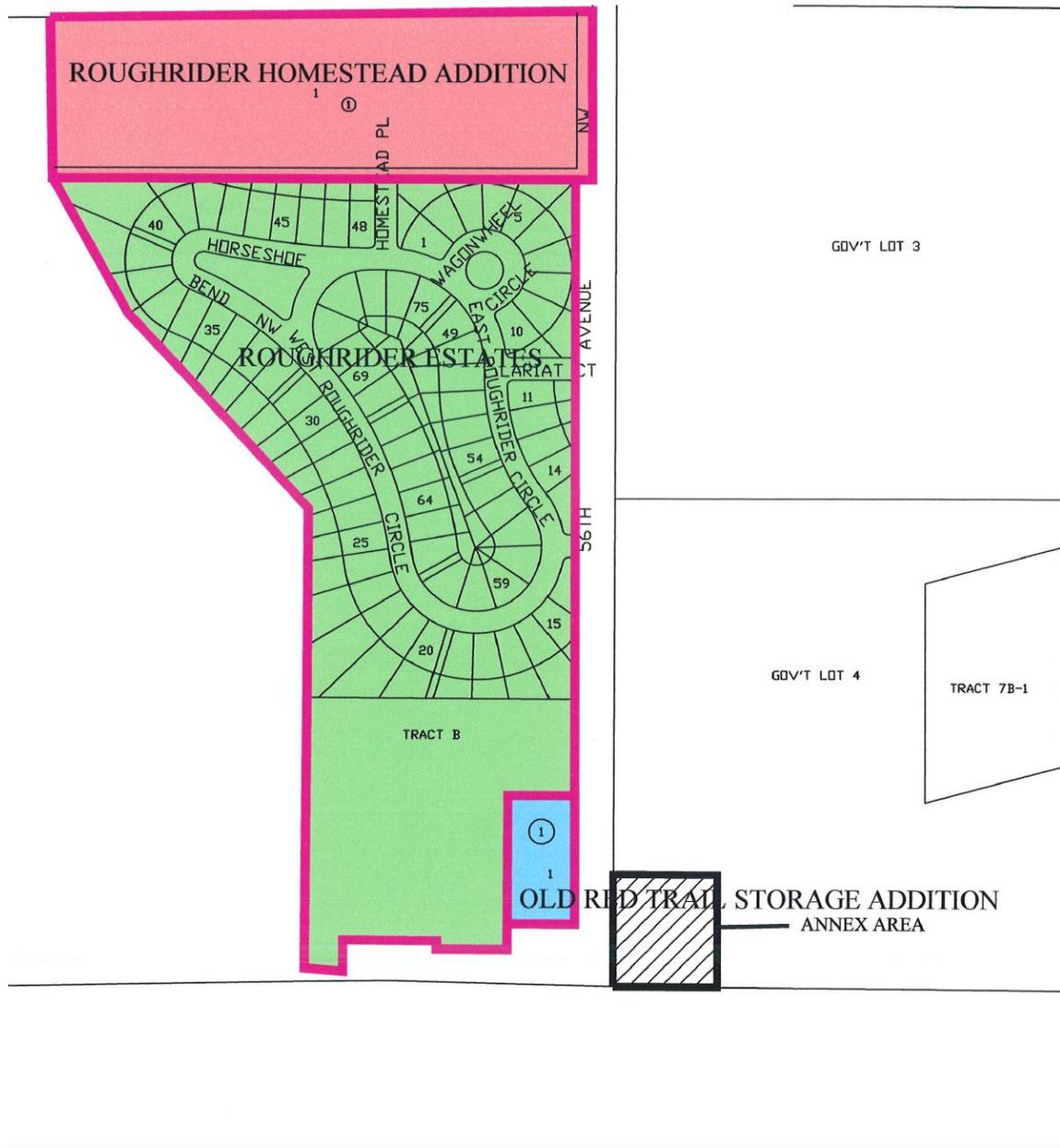
Board of City Commissioners

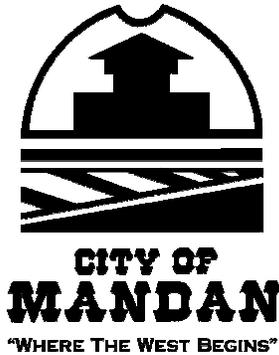
Agenda Documentation

Meeting Date: June 18, 2013

Subject: Consider the annexation of the west 280 feet of the south 300 feet of Government Lot 4 in Section 7, Township 139N, Range 81W.

Page 3 of 3





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 18, 2013  
**PREPARATION DATE:** June 12, 2013  
**SUBMITTING DEPARTMENT:** Engineering/Planning  
**DEPARTMENT DIRECTOR:** Kim Fettig, Project Manager  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider a change of zoning for the west 280 feet of the south 300 feet of Gov't Lot 4

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**STATEMENT/PURPOSE:** Request to change the zoning for the west 280 feet of the south 300 feet of Gov't Lot 4 in Section 7, Township 139N, Range 81W from A (Agricultural) to CC (Heavy Commercial).

**BACKGROUND/ALTERNATIVES:** Request by Adeline Boehm Klapprodt for a change of zoning from A (Agricultural) to CC (Heavy Commercial). The Planning & Zoning Commission voted unanimously to approve the zone change on May 28, 2013.

**ATTACHMENTS:**

1. Office Report
2. Map
3. Ordinance

**FISCAL IMPACT:** Minimal

**STAFF IMPACT:** Minimal

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

**RECOMMENDATION:** To approve the zone change to CC (Heavy Commercial).

**SUGGESTED MOTION:** I move to approve the zone change for the west 280 feet of the south 300 feet of Government Lot 4 in Section 7, T139N, Range 81W from A (Agricultural) to CC (Heavy Commercial).

MANDAN PLANNING OFFICE REPORT  
June 14, 2013

Applicant(s): Adeline Boehm Klapprodt

Owner(s): same

Requested Action: Zone Change Approval

Name of Subdivision: Proposed Addie's Acres

Legal Description: the west 280 feet of the south 300 feet of Gov't Lot 4 in Section 7, Township 139N, Range 81W

Located: Old Red Trail and 56<sup>th</sup> Avenue NW

Parcel Acreage: 1.27

Existing Land Use: vacant

Proposed Land Use: shop and lift station

Adjacent Land Use: vacant and agricultural

Existing Zoning: A (Agricultural)

Proposed Zoning: CC (Heavy Commercial)

Adjacent Zoning: A (Agricultural) and CC (Heavy Commercial)

Fee(s) Required: \$250.00      Date Received: May 9, 2013

Adjacent Property Owner Notification: June 6, 2013

Dates of Legal Notices: June 7 & 14, 2013

Recommendations: The Planning Office recommends approval.

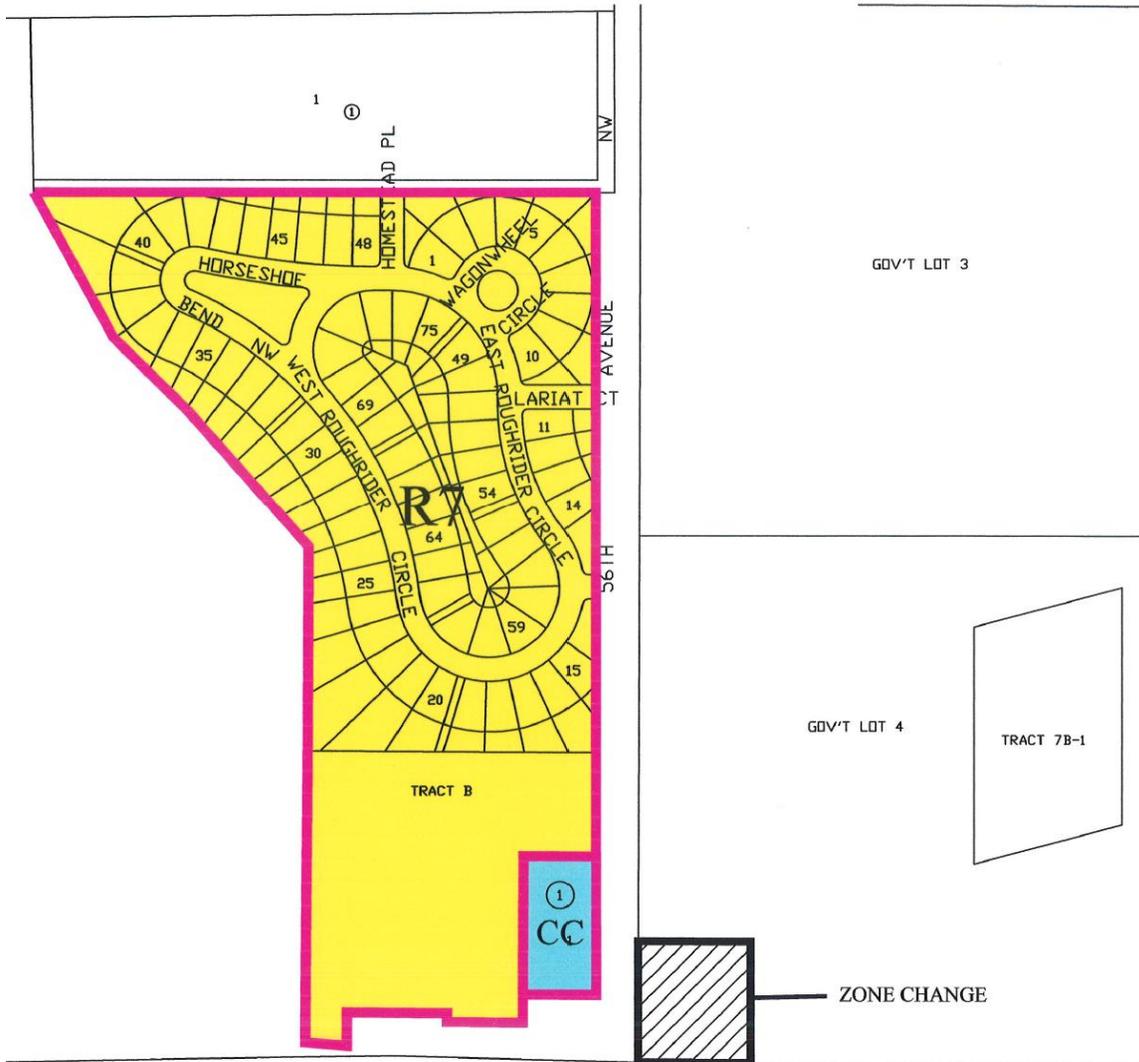
Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2013

Subject: Zone change for the west 280 feet of the south 300 feet of Government Lot 4.

Page 3 of 4



**ORDINANCE NO. 1156**

**AN ORDINANCE TO AMEND AND REENACT SECTION 21-03-02 OF  
ORDINANCE 1088 OF THE MANDAN CODE OF ORDINANCES  
RELATING TO DISTRICT BOUNDARIES AND ZONING MAP.**

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

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

The following described property located within the City of Mandan, Morton County, North Dakota shall be excluded from A (Agricultural) and shall be included in the CC (**Heavy Commercial**) zoning namely,

The west 280 feet of the south 300 feet of Government Lot 4 in Section 7, Township 139 North, Range 81 West

and as so amended said section is hereby reenacted. The city administrator is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

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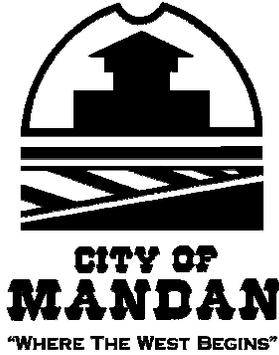
President, Board of City Commissioners

Attest:

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City Administrator

Public Hearing:	<u>May 28, 2013</u>
First Consideration:	<u>June 18, 2013</u>
Second Consideration and Final Reading:	<u>July 2, 2013</u>
Publication Date:	_____
Recording Date:	_____



BID No. 1 & Res. No. 5

## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 18, 2013  
**PREPARATION DATE:** June 13, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Kim Fettig, Project Manager  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider award of bids for Street Improvement District No. 182, Project 2013-16(Meadow Ridge 1<sup>st</sup> Addition).

---

**STATEMENT/PURPOSE:** This is a review and possible award of bids for Street Improvement District No. 182, Project 2013-16 (Meadow Ridge 1<sup>st</sup> Addition).

**BACKGROUND/ALTERNATIVES:** Bids were received on June 14 for the project and Tand Construction was the low bidder. The bid amount was \$255,318.60. The Engineer's estimate was \$255,718.60.

**ATTACHMENTS:**

1. Bid Tabulation
2. Engineer's Estimate
3. District Map
4. Resolution to Award Bid

**FISCAL IMPACT:** The Project will be paid for by special assessments from the benefiting properties within the District.

**STAFF IMPACT:** Minimal

**LEGAL REVIEW:** These documents have been forwarded to the City Attorney for his review.

**RECOMMENDATION:** I would recommend awarding the project.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 4, 2013

Subject: Award of Bids for Street Improvement District 182, Project 2013-16  
(Meadow Ridge 1<sup>st</sup> Addition).

Page 2 of 7

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**SUGGESTED MOTION:** I move to award the bid to Northern Improvement Company as the low bidder of Street Improvement District 182 Project 2013-16 in the amount of \$1,240,657.70.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 4, 2013

Subject: Award of Bids for Street Improvement District 182, Project 2013-16 (Meadow Ridge 1<sup>st</sup> Addition).

Page 3 of 7

BID TAB  
 MEADOW RIDGE 1ST ADDITION  
 STREET IMP. DISTRICT NO. 182  
 CITY PROJECT NO. 2013-16  
 TECO #2184

SPEC NO.	DESCRIPTION	UNIT	QUAN.	UNIT PRICE	ENGINEERS EST.	UNIT PRICE	TAND CONST	UNIT PRICE	NORTHERN IMP. CO.
202-4.1	UNCLASSIFIED EXCAVATION	CY	650	\$8.90	\$5,785.00	\$ 12.00	\$7,800.00	\$ 10.00	\$ 6,500.00
203-3.1	WATERING	M GAL	10	\$17.80	\$178.00	\$ 10.00	\$100.00	\$ 13.80	\$ 138.00
204-3.1	SUBGRADE PREPARATION	SY	3392	\$2.00	\$6,784.00	\$ 3.80	\$12,889.60	\$ 2.50	\$ 8,480.00
205-3.1	SILT FENCE	LF	200	\$8.00	\$1,600.00	\$ 6.00	\$1,200.00	\$ 10.70	\$ 2,140.00
205-3.3	WEIGHTED FIBER ROLL	LF	200	\$15.00	\$3,000.00	\$ 10.00	\$2,000.00	\$ 16.50	\$ 3,300.00
302-4.1	STABILIZED GRAVEL BASE	TON	990	\$30.00	\$29,700.00	\$ 19.00	\$18,810.00	\$ 31.30	\$ 30,987.00
304-6.1B	AC STABILIZED BASE (CLASS B )2-1/2"	TON	440	\$93.20	\$41,008.00	\$ 105.00	\$46,200.00	\$ 117.70	\$ 51,788.00
401-6.2B	AC SURFACE COURSE (CLASS B)2"	TON	350	\$93.20	\$32,620.00	\$ 105.00	\$36,750.00	\$ 117.70	\$ 41,195.00
402-4.2	BITUMINOUS TACK COAT	GAL	151	\$2.20	\$332.20	\$ 3.00	\$453.00	\$ 2.40	\$ 362.40
403-4.1	BITUMINOUS SEAL COAT	SY	3017	\$2.20	\$6,637.40	\$ 3.00	\$9,051.00	\$ 3.00	\$ 9,051.00
601-4.1	4" CONCRETE SIDEWALK	SF	550	\$7.00	\$3,850.00	\$ 4.50	\$2,475.00	\$ 4.70	\$ 2,585.00
602-4.1	6" CONCRETE	SF	461	\$10.00	\$4,610.00	\$ 7.00	\$3,227.00	\$ 6.60	\$ 3,042.60
603-5.3	STANDARD CURB & GUTTER	LF	1410	\$18.40	\$25,944.00	\$ 16.50	\$23,265.00	\$ 20.00	\$ 28,200.00
802-4.2	15" RCP STORM SEWER PIPE	LF	90	\$50.00	\$4,500.00	\$ 66.00	\$5,940.00	\$ 94.10	\$ 8,469.00
802-4.3	18" RCP STORM SEWER PIPE	LF	247	\$60.00	\$14,820.00	\$ 55.00	\$13,585.00	\$ 78.40	\$ 19,364.80
802-4.7	30" RCP STORM SEWER PIPE	LF	72	\$80.00	\$5,760.00	\$ 85.00	\$6,120.00	\$ 121.10	\$ 8,719.20
801-4.60	BEDDING MATERIAL	TON	165	\$16.00	\$2,640.00	\$ 15.00	\$2,475.00	\$ 21.40	\$ 3,531.00
802-4.5	30" RCP FLARED END SECTION	EA	1	\$1,200.00	\$1,200.00	\$ 1,500.00	\$1,500.00	\$ 2,137.50	\$ 2,137.50
1201-4.1	4" TOPSOILING TO INCLUDE SEEDING & HYDROMULCH	Acres	0.5	\$20,000.00	\$10,000.00	\$ 17,424.00	\$8,712.00	\$ 16,245.00	\$ 8,122.50
1205-4.1	48" CONCRETE MANHOLE (STORM)	EA	2	\$3,400.00	\$6,800.00	\$ 3,100.00	\$6,200.00	\$ 4,417.50	\$ 8,835.00
1205-4.2	60" CONCRETE MANHOLE (STORM)	EA	1	\$6,000.00	\$6,000.00	\$ 5,300.00	\$5,300.00	\$ 7,552.50	\$ 7,552.50
1205-4.8	TYPE 72" INLET	EA	4	\$3,600.00	\$14,400.00	\$ 3,450.00	\$13,800.00	\$ 4,916.30	\$ 19,665.20
1205-4.9	TYPE 108" INLET	EA	2	\$5,000.00	\$10,000.00	\$ 4,650.00	\$9,300.00	\$ 6,626.30	\$ 13,252.60
1205-4.12	15" SLOTTED DRAIN	LF	72	\$100.00	\$7,200.00	\$ 113.00	\$8,136.00	\$ 189.70	\$ 13,658.40
1206-4.1	ADJ MANHOLE CASTING-ASPH PVMT	EA	6	\$400.00	\$2,400.00	\$ 350.00	\$2,100.00	\$ 835.60	\$ 5,013.60
1206-4.14	ADJUST VALVE BOX IN CONCRETE	EA	1	\$390.00	\$390.00	\$ 400.00	\$400.00	\$ 471.50	\$ 471.50
1206-4.19	ADJUST VALVE BOX-UNPAVED AREA	EA	3	\$390.00	\$1,170.00	\$ 350.00	\$1,050.00	\$ 538.80	\$ 1,616.40
1206-4.7	ADJUST INLET CASTING ALL SIZES	EA	6	\$550.00	\$3,300.00	\$ 630.00	\$3,780.00	\$ 810.80	\$ 4,864.80
SP 2	DETECTABLE WARNING PANEL	SF	24	\$60.00	\$1,440.00	\$ 50.00	\$1,200.00	\$ 40.30	\$ 967.20
SP 9	STOP SIGN & STREET NAME SIGNS 1 POST	EA	1	\$450.00	\$450.00	\$ 500.00	\$500.00	\$ 483.00	\$ 483.00
SP 10	ROAD CLOSED, BARRICADE	EA	2	\$600.00	\$1,200.00	\$ 500.00	\$1,000.00	\$ 747.50	\$ 1,495.00
<b>TOTAL</b>				<b>\$255,718.60</b>	<b>\$255,718.60</b>	<b>\$255,318.60</b>	<b>\$255,318.60</b>	<b>\$ 315,988.20</b>	<b>\$ 315,988.20</b>

Board of City Commissioners

Agenda Documentation

Meeting Date: June 4, 2013

Subject: Award of Bids for Street Improvement District 182, Project 2013-16  
(Meadow Ridge 1<sup>st</sup> Addition).

Page 4 of 7

Engineer's Estimate of Probable Costs  
Meadow Ridge 1st Addition  
Street Improvement District No. 182  
City Project No. 2013-16

SPEC NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
202-4.1	UNCLASSIFIED EXCAVATION	CY	650	\$8.90	\$5,785.00
203-3.1	WATERING	M GAL	10	\$17.80	\$178.00
204-3.1	SUBGRADE PREPARATION	SY	3392	\$2.00	\$6,784.00
205-3.1	SILT FENCE	LF	200	\$8.00	\$1,600.00
205-3.3	WEIGHTED FIBER ROLL	LF	200	\$15.00	\$3,000.00
302-4.1	STABILIZED GRAVEL BASE	TON	990	\$30.00	\$29,700.00
304-6.1B	AC STABILIZED BASE (CLASS B )2-1/2"	TON	440	\$93.20	\$41,008.00
401-6.2B	AC SURFACE COURSE (CLASS B)2"	TON	350	\$93.20	\$32,620.00
402-4.2	BITUMINOUS TACK COAT	GAL	151	\$2.20	\$332.20
403-4.1	BITUMINOUS SEAL COAT	SY	3017	\$2.20	\$6,637.40
601-4.1	4" CONCRETE SIDEWALK	SF	550	\$7.00	\$3,850.00
602-4.1	6" CONCRETE	SF	461	\$10.00	\$4,610.00
603-5.3	STANDARD CURB & GUTTER	LF	1410	\$18.40	\$25,944.00
802-4.2	15" RCP STORM SEWER PIPE	LF	90	\$50.00	\$4,500.00
802-4.3	18" RCP STORM SEWER PIPE	LF	247	\$60.00	\$14,820.00
802-4.7	30" RCP STORM SEWER PIPE	LF	72	\$80.00	\$5,760.00
801-4.60	BEDDING MATERIAL	TON	165	\$16.00	\$2,640.00
802-4.5	30" RCP FLARED END SECTION	EA	1	\$1,200.00	\$1,200.00
1201-4.1	4" TOPSOILING TO INCLUDE SEEDING & HYDROMULCH	Acre	0.5	\$20,000.00	\$10,000.00
1205-4.1	48" CONCRETE MANHOLE (STORM)	EA	2	\$3,400.00	\$6,800.00
1205-4.2	60" CONCRETE MANHOLE (STORM)	EA	1	\$6,000.00	\$6,000.00
1205-4.8	TYPE 72" INLET	EA	4	\$3,600.00	\$14,400.00
1205-4.9	TYPE 108" INLET	EA	2	\$5,000.00	\$10,000.00
1205-4.12	15" SLOTTED DRAIN	LF	72	\$100.00	\$7,200.00
1206-4.1	ADJ MANHOLE CASTING-ASPH PVMT	EA	6	\$400.00	\$2,400.00
1206-4.14	ADJUST VALVE BOX IN CONCRETE	EA	1	\$390.00	\$390.00
1206-4.19	ADJUST VALVE BOX-UNPAVED AREA	EA	3	\$390.00	\$1,170.00
1206-4.7	ADJUST INLET CASTING ALL SIZES	EA	6	\$550.00	\$3,300.00
SP 2	DETECTABLE WARNING PANEL	SF	24	\$60.00	\$1,440.00
SP 9	STOP SIGN & STREET NAME SIGSN 1 POST	EA	1	\$450.00	\$450.00
SP 10	ROAD CLOSED, BARRICADE	EA	2	\$600.00	\$1,200.00

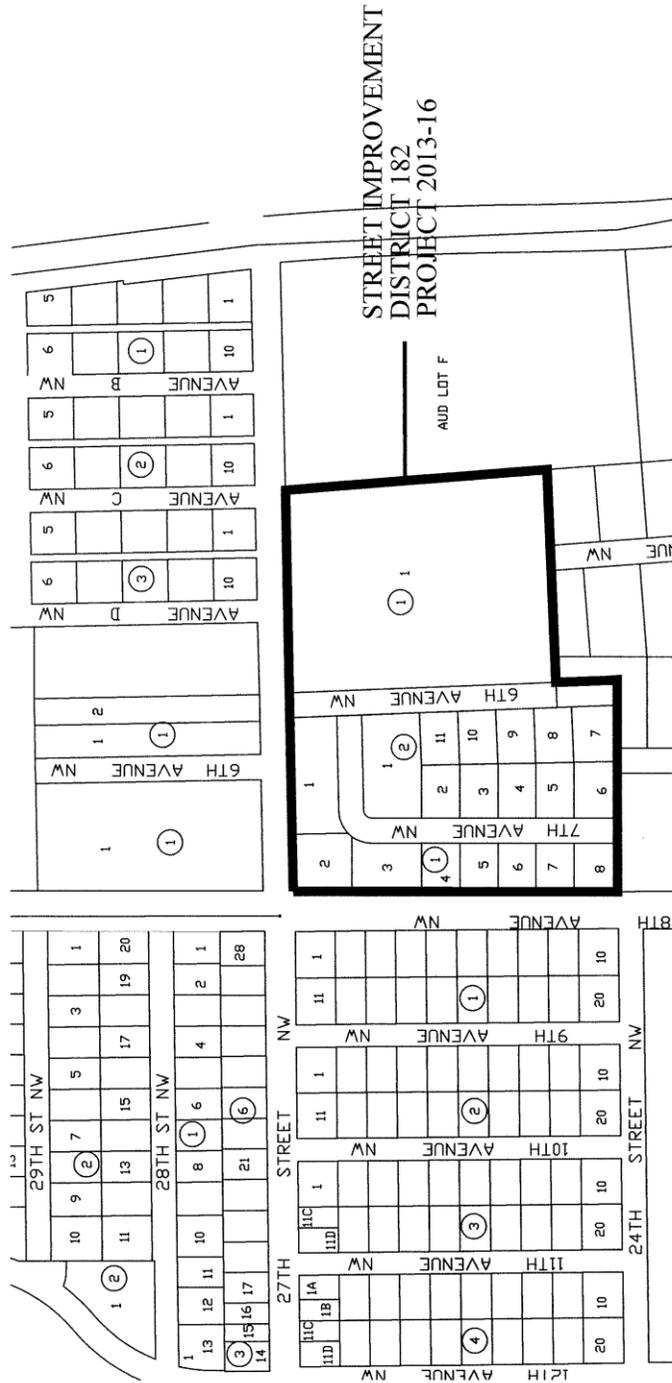
Construction Total = \$255,718.60

Board of City Commissioners

Agenda Documentation

Meeting Date: June 4, 2013

Subject: Award of Bids for Street Improvement District 182, Project 2013-16 (Meadow Ridge 1<sup>st</sup> Addition).



Board of City Commissioners

Agenda Documentation

Meeting Date: June 4, 2013

Subject: Award of Bids for Street Improvement District 182, Project 2013-16  
(Meadow Ridge 1<sup>st</sup> Addition).

Page 6 of 7

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**RESOLUTION**  
**APPROVING CONTRACT AND CONTRACTOR'S BOND FOR**  
**STREET IMPROVEMENT DISTRICT NO. 182**

(Project No. 2013-16)

BE IT RESOLVED by the governing body of the City of Mandan, North Dakota (the "City"), as follows:

1. It is hereby found and determined that this Board has heretofore caused Notice for Advertisement for Bids to be made for an improvement Street Improvement District No. 182 of said City, and has duly and publicly opened and considered said bids received pursuant to said Notice.
2. Said improvement is hereby ordered to be constructed in accordance with the plans and specifications therefore as heretofore adopted by this Board pursuant to a resolution duly adopted by this Board.
3. It is hereby found and determined that the lowest responsible bidder for various categories of the work, material and skill required for said improvement is Tand Construction whose bid provides for the construction of said improvement at a total estimated base price of \$255,318.60.
4. The President of the Board of City Commissioners of the City of Mandan and City Auditor are hereby authorized and directed to make and enter into a contract with said bidder on the part of the City, in the form prescribed by Sections 40-22-35 and 40-22-35, N.D.C.C. as amended, provided that said bidder shall within ten (10) days from this date execute said contract and a construction bond conditioned in accordance with the provisions of Sections 40-22-30 and 40-22-32 of said Code.

Dated this 18th day of June, 2013

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Arlyn Van Beek, President of the  
Board of City Commissioners

Attest:

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James Neubauer,  
City Administrator

Board of City Commissioners

Agenda Documentation

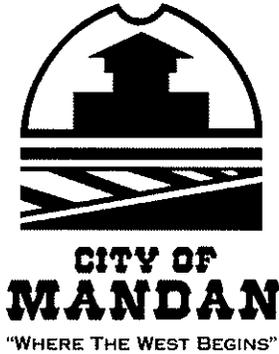
Meeting Date: June 4, 2013

Subject: Award of Bids for Street Improvement District 182, Project 2013-16  
(Meadow Ridge 1<sup>st</sup> Addition).

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## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 18, 2013  
**PREPARATION DATE:** June 13, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Kim Fettig, Project Manager  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider award of bids for Street Improvement District No. 182, Project 2013-16(Meadow Ridge 1<sup>st</sup> Addition).

---

**STATEMENT/PURPOSE:** This is a review and possible award of bids for Street Improvement District No. 182, Project 2013-16 (Meadow Ridge 1<sup>st</sup> Addition).

**BACKGROUND/ALTERNATIVES:** Bids were received on June 14 for the project and Tand Construction was the low bidder. The bid amount was \$255,318.60. The Engineer's estimate was \$255,718.60.

**ATTACHMENTS:**

1. Bid Tabulation
2. Engineer's Estimate
3. District Map
4. Resolution to Award Bid

**FISCAL IMPACT:** The Project will be paid for by special assessments from the benefiting properties within the District. The construction cost of the project is \$255,318.60 plus the engineering and administrative cost of \$63,829.65 totaling \$319,148.25. The special assessments will be assessed as follows: Lot 1 Block 1 of Meadow Ridge 1<sup>st</sup> Addition will be receiving \$200,000, Lot 1 Block 1 and Lot 1 Block 2 of Meadow Ridge 3<sup>rd</sup> Addition will receive \$18,000 each and Lots 7 thru 11 Block 2 of Meadow Ridge 3<sup>rd</sup> will receive \$16,629.65 each.

**STAFF IMPACT:** Minimal

**LEGAL REVIEW:** These documents have been forwarded to the City Attorney for his review.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 4, 2013

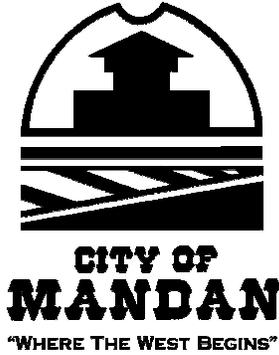
Subject: Award of Bids for Street Improvement District 182, Project 2013-16 (Meadow Ridge 1<sup>st</sup> Addition).

Page 2 of 7

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RECOMMENDATION: I would recommend awarding the project.

SUGGESTED MOTION: I move to award the bid to Tand Construction as the low bidder of Street Improvement District 182 Project 2013-16 in the amount of \$255,318.60.



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 18, 2013  
**PREPARATION DATE:** June 13, 2013  
**SUBMITTING DEPARTMENT:** Administration  
**DEPARTMENT DIRECTOR:** Jim Neubauer, City Administrator  
**PRESENTER:** Jim Neubauer, City Administrator  
**SUBJECT:** City Sales Tax Collection Agreement

---

**STATEMENT/PURPOSE:** Consider entering into an agreement with the North Dakota Office of State Tax Commissioner for the administration of Mandan's local sales, use and gross receipts taxes for the 2013-2015 biennium.

**BACKGROUND/ALTERNATIVES:** The attached contract is consistent with contracts in the past and allows the State Tax Commissioner and representatives to collect the local sales and use tax, audit such information and perform other ancillary duties required to carry out this function. The contract is for the period of July 1, 2013 through June 30, 2015.

The cover letter enclosed with this contract asks for us to notify the Tax Department of annexations in a timely manner and we will continue to do so.

**ATTACHMENTS:** Contract for the period of July 1, 2013 through June 30, 2015.

**FISCAL IMPACT:** approximately \$21,187 per year. The lesser of 3% of the tax collected or \$35/permit/per year.

**STAFF IMPACT:** n/a

**LEGAL REVIEW:** Information has been provided to City Attorney Brown.

**RECOMMENDATION:** I recommend the agreement with the North Dakota Office of State Tax Commissioner for the administration of Mandan's local sales, use and gross receipts taxes for the 2013-2015 biennium be approved.

**SUGGESTED MOTION:** I move to approve the agreement with the North Dakota Office of State Tax Commissioner for the administration of Mandan's local sales, use and gross receipts taxes for the 2013-2015 biennium.



STATE OF NORTH DAKOTA  
**OFFICE OF STATE TAX COMMISSIONER**  
Cory Fong, Commissioner

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June 10, 2013

Jim Neubauer  
Mandan City Administrator  
205 2<sup>nd</sup> Ave NW  
Mandan ND 58554-3125

C

Dear Mr. Neubauer:

Enclosed are two copies of a contract authorizing the Office of State Tax Commissioner to administer the City of Mandan's local sales, use and gross receipts taxes for the 2013-2015 biennium.

The administration fee for this contract will be the lesser of \$35 per permit per year, or 3 percent of the tax collected. Based on the current number of retail businesses with sales, use and gross receipts tax permits in Mandan and the past two years history of sales and purchases, the administration fee for the City of Mandan is listed in the enclosed contract. The administration fee will be withheld from the monthly tax collections received in this office.

The financial needs facing North Dakota cities continue to change each year and so do the challenges of finding revenue sources to fund these areas. It is important for your city to ensure that all possible city tax collections are received. One way is to provide this office with timely notice of all property annexations. Once notification is received, we notify the businesses affected by the annexation of their local tax collection responsibility. The attached contract requires at least a ninety day notice when property has been annexed into the incorporated boundary of a city.

Please sign the enclosed contracts and return one signed copy to the Office of State Tax Commissioner by June 24, 2013. If you have any questions about the contract or administration of your city's sales, use and gross receipts tax, please contact Susan Rood in our Sales and Special Taxes Division at 701-328-3389.

I appreciate the strong working relationship we have developed with North Dakota's cities and counties. If our office can be of assistance to you in any way, please let us know.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cory Fong".

Cory Fong  
Tax Commissioner

Enclosures

**CONTRACT FOR COLLECTION OF CITY SALES, USE AND GROSS RECEIPTS TAXES**

This contract is entered into by the Tax Commissioner of the State of North Dakota and the governing body of the City of Mandan, North Dakota through the Mandan City Auditor, under the provisions of North Dakota Century Code § 57-01-02.1.

This contract provides for services to be furnished, as follows:

1. The Office of State Tax Commissioner (Tax Commissioner) hereby assumes the responsibility of administering Ordinance 775 of the Mandan Municipal Code of Ordinances (Ordinance). The administration by the Tax Commissioner must be carried out in accordance with the relevant provisions of North Dakota Century Code Chapter 57-39.2, including reporting and paying requirements, correction of errors, payment of refunds, and application of penalty and interest.
2. The Tax Commissioner, by letter and personal contact, will inform the appropriate permit holders of their collection and remission responsibilities imposed by the Ordinance.
3. The Tax Commissioner shall design tax reporting forms which will be made available to the appropriate permit holders prior to the filing due dates.
4. The Tax Commissioner shall make available the proper rate chart(s) to the appropriate permit holders for use in computation of the state and city taxes.
5. The Tax Commissioner shall collect the tax imposed by the Ordinance on a monthly, quarterly or other periodic basis deemed necessary by the Tax Commissioner.
6. The Tax Commissioner assumes the responsibility for collection of any civil penalties due or criminal prosecution required under the Ordinance to the extent not in conflict with state law.
7. The Tax Commissioner shall certify on a monthly basis to the North Dakota State Treasurer the amount of tax payable to the City of Mandan.
8. The Tax Commissioner shall refund to purchasers the difference between the amount of sales, use, or gross receipts tax paid and the amount that would have been due by application of a cap or threshold provided by the city's ordinance or home rule charter. The refund shall exclude any refund or credit provided by the retailer at the time of purchase.
9. At the Tax Commissioner's discretion, the Tax Commissioner shall audit the appropriate permit holders.

The City of Mandan has the following responsibilities under this contract:

1. The city's Ordinance shall conform in all respects with regard to the taxable or exempt status of sales under chapters 57-39.2, 57-39.4, 57-39.5, 57-39.6, and 57-40.2.
2. The city's Ordinance shall provide for only one local tax rate; therefore, all sales, use, and gross receipts taxes will be imposed at the same rate.
3. Tax rate changes shall be effective on the first day of a calendar quarter and after ninety days notice which must be provided to the Tax Commissioner after final approval of the tax ordinance.
4. The City of Mandan shall provide the Tax Commissioner information about all boundary changes, which shall include all business addresses and zip codes within the changed area. For purposes of local sales, use and gross receipts taxes, boundary changes shall be effective on the first day of a calendar quarter and after ninety days notice which must be provided to the Tax Commissioner after final approval of the boundary change.
5. The City of Mandan shall provide notice to the Tax Commissioner on the continuation or termination of the local tax at least ninety days prior to the date the tax imposed by the ordinance is continued or terminated.

In consideration for the above-enumerated services for the period July 1, 2013 through June 30, 2015, the Tax Commissioner shall retain \$1,764.58 per month of the tax collected under the Ordinance.

This agreement, which supersedes any prior written or oral agreements between the parties, is effective upon the signature by the Mandan City Auditor, acting on behalf of the City of Mandan, and the Tax Commissioner for the State of North Dakota, and shall be effective July 1, 2013 through June 30, 2015.

This agreement shall be subject to renegotiation for the purpose of renewal July 1, 2015.

Dated the 7th day of June 2013, at Bismarck, North Dakota.

  
\_\_\_\_\_  
Cory Fong  
TAX COMMISSIONER

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 2013 at \_\_\_\_\_, North Dakota.

\_\_\_\_\_  
Jim Neubauer  
Mandan City Auditor  
E-Mail: \_\_\_\_\_

SUNDAY ALCOHOLIC BEVERAGE PERMIT

Date of Application: 8/12/13

Name of Licensee: O.N.E.

Address of Licensee: 310 West Main Street Mandan

Address of public facility if used: Same

State the purpose of organization: Entertainment

Date(s) of requested Sunday(s): 8/30/13

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

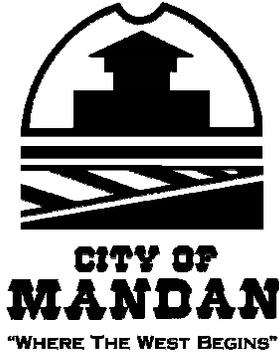
Description of the rooms on the premises, which have been specifically reserved, for the dispensing of alcoholic beverages and dancing during the term of the permit: the main hall of the theatre

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

If applicable, estimated number of police officers necessary to provide security at the dance to be open to the public: Not necessary

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.



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 18, 2013  
**PREPARATION DATE:** June 14, 2013  
**SUBMITTING DEPARTMENT:** Administration  
**DEPARTMENT DIRECTOR:** Jim Neubauer, City Administrator  
**PRESENTER:** Jim Neubauer, City Administrator  
**SUBJECT:** Kautzmann Water Transmission Line Agreement,  
Release of Easement and Easement

---

**STATEMENT/PURPOSE:** To consider an agreement with the Kautzmann Land Co., LLC regarding a realigned water transmission line.

**BACKGROUND/ALTERNATIVES:** The City of Mandan undertook the replacement of a water transmission line west of Mandan High School. During construction it was determined the transmission line would be best served by having the water line re-aligned outside of the existing easement. The City and Kautzmann have reached an agreement for use of an area outside the boundary of Auditors Lot R, and for damages to a livestock corral during the reconstruction of the water line. The City will also re-seed the disturbed area and fix the fence.

**ATTACHMENTS:** Agreement, Release of Easement, Easement

**FISCAL IMPACT:** \$5,705, Water Utility Fund

**STAFF IMPACT:** n/a

**LEGAL REVIEW:** City Attorney Brown has drafted the documents included.

**RECOMMENDATION:** I recommend approval of the Agreement, Release of Easement and Easement.

**SUGGESTED MOTION:** I move to approve the Agreement, Release of Easement, and Easement.

**AGREEMENT**

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between the City of Mandan ("City") and Kautzmann Land Co., LLC ("Kautzmann).

WHEREAS, Kautzmann is the owner of portions of the NE¼ of Section 28, Township 139 North, Range 81 West, contained within Auditor's Lot R, portions of which are used by the City of Mandan for a water transmission line within Auditor's Lot R of said NE¼;

WHEREAS, The City has permitted Kautzmann to tap into said water transmission line for water for its livestock corrals; and

WHEREAS, The City has re-aligned its water transmission line to an area outside of the easement contained within said Auditor's Lot R, without compensation to Kautzmann for said relocation.

NOW, THEREFORE, contemporaneous with this Agreement, the parties agree as follows:

1. City will pay to Kautzmann the sum of \$4,455,000 plus \$1,250.00 for use of an area outside the boundary of Auditor's Lot R for a water transmission line, including payment through May of 2013, and for damages to a livestock corral during re-construction of said water transmission line. City will also re-seed the disturbed areas and fix the fence. No further payments will be made after the execution of this Agreement.
2. Kautzmann will grant to the City an easement for a water transmission line in the form attached hereto as Exhibit "A"; and
3. The City will release to Kautzmann that portion of Auditor's Lot R described within the attached Release which is no longer needed for the City's water transmission line.
4. Kautzmann may continue free use of the water tap until Kautzmann's property to the west of Mandan High School is re-zoned from agricultural.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

CITY OF MANDAN

KAUTZMANN LAND CO., LLC

By: \_\_\_\_\_  
Its \_\_\_\_\_

By: \_\_\_\_\_  
Its \_\_\_\_\_

Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2013

Subject: Kautzmann Water Transmission Line Agreement, Release of Easement and Easement

Page 3 of 6

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## RELEASE OF EASEMENT

WHEREAS, On August 30, 1962, Albers-Neff, Inc., granted to the City of Mandan an easement over a tract of land in Morton County, known as Auditor's Lot R of the NE $\frac{1}{4}$  of Section 28, Township 139 North, Range 81 West, as fully described in said Easement, recorded in the Office of the Morton County Recorder, as Document No. 199004;

WHEREAS, The current record titleholder of Auditor's Lot R is the Kautzmann Land Co., LLC, of Mandan, North Dakota; and

WHEREAS, The City of Mandan has determined that a portion of said Easement is no longer needed by the City of Mandan,

NOW, THEREFORE, The City of Mandan does hereby release, demise and quit claim to Kautzmann Land Co., LLC, the following described portion of said Auditor's Lot R:

That part of Auditor's Lot R of the NE $\frac{1}{4}$  of Section 28, Township 139 North, Range 81 West of the Fifth Principal Meridian, Morton County, North Dakota, described as follows:

Commencing at the most northerly corner of said Auditor's Lot R; thence S61°52'41"E, assumed bearing along the northerly line of said Auditor's Lot R a distance of 60.65 feet to the point of beginning of the tract to be described; thence continue S61°52'41"E a distance of 252.43 feet to the westerly line of Lot 5, Block 2, School District 1<sup>st</sup> Addition Replat, according to the recorded plat thereof, said Morton County; thence S0°04'41"E along said westerly line a distance of 90.77 feet to the southerly line of said Auditor's Lot R; thence N61°52'41"W along said southerly line a distance of 283.56 feet to an angle point on said southerly line; thence N19°44'59"E a distance of 80.86 feet to the point of beginning.



Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2013

Subject: Kautzmann Water Transmission Line Agreement, Release of Easement and Easement

Page 5 of 6

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Exhibit "A"

## EASEMENT

THIS INDENTURE, Made this \_\_\_\_\_ day of \_\_\_\_\_, 2013, between Kautzmann Land Co., LLC, a North Dakota limited liability company, whose post office address is P.O. Box 101, Mandan, ND 58554, Grantor and the City of Mandan, whose post office address is 205 Second Avenue Northwest, Mandan, ND 58554, Grantee.

WITNESSETH:

WHEREAS, Grantor is the owner of:

A 20 foot wide easement for utility purposes over, under and across that part of the NE¼ of Section 28, Township 139 North, Range 81 West of the Fifth Principal Meridian, Morton County, North Dakota, the northerly line of said easement is described as follows:

Beginning at the most northerly corner of Auditor's Lot R of the NE¼ and assuming the northerly line of said Auditor's Lot R bears S 61° 52' 41" E; thence S 78° 45' 42" E a distance of 281.39 feet to the westerly line of Lot 5, Block 2, School District 1<sup>st</sup> Addition Replat, according to the recorded plat thereof, said Morton County and said line there terminating.

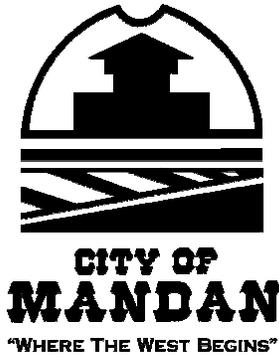
The side line of said easement shall be prolonged or shortened to terminate on the northerly line of said Auditor's Lot R and on the westerly line of said Lot 5.

The above described tract contains 0.1150 acres, more or less, and is subject to any previous easements, agreements, conveyances and surveys.

WHEREAS, The Grantee has installed a water transmission line within the property described above.

NOW, THEREFORE, The Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, to it in hand paid by the Grantee, the receipt of which is hereby acknowledged, does by these presents grant, bargain, sell and convey unto the Grantee an easement for the installation, use and maintenance of a water transmission line as described above. The Grantor shall fully use and enjoy the aforesaid premises except as to the rights herein granted to the Grantee.





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 18, 2013  
**PREPARATION DATE:** June 11, 2013  
**SUBMITTING DEPARTMENT:** Administrator  
**DEPARTMENT DIRECTOR:** Jim Neubauer, City Administrator  
**PRESENTER:** Jim Neubauer, City Administrator  
**SUBJECT:** July 5, 2013

---

STATEMENT/PURPOSE – To consider closing City administrative offices on Friday, July 5, 2013.

BACKGROUND/ALTERNATIVES – It has been the practice to close City Offices when the July 5<sup>th</sup> falls on the day prior to the weekend. Employees are required to take a day of vacation or personal day for this time.

- ✓ Stay open with limited staffing.
- ✓ Close and require the use vacation or personal time

ATTACHMENTS - None

FISCAL IMPACT – N/A

STAFF IMPACT – N/A

LEGAL REVIEW – None required

RECOMMENDATION – I recommend we close City offices on July 5<sup>th</sup> and require employees to take a vacation day or personal day.

SUGGESTED MOTION - I move to close City offices on July 5<sup>th</sup> and require employees to take a vacation day or personal day.



Consent #6

## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 18, 2013  
**PREPARATION DATE:** June 14, 2013  
**SUBMITTING DEPARTMENT:** City Administrator  
**DEPARTMENT DIRECTOR:** Jim Neubauer  
**PRESENTER:**  
**SUBJECT:** Annual Liquor License Renewals

---

STATEMENT/PURPOSE: All liquor licenses must be approved by the Board of City Commissioners on an annual basis.

BACKGROUND/ALTERNATIVES: All applications and fees have been received by all liquor license applicants.

ATTACHMENTS: List of all liquor license applicants and classes are attached.

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval contingent upon the establishment meeting all Fire Code, Health & Safety Code, Building Inspections and all property taxes paid.

SUGGESTED MOTION: I move to approve all Liquor Licenses for the year of July 1, 2013 – June 30, 2014. Contingent upon the establishment meeting all Fire Codes, Health & Safety Code, Building Inspection Codes and all property taxes are paid.

This is the list of applications for Annual Liquor License for July 1, 2013 - June 30, 2014.

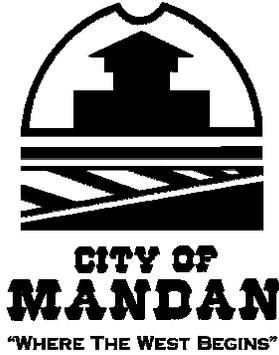
	<u>Names</u>	<u>Class</u>
<b>Clubs</b>		
	1. Mandan Eagles	B
	2. Mandan Moose	B
<b>Corporations</b>		
	1. Stage Stop	A
	2. Dean's Steakhouse	E
	3. Lonesome Dove	A
	4. BW-SS dba Seven Seas	C
	5. B & B Inc. dba Broken Oar	A
	6. Midway Lanes, Inc.	A
	7. Hidden Inc. dba The Hide Away	A
	8. Old Town Tavern, Inc.	A
	9. The Ridge Motel	C
	10. Triple M Corp. dba Bills Liquor	D
	11. Ski's Liquor, Inc. dba Captain Jacks	D
	12. Colonial Lounge, Inc.	C
	13. A & B Pizza	F
	14. Missouri Valley Pet. dba Southside MVP	D1
	15. Miller & Homes, Inc.	D1
	16. NPC International Inc. dba Pizza Hut	F
	17. Petro Serve USA #79	D1
	18. J & C Investment dba Westside Bar & Grill	A
	19. Last Call Bar Inc.	A
	20. Unistop Inc.	D1
	21. Ten Spot Lanes, Inc.	F
	22. Captain Freddy's	A
	23. Lakewood Bar & Grill LLC dba The Drink	A
	24. Vicky's Sports Bar Inc.	A
	25. Luke's Bar LLC dba Silver Dollar Bar	A
	26. Captains Galley Inc. dba Captain Freddy Restaurant	E
	27. Red Carpet Car Wash Inc.	D1
	28. Wal-Mart	D
	29. Petro Serve USA #78	D1
	30. Missouri Valley Pet. dba Sunset Tesoro	D1
	31. Stryker Enterprise, LLC/Main Street Drive Thru	A

**Individual & Partnerships**

- |                                       |   |
|---------------------------------------|---|
| 1. Rice Bowl Restaurant               | F |
| 2. Moscow                             | A |
| 3. Round Up LLC                       | A |
| 4. O.N.E                              | F |
| 5. Harvest LLC dba Harvest Restaurant | E |

**Special B's**

- |                             |           |
|-----------------------------|-----------|
| 1. Prairie West Golf Course | Special B |
| 2. Mandan Municipal Golf    | Special B |



Consent #7

## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 18, 2013  
**PREPARATION DATE:** June 14, 2013  
**SUBMITTING DEPARTMENT:** City Administrator  
**DEPARTMENT DIRECTOR:** Jim Neubauer  
**PRESENTER:**  
**SUBJECT:** Annual Special Sunday Openings Renewal

---

STATEMENT/PURPOSE: All Special Sunday Opening must be approved annually by the Board of City Commissioners.

BACKGROUND/ALTERNATIVES: All Special Sunday applications have been received and 1% Restaurant and Lodging taxes have been paid.

ATTACHMENTS: List of all Special Sunday Openings that have applied.

FISCAL IMPACT: \$260.00

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval contingent upon applications and fees are all up to date.

SUGGESTED MOTION: I move that all annual Special Sunday Openings be approved contingent on meeting all necessary requirements.

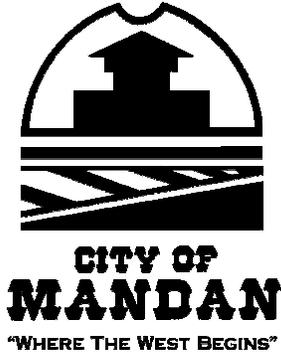
This is a list of all applications for Special Sunday Opening.

**Special Sunday Opening On-Sale**

1. The Hide Away
2. Mandan Municipal Golf (July to October)
3. Prairie West Golf Course (July to October)
4. A & B Pizza
5. Colonial Lounge
6. Ten Spot Lanes
7. Old Town Tavern
8. Lonesome Dove
9. Midway Lanes
10. BW-SS, Inc./Seven Seas (Montana Mike's)
11. Broken Oar
12. Vicky's Bar & Grill
13. The Ridge Motel
14. Pizza Hut
15. Moose Lodge
16. Last Call Bar
17. Captain Freddy's
18. The Drink at Lakewood
19. Stryker Enterprise dba Main Street Drive Thru Liquor
20. Moscow Bar

**Special Sunday Opening Off-Sale**

1. Petro Serve USA #78
2. Southside MVP
3. Unistop
4. M & H
5. Bills Liquor
6. Red Carpet Car Wash
7. Petro Serve USA # 79



New Business No. 1

## Board of City Commissioners

### Agenda Documentation

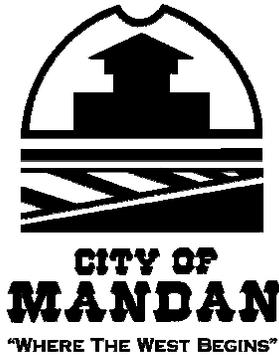
**MEETING DATE:** June 18, 2013  
**PREPARATION DATE:** June 14, 2013  
**SUBMITTING DEPARTMENT:** Administration  
**DEPARTMENT DIRECTOR:** Jim Neubauer, City Administrator  
**PRESENTER:** Jim Neubauer, City Administrator  
**SUBJECT:** New Employee

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STATEMENT/PURPOSE: Introduction of new employee

BACKGROUND/ALTERNATIVES:

As of June 10, 2013, Justin Froseth is Mandan's new Planning and Engineering Director. Justin most recently came to the city from Ackerman-Estvold Engineering in Minot, ND where he was a Project Engineer and was tasked with both design and project management of primarily municipal infrastructure projects as well as commercial site design. He also served as an engineering representative for a couple small cities near Minot with Ackerman-Estvold. Justin earned two Bachelors of Science degrees from North Dakota State University; one in Construction Management, and the other in Civil Engineering.



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 12, 2013  
**PREPARATION DATE:** June 18, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Kim Fettig, Project Manager  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider approving the plans and specifications and authorizing the execution of a 3-way agreement for the installation of water & sewer in Plainview Heights 14th Addition Project 2013-11.

---

**STATEMENT/PURPOSE:** To authorize the installation of water and sewer for the development of Plainview Heights 14<sup>th</sup> Addition.

**BACKGROUND/ALTERNATIVES:** The Plainview Heights 14th Addition plat is located south of 27<sup>th</sup> Street SE. The proposed utilities only serve the developer of the benefiting land; therefore, this is being paid for under a 3-way agreement. A letter of credit has been secured for the project.

**ATTACHMENTS:**

1. 3 way agreement
2. Resolution Approving Plans and Specifications and Authorizing Execution of 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: June 18<sup>th</sup>, 2013

Subject: Consider for approval the plans and specifications for and the execution of a 3-way agreement for the installation of water & sewer in Plainview Heights 14th Addition Project 2013-11.

Page 2 of 8

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**3 – WAY AGREEMENT**

THIS AGREEMENT, Made on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, between the City of Mandan, a municipal corporation, hereinafter called the City and Mitzel Builders, Inc. hereinafter called the Developer, and Basaraba Excavating, LLC, 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 14<sup>th</sup> Addition**

Shires Drive SE  
Percheron Drive SE  
Nordland Way SE

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

Board of City Commissioners

Agenda Documentation

Meeting Date: June 18<sup>th</sup>, 2013

Subject: Consider for approval the plans and specifications for and the execution of a 3-way agreement for the installation of water & sewer in Plainview Heights 14th Addition Project 2013-11.

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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 Kadrmas, 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 no later than July 31, 2013.

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: June 18<sup>th</sup>, 2013

Subject: Consider for approval the plans and specifications for and the execution of a 3-way agreement for the installation of water & sewer in Plainview Heights 14th Addition Project 2013-11.

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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 \$311,289.00.

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.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 18<sup>th</sup>, 2013

Subject: Consider for approval the plans and specifications for and the execution of a 3-way agreement for the installation of water & sewer in Plainview Heights 14th Addition Project 2013-11.

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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: June 18<sup>th</sup>, 2013

Subject: Consider for approval the plans and specifications for and the execution of a 3-way agreement for the installation of water & sewer in Plainview Heights 14th Addition Project 2013-11.

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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

Mitzel Builders, Inc.

\_\_\_\_\_  
Arlyn Van Beek, President  
Board of City Commissioners

  
\_\_\_\_\_  
Lee Roy Mitzel  
Owner

2401 46<sup>th</sup> Ave. SE, #101

Mandan, ND 58554  
Address

Attest:

CONTRACTOR

\_\_\_\_\_  
James Neubauer, City Administrator

Basaraba Excavating, LLC  
Firm Name

  
\_\_\_\_\_  
Authorized Representative

Member  
Title

37600 12<sup>th</sup> Street NE

Wilton, ND 58579  
Address

Board of City Commissioners

Agenda Documentation

Meeting Date: June 18<sup>th</sup>, 2013

Subject: Consider for approval the plans and specifications for and the execution of a 3-way agreement for the installation of water & sewer in Plainview Heights 14th Addition Project 2013-11.

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ARTICLE 5 – BASIS OF BID

5.01 Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

UNIT PRICE BID

Item No.	Spec. No.	Description	Unit	Estimated Quantity	Unit Price	Total Price
1	SP	MOBILIZATION	LS	1	\$ 12,100 <sup>-</sup>	\$ 12,100 <sup>-</sup>
2	SP	CONSTRUCTION ENTRANCE	LS	1	\$ 2,000 <sup>-</sup>	\$ 2,000 <sup>-</sup>
3	201	CLEARING & GRUBBING	LS	1	\$ 1,100 <sup>-</sup>	\$ 1,100 <sup>-</sup>
4	202	UNCLASSIFIED EXCAVATION	CY	7790	\$ 2 <sup>-</sup>	\$ 15,580 <sup>-</sup>
5	202	EMBANKMENT	CY	8040	\$ 2 <sup>10</sup>	\$ 16,884 <sup>-</sup>
6	202	ROCK EXCAVATION	CY	410	\$ 25 <sup>-</sup>	\$ 10,250 <sup>-</sup>
7	205	SILT FENCE	LF	500	\$ 7 <sup>-</sup>	\$ 3,500 <sup>-</sup>
8	205	9" FIBER ROLL	LF	540	\$ 4 <sup>-</sup>	\$ 2,160 <sup>-</sup>
9	801	PIPE BEDDING	TON	770	\$ 15 <sup>-</sup>	\$ 11,550 <sup>-</sup>
10	801	SUBCUT GRAVEL	TON	46	\$ 40 <sup>-</sup>	\$ 1,840 <sup>-</sup>
11	801	8" SDR-35 PVC SANITARY SEWER	LF	1001	\$ 30 <sup>-</sup>	\$ 30,030 <sup>-</sup>
12	802	24" RCP STORM SEWER	LF	78	\$ 80 <sup>-</sup>	\$ 6,240 <sup>-</sup>
13	802	36" RCP STORM SEWER	LF	43	\$ 110 <sup>-</sup>	\$ 4,730 <sup>-</sup>
14	802	24" SLOTTED DRAIN	LF	48	\$ 140 <sup>-</sup>	\$ 6,720 <sup>-</sup>
15	802	36" RC FLARED END SECTION	EA	1	\$ 1,300 <sup>-</sup>	\$ 1,300 <sup>-</sup>
16	901	6" PVC C-900 HYDRANT LEAD	LF	40	\$ 33 <sup>-</sup>	\$ 1,320 <sup>-</sup>
17	901	8" PVC C-900 WATER MAIN	LF	1279	\$ 29 <sup>-</sup>	\$ 37,091 <sup>-</sup>
18	901	REMOVE & RELOCATE 6" HYDRANT	EA	2	\$ 1,200 <sup>-</sup>	\$ 2,400 <sup>-</sup>
19	901	6" HYDRANT	EA	4	\$ 4,000 <sup>-</sup>	\$ 16,000 <sup>-</sup>
20	901	6" GATE VALVE AND BOX	EA	4	\$ 1,200 <sup>-</sup>	\$ 4,800 <sup>-</sup>
21	901	8" GATE VALVE AND BOX	EA	6	\$ 1,700 <sup>-</sup>	\$ 10,200 <sup>-</sup>
23	1201	REPLACE TOPSOIL	CY	7250	\$ 2 <sup>10</sup>	\$ 15,225 <sup>-</sup>
22	1201	REMOVE TOPSOIL	CY	8168	\$ 2 <sup>-</sup>	\$ 16,336 <sup>-</sup>
24	1202	SEEDING-CLASS III	SY	6340	\$ .60	\$ 3,804 <sup>-</sup>
25	1204	STRAW MULCH	SY	6340	\$ .50	\$ 3,170 <sup>-</sup>
26	1205	48" SANITARY SEWER MANHOLES	EA	5	\$ 3,900 <sup>-</sup>	\$ 19,500 <sup>-</sup>
27	1209	4" SCH-40 PVC SEWER SERVICE	LF	908	\$ 20 <sup>-</sup>	\$ 18,160 <sup>-</sup>
28	1209	8" X 4" SEWER SERVICE CONNECTION	EA	27	\$ 50 <sup>-</sup>	\$ 1,350 <sup>-</sup>
29	1209	1" TYPE K COPPER WATER SERVICE	LF	869	\$ 21 <sup>-</sup>	\$ 18,249 <sup>-</sup>
30	1209	1" CURB STOP AND BOX	EA	27	\$ 160 <sup>-</sup>	\$ 4,320 <sup>-</sup>
31	1209	8" X 1" WATER SERVICE CONNECTION	EA	27	\$ 140 <sup>-</sup>	\$ 3,780 <sup>-</sup>
32	1211	TYPE III BARRICADE	EA	4	\$ 900 <sup>-</sup>	\$ 3,600 <sup>-</sup>
33		TYPE 72" Inlet	EA	1	\$ 6,000 <sup>-</sup>	\$ 6,000 <sup>-</sup>
Total Bid						311,289 <sup>-</sup>

Board of City Commissioners

Agenda Documentation

Meeting Date: June 18<sup>th</sup>, 2013

Subject: Consider for approval the plans and specifications for and the execution of a 3-way agreement for the installation of water & sewer in Plainview Heights 14th Addition Project 2013-11.

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**RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND  
AUTHORIZING EXECUTION OF 3-WAY AGREEMENT FOR WATER AND  
SEWER IMPROVEMENT PROJECT NO. 2013-11**  
(Plainview Heights 14th Addition)

BE IT RESOLVED BY the Board of City Commissioners of the City of Mandan, North Dakota, as follows:

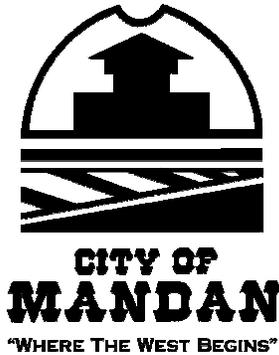
1. That the plans and specifications for the Water and Sewer Project No. 2013-11 serving Plainview Heights 14th Addition in the City of Mandan, as presented by Leeroy Mitzel, Mitzel Builders Inc., on behalf of themselves, are hereby approved, ratified and confirmed as the plans and specifications for said project, in accordance with which said improvement project will be constructed, subject to any further modifications of the plans and specifications by the Board as provided by law. The plans and specifications shall be filed in the Office of the City Administrator and City Engineer and open for public inspection. The named streets within the subdivision to receive the improvements are: Percheron Drive SE, Shires Drive SE, Norland Way SE and 14<sup>th</sup> Avenue SE.
2. That the President of the Board is hereby authorized to enter into a 3-way agreement between the City of Mandan; the developer, Leeroy Mitzel, Mitzel Builders Inc., and the developer's contractor, contingent upon the City's receipt of an irrevocable escrow account covering construction costs.
3. This resolution shall be in full force and effect from the date of its passage.

\_\_\_\_\_  
President, Board of City Commissioners

ATTEST:

\_\_\_\_\_  
James Neubauer, City Administrator

Date of Passage:            June 18, 2013



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 13, 2013  
**PREPARATION DATE:** June 18, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Kim Fettig, Project Manager  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 180, Project No. 2013-12 (Plainview Heights 14th Addition).

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**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 bid.

**BACKGROUND/ALTERNATIVES:** The developer is requesting that the City allow the special assessment of street costs to the benefitting properties for the development of Shires Drive SE, Nordland Way SE and the continuation of Percheron Drive SE.

**ATTACHMENTS:**

1. Resolution creating district
2. District Map
3. Engineer's Report
4. Resolution Approving Engineer's Report
5. Resolution of plans and specs
6. Resolution determining sufficiency of petition
7. Petition
8. Feasibility Report
9. Resolution Directing Advertisement for Bids

**FISCAL IMPACT:** Based on the estimate of cost included with your documentation, the cost of the project would be \$322,148.63, engineering and administration will add \$112,752.01, bringing the total to \$434,900.64. These items would be entirely special assessed to the benefitting properties. There are 27 lots benefitting which will have approximately \$16,107.43 in special assessments.

**STAFF IMPACT:** Minimal

Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 180, Project No. 2013-12 (Plainview Heights 14th Addition).

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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 engineer's report, approve the plans and specifications for, approve sufficiency of petition and feasibility report for Street Improvement District No. 180, Project No. 2013-12 (Plainview Heights 14th Addition).

Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 180, Project No. 2013-12 (Plainview Heights 14th Addition).

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**RESOLUTION CREATING  
STREET IMPROVEMENT DISTRICT NO. 180  
Project No. 2013-12**

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

1. There is hereby created Street Improvement District No. 180 (the "District")(Project# 2013-12) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal street system listed below. The improvement to said streets within this improvement district shall include, but not be limited to, Shires Drive SE, Nordland Way SE and Percheron Drive SE and includes street construction, installation of curb and gutter, asphalt street, storm sewer, street lights, chip seal and related work.

2. Consultation with respect thereto having been had with the City Engineer, as to the property to be benefitted by said improvement project and the most practical size, form and location of said District, said District shall include all the lots, tracts and parcels of land lying within the City of Mandan and its additions within the following boundary lines: namely:

The following lots and blocks are included in said District:

All lots & blocks, Plainview Heights 14<sup>th</sup> Addition

The legal description of the district boundary is as follows:

A of portion of the southwest quarter of section 2, township 138 north, range 81 west of the fifth principal meridian, to the City of Mandan, Morton County, North Dakota, more particularly described as follows:

Commencing at the northwest corner of lot 1, block 1, Plainview Heights 12th Addition, which is the point of beginning; thence from said point of beginning along the west line of said Plainview Heights 12 Addition as follows: thence s 40°44'24" e for 209.69 feet; thence s 55°28'18" e for 70.46 feet; thence s 34°53'25" e for 132.56 feet; thence n 48°08'39" e for 57.43 feet to the northwest corner of lot 7, block 1, Plainview Heights 13th Addition and leaving west line of said Plainview Heights 12 Addition; thence along the west line of said Plainview Heights 13th Addition, s 49°19'50" e for 401.44 feet to the southwest corner of lot 6, block 2, Plainview Heights 13th Addition; thence s 64°58'10" w for 164.58 feet; thence s 40°40'10" w for 354.59 feet; thence s 20°43'24" w for 46.35 feet; thence n 72°49'38" w for 124.88 feet; thence n 56°13'07" w for 68.35 feet; thence n

Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 180, Project No. 2013-12 (Plainview Heights 14th Addition).

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69°54'11" w for 136.02 feet; thence n 14°21'10" w for 334.68 feet; thence n 10°35'07" e for 185.68 feet; thence n 35°30'14" e for 180.37 feet; thence n 10°56'32" e for 140.12 feet to the said point of beginning.

Said tract contains 369,094 square feet or 8.473 acres more or less.

3. Pursuant to section 40-22-10 of the North Dakota Century Code, the City Engineer is hereby authorized and directed to prepare a report as to the general nature, purpose and feasibility of the proposed improvement and an estimate of the probable cost of the improvement.

4. This resolution shall be in full force and effect from and after its passage.

\_\_\_\_\_  
President, Board of City Commissioners

ATTEST:

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

Date of Passage: June 18, 2013

Board of City Commissioners

Agenda Documentation

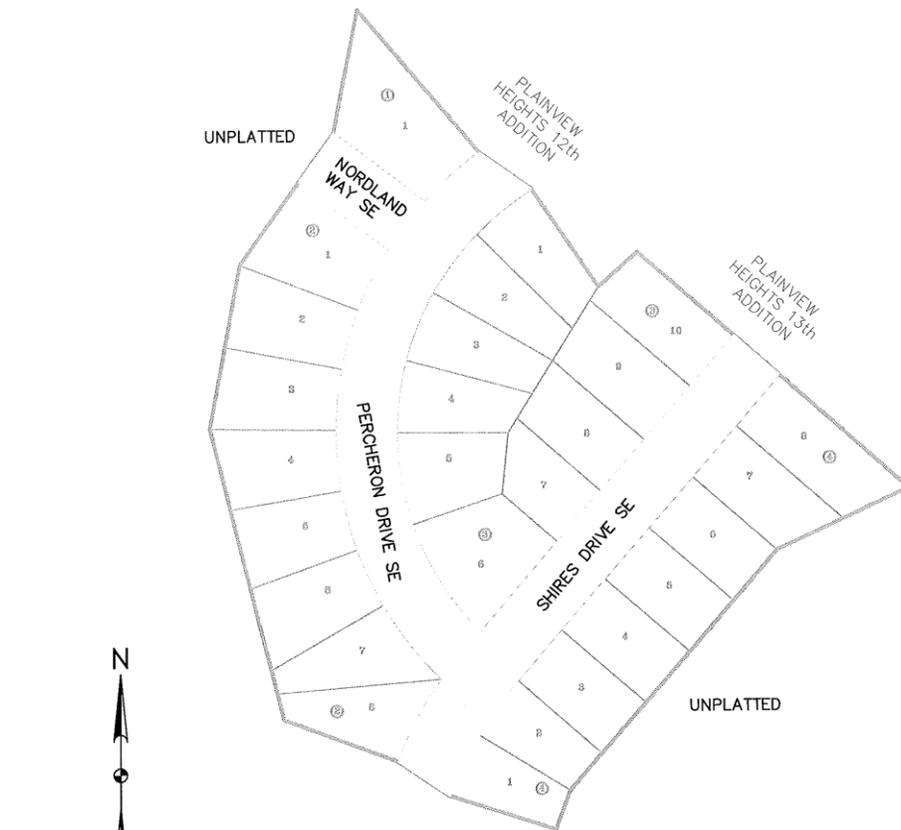
Meeting Date: June 18, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 180, Project No. 2013-12 (Plainview Heights 14th Addition).

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# SPECIAL ASSESSMENT DISTRICT PLAINVIEW HEIGHTS 14TH ADDITION CITY OF MANDAN STREET IMPROVEMENT EXHIBIT

BENEFITTING PROPERTIES:  
BLOCKS 1-4 OF PLAINVIEW HEIGHTS 14th  
ADDITION



Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 180, Project No. 2013-12 (Plainview Heights 14th Addition).

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Plainview Heights 14th Addition  
Street Improvement District  
Opinion of Probable Cost  
June 3rd, 2013

Item No.	Spec. No.	Item	Unit	Quantity	Unit Price	Total Amount
1	125	MOBILIZATION	LS	1	\$ 12,000.00	\$ 12,000.00
2	SP	CONTRACT BOND	LS	1	\$ 3,000.00	\$ 3,000.00
3	204	SUBGRADE PREPARATION	SY	6,667	\$ 2.50	\$ 16,666.67
4	300	CLASS 5 GRAVEL BASE	TON	1,389	\$ 27.00	\$ 37,500.00
5	400	2.5" AC BASE COURSE (CLASS 29)	TON	794	\$ 90.00	\$ 71,468.33
6	400	2.0" AC SURFACE COURSE (CLASS 29)	TON	635	\$ 90.00	\$ 57,166.67
7	400	PG 58-28 ASPHALT CEMENT (6.0%)	TON	9	\$ 675.00	\$ 5,788.13
8	400	TACK COAT	GAL	1,944	\$ 7.50	\$ 14,577.50
9	403	SEAL COAT	GAL	572	\$ 3.50	\$ 2,000.83
10	403	COVER AGGREGATE	TON	51	\$ 55.00	\$ 2,829.75
11	403	BLOTTER SAND	TON	6	\$ 15.00	\$ 85.75
12	600	CONCRETE CURB & GUTTER	LF	2,650	\$ 18.00	\$ 47,700.00
13	1100	STREET NAME POST WITH 2 SIGNS	EA	3	\$ 375.00	\$ 1,125.00
14	1001	STREET LIGHTS	EA	5	\$ 3,750.00	\$ 18,750.00
15	1200	TOP SOIL - streets	CY	293	\$ 15.00	\$ 4,388.89
16	1201	SEEDING - streets	SY	1,756	\$ 10.00	\$ 17,556.56
17	1201	MULCH - streets	SY	1,756	\$ 10.00	\$ 17,556.56
18	403	STREET SWEEPING	LS	1	\$ 3,500.00	\$ 3,500.00
19	1211	TRAFFIC CONTROL	LS	1	\$ 500.00	\$ 500.00
<b>TOTAL ESTIMATED CONSTRUCTION COST</b>						<b>\$ 322,148.63</b>
City Admin., Design, Survey, Const. Observation (25%)				25%		\$ 80,537.16
Contingency				10%		\$ 32,214.86
<b>ESTIMATED TOTAL COST</b>						<b>\$ 434,900.64</b>

NOTES:

1. All quantities were measured from preliminary Grading, Water, Sewer Plans prepared in April of 2013
2. Subgrade preparation was based on a measurement from 1-foot behind curb to 1-foot behind curb.
3. Class 5 Gravel Base is estimated at 1.875 Tons per Cubic Yard, 1' behind curb
4. AC pavement units were estimated using two tons per cubic yard and a 4" Depth
5. Asphalt cement units were estimated at 6.0% of the AC tonnage.
6. Tack coat units were estimated using a 0.1 gallon to SY conversion
7. Seal Coat units were estimated using 0.34 gallon to SY conversion
8. Cover aggregate units were estimated using a 18 pounds per SY conversion
9. Blotter sand units were estimated using a 2 pounds per SY conversion

In providing an estimate of probable construction cost, the Client understands that the Consultant has no Control over the cost or availability of labor, equipment or materials, or over market conditions or the contractor's method of pricing, and that the Consultant's estimates of probable construction bids or the negotiated cost of the Work will not vary from the Consultant's estimate of probable construction cost. The Client assumes all liability if using this Probable Construction Cost for determining project feasibility or securing project funding/financing.

Average Cost per Lot	\$16,107.43
Cost per LF	\$164.11

**RESOLUTION APPROVING ENGINEER'S REPORT AND  
AUTHORIZING PREPARATION OF THE DETAILED PLANS  
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE  
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 180**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 180 (Project # 2013-12), as required by section 40-22-10 of the North Dakota Century Code, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

2. The probable costs of the of the improvement project are estimated to be as follows:

a. Construction costs:	\$322,148.63
b. Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:	\$112,752.01
c. Total estimated costs of the improvement:	\$434,900.64

3. The Engineer is hereby authorized and directed to prepare detailed plans and specifications for the project to be constructed.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 180, Project No. 2013-12 (Plainview Heights 14th Addition).

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4. This resolution shall be in full force and effect from and after its passage.

Dated this 18<sup>th</sup> day of June 2013.

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President, Board of City Commissioners

ATTEST:

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City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 180, Project No. 2013-12 (Plainview Heights 14th Addition).

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**RESOLUTION APPROVING PLANS AND SPECIFICATIONS  
FOR STREET IMPROVEMENT DISTRICT NO. 180  
PROJECT # 2013-12**

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

Pursuant to the requirement of section 40-22-11 of the North Dakota Century Code, the Plans and Specifications for the improvement project in Street Improvement District No. 180 (Project # 2013-12) of said City be and the same are hereby approved, ratified and confirmed as the plans and specifications in accordance with which said improvement project will be constructed, except as modified by this Board in accordance with law, and the City Administrator shall file the same in his office, open for public inspection.

Dated this 18 day of June, 2013.

---

President, Board of City Commissioners

ATTEST:

---

City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 180, Project No. 2013-12 (Plainview Heights 14th Addition).

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**RESOLUTION DETERMINING SUFFICIENCY OF FORMS OF PETITION, WAIVER  
AND CONSENT TO ASSESSMENT FOR STREET IMPROVEMENT DISTRICT NO.  
180**

BE IT RESOLVED, By the Board of City Commissioners of Mandan, North Dakota:

1. The City having received and filed executed written forms of Petition, Waiver and Consent to Assessment executed by Leeroy Mitzel, Mitzel Builders Inc., the owners of a majority of property area, for the improvement in and for Street Improvement District No. 180, Project No. 2013-12 ("the District"), and true and correct copies of said executed forms being attached hereto, it is hereby determined that said forms are signed by the owners of a majority of the area of property included within the District.

2. This Board is authorized to cause the improvement in and for the District to be made, and to levy and collect assessments therefore.

Dated this 18th day of June, 2013

\_\_\_\_\_  
President, Board of City Commissioners

ATTEST:

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

Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 180, Project No. 2013-12 (Plainview Heights 14th Addition).

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**PETITION FOR PERMANENT STREET, SIGNAGE & LIGHTING IMPROVEMENTS**

Date: June 17, 2013

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 14th Addition – as generally shown on the attached exhibit)**

Shires Drive SE  
Percheron Drive SE  
Nordland Way SE

SIGNATURE (Property Owner/s)



PROPERTY DESCRIPTION

Lot 1, Block 1; Lots 1-8, Block 2; Lots 1-10, Block 3; Lot 1-8 Block 4

Board of City Commissioners

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Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 180, Project No. 2013-12 (Plainview Heights 14th Addition).

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**FEASIBILITY AND EVALUATION OF IMPROVEMENTS  
FOR STREET IMPROVEMENT DISTRICT #180, PROJECT #2013-12**

1.) General Nature of Project

The District has been created to allow for new street Shires Drive SE, Nordland Way SE and the continuation of Percheron Drive SE. Installation of new curb & gutter, asphalt street, storm sewer, street lights & chip seal will take place with this project.

2.) Location of Proposed Construction

The proposed construction will take place Shires Drive SE, Nordland Way SE and the continuation of Percheron Drive SE.

3.) Environmental Impact

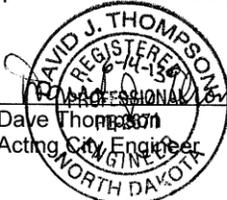
It is anticipated that there will be some dirt, noise and pollutants during the construction period as a result of the use of the necessary equipment. There will also be some surplus or waste construction materials that will need to be disposed of by the contractor at his or her expense. The contractors will be responsible for leaving the area in an attractive and neat condition. Sensitivity to contaminants from construction will be addressed with the contractor of the job as part of the storm water management permitting procedures.

4.) Feasibility of Project

In the opinion of the undersigned this project is feasible and needed throughout the indicated area as new development spreads in this area.

5.) Estimates of Costs

Attached is a map showing the area and district boundary. The construction costs are estimated at \$322,148.63. Other costs of making the improvement including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; publication of legal notices printing of warrants; and all expenses incurred in the making of the improvement and levy of assessments therefore are estimated at \$112,752.01. The total cost for the improvement is estimated at \$434,900.64.

  
Dave Thompson  
Acting City Engineer

**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS  
FOR STREET IMPROVEMENT DISTRICT NO. 180**

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

1. The City Administrator, Deputy Auditor and City Engineer shall meet at the time and place specified in the notice authorized in paragraph 2 hereof, for the purpose of opening sealed bids for the work and material needed for the improvement project to be made in Street Improvement District No. 180 (Project # 2013-12) of the City of Mandan, as more fully described and referred to in the resolution creating said improvement district passed and approved by the Board on June 18, 2013, and in the plans and specifications for said improvement now on file in the office of the City Engineer.

2. The City Administrator is authorized and directed to cause notice of advertisement for bids to be published once each week for two consecutive weeks in the Mandan News, the official newspaper, the first of such publications to be at least fourteen days before the date specified for receipt of bids, which notice shall be in the following form:

**“ADVERTISEMENT FOR BIDS FOR  
STREET IMPROVEMENT DISTRICT NO. 180  
MANDAN, NORTH DAKOTA**

Notice is hereby given, that the City of Mandan, North Dakota will receive sealed bids at the office of the City Administrator until July 19, 2013, at 10:00 a.m., local time for the purpose of furnishing of materials, labor and skill needed for the new construction of storm sewer mains, asphalt streets, concrete curb and gutter and street lights and related work in accordance with the plans and specifications for Street Improvement District No. 180 (Project # 2013-12), for the City of Mandan. The Work consists of all labor, skill, and materials required to properly construct the improvement.

Plans and Specifications are on file in the office of the City Administrator and the City Engineer. Plans may be obtained at this office of the City Engineer, 205 2<sup>nd</sup> Avenue Northwest, Mandan, North Dakota 58554, upon a non-refundable deposit of

Board of City Commissioners

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\$25.00. If Plans are mailed out and additional fee of \$15.00 will be added for postage and handling.

The bid proposals must be submitted to the City Administrator by 10:00 a.m., local time, July 19, 2013 and shall be sealed and endorsed "Proposal for Street Improvement District No 182. Bids shall be delivered or mailed to: City Administrator, City of Mandan, 205 2<sup>nd</sup> Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 10:00 a.m., local time, on July 19th, 2013. All bidders are invited to be present at the public opening of the Bids.

All Bidders must be licensed for the highest amount of their Bids, as provided by Section 43-07-05 of the North Dakota Century Code. The Bidder shall include a copy of his license or certificate of renewal thereof enclosed in the required bid bond envelope as required pursuant to Section 43-07-12 of the North Dakota Century Code, as amended.

Each bid shall be accompanied by a separate envelope containing a bidder's bond in the amount of five (5) percent of the highest amount of the bids as required by Section 48-01.1-05 (3), North Dakota Century Code, as amended, and executed by the Bidder as principal and by a surety, conditioned that if the principal's bid is accepted and the contract awarded to the principal, the principal, within ten days after Notice of Award, shall execute and effect a contract in accordance with the terms of the bid, and a Contractor's Bond as required by law. No bid may be read or considered if it does not fully comply with the requirements of Section 48-01.1-05 of the North Dakota Century Code and any deficient bid must be resealed and returned to the bidder immediately.

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

Work shall be completed on or before the following dates with liquidated damages assessed as follows:

All construction work on Project #2013-12 is to be completed no later than October 30, 2013.

Liquidated damages of \$100.00 per day will be assessed if any completion dates are exceeded.

Should the contractor fail to complete all of the work in a District according to the above date, or within such additional time as may have been granted by formal extensions of time approved by the City Engineer, there shall be deducted from any

Board of City Commissioners

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money due the contractor, the above mentioned sum for each calendar day the completion of the Work is delayed, for each District. Liquidated damages will continue to accumulate until the City Engineer determines winter weather prevents further construction. Liquidated damages will restart on the first day of construction in the Spring of 2014 and continue to accumulate until final project acceptance. The Contractor and his surety shall be liable for any excess. Such payments shall be deducted from the final payment and shall be charged as liquidated damages and not as a penalty.

The Board of City Commissioners will meet on Tuesday, August 8, 2013, at 5:30 PM, local time, to determine the sufficiency of protests, to review the Bids submitted, consider the engineer's recommendation, and to award the contract to the successful Bidder, if protests have been deemed insufficient. The contract will be awarded on the basis of the low Bid submitted, on eligible areas, by a responsible and responsive Bidder deemed most favorable to the City's interest.

The City of Mandan reserves the right reject any or all bids, to waive any informality or irregularity, to hold all bids for a period of thirty (30) days after the date fixed for the opening thereof, and to accept the Bid deemed most favorable to the best interest of the City of Mandan.

Dated this 18 day of June, 2013

City of Mandan, North Dakota  
BY: James Neubauer

City Administrator"

3. Each and all of the terms and provisions of the foregoing notice are hereby adopted as the terms and conditions for the award of said contract.

4. The Board of City Commissioners shall meet on Tuesday, August 8, 2013 at 5:30 pm, local time, to review the bids submitted, consider the engineer's recommendation, and to award the contract to the successful bidder, subject to the Board finding that filed protests are insufficient to bar the work.

\_\_\_\_\_  
President, Board of City Commissioners

ATTEST:

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

Board of City Commissioners

Agenda Documentation

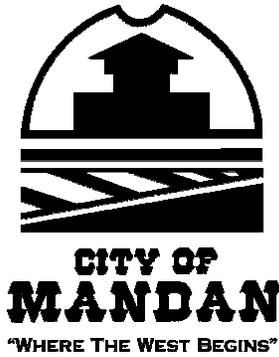
Meeting Date: June 18, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 180, Project No. 2013-12 (Plainview Heights 14th Addition).

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Passed: June 18, 2013



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 12, 2013  
**PREPARATION DATE:** June 18, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Kim Fettig, Project Manager  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider approving the plans and specifications and authorizing the execution of a 3-way agreement for the installation of water & sewer in Meadows 7th Addition Project 2013-14.

---

**STATEMENT/PURPOSE:** To authorize the installation of water and sewer for the development of Meadows 7th Addition.

**BACKGROUND/ALTERNATIVES:** The Meadows 7th Addition plat is located north of 48<sup>th</sup> Street NW. The proposed utilities only serve the developer of the benefiting land; therefore, this is being paid for under a 3-way agreement. A letter of credit has been secured for the project.

**ATTACHMENTS:**

1. 3 way agreement
2. Resolution Approving Plans and Specifications and Authorizing Execution of 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

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Meeting Date: June 18, 2013

Subject: Consider for approval the plans and specifications for and the execution of a 3-way agreement for the installation of water & sewer in Meadows 7th Addition Project 2013-14.

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**3 – WAY AGREEMENT**

THIS AGREEMENT, Made on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, between the City of Mandan, a municipal corporation, hereinafter called the City and Mitzel Builders, Inc. hereinafter called the Developer, and Basaraba Excavating, LLC hereinafter called the Contractor. The Engineer mentioned in this contract shall be Kadrmaz, 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:

- X   Water Mains
- X   Sanitary Sewer Mains
- Storm Sewer
- Streets
- X   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 7<sup>th</sup> Addition**

- Trident Court NW
- Wildrye Circle NW

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

Board of City Commissioners

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Subject: Consider for approval the plans and specifications for and the execution of a 3-way agreement for the installation of water & sewer in Meadows 7th Addition Project 2013-14.

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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 Kadrmars, 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 no later than July 31, 2013.

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.

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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 \$136,603.00

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 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.

Board of City Commissioners

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Subject: Consider for approval the plans and specifications for and the execution of a 3-way agreement for the installation of water & sewer in Meadows 7th Addition Project 2013-14.

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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

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Subject: Consider for approval the plans and specifications for and the execution of a 3-way agreement for the installation of water & sewer in Meadows 7th Addition Project 2013-14.

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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

Mitzel Builders, Inc.

\_\_\_\_\_  
Arlyn Van Beek, President  
Board of City Commissioners

  
\_\_\_\_\_  
LeeRoy Mitzel  
Owner

2401 46<sup>th</sup> Ave. SE, #101

Mandan, ND 58554  
Address

Attest:

CONTRACTOR

\_\_\_\_\_  
James Neubauer, City Administrator

Basaraba Excavating, LLC  
Firm Name

  
\_\_\_\_\_  
Authorized Representative

Member  
Owner  
Title

37600 12<sup>th</sup> St NE

Wilton ND 58579  
Address

Board of City Commissioners

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**ARTICLE 5 – BASIS OF BID**

5.01 Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

**UNIT PRICE BID**

**BID FORM**

Item No.	Spec. No.	Description	Unit	Estimated Quantity	Unit Price	Total Price
1	SP	MOBILIZATION	L SUM	1	\$ 9,700 <sup>-</sup>	\$ 9,700 <sup>-</sup>
2	SP	CONSTRUCTION ENTRANCE	L SUM	1	\$ 2,000 <sup>-</sup>	\$ 2,000 <sup>-</sup>
3	205	9" FIBER ROLL	LF	60	\$ 7 <sup>-</sup>	\$ 420 <sup>-</sup>
4	801	PIPE BEDDING	TON	485	\$ 15 <sup>-</sup>	\$ 7,275 <sup>-</sup>
5	801	SUBCUT GRAVEL	TON	31	\$ 40 <sup>-</sup>	\$ 1,240 <sup>-</sup>
6	801	8" SDR-35 PVC SANITARY SEWER	LF	651	\$ 30 <sup>-</sup>	\$ 19,530 <sup>-</sup>
7	901	6" PVC C-900 HYDRANT LEAD	LF	40	\$ 33 <sup>-</sup>	\$ 1,320 <sup>-</sup>
8	901	8" PVC C-900 WATER MAIN	LF	880	\$ 29 <sup>-</sup>	\$ 25,520 <sup>-</sup>
9	901	REMOVE & RELOCATE 6" HYDRANT	EA	2	\$ 1,200 <sup>-</sup>	\$ 2,400 <sup>-</sup>
10	901	6" HYDRANT	EA	2	\$ 4,000 <sup>-</sup>	\$ 8,000 <sup>-</sup>
11	901	6" GATE VALVE AND BOX	EA	4	\$ 1,200 <sup>-</sup>	\$ 4,800 <sup>-</sup>
12	901	8" GATE VALVE AND BOX	EA	4	\$ 1,700 <sup>-</sup>	\$ 6,800 <sup>-</sup>
13	1205	48" SANITARY SEWER MANHOLES	EA	3	\$ 3,900 <sup>-</sup>	\$ 11,700 <sup>-</sup>
14	1209	4" SCH-40 PVC SEWER SERVICE	LF	607	\$ 20 <sup>-</sup>	\$ 12,140 <sup>-</sup>
15	1209	8" X 4" SEWER SERVICE CONNECTION	EA	20	\$ 50 <sup>-</sup>	\$ 1,000 <sup>-</sup>
16	1209	1" TYPE K COPPER WATER SERVICE	LF	798	\$ 21 <sup>-</sup>	\$ 16,758 <sup>-</sup>
17	1209	1" CURB STOP AND BOX	EA	20	\$ 160 <sup>-</sup>	\$ 3,200 <sup>-</sup>
18	1209	8" X 1" WATER SERVICE CONNECTION	EA	20	\$ 140 <sup>-</sup>	\$ 2,800 <sup>-</sup>
<b>TOTAL BID =</b>						<b>\$ 136,603<sup>-</sup></b>

Unit Prices have been computed in accordance with Paragraph 11.03.B of the General Conditions.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2013

Subject: Consider for approval the plans and specifications for and the execution of a 3-way agreement for the installation of water & sewer in Meadows 7th Addition Project 2013-14.

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**RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND  
AUTHORIZING EXECUTION OF 3-WAY AGREEMENT FOR WATER AND  
SEWER IMPROVEMENT PROJECT NO. 2013-14  
(Meadows 7th Addition)**

BE IT RESOLVED BY the Board of City Commissioners of the City of Mandan, North Dakota, as follows:

1. That the plans and specifications for the Water and Sewer Project No. 2013-14 serving Meadows 7th Addition in the City of Mandan, as presented by Leeroy Mitzel, Mitzel Builders Inc., on behalf of themselves, are hereby approved, ratified and confirmed as the plans and specifications for said project, in accordance with which said improvement project will be constructed, subject to any further modifications of the plans and specifications by the Board as provided by law. The plans and specifications shall be filed in the Office of the City Administrator and City Engineer and open for public inspection. The named streets within the subdivision to receive the improvements are: Trident Court NW and Wildrye Circle NW.

2. That the President of the Board is hereby authorized to enter into a 3-way agreement between the City of Mandan; the developer, Leeroy Mitzel, Mitzel Builders Inc., and the developer's contractor, contingent upon the City's receipt of an irrevocable escrow account covering construction costs.

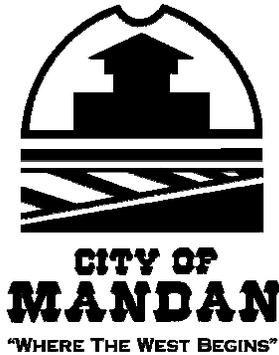
3. This resolution shall be in full force and effect from the date of its passage.

\_\_\_\_\_  
President, Board of City Commissioners

ATTEST:

\_\_\_\_\_  
James Neubauer, City Administrator

Date of Passage: June 18, 2013



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 13, 2013  
**PREPARATION DATE:** June 18, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Kim Fettig, Project Manager  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 181, Project No. 2013-15 (Meadows 7th Addition).

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**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 bid.

**BACKGROUND/ALTERNATIVES:** The developer is requesting that the City allow the special assessment of street costs to the benefitting properties for the development of Trident Court NW and Wildrye Circle NW.

**ATTACHMENTS:**

1. Resolution creating district
2. District Map
3. Engineer's Report
4. Resolution Approving Engineer's Report
5. Resolution of plans and specs
6. Resolution determining sufficiency of petition
7. Petition
8. Feasibility Report
9. Resolution Directing Advertisement for Bids

**FISCAL IMPACT:** Based on the estimate of cost included with your documentation, the cost of the project would be \$243,640.52, engineering and administration will add \$85,274.18, bringing the total to \$328,914.70. These items would be entirely special assessed to the benefitting properties. There are 20 lots benefitting which will have approximately \$16,445.73 in special assessments.

**STAFF IMPACT:** Minimal

Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 181, Project No. 2013-15 (Meadows 7th Addition).

Page 2 of 16

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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 engineer's report, approve the plans and specifications for, approve sufficiency of petition and feasibility report for Street Improvement District No. 181, Project No. 2013-15 (Meadows 7th Addition).

Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 181, Project No. 2013-15 (Meadows 7th Addition).

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**RESOLUTION CREATING  
STREET IMPROVEMENT DISTRICT NO. 181  
Project No. 2013-15**

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

1. There is hereby created Street Improvement District No. 181 (the "District")(Project# 2013-15) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal street system listed below. The improvement to said streets within this improvement district shall include, but not be limited to, Trident Court NW and Wildrye Circle NW and includes street construction, installation of curb and gutter, asphalt street, storm sewer, street lights, chip seal and related work.

2. Consultation with respect thereto having been had with the City Engineer, as to the property to be benefitted by said improvement project and the most practical size, form and location of said District, said District shall include all the lots, tracts and parcels of land lying within the City of Mandan and its additions within the following boundary lines: namely:

The following lots and blocks are included in said District:

All lots & blocks, Meadows 7th Addition

The legal description of the district boundary is as follows:

A of portion of auditor's lot 3 in the southwest 1/4 of section 8, township 139 north, range 81 west of the fifth principal meridian, City of Mandan, Morton County, North Dakota, more particularly described as follows:

Commencing at the northwest corner of lot 2, block 4, Meadows Fifth Addition, which is the point of beginning; thence from said point of beginning along the west line of said block 4, s 00°31'50" e for 157.32 feet to the southwest corner of said block 4; thence s 31°25'10" w for 146.04 feet to the northeast corner of lot 6, block 3 of said Meadows Fifth Addition; thence along the north line of said block 3 as follows: thence s 66°20'42" w for 81.09 feet; thence s 83°37'09" w for 296.00 feet to the northwest corner of lot 1 of said block 3; thence s 59°10'30" w for 72.50 feet to the northeast corner of lot 5, block 2 of said Meadows Fifth Addition; thence along the north line of said block 2 as follows: thence s 83°37'09" w for 117.00 feet; thence n 06°22'51" w for 23.33 feet; thence s 78°39'45" w for 281.57 feet to the northwest corner of lot 2 of said block 2; thence n

Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 181, Project No. 2013-15 (Meadows 7th Addition).

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00°01'32" e for 421.35 feet to the north line of said southwest quarter; thence along said north line, n 89°28'10" e for 900.17 feet to the said point of beginning.

Said tract contains 312,543 square feet or 7.175 acres more or less.

3. Pursuant to section 40-22-10 of the North Dakota Century Code, the City Engineer is hereby authorized and directed to prepare a report as to the general nature, purpose and feasibility of the proposed improvement and an estimate of the probable cost of the improvement.

4. This resolution shall be in full force and effect from and after its passage.

\_\_\_\_\_  
President, Board of City Commissioners

ATTEST:

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

Date of Passage: June 18, 2013

Board of City Commissioners

Agenda Documentation

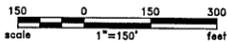
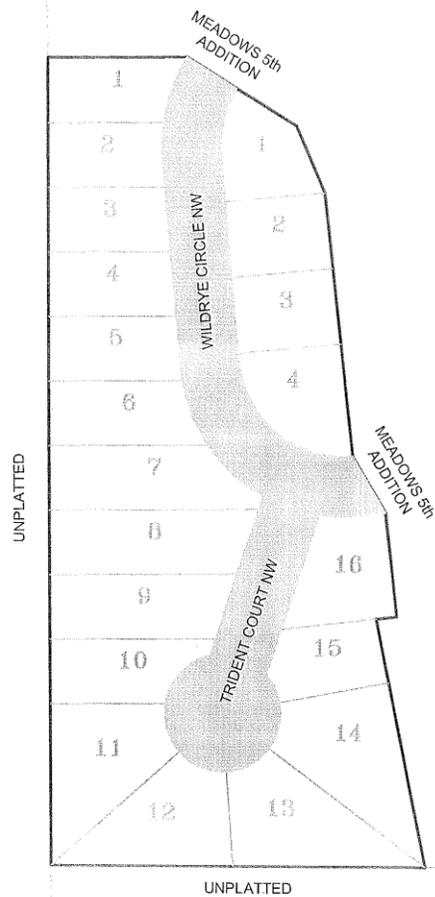
Meeting Date: June 18, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 181, Project No. 2013-15 (Meadows 7th Addition).

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# SPECIAL ASSESSMENT DISTRICT MEADOWS 7TH ADDITION CITY OF MANDAN STREET IMPROVEMENT EXHIBIT

BENEFITTING PROPERTIES:  
BLOCKS 1&2 OF MEADOWS 7th ADDITION



Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 181, Project No. 2013-15 (Meadows 7th Addition).

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Meadows 7th Addition  
Street Improvement District  
Opinion of Probable Cost  
June 3rd, 2013

Item No.	Spec. No.	Item	Unit	Quantity	Unit Price	Total Amount
1	125	MOBILIZATION	LS	1	\$ 12,000.00	\$ 12,000.00
2	SP	CONTRACT BOND	LS	1	\$ 3,000.00	\$ 3,000.00
3	204	SUBGRADE PREPARATION	SY	4,566	\$ 2.50	\$ 11,415.00
4	300	CLASS 5 GRAVEL BASE	TON	951	\$ 27.00	\$ 25,683.75
5	400	2.5" AC BASE COURSE (CLASS 29)	TON	552	\$ 90.00	\$ 49,715.28
6	400	2.0" AC SURFACE COURSE (CLASS 29)	TON	442	\$ 90.00	\$ 39,772.22
7	400	FG 58-28 ASPHALT CEMENT (6.0%)	TON	6	\$ 675.00	\$ 4,026.94
8	400	TACK COAT	GAL	1,352	\$ 7.50	\$ 10,141.92
9	403	SEAL COAT	GAL	398	\$ 3.50	\$ 1,392.03
10	403	COVER AGGREGATE	TON	36	\$ 55.00	\$ 1,968.73
11	403	BLOTTER SAND	TON	4	\$ 15.00	\$ 59.66
12	600	CONCRETE CURB & GUTTER	LF	1,770	\$ 18.00	\$ 31,860.00
13	1100	STREET NAME POST WITH 2 SIGNS	EA	3	\$ 375.00	\$ 1,125.00
14	1001	STREET LIGHTS	EA	5	\$ 3,750.00	\$ 18,750.00
15	1200	TOP SOIL - streets	CY	213	\$ 15.00	\$ 3,192.22
16	1201	SEEDING - streets	SY	1,277	\$ 10.00	\$ 12,768.89
17	1201	MULCH - streets	SY	1,277	\$ 10.00	\$ 12,768.89
18	403	STREET SWEEPING	LS	1	\$ 3,500.00	\$ 3,500.00
19	1211	TRAFFIC CONTROL	LS	1	\$ 500.00	\$ 500.00
<b>TOTAL ESTIMATED CONSTRUCTION COST</b>						<b>\$ 243,640.52</b>
City Admin., Design, Survey, Const. Observation (25%)				25%		\$ 60,910.13
Contingency				10%		\$ 24,364.05
<b>ESTIMATED TOTAL COST</b>						<b>\$ 328,914.70</b>

NOTES:

1. All quantities were measured from preliminary Street Improvement Plans prepared in May of 2013
2. Subgrade preparation was based on a measurement from 1-foot behind curb to 1-foot behind curb.
3. Class 5 Gravel Base is estimated at 1.875 Tons per Cubic Yard, 1' behind curb
4. AC pavement units were estimated using 2 tons per cubic yard conversion
5. Asphalt cement units were estimated at 6.0% of the AC tonnage.
6. Tack coat units were estimated using a 0.1 gallon to SY conversion
7. Seal Coat units were estimated using 0.34 gallon to SY conversion
8. Cover aggregate units were estimated using a 18 pounds per SY conversion
9. Blotter sand units were estimated using a 2 pounds per SY conversion

In providing an estimate of probable construction cost, the Client understands that the Consultant has no Control over the cost or availability of labor, equipment or materials, or over market conditions or the contractor's method of pricing, and that the Consultant's estimates of probable construction bids or the negotiated cost of the Work will not vary from the Consultant's estimate of probable construction cost. The Client assumes all liability if using this Probable Construction Cost for determining project feasibility or securing project funding/financing.

Average Cost per Lot      \$16,445.73  
Cost per LF                      \$185.83

**RESOLUTION APPROVING ENGINEER'S REPORT AND  
AUTHORIZING PREPARATION OF THE DETAILED PLANS  
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE  
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 181**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 181 (Project # 2013-15), as required by section 40-22-10 of the North Dakota Century Code, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

2. The probable costs of the of the improvement project are estimated to be as follows:

a. Construction costs:	\$243,640.52
b. Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:	\$85,274.18
c. Total estimated costs of the improvement:	\$328,914.70

3. The Engineer is hereby authorized and directed to prepare detailed plans and specifications for the project to be constructed.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 181, Project No. 2013-15 (Meadows 7th Addition).

Page 8 of 16

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4. This resolution shall be in full force and effect from and after its passage.

Dated this 18<sup>th</sup> day of June 2013.

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President, Board of City Commissioners

ATTEST:

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City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 181, Project No. 2013-15 (Meadows 7th Addition).

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**RESOLUTION APPROVING PLANS AND SPECIFICATIONS  
FOR STREET IMPROVEMENT DISTRICT NO. 181  
PROJECT # 2013-15**

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

Pursuant to the requirement of section 40-22-11 of the North Dakota Century Code, the Plans and Specifications for the improvement project in Street Improvement District No. 181 (Project # 2013-15) of said City be and the same are hereby approved, ratified and confirmed as the plans and specifications in accordance with which said improvement project will be constructed, except as modified by this Board in accordance with law, and the City Administrator shall file the same in his office, open for public inspection.

Dated this 18 day of June, 2013.

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President, Board of City Commissioners

ATTEST:

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City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 181, Project No. 2013-15 (Meadows 7th Addition).

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**RESOLUTION DETERMINING SUFFICIENCY OF FORMS OF PETITION, WAIVER  
AND CONSENT TO ASSESSMENT FOR STREET IMPROVEMENT DISTRICT NO.  
181**

BE IT RESOLVED, By the Board of City Commissioners of Mandan, North Dakota:

1. The City having received and filed executed written forms of Petition, Waiver and Consent to Assessment executed by Leeroy Mitzel, Mitzel Builders Inc., the owners of a majority of property area, for the improvement in and for Street Improvement District No. 181, Project No. 2013-15 ("the District"), and true and correct copies of said executed forms being attached hereto, it is hereby determined that said forms are signed by the owners of a majority of the area of property included within the District.

2. This Board is authorized to cause the improvement in and for the District to be made, and to levy and collect assessments therefore.

Dated this 18th day of June, 2013

\_\_\_\_\_  
President, Board of City Commissioners

ATTEST:

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

Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 181, Project No. 2013-15 (Meadows 7th Addition).

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PETITION FOR PERMANENT STREET, SIGNAGE & LIGHTING IMPROVEMENTS

Date: June 17, 2013

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 7th Addition – as generally shown on the attached exhibit)**

Wildrye Circle NW  
Trident Court NW

SIGNATURE (Property Owners)

PROPERTY DESCRIPTION



Lots 1-4, Block 1; Lots 1-16 Block 2

Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 181, Project No. 2013-15 (Meadows 7th Addition).

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**FEASIBILITY AND EVALUATION OF IMPROVEMENTS  
FOR STREET IMPROVEMENT DISTRICT #181, PROJECT #2013-15**

1.) General Nature of Project

The District has been created to allow for new street Trident Court NW and the continuation of Wildrye Circle NW. Installation of new curb & gutter, asphalt street, storm sewer, street lights & chip seal will take place with this project.

2.) Location of Proposed Construction

The proposed construction will take place Trident Court NW and the continuation of Wildrye Circle NW.

3.) Environmental Impact

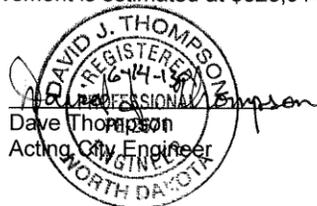
It is anticipated that there will be some dirt, noise and pollutants during the construction period as a result of the use of the necessary equipment. There will also be some surplus or waste construction materials that will need to be disposed of by the contractor at his or her expense. The contractors will be responsible for leaving the area in an attractive and neat condition. Sensitivity to contaminants from construction will be addressed with the contractor of the job as part of the storm water management permitting procedures.

4.) Feasibility of Project

In the opinion of the undersigned this project is feasible and needed throughout the indicated area as new development spreads in this area.

5.) Estimates of Costs

Attached is a map showing the area and district boundary. The construction costs are estimated at \$243,640.52. Other costs of making the improvement including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; publication of legal notices printing of warrants; and all expenses incurred in the making of the improvement and levy of assessments therefore are estimated at \$85,274.18. The total cost for the improvement is estimated at \$328,914.70.

  
Dave Thompson  
Acting City Engineer

Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 181, Project No. 2013-15 (Meadows 7th Addition).

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**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS  
FOR STREET IMPROVEMENT DISTRICT NO. 181**

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

1. The City Administrator, Deputy Auditor and City Engineer shall meet at the time and place specified in the notice authorized in paragraph 2 hereof, for the purpose of opening sealed bids for the work and material needed for the improvement project to be made in Street Improvement District No. 181 (Project # 2013-15) of the City of Mandan, as more fully described and referred to in the resolution creating said improvement district passed and approved by the Board on June 18, 2013, and in the plans and specifications for said improvement now on file in the office of the City Engineer.

2. The City Administrator is authorized and directed to cause notice of advertisement for bids to be published once each week for two consecutive weeks in the Mandan News, the official newspaper, the first of such publications to be at least fourteen days before the date specified for receipt of bids, which notice shall be in the following form:

**“ ADVERTISEMENT FOR BIDS FOR  
STREET IMPROVEMENT DISTRICT NO. 181  
MANDAN, NORTH DAKOTA**

Notice is hereby given, that the City of Mandan, North Dakota will receive sealed bids at the office of the City Administrator until July 19, 2013, at 10:30 a.m., local time for the purpose of furnishing of materials, labor and skill needed for the new construction of storm sewer mains, asphalt streets, concrete curb and gutter and street lights and related work in accordance with the plans and specifications for Street Improvement District No. 181 (Project # 2013-15), for the City of Mandan. The Work consists of all labor, skill, and materials required to properly construct the improvement.

Plans and Specifications are on file in the office of the City Administrator and the City Engineer. Plans may be obtained at this office of the City Engineer, 205 2<sup>nd</sup> Avenue Northwest, Mandan, North Dakota 58554, upon a non-refundable deposit of

Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 181, Project No. 2013-15 (Meadows 7th Addition).

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\$25.00. If Plans are mailed out and additional fee of \$15.00 will be added for postage and handling.

The bid proposals must be submitted to the City Administrator by 10:30 a.m., local time, July 19, 2013 and shall be sealed and endorsed "Proposal for Street Improvement District No 181. Bids shall be delivered or mailed to: City Administrator, City of Mandan, 205 2<sup>nd</sup> Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 10:30 a.m., local time, on July 19th, 2013. All bidders are invited to be present at the public opening of the Bids.

All Bidders must be licensed for the highest amount of their Bids, as provided by Section 43-07-05 of the North Dakota Century Code. The Bidder shall include a copy of his license or certificate of renewal thereof enclosed in the required bid bond envelope as required pursuant to Section 43-07-15 of the North Dakota Century Code, as amended.

Each bid shall be accompanied by a separate envelope containing a bidder's bond in the amount of five (5) percent of the highest amount of the bids as required by Section 48-01.1-05 (3), North Dakota Century Code, as amended, and executed by the Bidder as principal and by a surety, conditioned that if the principal's bid is accepted and the contract awarded to the principal, the principal, within ten days after Notice of Award, shall execute and effect a contract in accordance with the terms of the bid, and a Contractor's Bond as required by law. No bid may be read or considered if it does not fully comply with the requirements of Section 48-01.1-05 of the North Dakota Century Code and any deficient bid must be resealed and returned to the bidder immediately.

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

Work shall be completed on or before the following dates with liquidated damages assessed as follows:

All construction work on Project #2013-15 is to be completed no later than October 30, 2013.

Liquidated damages of \$100.00 per day will be assessed if any completion dates are exceeded.

Should the contractor fail to complete all of the work in a District according to the above date, or within such additional time as may have been granted by formal extensions of time approved by the City Engineer, there shall be deducted from any

Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 181, Project No. 2013-15 (Meadows 7th Addition).

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money due the contractor, the above mentioned sum for each calendar day the completion of the Work is delayed, for each District. Liquidated damages will continue to accumulate until the City Engineer determines winter weather prevents further construction. Liquidated damages will restart on the first day of construction in the Spring of 2014 and continue to accumulate until final project acceptance. The Contractor and his surety shall be liable for any excess. Such payments shall be deducted from the final payment and shall be charged as liquidated damages and not as a penalty.

The Board of City Commissioners will meet on Tuesday, August 8, 2013, at 5:30 PM, local time, to determine the sufficiency of protests, to review the Bids submitted, consider the engineer's recommendation, and to award the contract to the successful Bidder, if protests have been deemed insufficient. The contract will be awarded on the basis of the low Bid submitted, on eligible areas, by a responsible and responsive Bidder deemed most favorable to the City's interest.

The City of Mandan reserves the right reject any or all bids, to waive any informality or irregularity, to hold all bids for a period of thirty (30) days after the date fixed for the opening thereof, and to accept the Bid deemed most favorable to the best interest of the City of Mandan.

Dated this 18 day of June, 2013

City of Mandan, North Dakota  
BY: James Neubauer

City Administrator"

3. Each and all of the terms and provisions of the foregoing notice are hereby adopted as the terms and conditions for the award of said contract.

4. The Board of City Commissioners shall meet on Tuesday, August 8, 2013 at 5:30 pm, local time, to review the bids submitted, consider the engineer's recommendation, and to award the contract to the successful bidder, subject to the Board finding that filed protests are insufficient to bar the work.

\_\_\_\_\_  
President, Board of City Commissioners

ATTEST:

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

Board of City Commissioners

Agenda Documentation

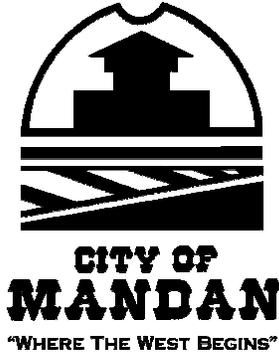
Meeting Date: June 18, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 181, Project No. 2013-15 (Meadows 7th Addition).

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Passed: June 18, 2013



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 12, 2013  
**PREPARATION DATE:** June 18, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Kim Fettig, Project Manager  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider approving the plans and specifications and authorizing the execution of a 3-way agreement for the installation of water & sewer in Keidels South Heart Terrace Phase IV Project 2013-08.

---

**STATEMENT/PURPOSE:** To authorize the installation of water and sewer for the development of Keidels South Heart Terrace Phase IV.

**BACKGROUND/ALTERNATIVES:** The Keidels South Heart Terrace Phase IV plat is located north of 19<sup>th</sup> Street SW. The proposed utilities only serve the developer of the benefiting land; therefore, this is being paid for under a 3-way agreement. A letter of credit has been secured for the project.

**ATTACHMENTS:**

1. 3 way agreement
2. Resolution Approving Plans and Specifications and Authorizing Execution of 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: June 18, 2013

Subject: Consider for approval the plans and specifications for and the execution of a 3-way agreement for the installation of water & sewer in Keidels South Heart Terrace Phase IV Project 2013-08.

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1222-E

AGREEMENT

THIS AGREEMENT, Made on the 6<sup>th</sup> day of June, 2013, between the City of Mandan, a municipal corporation, hereinafter called the City and Morty's LLC, hereinafter called the Developer, and Cofell's Plumbing & Heating, hereinafter called the Contractor.

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

<u>X</u>	Watermains
<u>X</u>	Sanitary Sewermains
—	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 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 proposed public streets of the City the above improvements in the following streets:

City Project No. 2013-08  
Keidel Trail – 8<sup>th</sup> Avenue SW to 4<sup>th</sup> Avenue SW  
Keidel Court  
Heart Circle

Board of City Commissioners

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(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 part of this Agreement. Construction staking and testing as required by the engineer shall be done by the Developer's contractor at the expense of the Developer. The Developer shall complete all stub-outs to the property line on utilities to be constructed under this contract.

All work incidental to the project, such as grading, taps to the watermain, seeding, chlorine, clean up, 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 30 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 July 30, 2013.

(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 City 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 decision of the City Engineer shall be final.

(6) PAYMENT.

The Developer shall provide a \$\_\_\_\_\_ letter of credit from a bona fide bank

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and pay the contractor upon completion. The Developer will be responsible to pay the Contractor for all of 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 June 6, 2013, between the Developer and the Contractor."

(8) OWNERSHIP OF WORK-LINES.

All contract work, except utility stub-outs, furnished or placed in the public street, alleys, or right-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 an 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 Developer shall guarantee all work against faulty materials and the contractor on 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 \$1,000,000.00 for one accident, against and from all suits, actions, or claims of any character, name and description brought for or an

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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, and water mains and service lines, gas mains and service lines, telephone cable, power, light and telephone poles, guy wires, valve boxes, and 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 manner as to cause minimum inconvenience to adjoining property owners and the public. Street surfacing in unpaved areas 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.

(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 payment of all persons

Board of City Commissioners

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performing labor on the project under the contract and furnishing materials in connection with the contract.

- (16) The ENGINEER for this project will be Toman Engineering Company acting through its duly qualified representatives or properly designated qualified successors acting on behalf of the OWNER.
- (17) The OWNER will pay the CONTRACTOR in the manner and at such times as set forth in the GENERAL CONDITIONS, and related Sections, such amounts and in a manner required by the CONTRACT DOCUMENTS in accordance with the attached BID SCHEDULES.
- (18) This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors and assigns.
- (19) Retainage shall be as stipulated in Chapter 40-22-37 NDCC as amended.
- (20) The CONTRACTOR shall pay to the OWNER the amount of \$100.00 per day for liquidated damages for time in excess of authorized or adjusted completion time.

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

CITY OF MANDAN

DEVELOPER:

\_\_\_\_\_  
Jim Neubauer  
City Administrator

Morty's LLC  
Firm Name

\_\_\_\_\_  
Arlyn Van Beek, Mayor  
Board of City Commissioners

  
\_\_\_\_\_  
Authorized Representative

Morty's LLC

Suite 200, 4265 45<sup>th</sup> Street SE

Fargo, ND 58104  
Address

CONTRACTOR:

  
\_\_\_\_\_  
Cofell's Plumbing & Heating  
Address

1000 Industrial Drive

Bismarck, ND 58502

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KEIDEL'S SOUTH HEART TERRACE 2<sup>ND</sup> ADDITION  
 PHASE II  
 WATER & SANITARY SEWER IMPROVEMENTS  
 CITY PROJECT NO. 2013-08  
 TECO #1222-E

ITEM NO.	DESCRIPTION	QUAN.	UNIT	UNIT PRICE	TOTAL
1.	Furnish & install 48" integral manhole with Casting, rings, base & boots	7	Each	4,672.00	32,704.00
2.	Furnish & install 8" PVC sewermain SDR-35	1850	LF	42.00	77,700.00
3.	Furnish & install 8"x4" wyes, plugs & bends	37	Each	45.00	1,665.00
4.	Furnish & install 4" PVC sewer 45° bend	37	Each	15.00	555.00
5.	Furnish & install 4" PVC sewer service lines SDR-35	1459	LF	25.00	36,475.00
6.	Furnish & install 8" C900 PVC watermainA including all fittings & restraints	1736	LF	30.00	52,080.00
7.	Furnish & install 8" gate valves/valve boxes and extension rods	5	Each	1,750.00	8,750.00
8.	Furnish & install 1" double bolt saddle clamp and corporation	37	Each	100.00	3,700.00
9.	Furnish & install 1" water service lines	1146	LF	16.00	18,336.00
10.	Furnish & install 1" curb stops with boxes with stationary rod for minimum 8' bury	37	Each	175.00	6,475.00
11.	Furnish & install 6" fire hydrants 8' 6" bury, 6" gate valves, 6" Class 150 PVC hydrant lead, restraints and tees	7	Each	4,500.00	31,500.00
12.	Furnish & install 6" C900 PVC watermain Including all fittings & restraints	56	LF	25.00	1,400.00
13.	Furnish & install 6" gate valve/valve boxes & extension rods	7	Each	1,200.00	8,400.00
14.	Rock excavation	50	CY	1.00	50.00
15.	Install Silt Fence	100	LF	8.00	800.00
16.	ND Health Dept. Storm Water Permit	1	LS	200.00	200.00
TOTAL BID				280,790.00	

Board of City Commissioners

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**RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND  
AUTHORIZING EXECUTION OF 3-WAY AGREEMENT FOR WATER AND  
SEWER IMPROVEMENT PROJECT NO. 2013-08**

(Keidels South Heart Terrace Phase IV)

BE IT RESOLVED BY the Board of City Commissioners of the City of Mandan, North Dakota, as follows:

1. That the plans and specifications for the Water and Sewer Project No. 2013-14 serving Keidels South Heart Terrace Phase IV in the City of Mandan, as presented by Morty's LLC., on behalf of themselves, are hereby approved, ratified and confirmed as the plans and specifications for said project, in accordance with which said improvement project will be constructed, subject to any further modifications of the plans and specifications by the Board as provided by law. The plans and specifications shall be filed in the Office of the City Administrator and City Engineer and open for public inspection. The named streets within the subdivision to receive the improvements are: Heart Circle SW, Keidel Court SW and Keidel Trail from 8<sup>th</sup> Avenue SW to 4<sup>th</sup> Avenue SW.

2. That the President of the Board is hereby authorized to enter into a 3-way agreement between the City of Mandan; the developer, Morty's LLC., and the developer's contractor, contingent upon the City's receipt of an irrevocable escrow account covering construction costs.

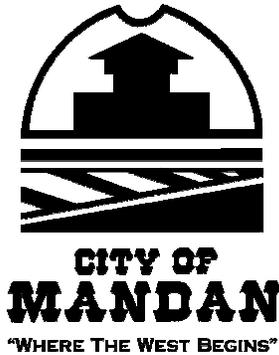
3. This resolution shall be in full force and effect from the date of its passage.

\_\_\_\_\_  
President, Board of City Commissioners

ATTEST:

\_\_\_\_\_  
James Neubauer, City Administrator

Date of Passage:        June 18, 2013



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 18, 2013  
**PREPARATION DATE:** June 13, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Kim Fettig, Project Manager  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider the creation of, approve the engineer's report, approve the plans and specifications for, approve the sufficiency of petition, approve the feasibility report for, and consider a change order for Street Improvement District No.187 Project # 2013-23 (Mandan Municipal Golf Course and adjacent alleys).

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**STATEMENT/PURPOSE:** To create a special assessment district and authorize the required paperwork for the requested project.

**BACKGROUND/ALTERNATIVES:** This project was requested by the Park District and affects residents in the district, to improve the parking lot and subject access to the property owners' residences. In order to fast track the work, we would be looking to change order the project onto the Diane's Street Improvement Project. Under Section 40-22-36 "a municipality may have under its contract for construction of part or all of an improvement after a contract has been awarded and before work thereunder has been completed a municipality may, with the consent of the contractor and without advertising for bids, order additional work done by that contractor of the same character as that which was contracted for, whether within or without the improvement district for which the original contract was made, and upon the same terms and conditions specified in the original contract except as to time of performance, and at the same prices for the additional work provided that the total price payable to the contractor for such additional work shall not exceed twenty percent of the amount estimated by the engineer for the municipality to be payable for that character of work under the original contract.'

**ATTACHMENTS:**

1. Resolution Creating District
2. District Map
3. Engineer's Report
4. Resolution Approving Engineer's Report

Board of City Commissioners

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5. Resolution of plans and specs
6. Resolution determining sufficiency of petition
7. Petition
8. Feasibility Report

FISCAL IMPACT: The Engineers Estimate for the project is \$108,569.30 with engineering and administration costs at \$32,570.79 totaling \$141,140.09.

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.

SUGGESTED MOTION: I move to approve the creation of, approve the engineer's report, approve the plans and specifications for, approve the sufficiency of petition, approve the feasibility report for, and approve a change order for Street Improvement District No.187 Project # 2013-23 (Mandan Municipal Golf Course and adjacent alleys).

Board of City Commissioners

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**RESOLUTION CREATING  
STREET IMPROVEMENT DISTRICT NO. 187**

Project No. 2013-23

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

1. There is hereby created Street Improvement District No. 187 (the "District")(Project# 2013-23) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal street system listed below. The improvement to said streets within this improvement district shall include, but not be limited to, Mandan Municipal Golf Course Parking Lot and Alleys and includes street construction, installation of curb and gutter, asphalt street, storm sewer, street lights, chip seal and related work.

2. Consultation with respect thereto having been had with the City Engineer, as to the property to be benefitted by said improvement project and the most practical size, form and location of said District, said District shall include all the lots, tracts and parcels of land lying within the City of Mandan and its additions within the following boundary lines: namely:

The legal description of the district boundary is as follows:

A tract of land being all of Blocks 10-12, 16-18, 38-40, 45-47, 68-70 and 76-78 of Southside Addition of the City of Mandan, Morton County, North Dakota.

3. Pursuant to section 40-22-10 of the North Dakota Century Code, the City Engineer is hereby authorized and directed to prepare a report as to the general nature, purpose and feasibility of the proposed improvement and an estimate of the probable cost of the improvement.

4. This resolution shall be in full force and effect from and after its passage.

\_\_\_\_\_  
President, Board of City Commissioners

ATTEST:

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

Date of Passage: June 18, 2013

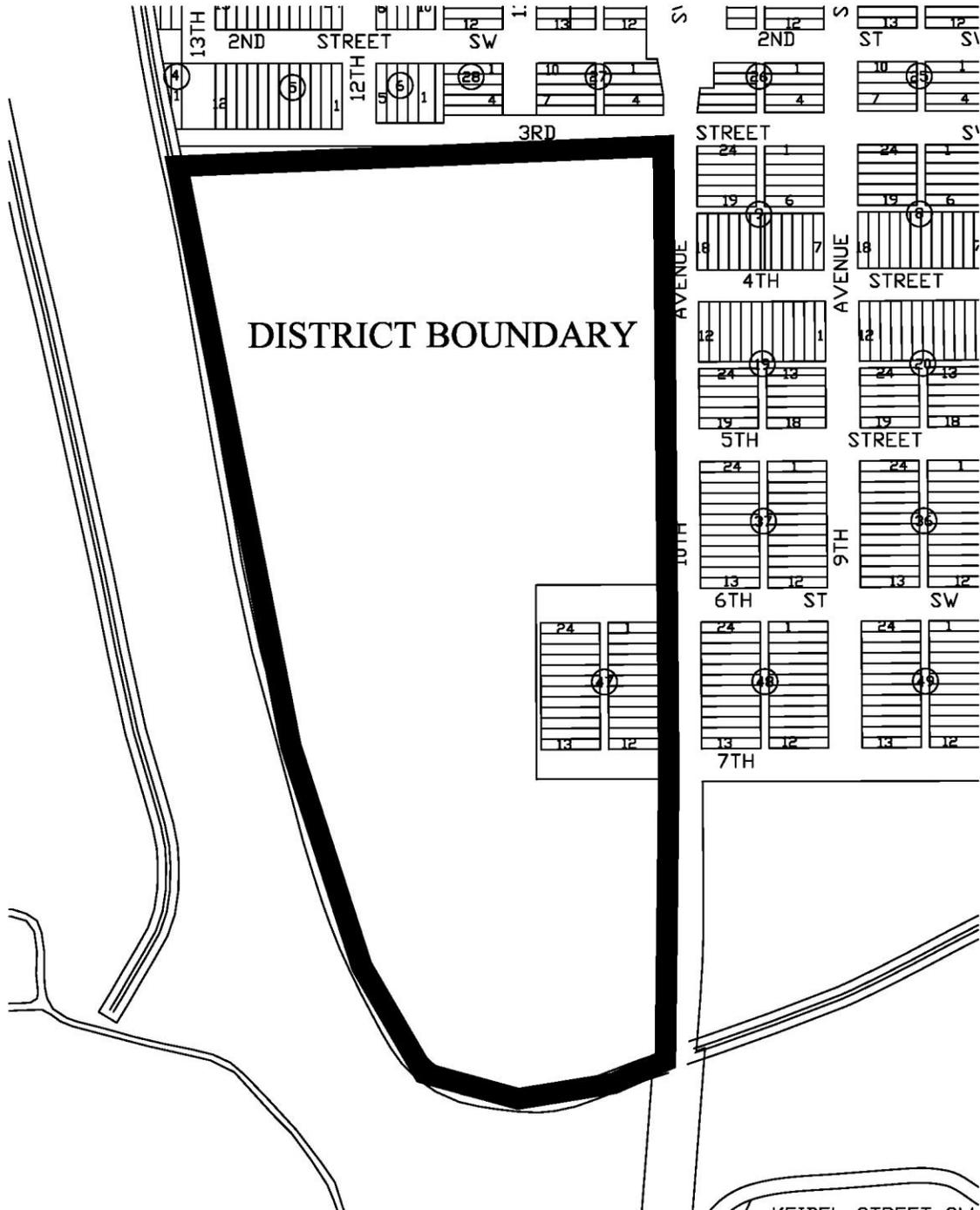
Board of City Commissioners

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**Engineer's Estimate**

Municipal Golf Course Parking Lot and Alley  
Street Improvement District No. 187  
City Project # 2013-23  
Mandan, ND  
Teco # 2181B

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<b>ITEM NO.</b>	<b>ITEM DESCRIPTION</b>	<b>UNIT</b>	<b>QUANTITY</b>	<b>UNIT PR.</b>	<b>TOTAL</b>
202-4.1	UNCLASSIFIED EXCAVATION	CY	300	\$ 14.50	\$ 4,350.00
203-3.1	WATERING	M GAL	10	\$ 13.10	\$ 131.00
204-3.1	SUBGRADE PREPARATION	SY	3,600	\$ 2.30	\$ 8,280.00
302-4.1	STABILIZED GRAVEL BASE	TON	150	\$ 21.50	\$ 3,225.00
304-6.1B	AC STABILIZED BASE (CLASS B)	TON	520	\$ 89.20	\$ 46,384.00
401-6.2B	AC SURFACE COURSE (CLASS B)	TON	420	\$ 91.30	\$ 38,346.00
402-4.2	BITUMINOUS TACK COAT	GAL	200	\$ 2.50	\$ 500.00
601-4.1	4" CONCRETE SIDEWALK	SF	0	\$ 6.30	\$ -
602-4.1	6" CONCRETE	SF	0	\$ 8.70	\$ -
603-5.3	STANDARD CURB & GUTTER	LF	0	\$ 18.50	\$ -
1202-4.2	SEEDING CLASS II	SY	1000	\$ 4.90	\$ 4,900.00
1206-4.1	ADJ MANHOLE CASTING-ASPH PVMT	EA	1	\$ 482.10	\$ 482.10
1206-4.11	ADJUST VALVE BOX-ASPH PVMT	EA	1	\$ 471.20	\$ 471.20
1206-4.14	ADJUST VALVE BOX IN CONCRETE	EA	0	\$ 11.60	\$ -
1211-4.B	TRAFFIC CONTROL	LS	1	\$ 1,500.00	\$ 1,500.00

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TOTAL CONSTRUCTION= \$ 108,569.30  
Legal, Administration, Engineering, and Contingency= \$ 32,570.79

GRAND TOTAL= \$ 141,140.09

This estimate does not include the following:

Parking Lot Striping

Boulevard topsoil and seeding

Subject: Consider the creation of, approve the engineer's report, approve the plans and specifications for, approve the sufficiency of petition, approve the feasibility report for, and consider a change order for Street Improvement District No.187 Project # 2013-23 (Mandan Municipal Golf Course and adjacent alleys).

**RESOLUTION APPROVING ENGINEER'S REPORT AND  
AUTHORIZING PREPARATION OF THE DETAILED PLANS  
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE  
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 187**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 187 (Project # 2013-23), as required by section 40-22-10 of the North Dakota Century Code, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

2. The probable costs of the of the improvement project are estimated to be as follows:

a. Construction costs:	\$108,569.30
b. Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:	\$32,570.79
c. Total estimated costs of the improvement:	\$141,140.09

3. The Engineer is hereby authorized and directed to prepare detailed plans and specifications for the project to be constructed.

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4. This resolution shall be in full force and effect from and after its passage.

Dated this 18<sup>th</sup> day of June 2013.

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President, Board of City Commissioners

ATTEST:

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City Administrator

Board of City Commissioners

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**RESOLUTION APPROVING PLANS AND SPECIFICATIONS  
FOR STREET IMPROVEMENT DISTRICT NO. 187  
PROJECT # 2013-23**

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

Pursuant to the requirement of section 40-22-11 of the North Dakota Century Code, the Plans and Specifications for the improvement project in Street Improvement District No. 187 (Project # 2013-23) of said City be and the same are hereby approved, ratified and confirmed as the plans and specifications in accordance with which said improvement project will be constructed, except as modified by this Board in accordance with law, and the City Administrator shall file the same in his office, open for public inspection.

Dated this 18 day of June, 2013.

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President, Board of City Commissioners

ATTEST:

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City Administrator

Board of City Commissioners

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Subject: Consider the creation of, approve the engineer's report, approve the plans and specifications for, approve the sufficiency of petition, approve the feasibility report for, and consider a change order for Street Improvement District No.187 Project # 2013-23 (Mandan Municipal Golf Course and adjacent alleys).

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**RESOLUTION DETERMINING SUFFICIENCY OF FORMS OF PETITION, WAIVER  
AND CONSENT TO ASSESSMENT FOR STREET IMPROVEMENT DISTRICT NO.  
187**

BE IT RESOLVED, By the Board of City Commissioners of Mandan, North Dakota:

1. The City having received and filed executed written forms of Petition, Waiver and Consent to Assessment executed by Cole Higlin, Director of Park District, Timothy Schoch, Ronald Mrnak, Michael Frank, Paul Stockert and Rose Dacus, the owners of a majority of property area, for the improvement in and for Street Improvement District No. 187, Project No. 2013-23 ("the District"), and true and correct copies of said executed forms being attached hereto, it is hereby determined that said forms are signed by the owners of a majority of the area of property included within the District.

2. This Board is authorized to cause the improvement in and for the District to be made, and to levy and collect assessments therefore.

Dated this 18th day of June, 2013

\_\_\_\_\_  
President, Board of City Commissioners

ATTEST:

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

Board of City Commissioners

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opportunities for life  
www.mandanparks.com

P: 701 751 6161  
F: 701 751 6160  
2600 46th Ave. SE  
Mandan, ND 58554

May 16, 2013

Mrs. Kim Fettig  
205 2<sup>nd</sup> Ave NW  
Mandan, ND 58554

Dear Mrs. Fettig:

The Mandan Park District petitions the paving at Municipal Golf Course parking lot and adjacent alley was for Block 47 of south side 1<sup>st</sup> addition. We as the majority owners of the proposed district waive our rights to protest and accept the specials associated with the project.

Sincerely,

Cole Higlin

Director

Mandan Park District

Timothy O. Schoch  
Timothy O. Schoch  
706 11<sup>th</sup> Ave SW  
Mandan, ND 58554

RONALD F. MRISAK  
Ronald F. Mrisak  
716-11<sup>th</sup> Ave. S.W.  
Mandan, ND 58554

Michael A Frank  
Michael A Frank  
703 10<sup>th</sup> Ave SW  
Mandan, ND 58554

PAUL STOCKERT  
Paul Stockert  
705 10<sup>th</sup> Ave SW  
Mandan, ND 58554

ROSE MARIE DAENS  
Rose Marie Daens  
701-10<sup>th</sup> Ave S.W.  
Mandan, N.D.  
58554

The mission of the Mandan Parks & Recreation District is to provide recreational opportunities for all ages and abilities while improving the quality of life for the citizens of Mandan and its visitors.

Board of City Commissioners

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**FEASIBILITY AND EVALUATION OF IMPROVEMENTS  
FOR STREET IMPROVEMENT DISTRICT #187, PROJECT #2013-23**

1.) General Nature of Project

The District has been created to allow for work on the Mandan Municipal Golf Course and adjacent alleys. Subgrade preparation, 4½ " asphalt surface and striping will be done.

2.) Location of Proposed Construction

The proposed construction will take place Mandan Municipal Golf Course Parking Lot and adjacent alleys.

3.) Environmental Impact

It is anticipated that there will be some dirt, noise and pollutants during the construction period as a result of the use of the necessary equipment. There will also be some surplus or waste construction materials that will need to be disposed of by the contractor at his or her expense. The contractors will be responsible for leaving the area in an attractive and neat condition. Sensitivity to contaminants from construction will be addressed with the contractor of the job as part of the storm water management permitting procedures.

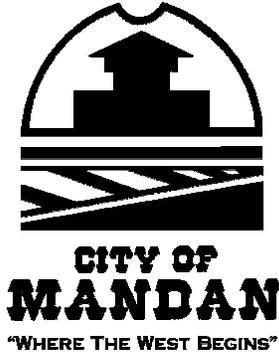
4.) Feasibility of Project

In the opinion of the undersigned this project is feasible and needed.

5.) Estimates of Costs

Attached is a map showing the area and district boundary. The construction costs are estimated at \$108,569.30. Other costs of making the improvement including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; publication of legal notices printing of warrants; and all expenses incurred in the making of the improvement and levy of assessments therefore are estimated at \$32,570.79. The total cost for the improvement is estimated at \$141,140.09.





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 18, 2013  
**PREPARATION DATE:** June 13, 2013  
**SUBMITTING DEPARTMENT:** Administration  
**DEPARTMENT DIRECTOR:** Jim Neubauer, City Administrator  
**PRESENTER:** Jim Neubauer, City Administrator  
**SUBJECT:** Visitor's Fund Recommendation related to Mandan Park District Land Acquisition

---

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

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

The Visitor's Committee met on April 11, 2013 primarily to consider a request from Mandan Public Schools related to funding assistance for the MHS gym floor and bleachers. At that meeting under other business, Mandan Park District Director, Cole Higlin, provided an update on their negotiations to acquire property south of the water park and the potential locating of a YMCA and health care provider on the subject property.

Members of the Visitor's Committee indicated a willingness to assist in bringing this project to the City of Mandan. This project would both attract visitors to the facilities and to the water park.

Jay Feil motioned to recommend to the City Commission that \$1,500,000 be committed from the Visitor's Fund to assist the Mandan Park District in acquiring property necessary to bring this project to the City of Mandan. The commitment of \$1,500,000 would be \$750,000 as negotiations are completed and the remaining \$750,000 would be granted to the Park District in increments of \$150,000 per year for the following 5 years. Jim Mellon seconded the motion. Motion received unanimous approval from the committee.

The recommendation would be brought to the City Commission for their consideration as talks move closer to reality and upon legal review.

Board of City Commissioners

Agenda Documentation

Meeting Date: June 18, 2013

Subject: Visitor's Fund Recommendation related to Mandan Park District Land Acquisition

Page 2 of 2

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ATTACHMENTS: n/a

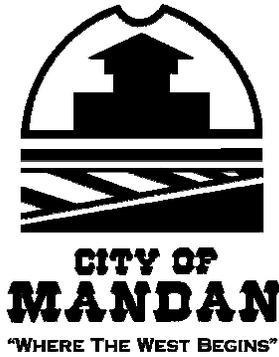
FISCAL IMPACT: \$1,500,000 to be paid out of the Visitor's Fund \$750,000 initially and \$150,000 per year after the project is underway. The projected fund balance at the end of 2013 is \$1.2M. That accounts for (is after) \$100,000 in match dollars for the ND DOT Grant Application for windows at the Depot and Beanery, and \$146,000 for High School gym and bleachers. Should this request be approved the balance in the Visitor's Fund would be roughly \$422,000 in unreserved funds.

STAFF IMPACT: minimal

LEGAL REVIEW: City Attorney Brown has been consulted regarding this matter

RECOMMENDATION: Recommendation from the Visitor's Fund Committee to the City Commission that \$1,500,000 be committed from the Visitor's Fund to assist the Mandan Park District in acquiring property necessary to bring this project to the City of Mandan. The commitment of \$1,500,000 would be \$750,000 as negotiations are completed and the remaining \$750,000 would be granted to the Park District in increments of \$150,000 per year for the following 5 years

SUGGESTED MOTION: I move to approve the recommendation from the Visitor's Fund Committee to the City Commission that \$1,500,000 be committed from the Visitor's Fund to assist the Mandan Park District in acquiring property necessary to bring this project to the City of Mandan. The commitment of \$1,500,000 would be \$750,000 as negotiations are completed and the remaining \$750,000 would be granted to the Park District in increments of \$150,000 per year for the following 5 years



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** June 18, 2013  
**PREPARATION DATE:** June 14, 2013  
**SUBMITTING DEPARTMENT:** Administration  
**DEPARTMENT DIRECTOR:** Jim Neubauer, City Administrator  
**PRESENTER:** Jim Neubauer, City Administrator  
**SUBJECT:** Compensation Plan

---

STATEMENT/PURPOSE: To consider results of the 2013 in house salary study.

BACKGROUND/ALTERNATIVES: The last salary study was completed by Condrey & Associates in January 2008. Prior to that, Fox Lawson's study was completed in 1997. The life of salary studies is typically 7 years. Market conditions are significantly different than they were in 2008. Significant turnover has occurred mainly in the Police Department.

During the 2013 budget discussions the Finance Committee recommended that a Salary and Benefits study be undertaken by the Finance Department and Human Resources. The City of Bismarck performs a market analysis of their classification plan on a yearly basis, we have lost our share of employees to the City of Bismarck, and they are our main competitor in recruiting employees. Therefore, the decision was made to compare the City of Mandan's salaries to the City of Bismarck rather than perform a state-wide or multi-state analysis.

The process:

1. Departments compared their current job descriptions to similar positions in Bismarck
2. Job descriptions have been reviewed with Finance, Human Resources, and the various departments.
3. Comparisons were made related to positions minimum and maximum salaries for similar job descriptions.
4. Consider adjustments to the city's current pension contribution of 7%
5. Consider adjustments to the city's contribution to employee health insurance (will have as part of 2014 budget discussions)

The City of Bismarck has been most helpful in providing information relative to this study.

Recommendation:

- Adjust our minimum and maximum salary ranges to be within 95% of Bismarck.
- If an individual's salary adjustment to get to the 95% results in an increase of more than 5%, the goal would be to cap the increase this year to 5% and make corresponding adjustments each year of a maximum of 5% to achieve the 95%. All employees within the grade being adjusted would receive the same percentage adjustment, which would thereby treat all fairly by accounting for years of service and performance.
- Adjust the City of Mandan's pension contribution from 7% to 8%. Currently an employee must contribute a minimum of 2% for the city to contribute.
- Revisit the salary plan annually as part of the budget process.

ATTACHMENTS:

FISCAL IMPACT: Items considered when performing the analysis include the effect on 2013 and also ensuring any proposed adjustments are sustainable. The recommendation for 2013 is to begin the adjustments effective the first pay period in July 2013. The cost of the salary adjustments and pension adjustment is \$112,500.

STAFF IMPACT:

LEGAL REVIEW:

RECOMMENDATION: I recommend adopting a salary plan effective July 1, 2013, consistent with the following:

- 1) Adjust minimum and maximum position salary ranges to 95% of comparable positions in Bismarck. Individual salary adjustments would be in accordance with this practice.
- 2) Increase the City of Mandan's retirement plan contribution from 7% to 8%.

SUGGESTED MOTION: I move to adopt a salary plan effective July 1, 2013 consistent with the following:

- 1) Adjust minimum and maximum position salary ranges to 95% of comparable positions in Bismarck. Individual salary adjustments would be in accordance with this practice.
- 2) Increase the City of Mandan's retirement plan contribution from 7% to 8%.

**ORDINANCE NO. 1153**

**AN ORDINANCE TO AMEND AND REENACT SECTION 21-03-02 OF ORDINANCE 1088 OF THE MANDAN CODE OF ORDINANCES RELATING TO DISTRICT BOUNDARIES AND ZONING MAP.**

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

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

The following described property located within the City of Mandan, Morton County, North Dakota shall be excluded from CC (Heavy Commercial) and shall be included in the **MB (Heavy Industrial/Heavy Commercial)** zoning namely,

Lot 2, Block 1 of the Replat of Lot 1, Block 1, Hoovestol's 2<sup>nd</sup> Addition in Section 26, Township 139N, Range 81W

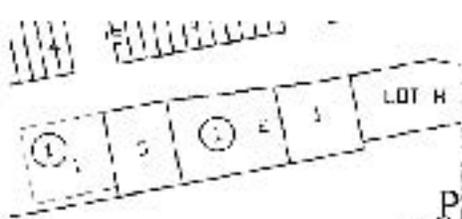
and as so amended said section is hereby reenacted. The city administrator is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

\_\_\_\_\_  
President, Board of City Commissioners

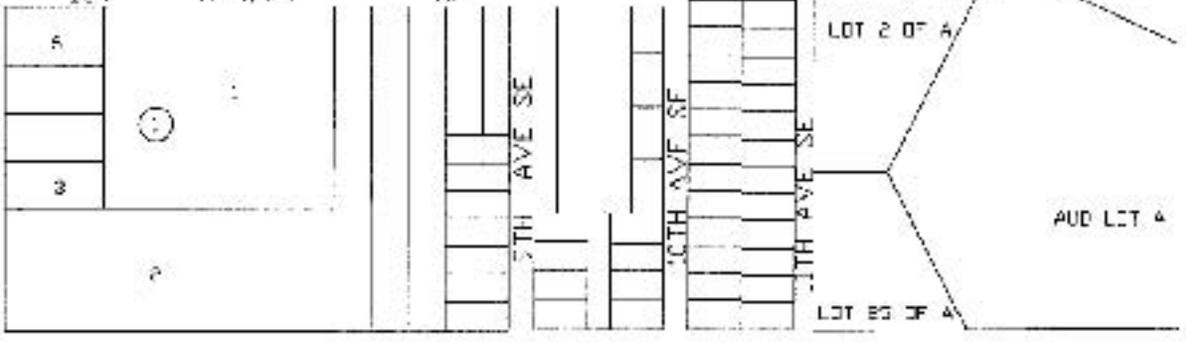
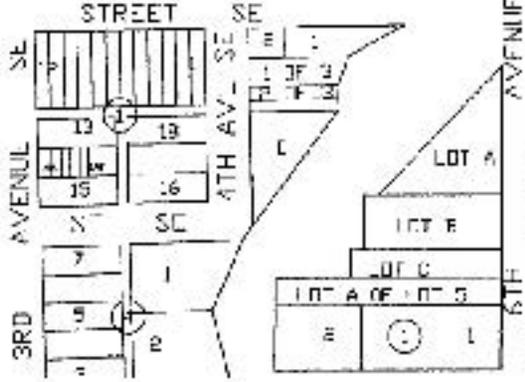
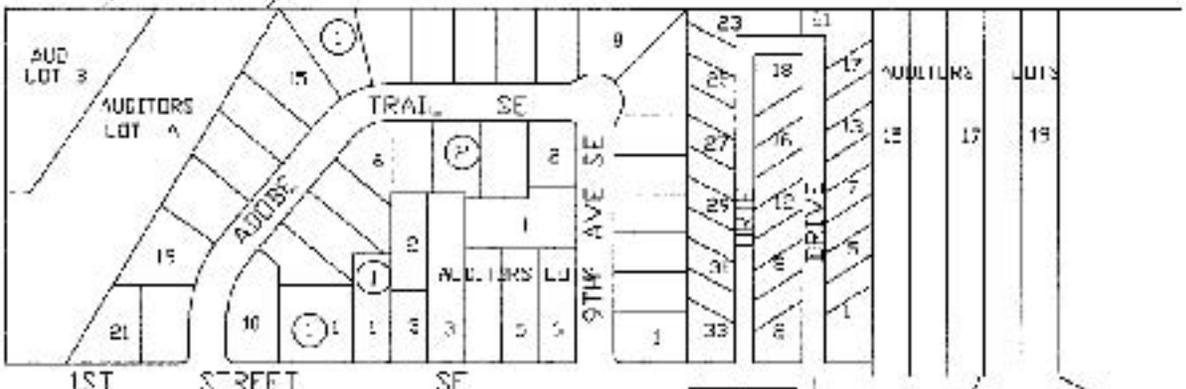
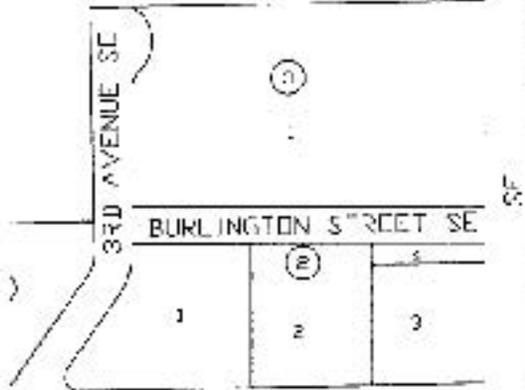
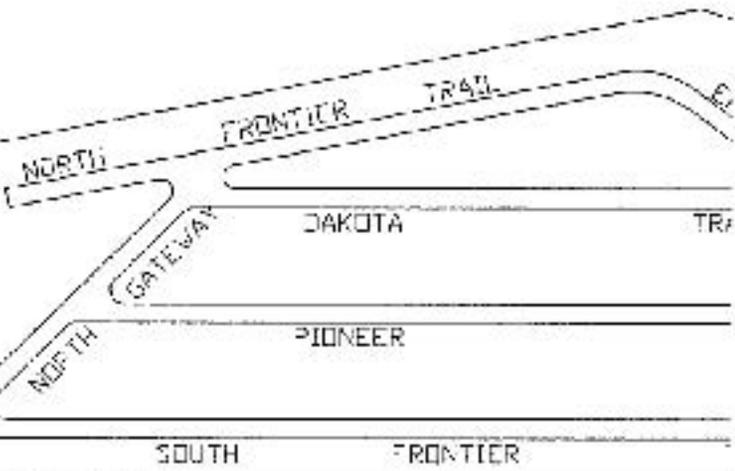
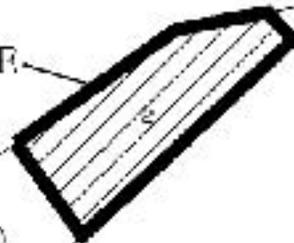
Attest:

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

Public Hearing:	<u>May 28, 2013</u>
First Consideration:	<u>June 18, 2013</u>
Second Consideration and Final Passage:	<u>July 2, 2013</u>
Publication Date:	<u>July 26, 2013</u>
Recording Date:	_____



PROPOSED  
ZONE CHANGE



AUD LOT A

**ORDINANCE NO. 1154**

**AN ORDINANCE TO AMEND AND REENACT SECTION 21-03-02 OF ORDINANCE 1088 OF THE MANDAN CODE OF ORDINANCES RELATING TO DISTRICT BOUNDARIES AND ZONING MAP.**

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

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

The following described property located within the City of Mandan, Morton County, North Dakota shall be excluded from **MA (Light Non-Nuisance Industrial/Heavy Commercial restricted to RV Park and seasonal cabin rental)** and shall be included in the **CB (Heavy Commercial)** zoning namely,

Lot 2, Block 1, West Bay Estates 2<sup>nd</sup> Addition in Section 6, Township 138, Range 80

and as so amended said section is hereby reenacted. The city administrator is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

\_\_\_\_\_  
President, Board of City Commissioners

Attest:

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

Public Hearing:	<u>May 28, 2013</u>
First Consideration:	<u>June 18, 2013</u>
Second Consideration and Final Passage:	<u>July 3, 2013</u>
Publication Date:	<u>July 26, 2013</u>
Recording Date:	_____



**ORDINANCE NO. 1155**

AN ORDINANCE ANNEXING CERTAIN ADJOINING LANDS TO THE CITY OF MANDAN,  
MORTON COUNTY, NORTH DAKOTA, AND EXTENDING THE CORPORATE  
BOUNDARIES THEREOF.

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

WHEREAS, the City of Mandan, Morton County, North Dakota has determined it to be its  
interests to annex the hereinafter described property, which is contiguous to the City of Mandan, Morton  
County, North Dakota, but not embraced within the limits thereof, and has met all requirements as  
directed by Section 40-51.2-03 of the North Dakota Century Code.

**SECTION 1. Property Annexed.** The following described land is situated in the County of  
Morton, State of North Dakota, and contiguous to the corporate limits of the City of Mandan, North  
Dakota, is hereby added to, taken into, annexed and made part of the City of Mandan, namely:

A tract of land being the west 280 feet of the south 300 feet of Government Lot 4 in Section 7, Township  
139N, Range 81W of the Fifth Principal Meridian, Morton County, North Dakota that lies within the  
following described traverse:

Commencing at the southwest corner of Section 7, T139N, R81W; thence north 00' 01' 44" east along the  
west boundary line of said section 7 for 102.77 feet to a point on the north right-of-way line of Old Red  
Trail, said point also being the point of beginning; thence continuing north 00' 02' 47" east along said  
west boundary line for 197.20 feet; thence south 89' 42' 41" east for 280.00 feet; thence south 00'02' 47"  
west 197.20 feet to a point on said north right-of-way line; thence north 89' 42' 41" west along said north  
right-of-way line for 280.00 feet to the point of beginning. Said tract of land containing 1.27 acres, more  
or less.

**SECTION 2. Corporate Boundary Extended.** Upon the taking effect of this Ordinance, the  
corporate limits and boundary lines of the City of Mandan shall thereafter include said lands.

By: \_\_\_\_\_  
Arlyn Van Beek, President,  
Board of City Commissioners

Attest

\_\_\_\_\_  
James Neubauer, City Administrator

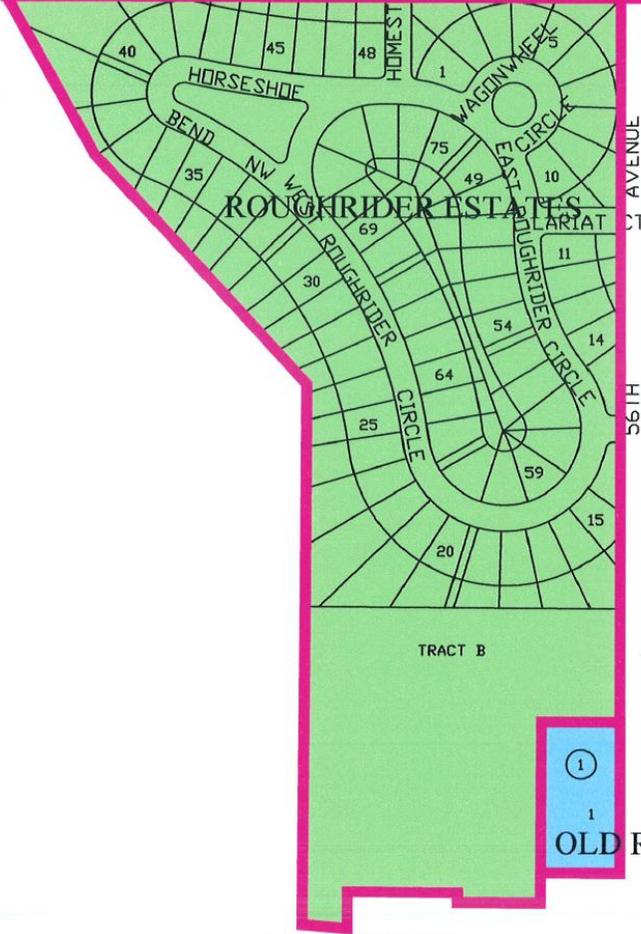
First Consideration: June 18, 2013  
Second Consideration  
and Final Passage: July 2, 2013  
Date of Recording: \_\_\_\_\_

ROUGH RIDER HOMESTEAD ADDITION

1 ①

HOMESTEAD PL

NW



ROUGH RIDER ESTATES

ST AVENUE

56TH

GOV'T LOT 3

GOV'T LOT 4

TRACT 7B-1

TRACT B

①

1

OLD RED TRAIL STORAGE ADDITION ANNEX AREA



**ORDINANCE NO. 1156**

**AN ORDINANCE TO AMEND AND REENACT SECTION 21-03-02 OF ORDINANCE 1088 OF THE MANDAN CODE OF ORDINANCES RELATING TO DISTRICT BOUNDARIES AND ZONING MAP.**

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

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

The following described property located within the City of Mandan, Morton County, North Dakota shall be excluded from A (Agricultural) and shall be included in the CC (**Heavy Commercial**) zoning namely,

The west 280 feet of the south 300 feet of Government Lot 4 in Section 7, Township 139 North, Range 81 West

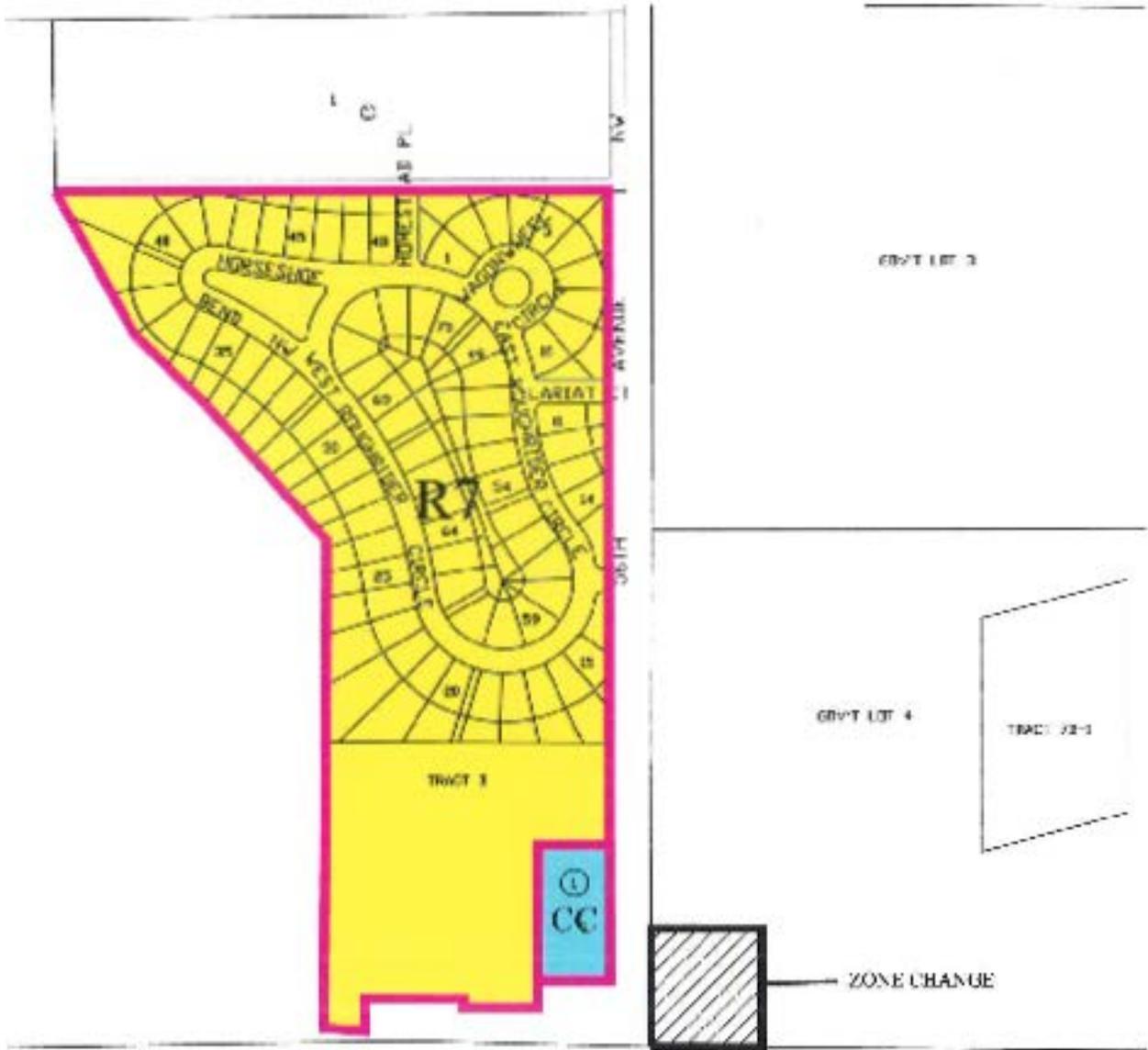
and as so amended said section is hereby reenacted. The city administrator is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

\_\_\_\_\_  
President, Board of City Commissioners

Attest:

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

Public Hearing:	<u>May 28, 2013</u>
First Consideration:	<u>June 18, 2013</u>
Second Consideration and Final Reading:	<u>July 2, 2013</u>
Publication Date:	_____
Recording Date:	_____



**RESOLUTION**  
**APPROVING CONTRACT AND CONTRACTOR'S BOND FOR**  
**STREET IMPROVEMENT DISTRICT NO. 182**  
(Project No. 2013-16)

BE IT RESOLVED by the governing body of the City of Mandan, North Dakota (the "City"), as follows:

1. It is hereby found and determined that this Board has heretofore caused Notice for Advertisement for Bids to be made for an improvement Street Improvement District No. 182 of said City, and has duly and publicly opened and considered said bids received pursuant to said Notice.
2. Said improvement is hereby ordered to be constructed in accordance with the plans and specifications therefore as heretofore adopted by this Board pursuant to a resolution duly adopted by this Board.
3. It is hereby found and determined that the lowest responsible bidder for various categories of the work, material and skill required for said improvement is Tand Construction whose bid provides for the construction of said improvement at a total estimated base price of \$255,318.60.
4. The President of the Board of City Commissioners of the City of Mandan and City Auditor are hereby authorized and directed to make and enter into a contract with said bidder on the part of the City, in the form prescribed by Sections 40-22-35 and 40-22-35, N.D.C.C. as amended, provided that said bidder shall within ten (10) days from this date execute said contract and a construction bond conditioned in accordance with the provisions of Sections 40-22-30 and 40-22-32 of said Code.

Dated this 18th day of June, 2013

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Arlyn Van Beek, President of the  
Board of City Commissioners

Attest:

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James Neubauer,  
City Administrator

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
EXECUTION OF 3-WAY AGREEMENT FOR WATER AND SEWER IMPROVEMENT  
PROJECT NO. 2013-11  
(Plainview Heights 14th Addition)**

BE IT RESOLVED BY the Board of City Commissioners of the City of Mandan, North Dakota, as follows:

1. That the plans and specifications for the Water and Sewer Project No. 2013-11 serving Plainview Heights 14th Addition in the City of Mandan, as presented by Leeroy Mitzel, Mitzel Builders Inc., on behalf of themselves, are hereby approved, ratified and confirmed as the plans and specifications for said project, in accordance with which said improvement project will be constructed, subject to any further modifications of the plans and specifications by the Board as provided by law. The plans and specifications shall be filed in the Office of the City Administrator and City Engineer and open for public inspection. The named streets within the subdivision to receive the improvements are: Percheron Drive SE, Shires Drive SE, Norland Way SE and 14<sup>th</sup> Avenue SE.
  
2. That the President of the Board is hereby authorized to enter into a 3-way agreement between the City of Mandan; the developer, Leeroy Mitzel, Mitzel Builders Inc., and the developer's contractor, contingent upon the City's receipt of an irrevocable escrow account covering construction costs.
  
3. This resolution shall be in full force and effect from the date of its passage.

\_\_\_\_\_  
President, Board of City Commissioners

ATTEST:

\_\_\_\_\_  
James Neubauer, City Administrator

Date of Passage:        June 18, 2013

**RESOLUTION CREATING  
STREET IMPROVEMENT DISTRICT NO. 180**

Project No. 2013-12

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

1. There is hereby created Street Improvement District No. 180 (the "District")(Project# 2013-12) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal street system listed below. The improvement to said streets within this improvement district shall include, but not be limited to, Shires Drive SE, Nordland Way SE and Percheron Drive SE and includes street construction, installation of curb and gutter, asphalt street, storm sewer, street lights, chip seal and related work.

2. Consultation with respect thereto having been had with the City Engineer, as to the property to be benefitted by said improvement project and the most practical size, form and location of said District, said District shall include all the lots, tracts and parcels of land lying within the City of Mandan and its additions within the following boundary lines: namely:

The following lots and blocks are included in said District:

All lots & blocks, Plainview Heights 14<sup>th</sup> Addition

The legal description of the district boundary is as follows:

A of portion of the southwest quarter of section 2, township 138 north, range 81 west of the fifth principal meridian, to the City of Mandan, Morton County, North Dakota, more particularly described as follows:

Commencing at the northwest corner of lot 1, block 1, Plainview Heights 12th Addition, which is the point of beginning; thence from said point of beginning along the west line of said Plainview Heights 12 Addition as follows: thence s 40°44'24" e for 209.69 feet; thence s 55°28'18" e for 70.46 feet; thence s 34°53'25" e for 132.56 feet; thence n 48°08'39" e for 57.43 feet to the northwest corner of lot 7, block 1, Plainview Heights 13th Addition and leaving west line of said Plainview Heights 12 Addition; thence along the west line of said Plainview Heights 13th Addition, s 49°19'50" e for 401.44 feet to the southwest corner of lot 6, block 2, Plainview Heights 13th Addition; thence s 64°58'10" w for 164.58 feet; thence s 40°40'10" w for 354.59 feet; thence s 20°43'24" w for 46.35 feet; thence n 72°49'38" w for 124.88 feet; thence n 56°13'07" w for 68.35 feet; thence n 69°54'11" w for 136.02 feet; thence n 14°21'10" w for 334.68 feet; thence n 10°35'07" e for 185.68 feet; thence n 35°30'14" e for 180.37 feet; thence n 10°56'32" e for 140.12 feet to the said point of beginning.

Said tract contains 369,094 square feet or 8.473 acres more or less.

3. Pursuant to section 40-22-10 of the North Dakota Century Code, the City Engineer is hereby authorized and directed to prepare a report as to the general nature, purpose and feasibility of the proposed improvement and an estimate of the probable cost of the improvement.

4. This resolution shall be in full force and effect from and after its passage.

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President, Board of City Commissioners

ATTEST:

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City Administrator

Date of Passage: June 18, 2013

**RESOLUTION APPROVING ENGINEER'S REPORT AND  
AUTHORIZING PREPARATION OF THE DETAILED PLANS  
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE  
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 180**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 180 (Project # 2013-12), as required by section 40-22-10 of the North Dakota Century Code, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

2. The probable costs of the of the improvement project are estimated to be as follows:

a. Construction costs:	\$322,148.63
b. Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:	\$112,752.01
c. Total estimated costs of the improvement:	\$434,900.64

3. The Engineer is hereby authorized and directed to prepare detailed plans and specifications for the project to be constructed.

4. This resolution shall be in full force and effect from and after its passage.

Dated this 18<sup>th</sup> day of June 2013.

\_\_\_\_\_  
President, Board of City Commissioners

ATTEST:

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

**RESOLUTION DETERMINING SUFFICIENCY OF FORMS OF PETITION,  
WAIVER AND CONSENT TO ASSESSMENT FOR STREET IMPROVEMENT  
DISTRICT NO. 180**

BE IT RESOLVED, By the Board of City Commissioners of Mandan, North Dakota:

1. The City having received and filed executed written forms of Petition, Waiver and Consent to Assessment executed by Leeroy Mitzel, Mitzel Builders Inc., the owners of a majority of property area, for the improvement in and for Street Improvement District No. 180, Project No. 2013-12 ("the District"), and true and correct copies of said executed forms being attached hereto, it is hereby determined that said forms are signed by the owners of a majority of the area of property included within the District.

2. This Board is authorized to cause the improvement in and for the District to be made, and to levy and collect assessments therefore.

Dated this 18th day of June, 2013

\_\_\_\_\_  
President, Board of City Commissioners

ATTEST:

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

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS  
FOR STREET IMPROVEMENT DISTRICT NO. 180  
PROJECT # 2013-12**

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

Pursuant to the requirement of section 40-22-11 of the North Dakota Century Code, the Plans and Specifications for the improvement project in Street Improvement District No. 180 (Project # 2013-12) of said City be and the same are hereby approved, ratified and confirmed as the plans and specifications in accordance with which said improvement project will be constructed, except as modified by this Board in accordance with law, and the City Administrator shall file the same in his office, open for public inspection.

Dated this 18 day of June, 2013.

\_\_\_\_\_  
President, Board of City Commissioners

ATTEST:

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

**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS  
FOR STREET IMPROVEMENT DISTRICT NO. 180**

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

1. The City Administrator, Deputy Auditor and City Engineer shall meet at the time and place specified in the notice authorized in paragraph 2 hereof, for the purpose of opening sealed bids for the work and material needed for the improvement project to be made in Street Improvement District No. 180 (Project # 2013-12) of the City of Mandan, as more fully described and referred to in the resolution creating said improvement district passed and approved by the Board on June 18, 2013, and in the plans and specifications for said improvement now on file in the office of the City Engineer.

2. The City Administrator is authorized and directed to cause notice of advertisement for bids to be published once each week for two consecutive weeks in the Mandan News, the official newspaper, the first of such publications to be at least fourteen days before the date specified for receipt of bids, which notice shall be in the following form:

**“ADVERTISEMENT FOR BIDS FOR  
STREET IMPROVEMENT DISTRICT NO. 180  
MANDAN, NORTH DAKOTA**

Notice is hereby given, that the City of Mandan, North Dakota will receive sealed bids at the office of the City Administrator until July 19, 2013, at 10:00 a.m., local time for the purpose of furnishing of materials, labor and skill needed for the new construction of storm sewer mains, asphalt streets, concrete curb and gutter and street lights and related work in accordance with the plans and specifications for Street Improvement District No. 180 (Project # 2013-12), for the City of Mandan. The Work consists of all labor, skill, and materials required to properly construct the improvement.

Plans and Specifications are on file in the office of the City Administrator and the City Engineer. Plans may be obtained at this office of the City Engineer, 205 2<sup>nd</sup> Avenue Northwest, Mandan, North Dakota 58554, upon a non-refundable deposit of \$25.00. If Plans are mailed out and additional fee of \$15.00 will be added for postage and handling.

The bid proposals must be submitted to the City Administrator by 10:00 a.m., local time, July 19, 2013 and shall be sealed and endorsed “Proposal for Street Improvement District No 182. Bids shall be delivered or mailed to: City Administrator, City of Mandan, 205 2<sup>nd</sup> Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 10:00 a.m., local time, on July 19th, 2013. All bidders are invited to be present at the public opening of the Bids.

All Bidders must be licensed for the highest amount of their Bids, as provided by Section 43-07-05 of the North Dakota Century Code. The Bidder shall include a copy of his license or certificate of renewal thereof enclosed in the required bid bond envelope as required pursuant to Section 43-07-12 of the North Dakota Century Code, as amended.

Each bid shall be accompanied by a separate envelope containing a bidder's bond in the amount of five (5) percent of the highest amount of the bids as required by Section 48-01.1-05 (3), North Dakota Century Code, as amended, and executed by the Bidder as principal and by a surety, conditioned that if the principal's bid is accepted and the contract awarded to the principal, the principal, within ten days after Notice of Award, shall execute and effect a contract in accordance with the terms of the bid, and a Contractor's Bond as required by law. No bid may be read or considered if it does not fully comply with the requirements of Section 48-01.1-05 of the North Dakota Century Code and any deficient bid must be resealed and returned to the bidder immediately.

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

Work shall be completed on or before the following dates with liquidated damages assessed as follows:

All construction work on Project #2013-12 is to be completed no later than October 30, 2013.

Liquidated damages of \$100.00 per day will be assessed if any completion dates are exceeded.

Should the contractor fail to complete all of the work in a District according to the above date, or within such additional time as may have been granted by formal extensions of time approved by the City Engineer, there shall be deducted from any money due the contractor, the above mentioned sum for each calendar day the completion of the Work is delayed, for each District. Liquidated damages will continue to accumulate until the City Engineer determines winter weather prevents further construction. Liquidated damages will restart on the first day of construction in the Spring of 2014 and continue to accumulate until final project acceptance. The Contractor and his surety shall be liable for any excess. Such payments shall be deducted from the final payment and shall be charged as liquidated damages and not as a penalty.

The Board of City Commissioners will meet on Tuesday, August 8, 2013, at 5:30 PM, local time, to determine the sufficiency of protests, to review the Bids submitted, consider the engineer's recommendation, and to award the contract to the successful Bidder, if protests have been deemed insufficient. The contract will be awarded on the basis of the low Bid submitted, on eligible areas, by a responsible and responsive Bidder deemed most favorable to the City's interest.

The City of Mandan reserves the right reject any or all bids, to waive any informality or irregularity, to hold all bids for a period of thirty (30) days after the date fixed for the opening thereof, and to accept the Bid deemed most favorable to the best interest of the City of Mandan.

Dated this 18 day of June, 2013

City of Mandan, North Dakota  
BY: James Neubauer

City Administrator”

3. Each and all of the terms and provisions of the foregoing notice are hereby adopted as the terms and conditions for the award of said contract.

4. The Board of City Commissioners shall meet on Tuesday, August 8, 2013 at 5:30 pm, local time, to review the bids submitted, consider the engineer’s recommendation, and to award the contract to the successful bidder, subject to the Board finding that filed protests are insufficient to bar the work.

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President, Board of City Commissioners

ATTEST:

City Administrator

Passed: June 18, 2013

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
EXECUTION OF 3-WAY AGREEMENT FOR WATER AND SEWER IMPROVEMENT  
PROJECT NO. 2013-14  
(Meadows 7th Addition)**

BE IT RESOLVED BY the Board of City Commissioners of the City of Mandan, North Dakota, as follows:

1. That the plans and specifications for the Water and Sewer Project No. 2013-14 serving Meadows 7th Addition in the City of Mandan, as presented by Leeroy Mitzel, Mitzel Builders Inc., on behalf of themselves, are hereby approved, ratified and confirmed as the plans and specifications for said project, in accordance with which said improvement project will be constructed, subject to any further modifications of the plans and specifications by the Board as provided by law. The plans and specifications shall be filed in the Office of the City Administrator and City Engineer and open for public inspection. The named streets within the subdivision to receive the improvements are: Trident Court NW and Wildrye Circle NW.
2. That the President of the Board is hereby authorized to enter into a 3-way agreement between the City of Mandan; the developer, Leeroy Mitzel, Mitzel Builders Inc., and the developer's contractor, contingent upon the City's receipt of an irrevocable escrow account covering construction costs.
3. This resolution shall be in full force and effect from the date of its passage.

\_\_\_\_\_  
President, Board of City Commissioners

ATTEST:

\_\_\_\_\_  
James Neubauer, City Administrator

Date of Passage:        June 18, 2013

**RESOLUTION CREATING  
STREET IMPROVEMENT DISTRICT NO. 181**

Project No. 2013-15

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

1. There is hereby created Street Improvement District No. 181 (the "District")(Project# 2013-15) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal street system listed below. The improvement to said streets within this improvement district shall include, but not be limited to, Trident Court NW and Wildrye Circle NW and includes street construction, installation of curb and gutter, asphalt street, storm sewer, street lights, chip seal and related work.

2. Consultation with respect thereto having been had with the City Engineer, as to the property to be benefitted by said improvement project and the most practical size, form and location of said District, said District shall include all the lots, tracts and parcels of land lying within the City of Mandan and its additions within the following boundary lines: namely:

The following lots and blocks are included in said District:

All lots & blocks, Meadows 7th Addition

The legal description of the district boundary is as follows:

A of portion of auditor's lot 3 in the southwest 1/4 of section 8, township 139 north, range 81 west of the fifth principal meridian, City of Mandan, Morton County, North Dakota, more particularly described as follows:

Commencing at the northwest corner of lot 2, block 4, Meadows Fifth Addition, which is the point of beginning; thence from said point of beginning along the west line of said block 4, s 00°31'50" e for 157.32 feet to the southwest corner of said block 4; thence s 31°25'10" w for 146.04 feet to the northeast corner of lot 6, block 3 of said Meadows Fifth Addition; thence along the north line of said block 3 as follows: thence s 66°20'42" w for 81.09 feet; thence s 83°37'09" w for 296.00 feet to the northwest corner of lot 1 of said block 3; thence s 59°10'30" w for 72.50 feet to the northeast corner of lot 5, block 2 of said Meadows Fifth Addition; thence along the north line of said block 2 as follows: thence s 83°37'09" w for 117.00 feet; thence n 06°22'51" w for 23.33 feet; thence s 78°39'45' w for 281.57 feet to the northwest corner of lot 2 of said block 2; thence n 00°01'32" e for 421.35 feet to the north line of said southwest quarter; thence along said north line, n 89°28'10" e for 900.17 feet to the said point of beginning.

Said tract contains 312,543 square feet or 7.175 acres more or less.

3. Pursuant to section 40-22-10 of the North Dakota Century Code, the City Engineer is hereby authorized and directed to prepare a report as to the general nature, purpose and feasibility of the proposed improvement and an estimate of the probable cost of the improvement.

4. This resolution shall be in full force and effect from and after its passage.

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President, Board of City Commissioners

ATTEST:

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City Administrator

Date of Passage: June 18, 2013

**RESOLUTION APPROVING ENGINEER'S REPORT AND  
AUTHORIZING PREPARATION OF THE DETAILED PLANS  
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE  
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 181**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 181 (Project # 2013-15), as required by section 40-22-10 of the North Dakota Century Code, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

2. The probable costs of the of the improvement project are estimated to be as follows:

a. Construction costs:	\$243,640.52
b. Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:	\$85,274.18
c. Total estimated costs of the improvement:	\$328,914.70

3. The Engineer is hereby authorized and directed to prepare detailed plans and specifications for the project to be constructed.

4. This resolution shall be in full force and effect from and after its passage.

Dated this 18<sup>th</sup> day of June 2013.

\_\_\_\_\_  
President, Board of City Commissioners

ATTEST:

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

**RESOLUTION DETERMINING SUFFICIENCY OF FORMS OF PETITION,  
WAIVER AND CONSENT TO ASSESSMENT FOR STREET IMPROVEMENT  
DISTRICT NO. 181**

BE IT RESOLVED, By the Board of City Commissioners of Mandan, North Dakota:

1. The City having received and filed executed written forms of Petition, Waiver and Consent to Assessment executed by Leeroy Mitzel, Mitzel Builders Inc., the owners of a majority of property area, for the improvement in and for Street Improvement District No. 181, Project No. 2013-15 ("the District"), and true and correct copies of said executed forms being attached hereto, it is hereby determined that said forms are signed by the owners of a majority of the area of property included within the District.

2. This Board is authorized to cause the improvement in and for the District to be made, and to levy and collect assessments therefore.

Dated this 18th day of June, 2013

\_\_\_\_\_  
President, Board of City Commissioners

ATTEST:

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

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS  
FOR STREET IMPROVEMENT DISTRICT NO. 181  
PROJECT # 2013-15**

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

Pursuant to the requirement of section 40-22-11 of the North Dakota Century Code, the Plans and Specifications for the improvement project in Street Improvement District No. 181 (Project # 2013-15) of said City be and the same are hereby approved, ratified and confirmed as the plans and specifications in accordance with which said improvement project will be constructed, except as modified by this Board in accordance with law, and the City Administrator shall file the same in his office, open for public inspection.

Dated this 18 day of June, 2013.

\_\_\_\_\_  
President, Board of City Commissioners

ATTEST:

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

**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS  
FOR STREET IMPROVEMENT DISTRICT NO. 181**

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

1. The City Administrator, Deputy Auditor and City Engineer shall meet at the time and place specified in the notice authorized in paragraph 2 hereof, for the purpose of opening sealed bids for the work and material needed for the improvement project to be made in Street Improvement District No. 181 (Project # 2013-15) of the City of Mandan, as more fully described and referred to in the resolution creating said improvement district passed and approved by the Board on June 18, 2013, and in the plans and specifications for said improvement now on file in the office of the City Engineer.

2. The City Administrator is authorized and directed to cause notice of advertisement for bids to be published once each week for two consecutive weeks in the Mandan News, the official newspaper, the first of such publications to be at least fourteen days before the date specified for receipt of bids, which notice shall be in the following form:

**“ ADVERTISEMENT FOR BIDS FOR  
STREET IMPROVEMENT DISTRICT NO. 181  
MANDAN, NORTH DAKOTA**

Notice is hereby given, that the City of Mandan, North Dakota will receive sealed bids at the office of the City Administrator until July 19, 2013, at 10:30 a.m., local time for the purpose of furnishing of materials, labor and skill needed for the new construction of storm sewer mains, asphalt streets, concrete curb and gutter and street lights and related work in accordance with the plans and specifications for Street Improvement District No. 181 (Project # 2013-15), for the City of Mandan. The Work consists of all labor, skill, and materials required to properly construct the improvement.

Plans and Specifications are on file in the office of the City Administrator and the City Engineer. Plans may be obtained at this office of the City Engineer, 205 2<sup>nd</sup> Avenue Northwest, Mandan, North Dakota 58554, upon a non-refundable deposit of \$25.00. If Plans are mailed out and additional fee of \$15.00 will be added for postage and handling.

The bid proposals must be submitted to the City Administrator by 10:30 a.m., local time, July 19, 2013 and shall be sealed and endorsed “Proposal for Street Improvement District No 181. Bids shall be delivered or mailed to: City Administrator, City of Mandan, 205 2<sup>nd</sup> Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 10:30 a.m., local time, on July 19th, 2013. All bidders are invited to be present at the public opening of the Bids.

All Bidders must be licensed for the highest amount of their Bids, as provided by Section 43-07-05 of the North Dakota Century Code. The Bidder shall include a copy of his license or certificate of renewal thereof enclosed in the required bid bond envelope as required pursuant to Section 43-07-15 of the North Dakota Century Code, as amended.

Each bid shall be accompanied by a separate envelope containing a bidder's bond in the amount of five (5) percent of the highest amount of the bids as required by Section 48-01.1-05 (3), North Dakota Century Code, as amended, and executed by the Bidder as principal and by a surety, conditioned that if the principal's bid is accepted and the contract awarded to the principal, the principal, within ten days after Notice of Award, shall execute and effect a contract in accordance with the terms of the bid, and a Contractor's Bond as required by law. No bid may be read or considered if it does not fully comply with the requirements of Section 48-01.1-05 of the North Dakota Century Code and any deficient bid must be resealed and returned to the bidder immediately.

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

Work shall be completed on or before the following dates with liquidated damages assessed as follows:

All construction work on Project #2013-15 is to be completed no later than October 30, 2013.

Liquidated damages of \$100.00 per day will be assessed if any completion dates are exceeded.

Should the contractor fail to complete all of the work in a District according to the above date, or within such additional time as may have been granted by formal extensions of time approved by the City Engineer, there shall be deducted from any money due the contractor, the above mentioned sum for each calendar day the completion of the Work is delayed, for each District. Liquidated damages will continue to accumulate until the City Engineer determines winter weather prevents further construction. Liquidated damages will restart on the first day of construction in the Spring of 2014 and continue to accumulate until final project acceptance. The Contractor and his surety shall be liable for any excess. Such payments shall be deducted from the final payment and shall be charged as liquidated damages and not as a penalty.

The Board of City Commissioners will meet on Tuesday, August 8, 2013, at 5:30 PM, local time, to determine the sufficiency of protests, to review the Bids submitted, consider the engineer's recommendation, and to award the contract to the successful Bidder, if protests have been deemed insufficient. The contract will be awarded on the basis of the low Bid submitted, on eligible areas, by a responsible and responsive Bidder deemed most favorable to the City's interest.

The City of Mandan reserves the right reject any or all bids, to waive any informality or irregularity, to hold all bids for a period of thirty (30) days after the date fixed for the opening thereof, and to accept the Bid deemed most favorable to the best interest of the City of Mandan.

Dated this 18 day of June, 2013

City of Mandan, North Dakota  
BY: James Neubauer

City Administrator”

3. Each and all of the terms and provisions of the foregoing notice are hereby adopted as the terms and conditions for the award of said contract.

4. The Board of City Commissioners shall meet on Tuesday, August 8, 2013 at 5:30 pm, local time, to review the bids submitted, consider the engineer’s recommendation, and to award the contract to the successful bidder, subject to the Board finding that filed protests are insufficient to bar the work.

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President, Board of City Commissioners

ATTEST:

City Administrator

Passed: June 18, 2013

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING  
EXECUTION OF 3-WAY AGREEMENT FOR WATER AND SEWER IMPROVEMENT  
PROJECT NO. 2013-08  
(Keidels South Heart Terrace Phase IV)**

BE IT RESOLVED BY the Board of City Commissioners of the City of Mandan, North Dakota, as follows:

1. That the plans and specifications for the Water and Sewer Project No. 2013-14 serving Keidels South Heart Terrace Phase IV in the City of Mandan, as presented by Morty's LLC., on behalf of themselves, are hereby approved, ratified and confirmed as the plans and specifications for said project, in accordance with which said improvement project will be constructed, subject to any further modifications of the plans and specifications by the Board as provided by law. The plans and specifications shall be filed in the Office of the City Administrator and City Engineer and open for public inspection. The named streets within the subdivision to receive the improvements are: Heart Circle SW, Keidel Court SW and Keidel Trail from 8<sup>th</sup> Avenue SW to 4<sup>th</sup> Avenue SW.
2. That the President of the Board is hereby authorized to enter into a 3-way agreement between the City of Mandan; the developer, Morty's LLC., and the developer's contractor, contingent upon the City's receipt of an irrevocable escrow account covering construction costs.
3. This resolution shall be in full force and effect from the date of its passage.

\_\_\_\_\_  
President, Board of City Commissioners

ATTEST:

\_\_\_\_\_  
James Neubauer, City Administrator

Date of Passage: June 18, 2013

**RESOLUTION APPROVING ENGINEER'S REPORT AND  
AUTHORIZING PREPARATION OF THE DETAILED PLANS  
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE  
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 187**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 187 (Project # 2013-23), as required by section 40-22-10 of the North Dakota Century Code, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

2. The probable costs of the of the improvement project are estimated to be as follows:

a. Construction costs:	\$108,569.30
b. Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:	\$32,570.79
c. Total estimated costs of the improvement:	\$141,140.09

3. The Engineer is hereby authorized and directed to prepare detailed plans and specifications for the project to be constructed.

4. This resolution shall be in full force and effect from and after its passage.

Dated this 18<sup>th</sup> day of June 2013.

\_\_\_\_\_  
President, Board of City Commissioners

ATTEST:

\_\_\_\_\_

City Administrator

**RESOLUTION DETERMINING SUFFICIENCY OF FORMS OF PETITION,  
WAIVER AND CONSENT TO ASSESSMENT FOR STREET IMPROVEMENT  
DISTRICT NO. 187**

BE IT RESOLVED, By the Board of City Commissioners of Mandan, North Dakota:

1. The City having received and filed executed written forms of Petition, Waiver and Consent to Assessment executed by Cole Higlin, Director of Park District, Timothy Schoch, Ronald Mrnak, Michael Frank, Paul Stockert and Rose Dacus, the owners of a majority of property area, for the improvement in and for Street Improvement District No. 187, Project No. 2013-23 ("the District"), and true and correct copies of said executed forms being attached hereto, it is hereby determined that said forms are signed by the owners of a majority of the area of property included within the District.

2. This Board is authorized to cause the improvement in and for the District to be made, and to levy and collect assessments therefore.

Dated this 18th day of June, 2013

\_\_\_\_\_  
President, Board of City Commissioners

ATTEST:

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

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS  
FOR STREET IMPROVEMENT DISTRICT NO. 187  
PROJECT # 2013-23**

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

Pursuant to the requirement of section 40-22-11 of the North Dakota Century Code, the Plans and Specifications for the improvement project in Street Improvement District No. 187 (Project # 2013-23) of said City be and the same are hereby approved, ratified and confirmed as the plans and specifications in accordance with which said improvement project will be constructed, except as modified by this Board in accordance with law, and the City Administrator shall file the same in his office, open for public inspection.

Dated this 18 day of June, 2013.

\_\_\_\_\_  
President, Board of City Commissioners

ATTEST:

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City Administrator