

AGENDA
MANDAN CITY COMMISSION
MARCH 19, 2013
ED "BOSH" FROELICH MEETING ROOM,
MANDAN CITY HALL
5:30 P.M.
www.cityofmandan.com

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- A. ROLL CALL:
1. Roll call of all City Commissioners and Department Heads.
- B. APPROVAL OF AGENDA:
- C. PUBLIC COMMUNICATIONS:
- D. MINUTES:
1. Consider approval of the minutes from the March 5, 2013 Board of City Commission meeting.
- E. PUBLIC HEARING:
1. Consider approval of Terra Vallee 6th Addition Zone Change. (First consideration of ordinance #1143)(See *Ordinances No. 5*).
- F. BIDS:
- G. CONSENT AGENDA:
1. Consider approval of monthly bills.
 2. Consider games of chance for National Multiple Sclerosis Society at Vision Source Mandan from April 1, 2013 through May 1, 2013.
 3. Consider approval of Expenditure Budget amendments for Fiscal Year 2012.
 4. Consider approval of the 2013 Fire Hydrant Painting agreement with HIT Inc.
 5. Consider transfer of unexpended funds from the Police/Information Technology Department 2012 Budget to the 2013 Budget.
 6. Consider transfer of unexpended funds from the Wastewater Treatment Plant 2012 Budget to the 2013 Budget.
 7. Consider transfer of unexpended funds from the Planning Department 2012 Budget to the 2013 Budget.
 8. Consider transfer of unexpended funds from the Water Treatment Plant 2012 Budget to the 2013 Budget.
 9. Consider finalization and acceptance of completed projects: Lincoln Ridge 5th (2009-12), Keidel's South Heart Terrace (2012-03) and Meadow Ridge 1st & 2nd (2012-05).
 10. Consider transfer of unexpended funds from Growth Fund 2012 Budget to the 2013 Budget

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11. Consider transfer of Class A Liquor License from BKNP Inc (Round Up Bar & Grill) to Edgar Oliveira.
12. Consider the following abatements/exemptions:
 - i. Blind exemption – Elsie Friesz
 - ii. Wheelchair exemption:
 - a. Lynette Lipp
 - b. Wanda Fetch
 - c. Leonard Leingang
 - iii. Homestead Credit exemption – Allen Wanner
 - iv. 2-Year exemption:
 - a. Louis Schmidt
 - b. Kurt Stoner
 - c. Kent Ronholdt
 - v. Street Appraisal abatement – Kimberly McIver

H. OLD BUSINESS:

I. NEW BUSINESS:

1. Presentation of retirement watch to Richard Barta.
2. Presentation by Mike Manstrom, Dougherty & Company LLC, regarding the sale of \$1,675,000 Refunding Improvement Bonds of 2013, Series A. (*See Resolutions #1*)
3. Presentation by Mike Manstrom, Dougherty & Company LLC, regarding the sale of \$1,410,000 Refunding Improvement Bonds of 2013, Series B. (*See Resolutions #2*)
4. Consider approving the plans and specifications and authorizing the execution of a 3-way agreement for the installation of water & sewer in Heart Ridge 2nd Addition, Project 2013-02. (*See Resolutions No. 6*).
5. Discussion regarding multifamily and new single family home exemptions.

J. RESOLUTIONS AND ORDINANCES:

1. Consider Resolution Awarding Sale of \$1,675,000 Refunding Improvement Bonds of 2013, Series A.
2. Consider Resolution Awarding Sale of \$1,410,000 Refunding Improvement Bonds of 2013, Series B.
3. Consider Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Safe Drinking Water Act.
4. Consider Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Clean Water Act.
5. Consider first consideration of Ordinance No.1143 Zone Change for Terra Vallee 6th Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.

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6. Consider Resolution approving plans and specifications and authorizing execution of 3-way agreement for water and sewer Improvement Project 2013-02.
 7. Consider first consideration of Ordinance 1144 - An ordinance to amend Sections 21-04-18 relating to the purpose in the Gateway and Memorial Highway Overlay Districts.
- K. OTHER BUSINESS:
- L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:
1. April 2, 2013 (Consider changing to 5 p.m. start)
 2. April 16, 2013
 3. May 7, 2013
- M. ADJOURN

Public Communication

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

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

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The Mandan City Commission met in regular session at 5:30 p.m. on March 5, 2013 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota.

Commissioners present were Van Beek, Tibke, Rohr, Frank, and Braun. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development and Communications Director Huber, Engineering Project Manager Fettig, and City Assessor Barta.

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

C. PUBLIC COMMUNICATIONS:

(1) Susan Beehler, Mandan city resident, came forward to comment on the Great Plains Academy property tax incentive exemption. When this came up for bid before the School Board they said the project did not need any tax credit or tax exemptions from the ND Housing Agency or from any other entity. They said they would not be asking for any incentives from the city. It is her opinion that if they come before the Board tonight, that it is apparent that they are going back on their word. She understood that was the reason why the School Board and patrons were in favor of it. They told the citizens of Mandan that they would not be asking for any kind of help from the city.

(2) Wayne Papke, Mandan city resident came forward to comment on the request for tax exemption on the former Mandan Junior High building. He stated that this is taxpayer money. This is more than a tax exemption and there should have been another line item on the request than just the tax consideration – the contractual obligation the company entered into in obtaining title to the property. You (the City Commission) must first determine if you will allow the contractor to violate the terms of that contract upon which he obtained the deed and title to this property which was previously owned by Mandan taxpayers. This discussion should stop here. How can you override contract law without exposing yourselves, (City Commissioners), to liability? The information on the website, regarding the RFP’s, the key component under the key feature of bids, is not asking for tax breaks. Papke stated he spoke with Kirsten Baesler the day after this was awarded and she indicated that was the main criteria why they awarded this bid to this vendor at \$1,000 vs. CommunityWorks at a \$50,000 offer.

Papke continued on stating that if the City Commission allows the violation of the contract terms, then and only then should any discussions on tax exemptions take place. A “yes’ vote on the tax exemption for the old Mandan Junior High: if you vote yes, you are saying that you support that someone can come in, obtain a property from Mandan taxpayers, and then if they make bad business decisions, or have poor planning or unfortunate circumstances, that the city will be here to bail you out. You would support that it is okay to violate contracts made with Mandan taxpayers because you made bad business planning decisions or you are willing to support violating agreements that are in place. You are willing to use our taxpayer money to support and bail out private businesses that may have intentionally over-promised just to obtain title and deed to the

property. If you vote yes, you say it is okay to over-promise and under deliver on future RFP's and responses to your economic development. CommunityWorks offered \$50,000 and this group offered \$1,000 and promised to not ask for tax incentives. At a minimum, we as taxpayers walked away from \$49,000. This group is in violation of their original agreement in even *submitting* this request. He encouraged the City Commission and the City Attorney to investigate the possibilities of a bait and switch. He requested the City Commission address one action at a time (1) Is this ethical and right? (2) Is there a reason we can violate the contract between the taxpayers and the new owner and if so, move on to the tax exemptions? Papke commented that granting this would open up the door to widespread fraud and abuse of economic development laws and setting a precedent telling all future developers that the City of Mandan will not enforce its contract promises.

(3) DeNae Kautzmann, Mandan city resident came forward and stated that she is a life-long resident of Mandan and an apartment building owner. She stated she objects to giving the exemptions to MJHS, LLLC. She referenced the Mandan News dated 7/20/12 and they said they would not seek tax breaks from the City. The company went on to say that the estimated property tax that would be coming in over the 5-year period would be \$450,000. The School Board relied on that when they made their decision as to what proposal they were going to accept. Mr. Papke is correct in that they received in consideration \$1,000 as their bid for the building. She requested the City Commission vote no to this tax incentive and tell this company that you are honoring their word to the Mandan School Board that they will not seek tax incentives from the City.

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission meeting held on February 19, 2013 Regular Board Meeting and February 26, 2013, Special Board Meeting Working Session.* Commissioner Rohr moved to approve the minutes from the Board of City Commission meeting held on February 19, 2013 Regular Board Meeting and the February 26, 2013, Special Board Meeting Working Session. . Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

E. PUBLIC HEARING:

F. BIDS:

G. CONSENT AGENDA

1. *Removed for discussion. See below.*
2. *Consider for approval the final plat of Terra Vallee 6th Addition.* The Board approved of the final plat of Terra Vallee 6th Addition.
3. *Consider for approval the final plat of Midway 14th Addition.* The Board approved of the final plat of Midway 14th Addition.
4. *Consider for approval the final Replat of North Prairie Subdivision.* The Board approved of the final Replat of North Prairie Subdivision.

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5. *Consider approving amended Engineer's Report and authorizing a call for bids on Water & Sewer Improvement District No. 60, Project 2012-21 (McKenzie Drive SE)(Resolution No. 1).* The Board approved of the amended Engineer's Report and authorizing a call for bids on Water & Sewer Improvement District No. 60, Project 2012-21 (McKenzie Drive SE)(Resolution No. 1).
 6. *Consider the approval of plans and specifications, Engineer's Report and authorize the call for bids for the 2013 Municipal Sidewalk Improvement Project 2013-03.* The Board approved of plans and specifications; Engineer's Report and authorized the call for bids for the 2013 Municipal Sidewalk Improvement Project 2013-03.
 7. *Consider the Contract for Services for the City's Employee Assistance Program from St. Alexius Medical Center.* The Board approved of the Contract for Services for the City's Employee Assistance Program from St. Alexius Medical Center.
 8. *Consider request for out-of-state travel for the Fire Department.* The Board approved of out-of-state travel for the Fire Department.
 9. *Consider the following abatements/exemptions: (i) 2-year exemption – Dustin Erhardt (ii) 2-year exemption – Jared Reimer (iii) Wheelchair exemption – Leroy Schmautz (iv) Blind Exemption – Leo Voll (v) Blind Exemption – Loriena Ereth and (vi) Blind Exemption – Joseph Wingerter.* The Board approved of the abatements/exemptions as listed.

Commissioner Frank moved to approve the Consent Agenda excluding Item No. 1 which was removed for discussion. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

REMOVED FOR DISCUSSION: Commissioner Frank requested these items be removed from the Consent Agenda so that they could be read out loud to the public.

1. *Consider the following proclamations:*
 - i. *Designating April 9, 2013 as National Service Recognition Day.*
 - ii. *Designating the week of April 15-19, 2013 as Project Hope Week.*
 - iii. *Designating April 29th – May 4th, 2012 as "Spring Clean-Up Week" in the City of Mandan.*

Mayor VanBeek indicated that he would entertain a motion to have Commissioner Frank read the proclamations. Commissioner Frank motioned to read the proclamations herself. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

Commissioner Frank read the proclamations as listed. After all were read out loud, Commissioner Frank moved to approve Consent Agenda Item No. 1 (three proclamations). Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

H. OLD BUSINESS:

1. *Consider Application for Property Tax Exemption for Improvements to Commercial and Residential Buildings (Former Mandan Jr. High).* Jordan Schuetzle provided handouts “Information for Mandan City Commission Great Plains Apartments”. He admitted to the fact that when his bid for the Mandan Junior High building was submitted, he said they could do the project without any tax breaks or incentives. He directed attention to three items of his testimony: 1) Addressing misconceptions and confirming intent. 2) Identifying the Financial Need. 3) Addressing the Expectations of the School Board when awarding the bid. In addition he provided three Appendixes to the written testimony regarding the bid. Schuetzle stated that the main point is that this is a remodeling project. Regarding the contractual agreement, he stated that it is legally possible for them to ask for this assistance.

The Appendix B addresses all the construction costs – including the unexpected increases. After a brief summary of the handouts provided, he stated that he will be going back to the Housing Authority because they were only awarded one-third of what they can potentially get. He stated there is \$1.2 million available from private funds. Referencing Appendix C, he stated that he went back and reviewed all the City Commission meeting minutes, School Board minutes and highlighted areas that pertained to this matter. He also indicated that he has since gone back to the School Board and advised them what actions he has or will be taking. He stated he comes before this Board admitting that he failed with his predictions; that he didn’t accurately predict that the prices were going to rise as much as they did. He requested consideration to grant the tax exemption request.

Commissioner Tibke questioned as to when the numbers were put together for this project. Schuetzle replied that was done in June 2012 by using pro forma models used in Williston, Dickinson, Beach, Watford City, Jamestown, Fargo, Valley City, Devils Lake and Grand Forks and re-construction data from 2010 and 2011. The sub-contractors have cited material costs as one of the major reasons for the cost increases. The \$7.1 million cost projection came back about February 3, 2013. Commissioner Frank inquired as to what other options were looked at prior to coming to this Board? Schuetzle replied that they have been cutting costs in many areas. He said he is not taking a fee for his work on the project. The contractor and architect each took a half-percent cut in which he explained does make a difference when there is a 7-10% overhead. Expansion in their banking efforts have been increased as well as seeking incentive dollars that may be available.

Commissioner Frank asked how he plans to leverage the tax exemption requested. Schuetzle replied that this is not adding any dollars into the investor’s pockets. He explained that there is future income coming their way, in the form of tax exemption savings and that he will request to borrow against that and use that to build the existing building. Once that is lumped back into debt service, (or what is to be paid out), that essentially equates out and adds that \$1000 bottom line to the net operating income. The property appraises at \$5.5 million but the cost to remodel is \$7.1 million. The Housing Incentive Fund (HIF) loan with 25 yrs. will help with that. He pointed out that North

Dakota Century Code allows for these funds to be made available in order for a developer to “make the building nicer”.

Commissioner Frank commented that constituents have come forward to present their position to this matter. She asked Schuetzle if there are any requirements or commitments as to what they have to do under the contract for the property. Schuetzle replied that under the contract he is not under any obligation but stated that he personally is obligated to abide as close as possible to what he said they wanted to do. He reassured the Board that their commitment to low income housing has not budged at all and that is the real commitment in this project. He stated that the project cannot get done without additional assistance. He stated that the 5-year property tax exemption would add about \$250,000 to the upfront costs.

Commissioner Rohr commented that he was appointed to the committee for the junior high building sale. He stated he recalls the request that no tax exemption would be sought and now stated some disappointment that this is now coming up for a tax exemption request. He indicated that he has some reservations to the tax exemption request even though he feels Schuetzle has been up front with the situations he is dealing with.

Commissioner Frank commented that she has a good feeling about the project as outlined by Schuetzle’s presentation. Her main concern is that for the community. There are two options: Schuetzle can seek out the exemption or, with the type of contract he has, he can decide just to walk. She pointed out that this is the third time this matter has come before the commission. Based on the housing problems in the community she feels this is a project that should be reviewed as one of consideration on a “case-by-case basis”. She stated that with all the projects that have come before this Board, given the history of this building, that she feels this project has potential. The School Board had a opportunity at the last commission meeting to voice objection to the tax exemption request; however, they did not.

Commissioner Tibke asked City Attorney Brown his opinion regarding the legal questions that were brought up earlier in this discussion. Attorney Brown stated that if developer had an agreement with the School Board not to ask the City Commission for tax incentives, the City Commission was not part of that agreement and is not bound by that agreement. He stated that as Commissioner Frank pointed out, the School Board had an opportunity to object to the request. However, they have chosen not to come forward. His opinion is that the Commission can grant or deny the request. They can put conditions on the request.

Commissioner Tibke questioned City Administrator Neubauer and Project Manager Fettig as to what they are experiencing with regard to costs related to various projects. Engineering Project Manager Fettig replied that they are seeing costs rising and for the most part are higher than the engineer’s estimates. Commissioner Braun commented that he concurs with what Commissioner Frank spoke to in favor of the tax exemption and

that he also recalls what Commissioner Rohr alluded to in that no tax incentives would be applied for when the building was sold.

Commissioner Frank commented that this is an opportunity for the City Commission to control and provide some guarantees to the community as far as the development of the property. Commissioner Rohr inquired if there are any timelines involved if the project does not get to where it would like to be? Commissioner Frank referred to City Attorney Brown, (if the commission would approve the request), as to whether we could put the language in that the developer would have a certain time limit for construction to commence, or for the project to be completed, etc. Attorney Brown replied that the Commission can require any conditions on the granting of this exemption as they want - whether it is time, or specific details, all kinds of things that are in his plan could be part of the requirement for the granting of the exemption.

Commissioner Frank also commented that based on Attorney Brown's reply, is the Commission in a position to come up with the conditions if the exemption is granted? She recommended that Schuetzle come up with a timeline. Schuetzle stated that they have a soft start date of March 15th - that's what was told to the subcontractors when the dollar amount was at the \$5.8 million; however, 2-3 more weeks is more realistic due to the extra dollars that have to be obtained. One other option is that the project is eligible for about \$900,000 of state incentive funds through HIF and that would push the start date to May 1st. He explained that one of the options was to delay construction until the fall of the year when perhaps building costs would go down. Given that, he indicated that a timeline date may have to be moved to January 1, 2014. Once it gets going it is estimated to be a 6-9 month construction period. He stated that his contractor told him that incremental building would actually be more expensive because of tying up certain crews so that idea was abandoned.

Commissioner Frank questioned Schuetzle as to whether at this time he was comfortable making a commitment that would be a contingency of this public support that the project will proceed as presented and that it will be reviewed and determined by administration what those contingencies will be? Schuetzle stated that "Yes, that is why he put his testimony in writing and yes he will be 100% committed."

Commissioner Tibke commented that this is not the first situation of this nature referencing an RFP (up north) wherein they had a great proposal and they competed with other proposals wherein they had to cut back on their costs and they still requested exemptions. In other words, it is not unusual that projects are put together and the costs change and then the Board has to reconsider. In that case, that contract was with the City as compared to the current situation wherein the contract is not with the City.

Wayne Papke, Mandan resident came forward and stated that there are legal contracts and there are ethical contracts. Just because this is with a school contract, this is still a mutual contract with the taxpayers of North Dakota. You are violating your ethical contract with the taxpayers. He commented other points that did not make sense to him.

Commissioner Frank stated this is the second time Schuetzle has come before the Commission. Knowing that he is making the commitment to follow through with the project including air conditioning and green space, she requested Administrator Neubauer and Attorney Brown put into writing the requirements that need to be followed through with regarding the project. Attorney Brown said the suggested motion would be to direct City staff to negotiate a tax incentive agreement with the developer and then that agreement would need to be presented to the Commission for consideration to grant a tax incentive at the next meeting.

Commissioner Frank motioned to direct City staff to negotiate a tax incentive agreement with the developer to be presented to the Commission for consideration to grant a tax incentive at the next meeting. Commissioner Tibke seconded the motion.

Commissioner Frank extended a thank you to the residents who came forward to speak on this matter. She stated that it would be equally unethical to not consider a tax incentive exemption based on the fact that this matter has come back before this commission three times in the past. Roll call vote: Commissioner Rohr: No; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: No. The motion passed.

I. NEW BUSINESS:

J. RESOLUTIONS AND ORDINANCES:

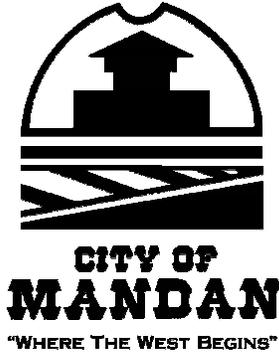
1. *Consider Resolution approving Amended Engineer's Report and Resolution Directing Advertisement for Bids for Water & Sewer Improvement District No. 60, Project 2012-21 (McKenzie Drive SE).* Commissioner Frank moved to approve the Resolution approving the Amended Engineer's Report and Resolution Directing Advertisement for Bids for Water & Sewer Improvement District No. 60, Project 2012-21 (McKenzie Drive SE). Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS

There being no further actions to come before the Board of City Commissioners, Commissioner Tibke moved to adjourn the meeting at 6:39 p.m. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present. The motion passed.

James Neubauer,
City Administrator

Arlyn Van Beek,
President, Board of City
Commissioners



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 19, 2013
PREPARATION DATE: March 13, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Kim Fettig, Project Manager
PRESENTER: Kim Fettig, Project Manager
SUBJECT: Consider a change of zoning of Terra Vallee 6th Addition

STATEMENT/PURPOSE: Request to change the zoning of Terra Vallee 6th Addition.

BACKGROUND/ALTERNATIVES: Request by Dennis Meyer for a change of zoning from various R7 (Single-Family Residential), R3.2 (Two-Family Residential) and RM (Multi-Family Residential) to the following:

R7 (Single-Family Residential) Lots 2-12, Block 1; Lots 2-9 and 12-19, Block 2; Lots 2-9 and 12-19, Block 3; Lots 2-9 and 12-19, Block 4.

R3.2 (Two-Family Residential) Lots 1 & 13, Block 1; Lots 1 & 20, Block 2, Lot 1, Block 3; Lots 1 & 20, Block 4.

RM (Multi-Family Residential) Lots 10 & 11, Block 2; Lots 10 & 11, Block 3; Lots 10 & 11, Block 4.

The Planning & Zoning Commission approved the zone change on February 25, 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.

SUGGESTED MOTION: To approve the zone change for Terra Vallee 6th Addition

MANDAN PLANNING OFFICE REPORT
March 13, 2013

Applicant(s): Dennis Meyer, Terra Vallee Inc.

Owner(s): same

Requested Action: Zone Change Approval

Name of Subdivision: Terra Vallee 6th Addition

Legal Description: Auditor's Lots H, J and K

Located: northwest corner of 8th Avenue NW and 27th Street NW

Parcel Acreage: 8.45

Existing Land Use: vacant

Proposed Land Use: residential

Adjacent Land Use: school and residential

Existing Zoning: R7 (Single-Family Residential), R3.2 (Two-Family Residential) and RM (Multi-Family Residential)

Proposed Zoning: R7 (Single-Family Residential), R3.2 (Two-Family Residential) and RM (Multi-Family Residential)

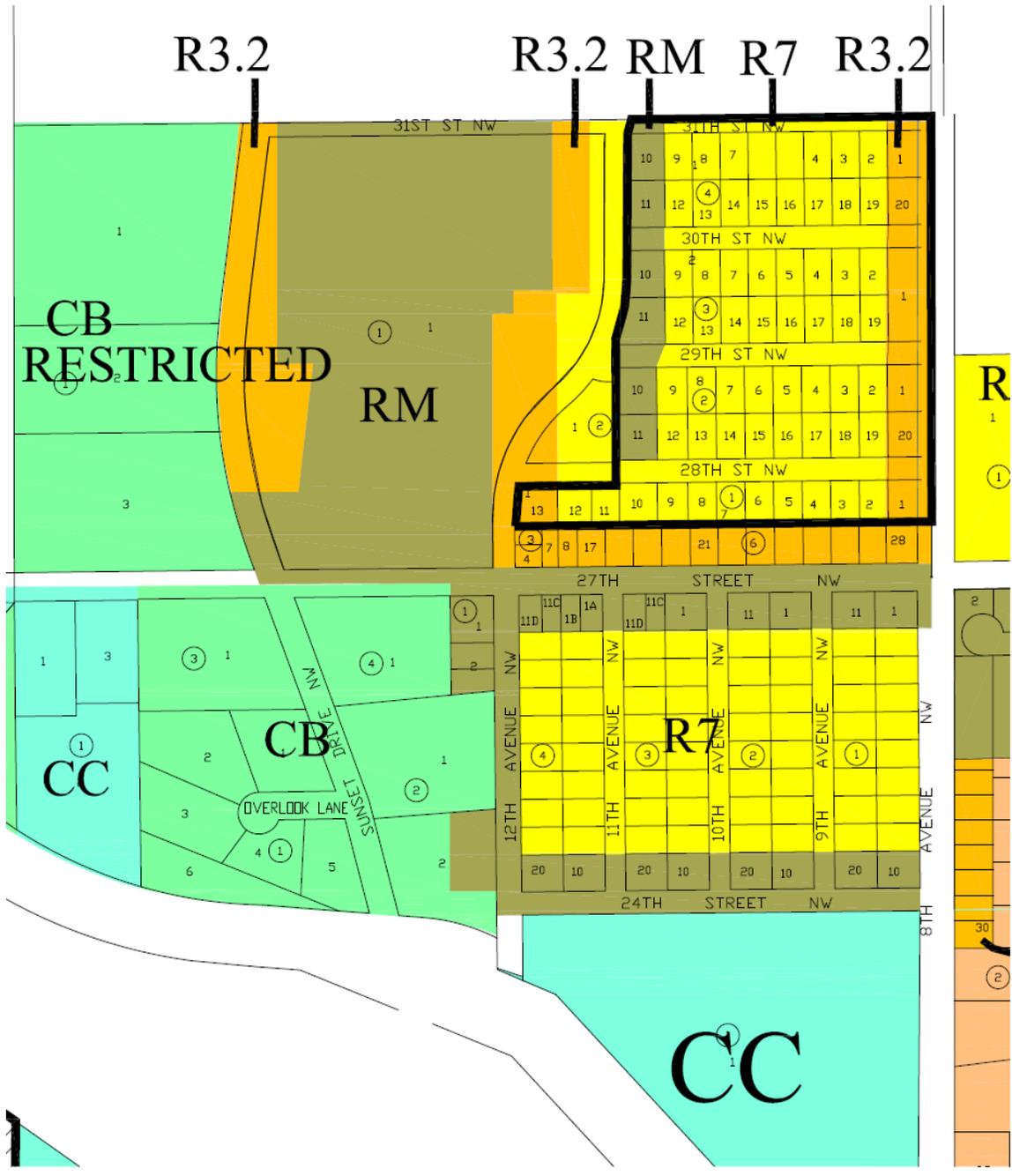
Adjacent Zoning: R7 (Single-Family Residential), R3.2 (Two-Family Residential) and RM (Multi-Family Residential)

Fee(s) Required: \$250.00 Date Received: February 8, 2013

Adjacent Property Owner Notification: March 5, 2013

Dates of Legal Notices: March 8 & 15, 2013

Recommendations: The Planning Office recommends approval.



ORDINANCE NO. 1143

**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 R3.2 (Two-Family Residential) and RM (Multi-Family Residential) and shall be included in the **R7 (Single-Family Residential)** zoning namely,

Lots 2-12, Block 1; Lots 2-9 and 12-19, Block 2; Lots 2-9 and 12-19, Block 3; Lots 2-9 and 12-19, Block 4; of Terra Vallee 6th Addition of Section 16, Township 139N, Range 81W, City of Mandan, Morton County, North Dakota

The following described property located within the City of Mandan, Morton County, North Dakota shall be excluded from R7 (Single-Family Residential) and RM (Multi-Family Residential) and shall be included in the **R3.2 (Single-Family Residential)** zoning namely,

Lots 1 & 13, Block 1; Lots 1 & 20, Block 2; Lot 1, Block 3; Lots 1 & 20, Block 4; of Terra Vallee 6th Addition of Section 16, Township 139N, Range 81W, City of Mandan, Morton County, North Dakota

The following described property located within the City of Mandan, Morton County, North Dakota shall be excluded from R7 (Single-Family Residential) and R3.2 (Two-Family Residential) and shall be included in the **RM (Multi-Family Residential)** zoning namely,

Lots 10 & 11, Block 2; Lots 10 & 11, Block 3; Lots 10 & 11, Block 4; of Terra Vallee 6th Addition of Section 16, Township 139N, Range 81W, City of Mandan, Morton County, North Dakota

Board of City Commissioners
Agenda Documentation
Meeting Date: March 19, 2013
Subject: Terra Vallee 6th Addition zone change

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>March 19, 2013</u>
First Consideration:	<u>March 19, 2013</u>
Second Consideration and Final Reading:	<u>April 2, 2013</u>
Publication Date:	<u>April 26, 2013</u>
Recording Date:	_____



LOCAL PERMIT OR CHARITY LOCAL PERMIT
 NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
 LICENSING SECTION
 SFN 17926 (10/2012)

Consent No. 2

Type: Local Permit * Charity Local Permit

Permit Number
2013-18

Name of Organization National Multiple Sclerosis Society		Date(s) Authorized (Read instruction 2)	
Contact Person Daniel Little	Business Phone Number (701) 663-0313	4/1/2013 Beginning	to 5/1/2013 Ending
Mailing Address 107 6 Avenue Nw	City Mandan	State ND	Zip Code 58554-0000
Site Name Vision Source Mandan	Site Address 107 6 Avenue Nw		
City Mandan	State ND	ZIP Code 58554-0000	County Morton
Check the Game(s) Authorized: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.			
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker* <input type="checkbox"/> Twenty-one* <input type="checkbox"/> Paddlewheels*			
Restriction:			
Requirement: For a "Charity Local Permit," the organization must file a "Report on a Charity Local Permit" with the city or county auditor <u>and</u> Office of Attorney General within 30 days of the event.			
Date 2/28/2013	Signature of: <input checked="" type="checkbox"/> City Auditor <input type="checkbox"/> County Auditor	Printed Name of City or County Auditor Jay Gruebele	Auditor Telephone Number (701) 667-3250

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

cut along this line

INFORMATION REQUIRED TO BE PREPRINTED ON A STANDARD RAFFLE TICKET:

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



12-18

APPLICATION FOR A LOCAL PERMIT OR CHARITY LOCAL PERMIT
 OFFICE OF ATTORNEY GENERAL
 SFN 9338 (9-2009)

Keen
2-27-13

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

Name of Non-profit Organization National Multiple Sclerosis Society		Date(s) of Activity 04-01-13 to 05-04-13	
Person Responsible for the Gaming Operation and the Disbursement of Net Income Daniel Little -> Vision Source Mandan		Title Optommetist	Business Phone Number 701-663-0313
Business Address 107 6th Ave NW	City Mandan	State ND	Zip Code 58554
Mailing Address (if different)	City	State	Zip Code
Name of Site Where Game(s) will be Conducted Vision Source Mandan		Site Address 107 6th Ave NW	
City Mandan	State ND	Zip Code 58554	County Morton
Check the Game(s) to be Conducted: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.			
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker * <input type="checkbox"/> Twenty-one * <input type="checkbox"/> Paddlewheels *			

DESCRIPTION AND RETAIL VALUE OF PRIZES TO BE AWARDED

Game Type	Description of Prize	Retail Value of Prize	Game Type	Description of Prize	Retail Value of Prize
Raffle	Home-made Quilt	approx \$800			
Total:					(Limit \$12,000 per year) \$ 800

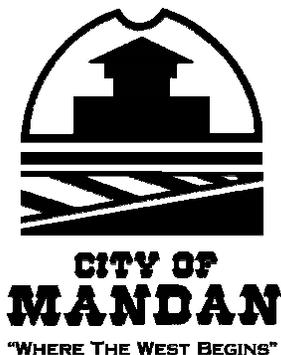
Intended uses of gaming proceeds: **All proceeds raised will be donated to the National Multiple Sclerosis Society. May is national MS month.**

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

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

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

Signature of Organization's Top Executive Official 	Date 2-26-13	Title Optometrist	Business Phone Number 701-663-0313
--	------------------------	-----------------------------	--



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 19, 2013
PREPARATION DATE: March 13, 2013
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Greg Welch
SUBJECT: Expenditure Budget amendments for Fiscal Year 2012

PURPOSE

To amend the Expenditure Budget for Fiscal Year 2012.

BACKGROUND

The City of Mandan has funds that have expenditures exceeding their budgetary appropriations at year-end; however, the City has sufficient revenue collections, receivables, and/or existing cash balances available in those funds at December 31, 2012 to offset these expenditures. The expenditures have already been approved by the Board; however, the formality to amend the Expenditure Budget is needed under NDCC 40-40-15.

ATTACHMENT

None

FISCAL IMPACT

<u>Fund</u>	<u>Total</u>
General	\$266,519
<i>(The City's State Aid Distribution revenue exceeded projections of which 30% is remitted quarterly to the Mandan Parks and Recreation District.)</i>	
City Visitors' Promotion	\$16,356
<i>(The City's 2% Occupancy Taxes exceeded projections of which 90% is remitted monthly to the Bismarck-Mandan Convention and Visitors Bureau.)</i>	

Narcotics Task Force Asset \$152,140
(The Metro Area Narcotics Task Force (MANTF) is a multiagency and multijurisdictional task force, including the Mandan Police Department. Revenues in this Fund are derived from asset forfeitures /seizures and restitution. On a periodic basis, the MANTF will allocate funds back to the agencies. The City records its share of these funds in the Police Equipment Reserve Fund. The Narcotics Task Force Asset Fund will also pay for expenditures not reimbursed by the Narcotics Task Force Grant. Due to the uncertainty of the activity in the Narcotics Task Force Asset Fund, an annual budget is not prepared. Existing cash was available in the Fund to pay for these expenditures.)

Narcotics Task Force Grant-HIDTA \$14,571
(The City received revenues for reimbursement of eligible expenditures.)

BNSF Settlement \$596
(Expenditures exceeded projections for Supplies/Repairs and Maintenance of Dykshoorn Park and Water Fountain. Existing cash was available in the Fund to pay for these expenditures.)

Health and Safety \$68,413
(Expenditures for Tree Removal Fees and Waterline/Sewerline Repairs as requested by property owners. These costs are assessed back to the benefiting property owners.)

Refunding Improvement Bonds-
Sidewalk, Curb and Gutter \$198
(Expenditures for Debt Service costs exceeded projections. Existing cash was available in the Fund to pay for these expenditures.)

STAFF IMPACT

None

LEGAL REVIEW

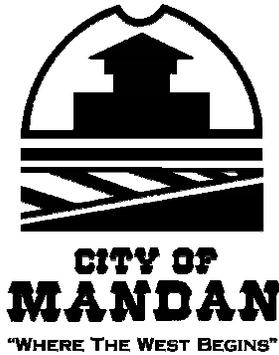
The Expenditure Budget amendments for Fiscal Year 2012 are needed to comply with NDCC 40-40-15.

RECOMMENDATION

To approve the Expenditure Budget amendments for Fiscal Year 2012.

SUGGESTED MOTION

Move to approve the Expenditure Budget amendments for Fiscal Year 2012.



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 19, 2013
PREPARATION DATE: March 15, 2013
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Painting of Fire Hydrants

STATEMENT/PURPOSE: To have the Board of City Commissioners approve a “Fee for Service Agreement” between H.I.T. and the City of Mandan.

BACKGROUND/ALTERNATIVES: Many of the existing fire hydrants are in need of brushing and painting. Our plan is to have a set number of hydrants painted each year. We have nearly 800 hydrants and H.I.T. will be able to brush the loose material off, rust proof and paint the hydrant for \$6.82 (a \$.17 increase from 2013) each and will do 150-175 year. We will supply the paint and brushes. This will be the 9th year of this arrangement of this arrangement and it has worked out very well at a nominal cost.

ATTACHMENTS: “Fee for Service Agreement”

FISCAL IMPACT: 2012 we spent \$1,349, including paint and supplies. This is a budgeted line item in the General Fund.

STAFF IMPACT: n/a

LEGAL REVIEW: n/a

RECOMMENDATION: I recommend we enter into the above mention agreement.

SUGGESTED MOTION: I move to approve the “2013 Fee for Service Agreement” between H.I.T. and the City of Mandan for the painting of fire hydrants.



A true partnership with people with disabilities

2013 Fee-for-Service Agreement

City of Mandan
Attn: Jim Neubauer
205 2nd Ave NW
Mandan, ND 58554

HIT Inc.
1007-18th St. NW
Mandan, ND 58554

Description of Service Provided:

The brushing, rust proofing and painting of fire hydrants in Mandan, N.D.

Service Fee

A service fee of \$6.82 will be charged per completed fire hydrant. The maximum number of hydrants to be completed will be 150 to 175. A bill will be submitted on a monthly basis for the hydrants finished in that month.

Materials/Supplies

HIT Inc. will provide the labor for the completion of the fire hydrant. The City of Mandan will provide the supplies (brushes, paint, rust-proof, brush cleaner).

Quality Requirements:

The fire hydrants must be brushed free of any loose material and then rust-proofing must be brushed on. Once the rust proofing is dry the hydrant is completely painted.

City of Mandan Representative

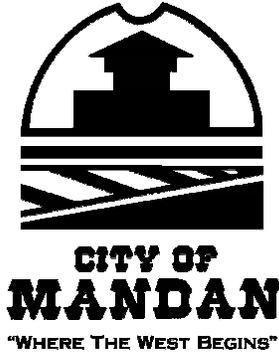
Date



HIT Inc. Representative



Date



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 19, 2013
PREPARATION DATE: March 14, 2013
SUBMITTING DEPARTMENT: Police/Information Technology
DEPARTMENT DIRECTORS: Chief Dennis Bullinger/Lt. Chris Miller
PRESENTERS: Chief Dennis Bullinger/Lt. Chris Miller
SUBJECT: Transfer of unexpended funds from the Police/
Information Technology Department 2012 Budget
to the 2013 Budget.

STATEMENT/PURPOSE:

To request the transfer of unexpended funds from the Information Technology Department 2012 Budget to the 2013 Budget to purchase a server rack mounting system, UPS battery backup, and additional funds needed for a new Email Exchange Server, software, and licensing.

A transfer of unexpended funds is also requested from the Police Department 2012 Budget to the 2013 Budget for the purchase of a new Video server and Digital Ally software for cataloging and storing in-car videos.

BACKGROUND/ALTERNATIVES:

1) The approved 2013 budgeted amount for a new Email Exchange Server was based on a May 2012 quote of \$16,508. There has been an increase in prices since May 2012 and a need to add a rack mounting system for the servers.

2) It would be much more suitable to mount the City of Mandan's network servers in a rack configuration. This provides stability and reduces possible physical damage to the servers from being moved. The current City of Mandan Email Exchange Server and Mandan PD database are sitting on a flat board on top a series of milk crates in the server room.

3) With a rack mounting system, the new Exchange Email Server and Mandan PD video server would be mounted there. There is also room for expansion for future server(s) if needed.

ATTACHMENTS:

- Existing Email Exchange Server in server room
- Proposed server rack system with new Email Exchange & Video servers



Current Email Exchange Server and
Mandan PD Database Server



Sample Server Enclosure with
Keyboard & Monitor Configuration

FISCAL IMPACT:

1) Purchase price and installation of the new Email Exchange server, Exchange software and licensing, Rack mounting system, and 5 year warranty is \$26,126.

According to Finance Director Welch, the funding for the Exchange Server and Rack Enclosure would come from the transfer of \$9,618 of unexpended funds from the Information Technology Department 2012 Budget.

2) Purchase of the Mandan PD Video Server is \$5,021 and Digital Ally Software is \$1,605. The total cost to replace the video server and software is \$6,626.

According to Finance Director Welch, the funding for new Video Server and software would come from the transfer of \$6,626 of unexpended funds from the Police Department 2012 Budget.

All quotes were provided via a ND State Bid hardware/software provider excluding the \$1,605 for Video Manager software available from Digital Ally.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 19, 2013

Subject: Transfer of unexpended funds from the Police/Information Technology Department 2012 Budget to the 2013 Budget.

Page 3 of 3

STAFF IMPACT:

1) Email is a vital part of almost all city employees' daily operations. The new system will be suitable for at least 5 to 7 years, possibly longer with quality maintenance.

2) There is a potential to use the older server as a backup point for other server's data, email, or both. We are currently spending approximately \$1,100 per month for offsite storage of backup files. By using the older server as a backup point, the monthly costs currently paid may be reduced.

3) The Mandan Police Department has been using in-car video in all of their patrol units for several years. The use of in-car video has been important for documenting evidence in traffic stops and crime scenes. An up to date server is required to install the newer version of Video Manager software from Digital Ally.

LEGAL REVIEW:

None required.

RECOMMENDATION:

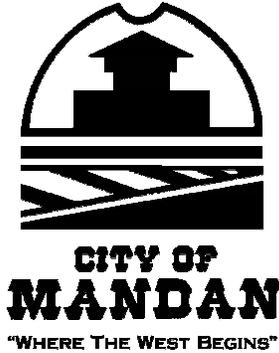
To approve the transfer of unexpended funds from the Police/Information Technology Department 2012 Budget to the 2013 Budget:

- Police Department = \$6,626
- Information Technology Department = \$9,618

SUGGESTED MOTION:

Move to approve the transfer of unexpended funds from the Police/Information Technology Department 2012 Budget to the 2013 Budget:

- Police Department = \$6,626
- Information Technology Department = \$9,618



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 19, 2013
PREPARATION DATE: March 12, 2013
SUBMITTING DEPARTMENT: Wastewater Treatment Plant
DEPARTMENT DIRECTOR: Steve Himmelspach, Superintendent WWTP
PRESENTER: Steve Himmelspach
SUBJECT: Transfer of unexpended funds from the Wastewater Treatment Plant 2012 Budget to the 2013 Budget.

STATEMENT/PURPOSE:

To request the transfer of unexpended funds from the Wastewater Treatment Plant 2012 Budget to the 2013 Budget.

BACKGROUND/ALTERNATIVES:

- 1.) The WWTP had \$19,638 remaining in the 2012 Budget for General Construction (601-659-62210); this money was to fence the WWTP property. City Attorney Malcolm Brown is working with Toman Engineering to determine the WWTP Boundaries. Once the boundaries are determined we would like to fence in the property. I request the transfer of \$19,638 for fencing from the 2012 Budget to the 2013 Budget for General Construction (601-659-62210).

- 2.) In the 2012 Budget, the WWTP had \$3,000 in Engineering Fees (601-659-52114) to have the property surveyed once the boundaries were determined. I request the transfer of \$3,000 from the 2012 Budget to the 2013 Budget for Engineering Fees (601-659-52114) to have the property surveyed.

ATTACHMENTS:

None

FISCAL IMPACT:

The total transfer of unexpended funds from the 2012 Budget to the 2013 Budget would be \$22,638.

STAFF IMPACT:

None

Board of City Commissioners

Agenda Documentation

Meeting Date: March 19, 2013

Subject: Transfer of unexpended funds from the Wastewater Treatment Plant 2012 Budget to the 2013 Budget.

Page 2 of 2

LEGAL REVIEW:

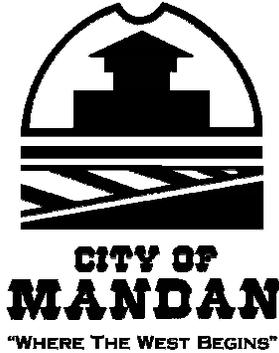
None required

RECOMMENDATION:

To approve the transfer of unexpended funds of \$22,638 from the Wastewater Treatment Plant 2012 Budget to the 2013 Budget.

SUGGESTED MOTION:

Move to approve the transfer of unexpended funds of \$22,638 from the Wastewater Treatment Plant 2012 Budget to the 2013 Budget.



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 19, 2013
PREPARATION DATE: March 13, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Kim Fettig, Project Manager
PRESENTER: Kim Fettig, Project Manager
SUBJECT: Transfer of unexpended funds from the Planning Department 2012 Budget to the 2013 Budget.

STATEMENT/PURPOSE:

To request the transfer of unexpended funds from the Planning Department 2012 Budget to the 2013 Budget.

BACKGROUND/ALTERNATIVES:

The Planning Department had \$100,000 remaining in the 2012 Budget for the Mandan Comprehensive Plan that is being done. No money has been paid to date.

ATTACHMENTS:

None

FISCAL IMPACT:

The total transfer of unexpended funds from the Planning Department 2012 Budget to the 2013 Budget would be \$100,000.

STAFF IMPACT:

None

LEGAL REVIEW:

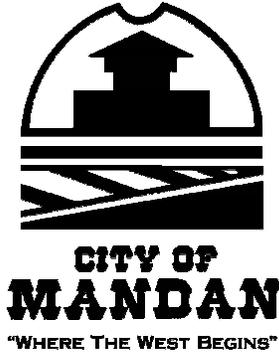
None required

RECOMMENDATION:

To approve the transfer of unexpended funds of \$100,000 from the Planning Department 2012 Budget to the 2013 Budget.

SUGGESTED MOTION:

Move to approve the transfer of unexpended funds of \$100,000 from the Planning Department 2012 Budget to the 2013 Budget.



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 19, 2013
PREPARATION DATE: March 13, 2013
SUBMITTING DEPARTMENT: Water Treatment Plant
DEPARTMENT DIRECTOR: Duane Friesz, WTP Superintendent
PRESENTER: Duane Friesz, WTP Superintendent
SUBJECT: Transfer of unexpended funds from the Water Treatment Plant 2012 Budget to the 2013 Budget.

STATEMENT/PURPOSE:

To request the transfer of unexpended funds from the Water Treatment Plant 2012 Budget to the 2013 Budget.

BACKGROUND/ALTERNATIVES:

The City of Mandan has a contract with AE2S for engineering fees of \$2,286 in the Construction Phase and \$2,840 to cover Post Construction and Warranty Phase for the Southside Reservoir Project. We also have contracts for \$562 in the Instrument and Control Phase and \$66,168 for the Post Construction and Warranty Phase for the Residual Management Facility Project. A total amount of \$71,856 for all Phases remains. Due to the SRF loan closeout for these Projects the funding will now need to come from the City of Mandan's Water and Sewer Utility Fund therefore I would like to transfer \$62,204 in unexpended funds from the Water Treatment Plant 2012 budget to the 2013 Budget. The remaining \$9,652 is already built into the existing Utility rates.

ATTACHMENTS:

None

FISCAL IMPACT:

The total transfer of unexpended funds from the 2012 Budget to the 2013 Budget would be \$62,204.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 19, 2013

Subject: Transfer of unexpended funds from the Water Treatment Plant 2012 Budget to the 2013 Budget.

Page 2 of 2

STAFF IMPACT:

N/A

LEGAL REVIEW:

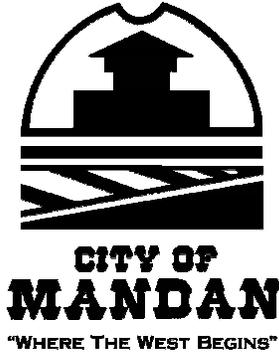
All commission data has been forwarded to the City Attorney for review

RECOMMENDATION:

To approve the transfer of unexpended funds of \$62,204 from the Water Treatment Plant 2012 Budget to the 2013 Budget.

SUGGESTED MOTION:

I move to approve the transfer of unexpended funds of \$62,204 from the Water Treatment Plant 2012 Budget to the 2013 Budget.



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 19, 2013
PREPARATION DATE: March 14, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Kim Fettig, Project Manager
PRESENTER: Kim Fettig, Project Manager
SUBJECT: Consider finalization and acceptance of completed projects for Lincoln Ridge 5th (Project # 2009-12), Keidel's South Heart Terrace (Project # 2012-03) and Meadow Ridge 1st & 2nd (Project # 2012-05).

STATEMENT/PURPOSE: To finalize and accept completion of projects for Lincoln Ridge 5th (Project # 2009-12), Keidel's South Heart Terrace (Project # 2012-03) and Meadow Ridge 1st & 2nd (Project # 2012-05).

BACKGROUND/ALTERNATIVES: Our office received letters from Toman Engineering requesting we bring these projects to the commission for finalization and acceptance of these projects.

ATTACHMENTS: Letters of completion

FISCAL IMPACT: NA

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 finalization and acceptance of completed projects for Lincoln Ridge 5th (Project # 2009-12), Keidel's South Heart Terrace (Project # 2012-03) and Meadow Ridge 1st & 2nd (Project # 2012-05).

SUGGESTED MOTION: I move to finalize and accept the completion of projects for Lincoln Ridge 5th (Project # 2009-12), Keidel's South Heart Terrace (Project # 2012-03) and Meadow Ridge 1st & 2nd (Project # 2012-05).

Board of City Commissioners

Agenda Documentation

Meeting Date: March 19, 2013

Subject: Consider finalization and acceptance of completed projects for Lincoln Ridge 5th (Project # 2009-12), Keidel's South Heart Terrace (Project # 2012-03) and Meadow Ridge 1st & 2nd (Project # 2012-05).

Page 2 of 4

Date: March 4, 2013

PROJECT:

Lincoln Ridge 5th Addition Phase 2

Water & Sewer Improvements

City Project No. 2009-12

Mandan, North Dakota



Teco project #: 1231A

This letter is to certify that the above stated project is completed, including all addenda, supplementary work and change orders to the project, in a satisfactory manner. Based on our field inspection of the finished project, it is to the best of my judgment that the project was built in accordance with the approved plans, City of Mandan Construction Specifications, and Special Job Provisions within. Any and all field changes to the approved construction plans shall be noted on the as-built Record drawings.

The referenced project and punchlist items identified at the Final Inspection with the City of Mandan Representatives were completed on 01/30/13.

With this certification I hereby request that this project be put on the City Agenda for Finalization and Acceptance.

I also request that the developers "Line of Credit" be released.

Sincerely,

David J. Thompson, P.E.
Toman Engineering Co.
Mandan, ND 58554

Board of City Commissioners

Agenda Documentation

Meeting Date: March 19, 2013

Subject: Consider finalization and acceptance of completed projects for Lincoln Ridge 5th (Project # 2009-12), Keidel's South Heart Terrace (Project # 2012-03) and Meadow Ridge 1st & 2nd (Project # 2012-05).

Page 3 of 4

Date: March 4, 2013

PROJECT:

Keidels South Heart Terrace Phase 2

Water & Sewer Improvements

City Project No. 2012-03

Mandan, North Dakota



Teco project #: 1222C

This letter is to certify that the above stated project is completed, including all addenda, supplementary work and change orders to the project, in a satisfactory manner. Based on our field inspection of the finished project, it is to the best of my judgment that the project was built in accordance with the approved plans, City of Mandan Construction Specifications, and Special Job Provisions within. Any and all field changes to the approved construction plans shall be noted on the as-built Record drawings.

The referenced project and punchlist items identified at the Final Inspection with the City of Mandan Representatives were completed on 12/15/2012.

With this certification I hereby request that this project be put on the City Agenda for Finalization and Acceptance.

I also request that the developers "Line of Credit" be released.

Sincerely,

David J. Thompson, P.E.
Toman Engineering Co.
Mandan, ND 58554

701-663-6483 | Fax: 701-663-0923 |
501 1st St NW | Mandan, ND 58554 |

TOMAN ENGINEERING
C O M P A N Y
Civil Engineers & Land Surveyors

Board of City Commissioners

Agenda Documentation

Meeting Date: March 19, 2013

Subject: Consider finalization and acceptance of completed projects for Lincoln Ridge 5th (Project # 2009-12), Keidel's South Heart Terrace (Project # 2012-03) and Meadow Ridge 1st & 2nd (Project # 2012-05).

Page 4 of 4

Date: March 4, 2013

PROJECT:

Meadow Ridge 1st & 2nd Addition

Water & Sewer Improvements

City Project No. 2012-05

Mandan, North Dakota



Teco project #: 1246

This letter is to certify that the above stated project is completed, including all addenda, supplementary work and change orders to the project, in a satisfactory manner. Based on our field inspection of the finished project, it is to the best of my judgment that the project was built in accordance with the approved plans, City of Mandan Construction Specifications, and Special Job Provisions within. Any and all field changes to the approved construction plans shall be noted on the as-built Record drawings.

The referenced project and punchlist items identified at the Final Inspection with the City of Mandan Representatives were completed on 01/03/2013.

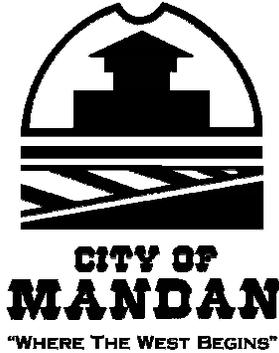
With this certification I hereby request that this project be put on the City Agenda for Finalization and Acceptance.

I also request that the developers "Line of Credit" be released.

Sincerely,



Abraham E. Ulmer, P.E.
Toman Engineering Co.
Mandan, ND 58554



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 19, 2013
PREPARATION DATE: March 15, 2013
SUBMITTING DEPARTMENT: Business Development & Communications Department
DEPARTMENT DIRECTOR: Ellen Huber, Business Development & Communications Director
PRESENTER: Ellen Huber, Business Development & Communications Director
SUBJECT: Growth Fund Budget Transfer

STATEMENT/PURPOSE: To consider transferring funds from the 2012 budget to the 2013 budget for approved Growth Fund economic development activities and business development operations.

BACKGROUND/ALTERNATIVES: Included in the FY2012 budget for the Growth Fund was funding allotted to certain projects that had received Growth Fund Committee and City Commission approval. Payment of the funds is pending completion of the projects. I would like to transfer the following amounts to the FY2013 budget to allow for completion of the following projects:

SUBSIDY-OTHER (224.224.65118)

Storefront Projects — \$20,000

- Commercial Properties (113 Third Ave NW) - \$10,000 (not started, deadline of July 17, 2013)
- Railway Credit Union (1006 E Main St) - \$10,000 (completed in January, had been approved July 17, 2012)

Retail and Restaurant Incentive - \$5,809.50

- Brea - \$2,059.50 (approved 1/17/12 for \$6,187.50 to be provided in 12 monthly; 4 monthly payments remained for 2013)
- Destiny Screen Printing & Embroidery (dba Meriwether Gift & Trade) - \$3,750 (approved 7/17/12 for \$4,500 to be provided in 12 monthly; 10 monthly payments remained for 2013)

Business Development O&M section

**PRINTING (224.224.57113) TO ADVERTISING/PUBLIC RELATIONS
(224.224.57110) - \$9,500**

- Requesting to transfer \$9,500 of unspent funds from printing projects not completed in 2012 due to time constraints to 2013. The purpose is for furthering the scope and duration of business development advertising that began in March. The budget transfer will allow for the campaign to continue longer, to include more media and to feature more business testimonials. Featured business people are describing how a Mandan location has contributed to their success and inviting other businesses to locate in Mandan.

SMALL TOOLS & EQUIPMENT (224.224.59215) - \$1,000

- Requesting a transfer from 2012 to 2013 For InDesign publication design and layout software not acquired last year as intended.

ATTACHMENTS: n/a

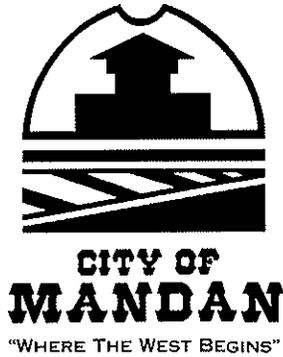
FISCAL IMPACT: Finance Director Welch indicates the funding from 2012 is still available. Need to confirm.

STAFF IMPACT: n/a

LEGAL REVIEW: n/a

RECOMMENDATION: I recommend transferring the amounts outlined from the FY2012 Budget balance to FY 2013 Budget.

SUGGESTED MOTION: I move to approve the outlined budget transfers for the Growth Fund economic development activities and business development operations.



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 19, 2013
PREPARATION DATE: March 15, 2013
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Class A Liquor License Transfer

STATEMENT/PURPOSE: To consider a liquor license transfer.

BACKGROUND/ALTERNATIVES: We have a request for a Class A Liquor License transfer from BKNP Inc (Round Up Bar & Grill) to Edgar Oliveira. Mr. Oliveira is in the process of purchasing the property effective April 1, 2013. Due to the timing of Commission meetings (we will not meet again until April 1) the requested transfer is now before you.

As Mr. Oliveira is not taking possession until April 1, the approval of the transfer would be contingent upon Building and Fire Inspection and Mr. Oliveira supplying a copy of the purchase contract.

ATTACHMENTS: Individual or Partnership Liquor License Application

FISCAL IMPACT: n/a

STAFF IMPACT: n/a

LEGAL REVIEW: n/a

RECOMMENDATION: I recommend approving the transfer of the Class A Liquor License from BKNP Inc (Round Up Bar & Grill) to Edgar Oliveira, contingent upon appropriate Building and Fire Inspections and supplying a copy of the appropriate purchase contract.

SUGGESTED MOTION: I move approval of the transfer of the Class A Liquor License from BKNP Inc (Round Up Bar & Grill) to Edgar Oliveira, contingent upon appropriate Building and Fire Inspections and supplying a copy of the appropriate purchase contract.



Individual or Partnership Liquor License Application

1. Type of License:

Liquor On-Sale _____ Off-Sale _____ Class: A B C D E F WB MP DY (circle one)
Beer On-Sale _____ Off-Sale _____ Class: A B C D E F WB MP DY (circle one)

2. Duration of License: Annual: (July 1, 2013 to June 30, 2014) or
Part of Year: From April, 2013 to _____, 2014. *(OPENING DATE IS IN MAY)*

3. Are you applying for an Individual or Partnership _____

4. If business is owned by an individual, give name, address, and date of birth of Owner: _____
EDGAR OLIVEIRA, 611 9TH ST. NW MANDAN

5. If business is owned by a partnership give the name of the partnership and the names, addresses, and dates of birth of each member of the partnership. _____

6. Name of individual who is to be in charge of the day to day operations and management of the licensed premises and will be responsible for complying with the municipal ordinances and state laws covering the operation of the premises:

Name: EDGAR OLIVEIRA Address: 611 9TH ST. NW

City: MANDAN State: ND Age: _____ DOB: _____ Citizenship: USA

If naturalized, give date and place of naturalization: 10/93 MINNEAPOLIS

List all other places of residence within the last 5 years: LINDON, ND; SANTA BARBARA CA

7. Description of Licensed Premises: Address: 412 W MAIN STREET

Legal Description: (Lot & Block): LOT 0010 BLOCK 010 (also submit on an attached page a diagram of the physical layout of the licensed premises including, at a minimum: doors, storage areas, & areas where liquor/beer is purchased and consumed.)

* 8. Ownership/Lease: If a licensed premise is owned by Applicant, provide date of purchase. 4/1/13
(if licensed premise is under a contract for deed or leased, attach copy of executed and dated contract or lease.)

9. If application is being sought by anyone other than the owner of the premise, attach a copy of the building lease.

10. Does Applicant certify that all property taxes have been paid to date on the licensed premises?
Yes No _____ (if property taxes are not paid, this application WILL NOT BE PROCESSED).

11. Have any of the individuals in answer to Questions 3, 4, and 5 ever engaged in the sale or distribution of alcoholic beverages (as an owner, manager, or employee) at a location other than in the City of Mandan at any time prior to this

application Yes: AKK No: X (if yes, explain in detail on separate page, location, type of business, and dates of license or employment).

12. Have any of the individuals identified in answer to Questions 3, 4, and 5 ever had a license of any kind (including alcoholic beverage license, other business license or motor vehicle license) suspended, revoked or non-renewed by any political subdivision, state or federal agency. Yes _____ No ✓ (if Yes, explain in detail on a separate page, listing the name of the individual, the time and place of cancellation, the authority which cancelled the license of any kind, including alcoholic beverage license, other business license, or motor vehicle license, and the reason for such cancellation.

13. Have any of the individuals identified in answer to Questions 3, 4, and 5 ever been convicted of a violation of any law of the United States, or of any state or political subdivision, other than minor traffic violations, (including reckless driving or driving under the influence). Yes _____ No ✓ (if yes, explain the violation in detail on a separate page, giving the date(s), place(s), and crime for which convicted (both felonies & misdemeanors), the amount of fines and terms of sentence and the court in which convicted).

14. Do any of the individuals named in answer to question 3, 4 or 5 have any interest whatsoever in any other liquor establishment, either wholesale or retail, within or outside the state of North Dakota. (include a right of inheritance by law or by will). Yes ✓ No _____ If yes, please explain in detail on a separate page. OWNER OF HARVEST BRAZILIAN GRILL

15. Does anyone other than the Individual or Partnership applying for this alcoholic beverage license or the business owning the premises have any right, estate, or interest in the lease hold, building, or furniture, fixtures or equipment, in the premises for which the license is requested? Yes _____ No ✓ (if yes, explain in detail on a separate page, giving the names and addresses of any such person(s) and a statement of their interest in the premises, furniture, fixtures or equipment in the premises).

16. Does the Individual or Partnership applying for this alcoholic beverage license have any agreement, contract, understanding or intention to have any agreement, contract or understanding, with any person, partnership, or corporation to obtain for any other person, partnership or corporation, or to transfer to any other person, partnership or corporation the license for which this application is made or to obtain for any other person, partnership or corporation, for any other purpose other than for the specified use of the applicant. Yes _____ No: ✓ (if yes, explain in detail on a separate page, the name and address of such person, partnership or corporation and the conditions of agreement, contract or understanding.)

17. List the occupations and employers of each of the individuals listed in answer to Questions 3, 4 and 5 during the last ten (10) years. (On a separate sheet of paper if necessary). EDUAR OLIVEIRA - RESTAURANT OPERATOR 2009 - PRESENT
OWNER PROGRAMER 2001 - 2009

18. Does the Individual or Partnership applying for this license, engage in any business other than that for which the license is sought or intending to engage in any business other than for the sale of alcoholic beverages under the license for which this application is made. Yes _____ No ✓ (if yes, explain, in detail on a separate page giving the type of business and identification of any and all owners.)

19. List the names, addresses of at least 3 business references. _____
TOMY GOETE = US FOOD SERVICES 220 6563
MARY WHITNEY = DAKOTA CNG : 293 8892
Block School = 250 8392 : NORTH AND FINANCIAL

20. Does the building or structure in which the business is to be conducted meet all applicable state and local building, health and zoning regulations and requirements? Yes ___ No ___ Applicant must attach certifications of compliance from each state and/or local agency or department responsible for building, health and zoning regulations.)

NOT YET - WORKING ON IT

21. List all the names of individuals who are authorized to make purchases for the business at which the license is to be used and located. (Note: The individuals must submit their names, current address and social security numbers on the forms which will protect their rights of privacy, but allow the appropriate police department background checks to be done. If not attached, the application will be deemed incomplete.)

Edgar Oliveira : 427 611 9M St NW MANDAN 58554

22. List the names of all individuals who are authorized to sign checks used to pay the payroll and expenses of the business at which the license is to be used. *(Note: These individuals must submit their names, current address and social security numbers on the forms which will protect their rights of privacy, but allow the appropriate police department background checks to be done. If not attached, the application will be deemed incomplete.)*

Edgar Oliveira - see previous

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF MORTON)

**Affidavit of Application Completeness and Accuracy,
Sworn Statement of Conditions of Licensure,
And Agreement to Right of Entry of City Personnel**

I (We), EDGAR OLIVERA and _____ having been sworn and under oath, state that I (We) am (are) the named () Owner or () Partners, of the above named business or Partnership which hereby applies for the above referenced alcoholic beverage license in the City of Mandan, and I (we) do hereby certify that the above information is true and correct to the best of my (our) knowledge and beliefs.

I(We) do further certify that said Individual or Partnership and employees will abide by the provisions of Chapter 12-01, 12-02 and 12-03 of the Mandan Code of Ordinances and any amendments thereto, as well as all applicable laws of the State of North Dakota, and the United States Government and that said Owner/Partners, and its employees will not permit the violation of any law, rule or regulation on the premises at which the license is authorized. I(we) further certify that I (the Partnership) acknowledge that this license will only authorize the retail sale of liquor, including beer, wine and other spirits as defined by the North Dakota Century Code, and limited by this application, at the premises designated in this application and depicted on the attached diagram.

I (We) do further certify and affirm on behalf of myself or the partnership and its employees that I (the partnership) will not sell or permit the sale of alcoholic beverages to a minor, incompetent person, or anyone who is under the influence or an habitual drunkard and that I will accept any penalty including, suspension or revocation of license for any violation of said prohibited sales.

I (We) do further certify and affirm that the applicant or Partnership understand and acknowledge that any license granted under this application confers not property right to the applicant or licensee, and that said license will not be transferable except by specific authority of the Mandan Board of City Commissioners.

I (We) do further certify and affirm that the applicant (partnership) and its employees do hereby consent to the entry of any city official (including administrative, building, zoning health and fire officials) and its police officers upon the premises described herein at any hours of the day or night and that they shall have free access to the described premises and every part thereof for the purpose of inspecting the premises and the records of this applicant relating to the operation of the premises, and purchase and sale of alcoholic beverages. I (We) further certify and affirm that I (the partnership), and its employees do hereby waive any and all rights that they may have under the Constitution of the United States and the State of North Dakota, relative to searches and seizures without issuance of a search warrant, and the Applicant does hereby agree that such immunities shall never be claimed by them, and that such entry, inspection, search and seizure maybe made at any time without a search warrant, which waiver of rights is acknowledged to be a condition of licensure.

Dated at Mandan, North Dakota, on this 13 day of March, 2013.

Individual or Joint Ownership:

By: EDGAR OLIVERA 

By: _____

Partnership:

By: _____

By: _____

INDIVIDUAL OR JOINT OWNERSHIP

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF MORTON)

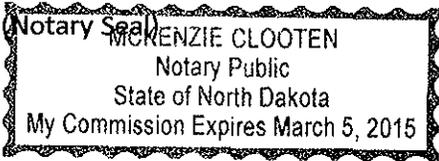
EDGAR OLIVEIRA And _____

Being first duly sworn, depose(s) and says that he/she is the individual(s) who executed the foregoing and above affidavit of application completeness and accuracy, sworn statement of licensure conditions and agreement of right to entry by city personnel, that he/she has read each question and statement contained therein and knows the contents thereof to be true and accurate, and that he/she has furnished the answers set forth in said application, and that each one of said answers is true to the best of his/her knowledge.

Dated this 13 day of March, 2013.

Subscribed and sworn to before me on this 13 day of March, 2013.

(Notary Stamp)



PARTNERSHIP

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF MORTON)

We _____ And _____

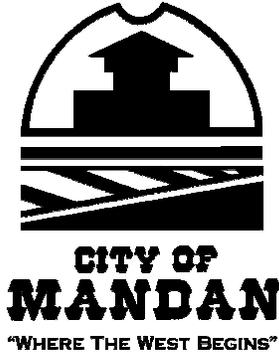
Being first duly sworn, depose(s) and says that are the partners in the partnership identified herein, and who have executed the foregoing and above affidavit of application completeness and accuracy, sworn statement of licensure conditions and agreement of right of entry by city personnel, and that they have read each question and statement contained herein and know the contents thereof to be true and accurate, and that they have furnished the answers set forth in said application, and that each one of said answers is true to the best of his knowledge.

Dated this 13 day of March, 2013.

Subscribed and sworn to before me on this 13 day of March, 2013.

(Notary Seal)

(Notary Stamp)



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 19, 2013
PREPARATION DATE: February 20, 2013
SUBMITTING DEPARTMENT: Assessing Department
DEPARTMENT DIRECTOR: Richard L Barta
PRESENTER: Richard L Barta
SUBJECT: Blind Exemption for Elsie Friesz

STATEMENT/PURPOSE: To consider a blind exemption for the year 2012.

BACKGROUND/ALTERNATIVES: Ms. Friesz has completed the necessary paperwork and meets all criteria, according to North Dakota Century Code 57-02-08(22), to receive a blind exemption for the year 2012.

The blind exemption exempts structure up to \$160,000; therefore she should only be taxed on the land value. Morton County tax statement shows she was taxed for \$4,000 of the structure value.

This parcel is also known as the Lots 5 & 6, Block 12, Helmsworth-McLean 1st Addition at 207 11th Ave NE on Parcel #1272.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$71 for the year 2012.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval of the request by Ms. Friesz to receive a blind exemption for the year 2012.

SUGGESTED MOTION: I recommend a motion to approve the request by Ms. Friesz to receive a blind exemption for the year 2012 by meeting all requirements according to North Dakota Century Code 57-02-08(22).

Application For Abatement And Settlement Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

County of Morton

Name FRIESZ ELSIE F

Address 207 11 AVE NE

Legal Description of the property involved in this application
 LOTS 5 & 6

Property ID Number

City 1272

County 65-1394000

Block: 012

HELMSWORTH-MCLEAN 1ST

Total true and full value of the property described above for the year 2012 is:

Land \$9,000
 Improvements \$61,200
 Total (1) \$70,200

Total true and full value of the property described above for the year 2012 should be:

Land \$9,000
 Improvements \$0
 Total (2) \$9,000

The difference of \$61,200 true and full value between (1) and (2) above is due to the following reason(s):

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

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

- 1. Purchase price of property: \$ _____ Date of Purchase: _____
 Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
 Was there personal property involved in the purchase price? _____ Estimated value: \$ _____
- 2. Has the property been offered for sale on the open market? _____ If yes, how long? _____
 Asking price: \$ _____ Terms of sale: _____
- 3. The property was independently appraised: _____ Purpose of appraisal: _____
 _____ Market value estimate: \$ _____
 Appraisal was made by whom? _____
- 4. The applicant's estimate of market value of the property involved in this application is \$ _____
- 5. The estimated agricultural productive value of this property is excessive because of the following condition(s): _____

The Applicant asks that WE ABATE THE DIFFERENCE IN THE ERROR ON STATEMENT DUE TO QUALIFICATION TO BLIND EXEMPTION FOR 2012.

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

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

Signature of Preparer (if other than applicant) _____

Date _____

Signature of Applicant _____

Date _____

Elsie Friesz 3-1-13

Application for Property Tax Exemption

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

Property Numbers:	1272 65-1394000	Legal Description
Property Owner:	FRIESZ ELSIE F	Lot: Block: 012
Property Address:	207 11 AVE NE	LOTS 5 & 6
Telephone Number:		HELMSWORTH-MCLEAN 1ST

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

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

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

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

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

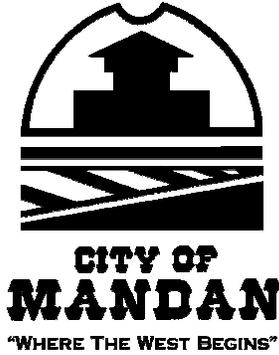
(1) Provide a current copy of organizational documents supporting claim (e.g., articles of incorporation and by-laws, etc.) if claiming exemption for first time upon request.
 (2) Provide an affidavit or physician's certificate if claiming exemption for first time.
 (3) Provide an annual statement that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

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

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

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

<u>Elsie Friesz</u>	1/14/12
Applicant	Date
<u>Richard Z Barta</u>	1-18-12
Assessor or Director of Tax Equalization	Date



Consent No. 12iia

Board of City Commissioners

Agenda Documentation

MEETING DATE: March 19, 2013
PREPARATION DATE: February 20, 2013
SUBMITTING DEPARTMENT: Assessing Department
DEPARTMENT DIRECTOR: Richard L Barta
PRESENTER: Richard L Barta
SUBJECT: Wheelchair Exemption for Lynette Lipp

STATEMENT/PURPOSE: To consider a wheelchair exemption for the year 2012.

BACKGROUND/ALTERNATIVES: Ms. Lipp has completed the necessary paperwork and meets all criteria, according to North Dakota Century Code 57-02-08(20)(c), to receive a wheelchair exemption for the year 2012.

The wheelchair exemption exempts structure up to \$100,000; therefore she should only be taxed on the structure of \$ 36,100 and on the land value of \$15,500. Morton County tax statement shows she was taxed for \$85,800 of the structure value and \$15,500 of land value.

This parcel is also known as #9286, Lot 15, Blk 1, Plainview Hts. 3rd Addition at 1012 21st St SE.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$879.98.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval of the request by Lynette Lipp to receive a wheelchair exemption for the year 2012.

SUGGESTED MOTION: I recommend a motion to approve the request by Lynette Lipp to receive a wheelchair exemption for the year 2012 by meeting all requirements according to North Dakota Century Code 57-02-08(20) (c).

Application For Abatement And Settlement Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

County of Morton

Name LIPP LYNETTE (JEROME)

Property ID Number

City 9286

Address 1012 21 ST SE

County 65-4215150

Legal Description of the property involved in this application

Lot: 15

Block: 1

PLAINVIEW HTS 3RD

Total true and full value of the property described above for the year 2012 is:

Land	\$15,500
Improvements	\$136,100
Total (1)	\$151,600

Total true and full value of the property described above for the year 2012 should be:

Land	\$15,500
Improvements	\$36,100
Total (2)	\$51,600

The difference of \$100,000 true and full value between (1) and (2) above is due to the following reason(s):

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

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

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

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

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

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

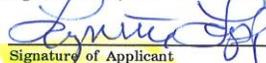
5. The estimated agricultural productive value of this property is excessive because of the following condition(s): _____

The Applicant asks that WE ABATE THE DIFFERENCE IN ERROR DUE TO QUALIFICATION OF THE WHEELCHAIR EXEMPTION FOR 2012.

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

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

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


 Signature of Applicant

3-4-13
 Date

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of Mandan City Commissioners

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

Dated this _____ day of _____, _____ .

 City Auditor or Township Clerk

Action by the Board of County Commissioners

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

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

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

Dated _____, _____ .

 County Auditor Chairperson

Certification of County Auditor

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

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

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

Year	Reduction in Taxable Valuation	Reduction in Taxes

 County Auditor Date

Application For Abatement
 And Settlement Of Taxes

Name of Applicant _____

County Auditor's File No. _____

Date Application Was Filed
 With The County Auditor _____

Application for Property Tax Exemption

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

Property Numbers:	9286	65-4215150	<u>Legal Description</u>	
Property Owner:	LIPP LYNETTE (JEROME)		Lot: 15	Block: 1
Property Address:	1012 21 ST SE		PLAINVIEW HTS 3RD	
Telephone Number:				

Date property was acquired: 9/07/1995 Market value of property claimed exempt: \$ _____

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

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

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

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

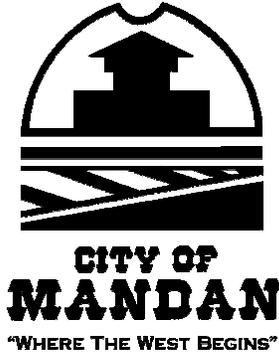
(1) Provide a current copy of organizational documents supporting claim (e.g., articles of incorporation and by-laws, etc.) if claiming exemption for first time upon request.
 (2) Provide an affidavit or physician's certificate if claiming exemption for first time.
 (3) Provide an annual statement that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

I(We) make application for real property tax exemption for the year 2013 on the property described above and, in compliance with North Dakota Century Code § 57-02-14.1, certify the information is accurate to the best of my(our) knowledge and belief.

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

Lynette Lipp 1-31-12
 Applicant Date
Richard J. Barta 1-31-12
 Assessor or Director of Tax Equalization Date

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



Consent No. 12iib

Board of City Commissioners

Agenda Documentation

MEETING DATE: March 19, 2013
PREPARATION DATE: February 20, 2013
SUBMITTING DEPARTMENT: Assessing Department
DEPARTMENT DIRECTOR: Richard L Barta
PRESENTER: Richard L Barta
SUBJECT: Wheelchair Exemption for Wanda Fetch

STATEMENT/PURPOSE: To consider a wheelchair exemption for the year 2012.

BACKGROUND/ALTERNATIVES: Ms. Fetch has completed the necessary paperwork and meets all criteria, according to North Dakota Century Code 57-02-08(20)(c), to receive a wheelchair exemption for the year 2012.

The wheelchair exemption exempts structure up to \$100,000; therefore she should only be taxed on the structure value of \$30,700 and land value of \$12,900. Morton County tax statement shows she was taxed for \$41,800 of the structure value and \$12,900 of land value.

This parcel is also known as #407, Lot 1, Blk 11, Developers West Acres 1st Addition at 4101 43rd St NW.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$195.92.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval of the request by Wanda Fetch to receive a wheelchair exemption for the year 2012.

SUGGESTED MOTION: I recommend a motion to approve the request by Wanda Fetch to receive a wheelchair exemption for the year 2012 by meeting all requirements according to North Dakota Century Code 57-02-08(20) (c).

Application For Abatement And Settlement Of Taxes
 North Dakota Century Code § 57-23-04

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

State of North Dakota

County of Morton

Name **FETCH HOWELL J & WANDA A**

Property ID Number

City **407**

Address **4101 43 ST NW**

County **65-435000**

Legal Description of the property involved in this application

Lot: **0001**

Block: **011**

DEVELOPERS WEST ACRES 1ST

Total true and full value of the property described above for the year 2012 is:

Land \$12,900
 Improvements \$130,700
 Total (1) \$143,600

Total true and full value of the property described above for the year 2012 should be:

Land \$12,900
 Improvements \$30,700
 Total (2) \$43,600

The difference of \$100,000 true and full value between (1) and (2) above is due to the following reason(s):

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

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

1. Purchase price of property: \$ _____ Date of Purchase: _____
 Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
 Was there personal property involved in the purchase price? _____ Estimated value: \$ _____
2. Has the property been offered for sale on the open market? _____ If yes, how long? _____
 Asking price: \$ _____ Terms of sale: _____
3. The property was independently appraised: _____ Purpose of appraisal: _____
 _____ Market value estimate: \$ _____
 Appraisal was made by whom? _____
4. The applicant's estimate of market value of the property involved in this application is \$ _____
5. The estimated agricultural productive value of this property is excessive because of the following condition(s): _____

The Applicant asks that WE ABATE THE DIFFERENCE IN ERROR DUE TO THE WHEELCHAIR EXEMPTION QUALIFICATION FOR 2012.

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

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

Signature of Preparer (if other than applicant) _____

Date _____

Wanda Fetch
 Signature of Applicant

3/7/13
 Date

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of Mandan City Commissioners

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

Dated this _____ day of _____, _____.

 City Auditor or Township Clerk

Action by the Board of County Commissioners

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

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

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

Dated _____, _____.

 County Auditor

 Chairperson

Certification of County Auditor

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

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

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

Year	Reduction in Taxable Valuation	Reduction in Taxes

 County Auditor

 Date

Application For Abatement
 And Settlement Of Taxes

Name of Applicant _____

County Auditor's File No. _____

Date Application Was Filed
 With The County Auditor _____

Application for Property Tax Exemption

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

Property Numbers:	407 65- 435000	Legal Description
Property Owner:	FETCH HOWELL J & WANDA A	Lot: 0001 Block: 011
Property Address:	4101 43 ST NW	DEVELOPERS WEST ACRES 1ST
Telephone Number:		

Date property was acquired: 11/03/2001 Market value of property claimed exempt: \$ _____

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

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

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

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

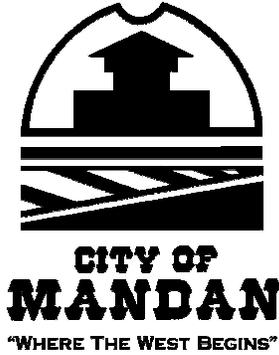
(1) Provide a current copy of organizational documents supporting claim (e.g., articles of incorporation and by-laws, etc.) if claiming exemption for first time upon request.
 (2) Provide an affidavit or physician's certificate if claiming exemption for first time.
 (3) Provide an annual statement that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

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

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

Wanda Fetch 11/31/12
 Applicant Date
Richard Z Banta 1-31-12
 Assessor or Director of Tax Equalization Date

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



Consent No. 12iic

Board of City Commissioners

Agenda Documentation

MEETING DATE: March 19, 2013
PREPARATION DATE: February 20, 2013
SUBMITTING DEPARTMENT: Assessing Department
DEPARTMENT DIRECTOR: Richard L Barta
PRESENTER: Richard L Barta
SUBJECT: Wheelchair Exemption for Leonard Leingang

STATEMENT/PURPOSE: To consider a wheelchair exemption for the year 2012.

BACKGROUND/ALTERNATIVES: Mr. Leingang has completed the necessary paperwork and meets all criteria, according to North Dakota Century Code 57-02-08(20)(c), to receive a wheelchair exemption for the year 2012.

The wheelchair exemption exempts structure up to \$100,000; therefore he should only be taxed on the structure value of \$5,300 and land value of \$5,900. Morton County tax statement shows he was taxed for \$9,300 of the structure value and \$5,900 of land value.

This parcel is also known as #1400 14, Lot 1, Unit 308, Blk 1, Dan's Super Market Addition at 131 3rd Ave SE #308.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$71.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval of the request by Leonard Leingang to receive a wheelchair exemption for the year 2012.

SUGGESTED MOTION: I recommend a motion to approve the request by Leonard Leingang to receive a wheelchair exemption for the year 2012 by meeting all requirements according to North Dakota Century Code 57-02-08(20) (c).

Application For Abatement And Settlement Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

County of Morton

Name LEINGANG LEONARD & JULI

Property ID Number

City 1400 14

Address 131 3 AVE SE #308

County 65-218114

Legal Description of the property involved in this application
 LOT 1 UNIT 308

Block: 1

DAN'S SUPER MARKET

Total true and full value of the property described above for the year 2012 is:

Land	\$5,900
Improvements	\$105,300
Total (1)	\$111,200

Total true and full value of the property described above for the year 2012 should be:

Land	\$5,900
Improvements	\$5,300
Total (2)	\$11,200

The difference of \$100,000 true and full value between (1) and (2) above is due to the following reason(s):

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

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

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

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

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

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

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

The Applicant asks that **WE ABATE THE ERROR IN TAXES DUE TO QUALIFICATION OF THE WHEELCHAIR EXEMPTION FOR 2012**

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

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

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

Signature of Applicant

Date

Leonard Leingang 3-4-13

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of Mandan City Commissioners

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

Dated this _____ day of _____, _____

 City Auditor or Township Clerk

Action by the Board of County Commissioners

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

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

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

Dated _____, _____

 County Auditor Chairperson

Certification of County Auditor

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

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

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

Year	Reduction in Taxable Valuation	Reduction in Taxes

 County Auditor Date

Application For Abatement
 And Settlement Of Taxes

Name of Applicant _____

County Auditor's File No. _____

Date Application Was Filed
 With The County Auditor _____

Application for Property Tax Exemption

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

Property Numbers: 1400 14 65-218114	Legal Description
Property Owner: LEINGANG LEONARD & JULI	Lot: Block: 1
Property Address: 131 3 AVE SE #308	LOT 1 UNIT 308
Telephone Number:	DAN'S SUPER MARKET

Date property was acquired: 7/19/2003 Market value of property claimed exempt: \$ _____

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

- 1. N.D.C.C. § 57-02-08(7)(9), property used exclusively for public workshop or property belonging to a religious organization and used for religious purposes: Church Parsonage Other(attach explanation)
- 2. N.D.C.C. § 57-02-08(8), property owned by an institution of public charity and used for the charitable purposes for which it was organized: Public Hospital (1) Nursing Home (1) Other(attach explanation) (1)
- 3. N.D.C.C. § 57-02-08(11), property owned by nonprofit lodges, clubs, etc. and used for their meetings and ceremonies:
 - a. If licensed to sell alcoholic beverages, describe each area of the building where these beverages are sold or consumed.
 - b. If food is sold, describe each area of the building where the food is sold or consumed.

- 4. N.D.C.C. § 57-02-08(20), buildings owned and occupied as a homestead by one of the following:
 - a. Paraplegic Disabled Veteran or Veteran awarded specially adapted housing (2)(4)(5)(6)(7)
 - b. Disabled Veteran (50% or greater disability) (2)(4)(5)(7)
 - c. Permanently and Totally Disabled Person Confined to a Wheelchair (2)
- 5. N.D.C.C. § 57-02-08(22), buildings owned and occupied as a home by a blind person or spouse. (2)
- 6. N.D.C.C. § 57-02-08(26), buildings owned and occupied as a homestead by a paraplegic disabled person. (2)(3)
- 7. N.D.C.C. § 57-02-08(31), group homes owned by nonprofit corporations.
- 8. N.D.C.C. § 57-55-10, mobile home is exempt or the provisions of N.D.C.C. ch. 57-55 apply.
- 9. N.D.C.C. § _____ Subsection _____

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

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

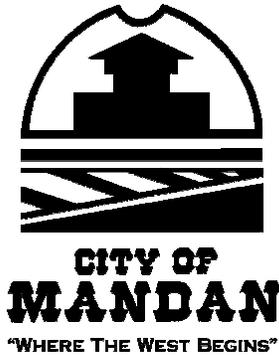
(1) Provide a current copy of organizational documents supporting claim (e.g., articles of incorporation and by-laws, etc.) if claiming exemption for first time upon request.
 (2) Provide an affidavit or physician's certificate if claiming exemption for first time.
 (3) Provide an annual statement that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

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

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

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

<u>Julie Leingang</u>	<u>1-13-12</u>
Applicant	Date
<u>Richard Z Batta</u>	<u>1-18-12</u>
Assessor or Director of Tax Equalization	Date



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 19, 2013
PREPARATION DATE: March 4, 2013
SUBMITTING DEPARTMENT: Assessing Dept
DEPARTMENT DIRECTOR: Richard L Barta
PRESENTER: Richard L Barta
SUBJECT: Homestead Credit Exemption for Allen Wanner

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

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

This parcel is also known as Lot 8, Block 3, Don's Addition at 302 10th Ave NW on Parcel #760.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$2056. Please note that this amount is reimbursed by the State and the City is not actually losing any revenue.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

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

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

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

For the Year of 2012

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

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

Applicant Information			
Name: WANNER ALLEN, LEONE, MARK			City Seq No: 00760
Address: 302 10 AVE NW			Date of Birth: 0000
Legal Description of Applicant's Property:			Phone No:
Lot: 0008	Block: 003	Addition: 0009	County No: 65-852000
			City: BISMARCK
1. Which of the following would best describe the type of ownership of the homestead property (check only one): A. Is recorded in your (and spouse's) name as owner <input checked="" type="checkbox"/> D. Is held under a life estate in property <input type="checkbox"/> B. Is being purchased by you under a contract for deed <input type="checkbox"/> E. Is held in a revocable trust <input type="checkbox"/> C. Is held in joint tenancy with one other than spouse <input type="checkbox"/>			
2. Is the above-described property exempt as a farm residence? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
3. Do you have assets in excess of \$75,000 including the value of any assets gifted or otherwise divested within the last three years, and excluding the unencumbered value of your homestead up to \$100,000? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
			Complete Schedule A

To Be Completed By The Assessor

Application is: Approved Denied _____ % reduction allowed this applicant or a maximum of \$ _____

Reason for Denial: _____

Date: 3-4-13 Signature of Assessor: *[Signature]*

Schedule A

The Following is an Accurate Account of Total Income for the Preceding Calendar Year
 (See Attachment for an explanation of income from other sources)

4. Applicant's and spouse's income from Social Security benefits (excluding Medicare):	\$	
5. Applicant's and spouse's income from salary and wages:	\$	
6. Applicant's and spouse's income from interest:	\$	
7. Applicant's and spouse's income from other sources:	\$	
8. Dependents' total income from all sources:	\$	
9. Total income from all sources (add lines 4, 5, 6, 7 and 8):	\$	
Medical expenses actually paid during the year and not paid for by insurance:		
Total amount of health and hospital insurance premiums (exclude Medicare):	\$	
Medicine and drugs:	\$	
Doctor, dentist and hospital costs:	\$	
Hearing aids, eyeglasses, dentures, etc.:	\$	
Transportation costs for medical care: .50 Cents Per Mile	\$	
Nursing home care costs and/or home nursing care costs:	\$	
10. Total medical expenses:	\$	
11. Income from all sources excluding medical expenses (line 9 less line 10):	\$	

Applicant Signature

I declare that this application, including Schedule A, has been examined by me and to the best of my knowledge and belief is a true and correct application. I am willing to furnish proof of age, income, and assets if requested to do so by someone authorized to administer this assessment credit. I reside on the property described in this application and I hereby claim the Homestead Credit on this property as provided for in N.D.C.C. SS 57-02-08-1.

Date: 3-4-13 Signature of Applicant: *Allen C. Wanner*

Board of City Commissioners

Agenda Documentation

Meeting Date: March 19, 2013

Subject: Homestead Credit Exemption for Allen Wanner

Page 3 of 4

Application For Abatement Or Refund Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota Assessment District
County of Morton Property I.D. No. #760
Name Allen, Leone, Mark Wanner Telephone No.
Address 302 10th Ave NW, Mandan, ND 58554

Legal description of the property involved in this application:

Total true and full value of the property described above for the year 2012 is:
Land \$ 12,900-
Improvements \$ 102,900-
Total \$ 115,800- (1)

Total true and full value of the property described above for the year 2012 should be:
Land \$ 12,900
Improvements \$ 102,900
Total \$ 115,800 (2)

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

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

The following facts relate to the market value of the residential or commercial property described above. For agricultural property, go directly to question #5.
1. Purchase price of property: \$ Date of purchase:
Terms: Cash Contract Trade Other (explain)
Was there personal property involved in the purchase price? yes/no Estimated value: \$
2. Has the property been offered for sale on the open market? yes/no If yes, how long?
Asking price: \$ Terms of sale:
3. The property was independently appraised: yes/no Purpose of appraisal:
Market value estimate: \$
Appraisal was made by whom?
4. The applicant's estimate of market value of the property involved in this application is \$
5. The estimated agricultural productive value of this property is excessive because of the following condition(s):

Applicant asks that we abate the difference in taxes due to qualification of the Homestead Tax Credit @ 100%.

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

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

Signature of Preparer (if other than applicant) Date Signature of Applicant Date
Allen, Wanner 3-4-13

Board of City Commissioners
 Agenda Documentation
 Meeting Date: March 19, 2013
 Subject: Homestead Credit Exemption for Allen Wanner
 Page 4 of 4

Recommendation of the Governing Body of the City or Township

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

 Dated this _____ day of _____, _____

 City Auditor or Township Clerk

Action by the Board of County Commissioners

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

We reject this application in whole or in part for the following reason(s). Written explanation of the rationale for the decision must be attached. _____

Dated _____

 County Auditor Chairperson

Certification of County Auditor

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

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

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

Year	Reduction in Taxable Valuation	Reduction in Taxes

 County Auditor Date

**Application For Abatement
Or Refund Of Taxes**

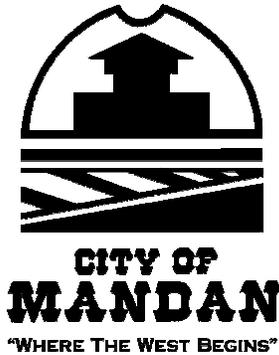
 Name of Applicant

 County Auditor's File No.

 Date Application Was Filed With The County Auditor

 Date County Auditor Mailed Application to Township Clerk or City Auditor

(must be within five business days of filing date)



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 19, 2013
PREPARATION DATE: March 11, 2013
SUBMITTING DEPARTMENT: Assessing Dept
DEPARTMENT DIRECTOR: Richard L Barta
PRESENTER: Richard L Barta
SUBJECT: 2-Year Exemption for Louis Schmidt

STATEMENT/PURPOSE: To consider an exemption for new construction of a residential structure for the year 2012.

BACKGROUND/ALTERNATIVES: Mr. Schmidt qualifies for an exemption of the first \$75,000 of structure value on a new condo.

This parcel is also known as Lot 4, Unit 1, Block 1, Koch's Lakewood Villas Addition at 2502 Nash Lane SE, Unit 1 on Parcel #10902.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$1,361

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval of the requested exemption for the first \$75,000 of structure value for the year 2012 on a newly constructed condo due to all qualifications being met.

SUGGESTED MOTION: I recommend a motion to approve the request by Mr. Schmidt for an exemption of the first \$75,000 of structure value for the year 2012 on a newly constructed condo due to all qualifications being met.

9246

#10902

Application For Abatement Or Refund Of Taxes
 North Dakota Century Code § 57-23-04

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

State of North Dakota Assessment District Mandan
 County of Morton Property I.D. No. 65-6104333
 Name Louis Schmidt Telephone No. _____
 Address 2502 Nash Lane SE #1, Mandan ND

Legal description of the property involved in this application:

Koch's Lakewood Villas unit 1 lot 4 Bk-1

Total true and full value of the property described above for the year 2012 is:
 Land \$ 9400
 Improvements \$ 154900
 Total \$ 164300
 (1)

Total true and full value of the property described above for the year 2012 should be:
 Land \$ 9400
 Improvements \$ 79900
 Total \$ 89300
 (2)

The difference of \$ 75000 true and full value between (1) and (2) above is due to the following reason(s):

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

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

1. Purchase price of property: \$ _____ Date of purchase: _____
 Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
 Was there personal property involved in the purchase price? _____ yes/no Estimated value: \$ _____

2. Has the property been offered for sale on the open market? _____ yes/no If yes, how long? _____
 Asking price: \$ _____ Terms of sale: _____

3. The property was independently appraised: _____ yes/no Purpose of appraisal: _____
 Market value estimate: \$ _____
 Appraisal was made by whom? _____

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

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

Applicant asks that programming & data entry error. Should qualify for 2-year tax exemption

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

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

Signature of Preparer (if other than applicant) _____ Date _____ Signature of Applicant Louis Schmidt Date 2/11/13

Recommendation of the Governing Body of the City or Township
 Recommendation of the governing board of _____
 On _____, the governing board of this municipality, after examination of this application and the facts, passed
 a resolution recommending to the Board of County Commissioners that the application be _____
 Dated this _____ day of _____
 City Auditor or Township Clerk

Action by the Board of County Commissioners
 Application was Approve Approved/Rejected by action of Motion County Board of Commissioners.
 Based upon an examination of the facts and the provisions of North Dakota Century Code § 57-23-04, we approve this application. The taxable
 valuation is reduced from \$ 9394 to \$ 4019 and the taxes are reduced accordingly. The taxes, if paid,
 will be refunded to the extent of \$ 1331.31. The Board accepts \$ 1585.33 in full settlement of taxes for the
 tax year 2012.

We reject this application in whole or in part for the following reason(s). Written explanation of the rationale for the decision must be
 attached.

Dated February 12, 2013
Dawn R Rhone County Auditor
 _____ Chairperson

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

Year	Taxable Value	Tax	Date Paid (if paid)	Payment Made Under Written Protest?
<u>2012</u>	<u>7394</u>	<u>2914.64</u>		yes/no

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

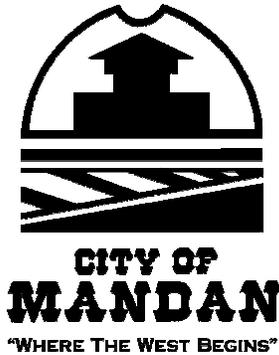
Year	Reduction in Taxable Valuation	Reduction in Taxes
<u>2012</u>	<u>3375</u>	<u>1331.31</u>

Dawn R Rhone County Auditor
2/28/13 Date

65-6104223

**Application For Abatement
 Or Refund Of Taxes**

Name of Applicant: Schmidt
 County Auditor's File No.: 4266
 Date Application Was Filed With The County Auditor: _____
 Date County Auditor Mailed Application to Township Clerk or City Auditor: _____
(must be within five business days of filing date)



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 19, 2013
PREPARATION DATE: February 20, 2013
SUBMITTING DEPARTMENT: Assessing Dept
DEPARTMENT DIRECTOR: Richard L Barta
PRESENTER: Richard L Barta
SUBJECT: 2-Year Exemption for Kurt Stoner

STATEMENT/PURPOSE: To consider an exemption for new construction of a residential structure for the year 2012.

BACKGROUND/ALTERNATIVES: Mr. Stoner qualifies for an exemption of the second \$75,000 of structure value at 90% completion on a new single family dwelling.

This parcel is also known as Lot 5, Block 1, Lakewood Harbor 4th Addition at 4204 South Bay Dr. SE on Parcel #10186.

The City of Mandan computer has the exemption correct, but Morton County data does not reflect this exemption properly. The building value to be taxed should be \$65,900 plus land value of \$37,400. Morton County tax statement shows building value being taxed at \$81,600 plus land value of \$37,400.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$278.50

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval of the requested exemption for the second \$75,000 of structure value at 90% completion for the year 2012 on a newly constructed single family dwelling due to all qualifications being met.

SUGGESTED MOTION: I recommend a motion to approve the request by Mr. Stoner for an exemption of the second \$75,000 of structure value at 90% completion for the year 2012 on a newly constructed single family dwelling due to all qualifications being met

PARCEL # 10186

APPLICATION FOR TAX EXEMPTION FOR NEWLY BUILT HOMES

I hereby make application for a tax exemption for the years 2011 and 2012 on the property described below (exclusive of the land on which it is situated or any special assessments). I certify that the request is in compliance with HB1369, approved by the 50th Legislative Assembly and certify the following in support of my request.

NAME OF APPLICANT: KURT A. STONER
MAILING ADDRESS: 4204 South Bay Dr SE
STATUS OF APPLICANT: Builder First Owner After Builder:
ADDRESS OF PROPERTY TO BE EXEMPT: 4204 South Bay Dr SE
LEGAL DESCRIPTION: Lot 5 Block 1 Lakewood Harbor #44

DATE PERMIT ISSUED: 3-12-10 BUILDING PERMIT #: 49-10
CONTRACT DATE: _____ DATE OCCUPIED: 7-8-10
EXEMPTION CLAIMED: Single Family Townhouse Condo
COST OR VALUE OF STRUCTURE (Purchase Price): 216,000
OWNER'S EST. MARKET VALUE (Lot and Structure): 216,000
APPRAISAL VALUE: 1b 220,000

I hereby certify that there are no delinquent taxes or special assessments on the above described property.

DATE: _____ SIGNATURE: _____

FOR OFFICE USE ONLY

APPROVED:

DENIED: _____ Reason for Denial: _____

County Auditor or Treasurer's confrontation on taxes: Date _____
Delinquent taxes _____ No Delinquent taxes _____ By _____

Richard L Barta /AKM 7-23-10
Assessor's Signature Date

ADDITIONAL REMARKS: _____

Application For Abatement And Settlement Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

County of Morton

Name STONER KURT

Address 4204 SOUTH BAY DR SE

Legal Description of the property involved in this application

Lot: 5

Block: 1

LAKELWOOD HARBOR 4TH

Property ID Number

City 10186

County 65-1811380

Total true and full value of the property described above for the year 2012 is:		Total true and full value of the property described above for the year 2012 should be:	
Land	\$37,400	Land	\$37,400
Improvements	\$156,600	Improvements	\$65,900
Total (1)	\$194,000	Total (2)	\$103,300

The difference of \$90,700 true and full value between (1) and (2) above is due to the following reason(s):

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

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

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

4. Nonexisting improvement assessed

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

6. Duplicate assessment

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

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

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

10. Other (Explain) NDCC 57-02-08 2 YR TAX EXEMPTION RESIDENTIAL

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

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

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

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

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

Asking price: \$ _____ Terms of sale: _____

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

_____ Market value estimate: \$ _____

Appraisal was made by whom? _____

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

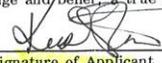
5. The estimated agricultural productive value of this property is excessive because of the following condition(s): _____

The Applicant asks that WE ABATE THE DIFFERENCE IN ERROR DUE TO QUALIFICATION OF THE 2ND \$75,000 EXEMPTION @ 90% COMPLETION FOR 2012.

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

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

 Signature of Preparer (if other than applicant) Date


 Signature of Applicant

3/2/13
 Date

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of Mandan City Commissioners

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

Dated this _____ day of _____, _____

 City Auditor or Township Clerk

Action by the Board of County Commissioners

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

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

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

Dated _____, _____

 County Auditor Chairperson

Certification of County Auditor

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

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

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

Year	Reduction in Taxable Valuation	Reduction in Taxes

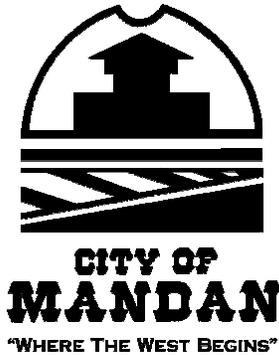
 County Auditor Date

Application For Abatement
 And Settlement Of Taxes

Name of Applicant _____

County Auditor's File No. _____

Date Application Was Filed
 With The County Auditor _____



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 19, 2013
PREPARATION DATE: February 20, 2013
SUBMITTING DEPARTMENT: Assessing Dept
DEPARTMENT DIRECTOR: Richard L Barta
PRESENTER: Richard L Barta
SUBJECT: 2-Year Exemption for Kent Ronholdt

STATEMENT/PURPOSE: To consider an exemption for new construction of a residential structure for the year 2012.

BACKGROUND/ALTERNATIVES: Mr. Ronholdt qualifies for an exemption of the second \$75,000 of structure value at 90% completion on a new single family dwelling.

This parcel is also known as Lot 16, Block 3, Lakewood 2nd Addition at 3309 Bay Shore Bend SE on Parcel #9847.

The City of Mandan computer has the exemption correct, but Morton County data does not reflect this exemption properly. The building value to be taxed should be \$81,600 plus land value of \$56,900. Morton County tax statement shows building value being taxed at \$99,000 plus land value of \$56,900.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$35.89

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval of the requested exemption for the second \$75,000 of structure value at 90% completion for the year 2012 on a newly constructed single family dwelling due to all qualifications being met.

SUGGESTED MOTION: I recommend a motion to approve the request by Mr. Ronholdt for an exemption of the second \$75,000 of structure value at 90% completion

for the year 2012 on a newly constructed single family dwelling due to all qualifications being met.

please fill out and return to
Assessor's office 205 2nd NW
Mandan ND 58554

PARCEL # 9847

APPLICATION FOR TAX EXEMPTION FOR NEWLY BUILT HOMES

I hereby make application for a tax exemption for the years 2011 and 2012 on the property described below (exclusive of the land on which it is situated or any special assessments). I certify that the request is in compliance with HB1369, approved by the 50th Legislative Assembly and certify the following in support of my request.

- ✓ NAME OF APPLICANT: Kent Ronholdt
✓ MAILING ADDRESS: 3309 Bayshore Bend SE Mandan, ND 58554
STATUS OF APPLICANT: Builder _____ First Owner After Builder: X
ADDRESS OF PROPERTY TO BE EXEMPT: 3309 Bay Shore Bend SE
LEGAL DESCRIPTION: L16 Bl 3 Lakewood 2ND
DATE PERMIT ISSUED: 11-20-2009 BUILDING PERMIT #: 507-09
CONTRACT DATE: _____ DATE OCCUPIED: 6-1-10
EXEMPTION CLAIMED: Single Family X Townhouse _____ Condo _____
✓ COST OR VALUE OF STRUCTURE (Purchase Price): \$220,865.00
✓ OWNER'S EST. MARKET VALUE (Lot and Structure): \$220,865.00
✓ APPRAISAL VALUE: 230,000.00

I hereby certify that there are no delinquent taxes or special assessments on the above described property.

✓ DATE: 6/15/10 X SIGNATURE: Kent Ronholdt

APPROVED: ✓ FOR OFFICE USE ONLY

DENIED: _____ Reason for Denial: _____

Richard A. Barta 6-15-10
Assessor's Signature Date

ADDITIONAL REMARKS: _____

Application For Abatement And Settlement Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

County of Morton

Name RONHOLDT KENT R & BETH A

Property ID Number

City 9847

Address 3309 BAY SHORE BEND SE

County 65-1808975

Legal Description of the property involved in this application

Lot: 16

Block: 3

LAKEWOOD 2ND

Total true and full value of the property described above for the year 2012 is:		Total true and full value of the property described above for the year 2012 should be:	
Land	\$56,900	Land	\$56,900
Improvements	\$174,000	Improvements	\$81,600
Total (1)	\$230,900	Total (2)	\$138,500

The difference of \$92,400 true and full value between (1) and (2) above is due to the following reason(s):

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

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

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

4. Nonexisting improvement assessed

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

6. Duplicate assessment

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

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

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

10. Other (Explain) NDCC 57-02-08 2 YR PROPERTY TAX EXEMPTION

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

1. Purchase price of property: \$ 230,000 Date of Purchase: 5/2010

Terms: Cash Contract Trade Other (explain) loan through lender

Was there personal property involved in the purchase price? No Estimated value: \$ _____

2. Has the property been offered for sale on the open market? No If yes, how long? _____

Asking price: \$ _____ Terms of sale: _____

3. The property was independently appraised: No Purpose of appraisal: _____

Market value estimate: \$ _____

Appraisal was made by whom? _____

4. The applicant's estimate of market value of the property involved in this application is \$ 230,000

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

The Applicant asks that WE ABATE THE 2ND PART OF EXEMPTION AT 90% COMPLETION FOR 2012 DUE TO QUALIFICATION OF 2 YR TAX EXEMPTION.

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

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

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

Signature of Applicant Kent Ronholdt Date 3-6-13

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of Mandan City Commissioners

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

Dated this _____ day of _____, _____

 City Auditor or Township Clerk

Action by the Board of County Commissioners

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

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

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

Dated _____, _____

 County Auditor Chairperson

Certification of County Auditor

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

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

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

Year	Reduction in Taxable Valuation	Reduction in Taxes

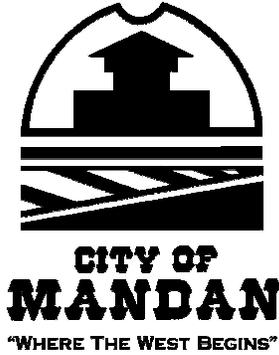
 County Auditor Date

Application For Abatement
 And Settlement Of Taxes

 Name of Applicant

 County Auditor's File No.

 Date Application Was Filed
 With The County Auditor



Consent No. 12v

Board of City Commissioners

Agenda Documentation

MEETING DATE: March 19, 2013
PREPARATION DATE: March 14, 2013
SUBMITTING DEPARTMENT: Assessing/Bldg Inspections
DEPARTMENT DIRECTOR: Richard L Barta
PRESENTER: Richard L Barta
SUBJECT: Street Appraisal - Reduction in structure value for Kimberly McIver

STATEMENT/PURPOSE: To consider a reduction in the structure value for the 2012 year for Ms. McIver's property, due to assessment that was made as a street appraisal and final review.

BACKGROUND/ALTERNATIVES: This parcel is also known as Parcel #4525, E 70' Lot 5, Block 90, N.P. 1st Addition.

Reason for abatement: To lower the structure value for the 2012 year from \$109,300 to \$70,300. After the final walk through of Ms. McIver's property to determine accuracy of our data and conducting a market analysis, I have arrived at a true and full value of \$75,500 for the 2012 year rather than \$114,500, a difference in true and full value of \$39,000.

ATTACHMENTS: Application for 2012, market analysis and data sheet.

FISCAL IMPACT: Approximately \$693.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend a motion to approve to lower the true and full value for the 2012 year to \$75,500 for Ms. McIver's property.

SUGGESTED MOTION: A motion to approve a reduction for Ms. McIver's property in the 2012 year with a true and full value to \$75,500.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 19, 2013

Subject: Street Appraisal - Reduction in structure value for Kimberly McIver

Page 2 of 5

Application For Abatement And Settlement Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

County of Morton

Name MCIVER KIMBERLY R

Address 200 7 ST NW

Legal Description of the property involved in this application

E 70' LOT 5

Property ID Number

City 4525

County 65-3467000

Block: 090

N.P. 1ST

Total true and full value of the property described above for the year 2012 is:

Land	\$5,200
Improvements	\$109,300
Total (1)	\$114,500

Total true and full value of the property described above for the year 2012 should be:

Land	\$5,200
Improvements	\$70,300
Total (2)	\$75,500

The difference of \$39,000 true and full value between (1) and (2) above is due to the following reason(s):

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

COMPLETED 3-14-2013

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

- 1. Purchase price of property: \$ _____ Date of Purchase: _____
 Terms: Cash _____ Contract _____ Trade _____ Other (explain) _____
 Was there personal property involved in the purchase price? _____ Estimated value: \$ _____
- 2. Has the property been offered for sale on the open market? _____ If yes, how long? _____
 Asking price: \$ _____ Terms of sale: _____
- 3. The property was independently appraised: _____ Purpose of appraisal: _____
 _____ Market value estimate: \$ _____
 Appraisal was made by whom? _____
- 4. The applicant's estimate of market value of the property involved in this application is \$ _____
- 5. The estimated agricultural productive value of this property is excessive because of the following condition(s): _____

The Applicant asks that VALUE OF STRUCTURE BE UPDATED TO REFLECT THE RE-ASSESSMENT THAT WAS COMPLETED ON 3-14-2013.

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

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

Signature of Preparer (if other than applicant) _____

Date _____

Signature of Applicant Greg R. Gule

Date 3/14/13

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of Mandan City Commissioners

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

Dated this _____ day of _____, _____

 City Auditor or Township Clerk

Action by the Board of County Commissioners

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

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

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

Dated _____, _____

 County Auditor Chairperson

Certification of County Auditor

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

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

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

Year	Reduction in Taxable Valuation	Reduction in Taxes

 County Auditor Date

Application For Abatement
 And Settlement Of Taxes

Name of Applicant _____

County Auditor's File No. _____

Date Application Was Filed
 With The County Auditor _____

Board of City Commissioners
 Agenda Documentation
 Meeting Date: March 19, 2013
 Subject: Street Appraisal - Reduction in structure value for Kimberly McIver
 Page 4 of 5

03/14/13		RESIDENTIAL ASSESSMENTS FOR CITY OF MANDAN				AS1327 TEST		PAGE	
SEQUENCE NUMBER	SUBJECT	ADJ FACTOR	COMPARABLE SALE #1	COMPARABLE SALE #2	COMPARABLE SALE #3	COMPARABLE SALE #4	ADJ	ADJ	ADJ
APPRAISAL DATE	03/14/2013		12/28/2010	10/21/2010	10/19/2010	08/24/2010			
SALE PRICE	60000		96900	111000	132200	81900			
YEAR BUILT	1961		1961	1961	1962	1966			
CONDITION	5		5	5	5	5			
STORIES	1		1	1	1	1			
EXTERIOR WALLS	17		5	5	5	5			
ROOFING	1		1	1	1	1			
BATHS/FIXTURES	3		6	6	6	6			
NO. OF FIREPLACES	0		0	0	0	0			
FIREPLACE QUALITY	0		0	0	0	0			
FINISHES	0		0	0	0	0			
BASMENT FINISH	0		0	0	0	0			
BASMENT	0		0	0	0	0			
NO. OF STALLS	0		0	0	0	0			
GARAGE QUALITY	0		0	0	0	0			
NO. OF STALLS	0		0	0	0	0			
TYPICAL LOT	1		1	1	1	1			
1ST FLOOR AREA	780		780	912	4224	610			
2ND FLOOR AREA	0		0	0	0	0			
3RD FLOOR AREA	0		0	0	0	0			
COVERED PATIO COST	0		0	0	0	0			
AREA FACTOR	0		0	0	0	0			
PROPERTY LOCATION	200202		201042	201152	201222	201242			
BMT FISH AREA/CITY	0/00		780/04	912/04	4560-	888/04			
ADJUSTED SALE			90,584	88,644	108,789	68,155			
WEIGHTED AVG	83,045		59,900	89,043	14,393	201,246			
PREVIOUS MKT VALUE	84,500								

\$83,000
 90%
 \$75,500

175,500
 7 - 9700
 8 - 70,300

Board of City Commissioners

Agenda Documentation

Meeting Date: March 19, 2013

Subject: Street Appraisal - Reduction in structure value for Kimberly McIver

Page 5 of 5

3/14/13
AS1057

Mandan Assessing Dept
Property Data Sheet

Page 1

MCIVER KIMBERLY R
200 7 ST NW
MANDAN ND 58554

City Parcel No. 04525
County No. 65-003467000
Assessment Year 2012

Property Address: 200 7 ST NW

Property Type: RESIDENTIAL

Legal Description
E 70' LOT 5

Lot Block 090 Addition 0019 N.P. 1ST

Total Property - Land

Area Factor	56 AF 50-BUILT IN 60'S
Zoning	R32
Lot Width	70 Ft
Lot Depth	50 Ft
Lot Sq Ft	3500 SqFt
Irregular Shape	Yes
Alley	No
Cul-De-Sac	No
Corner	Yes
Utilities	Yes
Underground Util	No
Street	Hard Surface
Sidewalk	Yes
Location	Inland
Flood Plain Degree	
Acres	.08
Lot Sale Price	0
Lot Sale Date	

Fireplace	No
Floors	Concrete
Floor Covering	Carpet
	Hardwood
Apartment	None

Garage

Attached 1 Stall with 336 SqFt	
Quality	Average/Good

Additional Data

Electronics	No
Home Theater	No
Smart Home	No
Swimming Pool	No
Sump Pump	No

Additional Area

Deck 64 SqFt

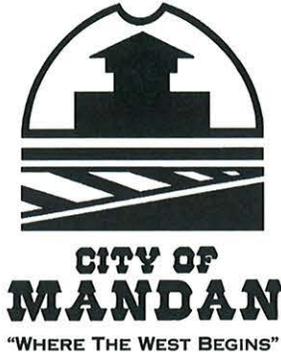
Building Data

Year Built	1961
Effective Year	1961
Basement Walls	Concrete Block
Condition	Average/Good
Quality	Average/Good
Construction Type	Concrete Block
Stories	One Story
Roof Cover	Asphalt/Compound
Roof Type	Gable
Heating Fuel	Gas
Heating Type	Forced Air
Air Conditioning	Central
Flr Tot Rms	Bed Bath
01 4 2	1.00 780 SqFt
Tot Finished Area	780 SqFt
Exterior Walls	Brick Veneer/Masonite
Basement	None
Dining Room Area	None
Kitchen Cabinets	Softwood
Built-Ins	Yes
Interior Walls	Combination
Interior Finish	Painted

Other Area

Listing Date	08/15/2001
Listing Price	59900
Review Date	08/17/2011 JULIEF
Final App. Date	03/14/2013 RLB
2012 Mrkt Value	114500 Land 5200
	Bldg 109300
2011 Mrkt Value	84600 Land 4900
	Bldg 79700
2012 Est Tax Amount	2032.65
Selling Price Includes	Special Assessments
Current Sale Price	10
Current Sale Date	11/05/2012
Previous Sale Price	60000
Previous Sale Date	01/03/2002

Data Sheet Printed By: Shirley Shaw



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 19, 2013
PREPARATION DATE: March 13, 2013
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Mike Manstrom, Dougherty & Company LLC
SUBJECT: Sale of \$1,675,000 Refunding Improvement Bonds of 2013, Series A.

PURPOSE

To award the sale of \$1,675,000 Refunding Improvement Bonds of 2013, Series A for the purpose of refunding the City's Refunding Improvement Bonds of 2006, Series B.

BACKGROUND

The refinancing of the old Bonds is necessary to take advantage of the lower interest rates with the sale of the new Bonds. The following special assessment districts are affected as a result of the refinancing:

- Storm Sewer #27
- Sanitary Sewer #29
- Street #124
- Street #129
- Street #130

ATTACHMENTS

- Official Statement cover page
- Official Bid Form
- Refunding Summary
- Debt Service Comparison
- Resolution Awarding Sale

FISCAL IMPACT

The total Net Present Value Benefit (NPV) savings is estimated to be \$175,904.31 or 10.502%. This savings is net of the issuance costs. A common

method to determine if the refunding is appropriate is that the savings, net of all issuance costs, should be at least 3% to 5% as a NPV percentage of the refunded bonds.

The net savings from the refinancing will be passed on to the balances owed by the special assessment districts indicated above through lower interest rates effective April 1, 2013.

STAFF IMPACT

None

LEGAL REVIEW

Steve Vogelpohl, Bond Counsel, will prepare the legal opinion.

RECOMMENDATION

To approve the Resolution Awarding Sale of \$1,675,000 Refunding Improvement Bonds of 2013, Series A.

SUGGESTED MOTION

Move to approve the Resolution Awarding Sale of \$1,675,000 Refunding Improvement Bonds of 2013, Series A.

New Issue/Book Entry Only

This Document does not constitute an offer to sell the Bonds in any State or other jurisdiction to any person to whom it is unlawful to make such offer in such State or jurisdiction. No dealer, salesperson, or any other person has been authorized to give any information or to make any representation other than those contained herein in connection with the offering of the Bonds, and if given or made, such information or representation must not be relied upon.

FINAL OFFICIAL STATEMENT
(Dated March 19, 2013)

**CITY OF MANDAN
MORTON COUNTY, NORTH DAKOTA**

\$1,675,000 Refunding Improvement Bonds of 2013, Series A

Bonds Dated: April 1, 2013

Principal Due: May 1, as below

Rated “__” by Moody’s Investors Service

Interest will be payable on May 1 and November 1, commencing November 1, 2013. The Bonds will be issued as fully registered Bonds without coupons and, when issued, will be registered in the name of Cede & Co., as nominee of The Depository Trust Company (“DTC”). DTC will act as securities depository of the Bonds. Individual purchases may be made in book entry form only, in the principal amount of \$5,000 and integral multiples thereof. Purchasers will not receive certificates representing their interest in the Bonds purchased. See (“Book Entry System” herein.) Starion Bond Services of Bismarck, North Dakota will serve as registrar.

<u>Year</u>	<u>Amount</u>	<u>Rate</u>	<u>Yield</u>	<u>CUSIP</u>
2014	\$235,000			
2015	\$225,000			
2016	\$220,000			
2017	\$215,000			
2018	\$205,000			
2019	\$200,000			
2020	\$195,000			
2021	\$180,000			

Bonds maturing in 2019 and thereafter shall be subject to redemption and prepayment, at the option of the City on May 1, 2018, and any date thereafter, in inverse order of maturities and by lot within any maturity, at par plus accrued interest.

In the opinion of Steven L. Vogelpohl, Bond Counsel, the interest to be paid on the Bonds will not be includable in gross income of the recipient for United States or North Dakota income tax purposes (other than the privilege tax imposed on financial institutions by North Dakota Century Code, Chapter 57-35.3). Interest on the Bonds will not be treated as a preference item in calculating the federal alternative minimum taxable income of individuals and corporations (see Tax-Exemption herein). The Bonds will be designated as "qualified tax-exempt obligations" under Section 265 (b)(3) of the Internal Revenue Code of 1986.

DOUGHERTY & COMPANY LLC

90 South Seventh Street, Suite 4300
Minneapolis MN 55402-4108
Telephone – 612/376-4000

OFFICIAL BID FORM

CITY OF MANDAN
MORTON COUNTY, NORTH DAKOTA

\$1,675,000

Refunding Improvement Bonds of 2013, Series A

March 19, 2013

Honorable Mayor, City Commission and City Officials
City of Mandan
Morton County, North Dakota

HONORABLE MAYOR, CITY COMMISSION AND OFFICIALS:

For the City's Refunding Improvement Bonds, Series A, dated April 1, 2013, we will pay you \$ _____, plus accrued interest to the date of delivery for Bonds paying interest on November 1, 2013, and each May 1 and November 1, thereafter, and maturing on May 1 as follows:

<u>Year</u>	<u>Amount</u>	<u>Rate</u>
2014	\$235,000	
2015	\$225,000	
2016	\$220,000	
2017	\$215,000	
2018	\$205,000	
2019	\$200,000	
2020	\$195,000	
2021	\$180,000	

This proposal is subject to the approving legal opinion of Steven L. Vogelpohl, Attorney at Law, Bismarck, North Dakota. We understand that the said legal opinion will be provided to us without cost.

This proposal is for prompt acceptance and for anticipated delivery of said Bonds within 30 days (anticipated delivery _____, 2013.)

Respectfully,

Account Manager

Dougherty & Company LLC

By: _____
David B. Juran, Executive Vice President

FOR INFORMATIONAL PURPOSES:
Total Net Interest Cost \$ _____
Net Effective Rate _____%

The foregoing proposal is hereby accepted by and on behalf of the CITY OF MANDAN,
MORTON COUNTY, NORTH DAKOTA, this 19th day of March, 2013.

President

ATTEST:

City Administrator

CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA

\$1,675,000

City of Mandan, North Dakota
Refunding Improvement Bonds of 2013
Refunding of Series 2006B

Refunding Summary

Dated 04/01/2013 | Delivered 04/01/2013

Sources Of Funds

Par Amount of Bonds	\$1,675,000.00
City Funds	35,000.00
Total Sources	\$1,710,000.00

Uses Of Funds

Deposit to Current Refunding Fund	1,675,000.00
Total Underwriter's Discount (1.250%)	20,937.50
Costs of Issuance	14,062.50
Total Uses	\$1,710,000.00

Flow of Funds Detail

State and Local Government Series (SLGS) rates for
Date of OMP Candidates

Current Refunding Escrow Solution Method	Gross Funded
Total Cost of Investments	\$1,675,000.00
Total Draws	\$1,675,000.00

Issues Refunded And Call Dates

Mandan RIB 2006B	5/01/2013
------------------	-----------

PV Analysis Summary (Net to Net)

Net PV Cashflow Savings @ 1.684%(AIC)	210,904.31
Total Cash contribution	(35,000.00)
Net Present Value Benefit	\$175,904.31
Net PV Benefit / \$1,675,000 Refunded Principal	10.502%
Net PV Benefit / \$1,675,000 Refunding Principal	10.502%

Bond Statistics

Average Life	4.403 Years
Average Coupon	1.1913922%
Net Interest Cost (NIC)	1.4753065%
Bond Yield for Arbitrage Purposes	1.1869898%
True Interest Cost (TIC)	1.4827427%
All Inclusive Cost (AIC)	1.6843417%

Ref13 Mandan RIB 06B prel | Ref 2006B | 2/ 8/2013 | 1:13 PM

Dougherty & Company LLC
Public Finance

\$1,675,000

City of Mandan, North Dakota
Refunding Improvement Bonds of 2013
Refunding of Series 2006B

Debt Service Comparison

Date	Total P+I	Net New D/S	Old Net D/S	Savings
05/01/2013	-	-	-	-
05/01/2014	252,910.21	252,910.21	279,717.50	26,807.29
05/01/2015	240,475.00	240,475.00	271,055.00	30,580.00
05/01/2016	234,125.00	234,125.00	262,392.50	28,267.50
05/01/2017	227,475.00	227,475.00	253,730.00	26,255.00
05/01/2018	215,540.00	215,540.00	245,067.50	29,527.50
05/01/2019	208,387.50	208,387.50	236,352.50	27,965.00
05/01/2020	200,887.50	200,887.50	227,532.50	26,645.00
05/01/2021	183,060.00	183,060.00	213,712.50	30,652.50
Total	\$1,762,860.21	\$1,762,860.21	\$1,989,560.00	\$226,699.79

PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings	210,904.31
Net PV Cashflow Savings @ 1.684%(AIC)	210,904.31
Total Cash contribution	(35,000.00)
Net Present Value Benefit	\$175,904.31
Net PV Benefit / \$1,675,000 Refunded Principal	10.502%
Net PV Benefit / \$1,675,000 Refunding Principal	10.502%

Refunding Bond Information

Refunding Dated Date	4/01/2013
Refunding Delivery Date	4/01/2013

Greg Welch

From: Steven Vogelpohl <slv@slvlaw.net>
Sent: Tuesday, March 12, 2013 12:04 PM
To: Greg Welch
Cc: Brown, Malcolm H.; Manstrom, Mike
Subject: Mandan Refunding Improvement Bonds of 2013, Series A and Series B
Attachments: FORM DRAFT - Resolution Awarding Sale, RIB 2013, Series A.pdf; FORM DRAFT - Resolution Awarding Sale, RIB 2013, Series B.pdf

Greg,

Attached is a form of Resolution Awarding Sale for each of the above bond Series. The Resolutions would be considered for adoption at the Commission's March 19 meeting.

I will revise and complete the Resolutions to reflect issue details upon being provided information on the purchase offers.

Thank you for your assistance and please don't hesitate to contact me if you've any questions on the above.

Steve

CITY OF MANDAN
COUNTY OF MORTON
STATE OF NORTH DAKOTA

RESOLUTION AWARDING SALE

WHEREAS, the Board of City Commissioners (the "Governing Body") of the City of Mandan, North Dakota (the "City") has authorized the private sale of the City's Refunding Improvement Bonds of 2013, Series A, in principal amount of \$1,675,000 (the "Bonds") for the purpose of refunding the City's Refunding Improvement Bonds of 2006, Series B, having stated maturities in 2014 and thereafter; and

WHEREAS, the Governing Body has received an offer from Dougherty & Company LLC, Minneapolis, Minnesota, to purchase the Bonds (the "Offer"),

BE IT HEREBY RESOLVED by the Governing Body that the Offer of Dougherty & Company LLC, Minneapolis, Minnesota, is hereby accepted, which Offer is as follows:

The Bonds are to be purchased at a purchase price of \$_____ plus accrued interest and initially dated as of April 10, 2013, and shall be issuable as book-entry bonds on the terms as set forth on Attachment 1 hereto.

BE IT HEREBY FURTHER RESOLVED that issuance of the Bonds shall be subject to the approving legal opinion of Steven L. Vogelpohl, Bond Counsel, Bismarck, North Dakota.

Dated and adopted this 19th day of March, 2013.

Attest:

CITY OF MANDAN, NORTH DAKOTA

City Administrator

President, Board of City Commissioners

(S E A L)

The governing body of the political subdivision acted on the foregoing resolution on March 19, 2013, as follows:

Adoption moved by _____ Seconded by _____

Roll Call Vote (List Last Names)

"Aye" _____

"Nay" _____

Absent _____

and after vote the presiding officer declared the resolution adopted.

CITY OF MANDAN
MORTON COUNTY, NORTH DAKOTA

\$1,675,000 Refunding Improvement Bonds of 2013, Series A

THE BONDS

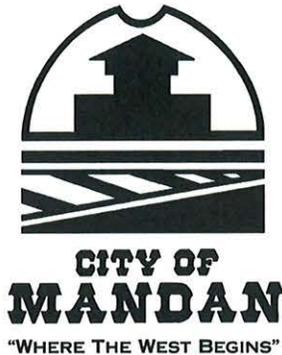
DATED DATE: APRIL 10, 2013

DUE: MAY 1, AS BELOW

Bonds will be available in fully registered form in the denominations of \$5,000 or any whole multiple thereof. Interest is payable each May 1 and November 1, commencing November 1, 2013.

<u>Year</u>	<u>Due May 1</u>	<u>Rate</u>
2014	\$235,000	____%
2015	225,000	____
2016	220,000	____
2017	215,000	____
2018	205,000	____
2019	200,000	____
2020	195,000	____
2021	180,000	____

Bonds maturing in 2019 and thereafter shall be subject to redemption and prepayment, at the option of the City, on May 1, 2018 and any date thereafter, in inverse order of maturities and by lot within any maturity, at par plus accrued interest.



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 19, 2013
PREPARATION DATE: March 13, 2013
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Mike Manstrom, Dougherty & Company LLC
SUBJECT: Sale of \$1,410,000 Refunding Improvement Bonds of 2013, Series B.

PURPOSE

To award the sale of \$1,410,000 Refunding Improvement Bonds of 2013, Series B for the purpose of refunding the City's Refunding Improvement Bonds of 2003, Series A.

BACKGROUND

The refinancing of the old Bonds is necessary to take advantage of the lower interest rates with the sale of the new Bonds. The following special assessment districts are affected as a result of the refinancing:

- Sanitary Sewer #22
- Street #96
- Street #97
- Street #100
- Water and Sewer #40
- Water and Sewer #41

ATTACHMENTS

- Official Statement cover page
- Official Bid Form
- Refunding Summary
- Debt Service Comparison
- Resolution Awarding Sale

FISCAL IMPACT

The total Net Present Value Benefit (NPV) savings is estimated to be \$73,632.57 or 5.222%. This savings is net of the issuance costs. A common method to determine if the refunding is appropriate is that the savings, net of all issuance costs, should be at least 3% to 5% as a NPV percentage of the refunded bonds.

The net savings from the refinancing will be passed on to the balances owed by the special assessment districts indicated above through lower interest rates effective April 1, 2013.

STAFF IMPACT

None

LEGAL REVIEW

Steve Vogelpohl, Bond Counsel, will prepare the legal opinion.

RECOMMENDATION

To approve the Resolution Awarding Sale of \$1,410,000 Refunding Improvement Bonds of 2013, Series B.

SUGGESTED MOTION

Move to approve the Resolution Awarding Sale of \$1,410,000 Refunding Improvement Bonds of 2013, Series B.

New Issue/Book Entry Only

This Document does not constitute an offer to sell the Bonds in any State or other jurisdiction to any person to whom it is unlawful to make such offer in such State or jurisdiction. No dealer, salesperson, or any other person has been authorized to give any information or to make any representation other than those contained herein in connection with the offering of the Bonds, and if given or made, such information or representation must not be relied upon.

FINAL OFFICIAL STATEMENT

(Dated March 19, 2013)

**CITY OF MANDAN
MORTON COUNTY, NORTH DAKOTA**

\$1,410,000 Refunding Improvement Bonds of 2013, Series B

Bonds Dated: April 1, 2013

Principal Due: May 1, as below

Rated “__” by Moody’s Investors Service

Interest will be payable on May 1 and November 1, commencing November 1, 2013. The Bonds will be issued as fully registered Bonds without coupons and, when issued, will be registered in the name of Cede & Co., as nominee of The Depository Trust Company (“DTC”). DTC will act as securities depository of the Bonds. Individual purchases may be made in book entry form only, in the principal amount of \$5,000 and integral multiples thereof. Purchasers will not receive certificates representing their interest in the Bonds purchased. See (“Book Entry System” herein.) Starion Bond Services of Bismarck, North Dakota will serve as registrar.

<u>Year</u>	<u>Amount</u>	<u>Rate</u>	<u>Yield</u>	<u>CUSIP</u>
2014	\$305,000			
2015	\$295,000			
2016	\$280,000			
2017	\$270,000			
2018	\$260,000			

These Bonds are non-callable.

In the opinion of Steven L. Vogelpohl, Bond Counsel, the interest to be paid on the Bonds will not be includable in gross income of the recipient for United States or North Dakota income tax purposes (other than the privilege tax imposed on financial institutions by North Dakota Century Code, Chapter 57-35.3). Interest on the Bonds will not be treated as a preference item in calculating the federal alternative minimum taxable income of individuals and corporations (see Tax-Exemption herein). The Bonds will **NOT** be designated as "qualified tax-exempt obligations" under Section 265 (b)(3) of the Internal Revenue Code of 1986.

DOUGHERTY & COMPANY LLC

90 South Seventh Street, Suite 4300
Minneapolis MN 55402-4108
Telephone – 612/376-4000

OFFICIAL BID FORM

**CITY OF MANDAN
MORTON COUNTY, NORTH DAKOTA**

\$1,410,000

Refunding Improvement Bonds of 2013, Series B

March 19, 2013

Honorable Mayor, City Commission and City Officials
City of Mandan
Morton County, North Dakota

HONORABLE MAYOR, CITY COMMISSION AND OFFICIALS:

For the City's Refunding Improvement Bonds, Series B, dated April 1, 2013, we will pay you \$ _____, plus accrued interest to the date of delivery for Bonds paying interest on November 1, 2013, and each May 1 and November 1, thereafter, and maturing on May 1 as follows:

<u>Year</u>	<u>Amount</u>	<u>Rate</u>
2014	\$305,000	
2015	\$295,000	
2016	\$280,000	
2017	\$270,000	
2018	\$260,000	

This proposal is subject to the approving legal opinion of Steven L. Vogelpohl, Attorney at Law, Bismarck, North Dakota. We understand that the said legal opinion will be provided to us without cost.

This proposal is for prompt acceptance and for anticipated delivery of said Bonds within 30 days (anticipated delivery _____, 2013.)

Respectfully,

Account Manager

Dougherty & Company LLC

By: _____
David B. Juran, Executive Vice President

FOR INFORMATIONAL PURPOSES:

Total Net Interest Cost \$ _____

Net Effective Rate _____%

The foregoing proposal is hereby accepted by and on behalf of the CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA, this 19th day of March, 2013.

President

ATTEST:

City Administrator

CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA

\$1,410,000

City of Mandan, North Dakota
Refunding Improvement Bonds of 2013
Refunding of Series 2003A

Refunding Summary

Dated 04/01/2013 | Delivered 04/01/2013

Sources Of Funds

Par Amount of Bonds	\$1,410,000.00
---------------------	----------------

Total Sources	\$1,410,000.00
----------------------	-----------------------

Uses Of Funds

Deposit to Current Refunding Fund	1,380,000.00
-----------------------------------	--------------

Total Underwriter's Discount (1.250%)	17,625.00
---------------------------------------	-----------

Costs of Issuance	12,375.00
-------------------	-----------

Total Uses	\$1,410,000.00
-------------------	-----------------------

Flow of Funds Detail

State and Local Government Series (SLGS) rates for
Date of OMP Candidates

Current Refunding Escrow Solution Method	Gross Funded
--	--------------

Total Cost of Investments	\$1,380,000.00
---------------------------	----------------

Total Draws	\$1,380,000.00
-------------	----------------

Issues Refunded And Call Dates

Mandan RIB 2003A	5/01/2013
------------------	-----------

PV Analysis Summary (Net to Net)

Net PV Cashflow Savings @ 1.834%(AIC)	73,632.57
---------------------------------------	-----------

Net Present Value Benefit	\$73,632.57
----------------------------------	--------------------

Net PV Benefit / \$1,380,000 Refunded Principal	5.336%
---	--------

Net PV Benefit / \$1,410,000 Refunding Principal	5.222%
---	---------------

Bond Statistics

Average Life	3.002 Years
--------------	-------------

Average Coupon	1.1011223%
----------------	------------

Net Interest Cost (NIC)	1.5175428%
-------------------------	------------

Bond Yield for Arbitrage Purposes	1.0993792%
-----------------------------------	------------

True Interest Cost (TIC)	1.5284660%
--------------------------	------------

All Inclusive Cost (AIC)	1.8343105%
--------------------------	------------

Ref13 Mandan RIB 03A prel | Ref 2003A | 2/ 8/2013 | 1:13 PM

Dougherty & Company LLC
Public Finance

\$1,410,000

City of Mandan, North Dakota
Refunding Improvement Bonds of 2013
Refunding of Series 2003A

Debt Service Comparison

Date	Total P+I	Net New D/S	Old Net D/S	Savings
05/01/2013	-	-	-	-
05/01/2014	319,885.00	319,885.00	335,952.50	16,067.50
05/01/2015	306,910.00	306,910.00	320,977.50	14,067.50
05/01/2016	289,550.00	289,550.00	305,897.50	16,347.50
05/01/2017	276,750.00	276,750.00	290,722.50	13,972.50
05/01/2018	263,510.00	263,510.00	280,462.50	16,952.50
Total	\$1,456,605.00	\$1,456,605.00	\$1,534,012.50	\$77,407.50

PV Analysis Summary (Net to Net)

Net PV Cashflow Savings @ 1.834%(AIC)	73,632.57
Net Present Value Benefit	\$73,632.57
Net PV Benefit / \$1,380,000 Refunded Principal	5.336%
Net PV Benefit / \$1,410,000 Refunding Principal	5.222%

Refunding Bond Information

Refunding Dated Date	4/01/2013
Refunding Delivery Date	4/01/2013

Greg Welch

From: Steven Vogelpohl <slv@slvlaw.net>
Sent: Tuesday, March 12, 2013 12:04 PM
To: Greg Welch
Cc: Brown, Malcolm H.; Manstrom, Mike
Subject: Mandan Refunding Improvement Bonds of 2013, Series A and Series B
Attachments: FORM DRAFT - Resolution Awarding Sale, RIB 2013, Series A.pdf; FORM DRAFT - Resolution Awarding Sale, RIB 2013, Series B.pdf

Greg,

Attached is a form of Resolution Awarding Sale for each of the above bond Series. The Resolutions would be considered for adoption at the Commission's March 19 meeting.

I will revise and complete the Resolutions to reflect issue details upon being provided information on the purchase offers.

Thank you for your assistance and please don't hesitate to contact me if you've any questions on the above.

Steve

CITY OF MANDAN
COUNTY OF MORTON
STATE OF NORTH DAKOTA

RESOLUTION AWARDING SALE

WHEREAS, the Board of City Commissioners (the "Governing Body") of the City of Mandan, North Dakota (the "City") has authorized the private sale of the City's Refunding Improvement Bonds of 2013, Series B, in principal amount of \$1,410,000 (the "Bonds") for the purpose of refunding the City's Refunding Improvement Bonds of 2003, Series A, having stated maturities in 2014 and thereafter; and

WHEREAS, the Governing Body has received an offer from Dougherty & Company LLC, Minneapolis, Minnesota, to purchase the Bonds (the "Offer"),

BE IT HEREBY RESOLVED by the Governing Body that the Offer of Dougherty & Company LLC, Minneapolis, Minnesota, is hereby accepted, which Offer is as follows:

The Bonds are to be purchased at a purchase price of \$_____ plus accrued interest and initially dated as of April 10, 2013, and shall be issuable as book-entry bonds on the terms as set forth on Attachment 1 hereto.

BE IT HEREBY FURTHER RESOLVED that issuance of the Bonds shall be subject to the approving legal opinion of Steven L. Vogelpohl, Bond Counsel, Bismarck, North Dakota.

Dated and adopted this 19th day of March, 2013.

Attest:

CITY OF MANDAN, NORTH DAKOTA

City Administrator

President, Board of City Commissioners

(S E A L)

The governing body of the political subdivision acted on the foregoing resolution on March 19, 2013, as follows:

Adoption moved by _____ Seconded by _____

Roll Call Vote (List Last Names)

"Aye" _____

"Nay" _____

Absent _____

and after vote the presiding officer declared the resolution adopted.

CITY OF MANDAN
MORTON COUNTY, NORTH DAKOTA

\$1,410,000 Refunding Improvement Bonds of 2013, Series B

THE BONDS

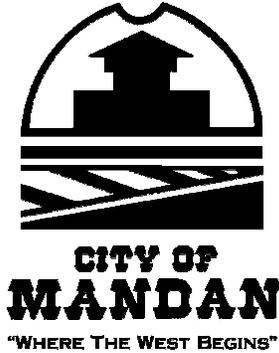
DATED DATE: APRIL 10, 2013

DUE: MAY 1, AS BELOW

Bonds will be available in fully registered form in the denominations of \$5,000 or any whole multiple thereof. Interest is payable each May 1 and November 1, commencing November 1, 2013.

<u>Year</u>	<u>Due May 1</u>	<u>Rate</u>
2014	\$305,000	____%
2015	295,000	_____
2016	280,000	_____
2017	270,000	_____
2018	260,000	_____

The Bonds are not subject to redemption prior to maturity.



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 19, 2013
PREPARATION DATE: March 14, 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 Heart Ridge 2nd Addition.

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

BACKGROUND/ALTERNATIVES: The Heart Ridge 2nd Addition plat is located north of 19th 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. letter of request
2. letter of credit
3. 3 way agreement
4. 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: March 19, 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 Heart Ridge 2nd Addition.

Page 2 of 10

PETITION FOR SANITARY SEWER AND WATER BY 3-WAY CONTRACT

DATE January 25, 2013

To the Honorable Board of City Commissioners
Mandan, North Dakota

Commissioners:

The undersigned owners of property respectfully petition your Honorable Board to have sanitary sewer and watermain improvements constructed with a 3-Way Agreement. An irrevocable letter of credit or escrow account will be provided prior to execution of a 3-Way Agreement to cover the cost of improvements plus engineering services. I further agree to complete the rough grading of the right of way easement prior to sewer and water construction.

DESCRIPTION OF RIGHT OF WAY:

- Plains Bend SE - from 19th Street SE north to the end of the cul-de-sac, Heart Ridge 2nd Addition.
- 18th Street SE - from the east line of both Lot 1 Block 1 and Lot 1 Block 3 to the west line of both Lot 7 Block 1 and Lot 7 Block 3, Heart Ridge 2nd Addition.
- Fields Court SE - from the west line of both Lot 8 Block 3 and Lot 23 Block 3 to the end of the cul-de-sac, Heart Ridge 2nd Addition.
- 14th Street SE - from the west line of both Lot 9 Block 4 and Lot 20 Block 1 to the east line of both Lot 9 Block 4 and Lot 20 Block 1, Heart Ridge Addition.
- Ridge Drive - from the west line of both Lot 19 Block 1 and Lot 13 Block 3, Heart Ridge Addition.

SIGNATURE (Property Owner/s)


Lance Wachter
PO Box 520
Bismarck, ND 58502-0520

PROPERTY DESCRIPTION

Lots 19 & 20 Block 1
Lot 13 Block 3
Lots 9 Block 4;
Heart Ridge Addition
Lots 1-7 Block 1
Lots 1-15 Block 2
Lots 1-30 Block 3
Lots 1-22 Block 4;
Heart Ridge 2nd Addition

Board of City Commissioners

Agenda Documentation

Meeting Date: March 19, 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 Heart Ridge 2nd Addition.

Page 3 of 10


Security First Bank
OF NORTH DAKOTA

(701) 222-4444 Highway 83 North 3000 North 14th St PO Box 4250 Bismarck, North Dakota 58502

IRREVOCABLE Standby Letter of Credit #196

Date: March 13, 2013

Beneficiary: City of Mandan
205 2nd Ave. NW
Mandan, ND 58554

Applicant: Wachter Development, Inc.
PO Box 520
Bismarck, ND 58502

RE: Heart Ridge Addition Phase II; Project #2013-02

Letter of Credit Number: 196 Amount \$545,000

Expiration Date: August 15, 2013

We hereby issue this irrevocable standby letter of credit in your favor, which is available by your drafts, drawn at sight, drawn on Security First Bank of North Dakota, Box 4250, Bismarck, ND 58502 bearing the clause:

“Drawn under irrevocable standby Letter of Credit No. 196”

Accompanied by the following documents:

This original letter of credit and beneficiary’s signed statement as follows:

“Wachter Development, Inc. has failed to make payment in accordance with the terms of that certain sanitary sewer and water improvement project with the City of Mandan relating to Project #2013-02”

We hereby agree to honor each draft drawn and in compliance with the terms of this irrevocable letter of credit if duly presented (together with the documents as specified) at this office on or before the expiration date.

This Letter of Credit shall be governed by and subject to the Uniform Customs and Practice for Documentary Credits (2007 Revision), International Chamber of Commerce Publication No. 600 (“UCP”), and to the extent not inconsistent with the UCP, laws of the State of North Dakota.

Security First Bank of North Dakota



Jed Fluhrer, Vice President

Board of City Commissioners

Agenda Documentation

Meeting Date: March 19, 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 Heart Ridge 2nd Addition.

Page 4 of 10

**AGREEMENT
SANITARY SEWER & WATER IMPROVEMENT PROJECT #2013-02
HEART RIDGE 2ND SUBDIVISION**

THIS AGREEMENT, made on the 13th day of March, 2013 between the City of Mandan, a municipal corporation, hereinafter called the City, Lance Wachter, hereinafter called the Developer, and Markwed Excavating, Inc., hereinafter called the Contractor. The Engineer mentioned in this contract shall be Swenson, Hagen & Co.

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

Watermains
 Sanitary Sewer mains
 Streets
 Others:

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 accordance with plans, specifications and requirements of the City and will be completed in a proper and safe manner in accordance with the City approved plans and specifications for the work. The Contractor and the Developer through the Contractor, represent and agree that they shall have sole and exclusive responsibility to ensure that said work is completed in accordance with all plans and specifications and pursuant to any requirements of the City. The Contractor warrants that the work will be conducted in a proper and safe manner, 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:

- Plains Bend SE - from 19th Street SE north to the end of the cul-de-sac, Heart Ridge 2nd Addition.
- 18th Street SE - from the east line of both Lot 1 Block 1 and Lot 1 Block 3 to the west line of both Lot 7 Block 1 and Lot 7 Block 3, Heart Ridge 2nd Addition.
- Fields Court SE - from the west line of both Lot 8 Block 3 and Lot 23 Block 3 to the end of the cul-de-sac, Heart Ridge 2nd Addition.
- 14th Street SE - from the west line of both Lot 9 Block 4 and Lot 20 Block 1 to the east line of both Lot 9 Block 4 and Lot 20 Block 1, Heart Ridge Addition.
- Ridge Drive - from the west line of both Lot 19 Block 1 and Lot 13 Block 3, Heart Ridge Addition.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 19, 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 Heart Ridge 2nd Addition.

Page 5 of 10

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

(2) SCOPE OF WORK.

The Developer will, through a Contractor licensed under the laws of North Dakota, to do said work, furnish all materials, and all equipment and labor necessary to perform all of the work shown on the plans and specifications prepared by Swenson, Hagen & Co., which are hereby referred to and made a part of this Agreement. Construction staking as required by the City shall be done by Swenson, Hagen & Co. 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 watermain, seeding, pressure testing, chlorine, repair work, clean up, and any other usual charges as determined by the Engineer shall be borne by the Contractor.

(3) TIME OF COMPLETION

The Contractor shall be responsible for maintaining the erosion control for up to thirty (30) days after completion of the project or until arrival of the pavement contractor, whichever occurs first. Unless delays are encountered that are beyond the Contractor's control, the Contractor shall begin work no later than July 1, 2013.

The Contractor shall have from April 1, 2013 to July 1, 2013 to complete the project to the satisfaction of the project engineer.

(4) LIQUIDATED DAMAGES

The Contractor shall be liable to pay the Developer zero dollars (\$0.00) per calendar day the project is not completed beyond the completion date of July 1, 2013. The minimum \$0.00 per calendar day includes but is not limited to extra maintenance, administrative costs, legal costs and engineering fees. The Developer reserves the right to compute actual costs incurred due to the Contractor's failure to complete the project and be reimbursed by the Contractor.

(5) SUPERVISION AND INSPECTION OF WORK.

The City, City Engineering Department and Engineer shall at all times have access to the work, in its preparation and progress. The Engineer and their 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.

(6) CITY ENGINEER'S DECISIONS.

The Contractor shall have general supervision and direction of the work. The City, City Engineer and Engineer have authority to stop the work when such stoppage may in their opinion be necessary to insure proper execution of the contract. They 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 Engineer shall be final.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 19, 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 Heart Ridge 2nd Addition.

Page 6 of 10

(7) 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 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 of the contract work in accordance with the plans, specifications, and proposal prepared by the Engineer made a part of this contract. The contract proposal amount is \$518,827.00. The proposal, attached, shall become a part of this agreement.

(8) CONTENTS OF DEVELOPER'S CONTRACT.

All contracts made by the Developer with any person, firm, or corporation in connection with or in carrying out the contract work shall provide: "This contract is subject to all the terms and conditions of a contract dated March 13, 2013 between the City, the Developer and the Contractor."

(9) OWNERSHIP OF WORK-LINES.

All contract work, except utility stub out, furnished or placed in the public streets, alleys, or rights-of-way shall become the property of the City of Mandan. The placing and furnishing of all contract work by the 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.

(10) 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.

(11) VERBAL AGREEMENTS.

No verbal agreements or conversation 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.

(12) PROTECTION OF PUBLIC AND WORK.

The Contractor 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 Contractor 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 or on 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 Contractor, its officers, agents or employees in the 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 that specified in Section 100-33 of the specifications for this project.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 19, 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 Heart Ridge 2nd Addition.

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(13) UTILITIES.

It shall be the responsibility of the 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, and telephone poles, guys, valve boxes, stop boxes and all utilities installations that might be affected in the performance of the work. The Contractor 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.

(14) 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.

(15) CLEAN UP.

Extra materials, tools and temporary structures shall be removed by the Contractor 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 Contractor 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 or other surfaces disturbed. The Contractor shall conduct its operations in such manner as to cause minimum inconvenience to adjoining property owners and the public.

The Developer will be required to replace paving or gravel surface adjacent to the project site that is damaged in the construction work.

(16) 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.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 19, 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 Heart Ridge 2nd Addition.

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

CITY OF MANDAN

DEVELOPER

Lance Wachter

Arlyn Van Beek, President
Board of City Commissioners

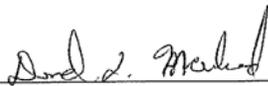

PO Box 520
Bismarck, ND 58502-0520

Attest:

CONTRACTOR

Markwed Excavating, Inc.

Jim Neubauer, City Administrator

 03-13-13
3555 93rd Street SE
Bismarck, ND 58504

Board of City Commissioners

Agenda Documentation

Meeting Date: March 19, 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 Heart Ridge 2nd Addition.

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**SANITARY SEWER & WATER IMPROVEMENT PROJECT NO. 2013-02
HEART RIDGE 2nd ADDITION**

<u>WATERMAIN ITEMS</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>TOTAL PRICE</u>
Bedding Material	1460 TON	\$ 12. ⁰⁰	\$ 17,520.00
Rock Excavation	50 CY	\$ 30. ⁰⁰	\$ 1,500.00
Ductile Iron Fittings	incidental		\$ -
6" PVC Watermain	100 LF	\$ 19. ⁰⁰	\$ 1,900.00
8" PVC Watermain	3,945 LF	\$ 20. ⁰⁰	\$ 78,900.00
6" Gate Valve and Box	10 EA	\$ 12,000. ⁰⁰	\$ 1,200,000.00
8" Gate Valve and Box	14 EA	\$ 17,500. ⁰⁰	\$ 2,450,000.00
Reset Salvaged Hydrant	3 EA	\$ 10,000. ⁰⁰	\$ 30,000.00
6" Hydrant	10 EA	\$ 3,500. ⁰⁰	\$ 35,000.00
1" Copper Water Serv. Pipe	2,511 LF	\$ 18. ⁰⁰	\$ 45,198.00
1" Water Service Connection	46 EA	\$ 150. ⁰⁰	\$ 6,900.00
1" Ball Valve Curb Stop & 1 1/2 Box	46 EA	\$ 170. ⁰⁰	\$ 7,820.00
WATERMAIN SUBTOTAL			\$ 234,238.00

<u>SANITARY SEWER ITEMS</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>TOTAL PRICE</u>
8" Sanitary Sewer	3,623 LF	\$ 24. ⁰⁰	\$ 86,952.00
Television Sewer Main	3,623 LF	\$ 2. ⁰⁰	\$ 7,246.00
Bedding Material	1,110 TON	\$ 12. ⁰⁰	\$ 13,320.00
Rock Excavation	50 CY	\$ 30. ⁰⁰	\$ 1,500.00
Concrete Manhole	15 EA	\$ 3,200. ⁰⁰	\$ 48,000.00
4" Sewer Service Pipe	3,650 LF	\$ 18. ⁰⁰	\$ 65,700.00
8" x 4" Wye Branch	77 EA	\$ 60. ⁰⁰	\$ 4,620.00
4" 45° Bend	67 EA	\$ 14. ⁰⁰	\$ 938.00
4" 22.5° Bend	3 EA	\$ 15. ⁰⁰	\$ 45.00
4" 11.25° Bend	2 EA	\$ 20. ⁰⁰	\$ 40.00
SANITARY SEWER SUBTOTAL			\$ 228,361.00
TOTAL COST			\$ 462,599.00

<u>WATERMAIN ITEMS - ALT. A</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>TOTAL PRICE</u>
Pressure Reducing Valve & Manhole	1 LS	\$ 34,220. ⁰⁰	\$ 34,220.00
12" x 8" Tapping Sleeve & Valve	1 EA	\$ 3,500. ⁰⁰	\$ 3,500.00
8" Gate Valve & Box	1 EA	\$ 17,500. ⁰⁰	\$ 17,500.00
8" PVC Watermain	53 LF	\$ 20. ⁰⁰	\$ 1,060.00
WATERMAIN (ALT A) SUBTOTAL			\$ 40,530.00

<u>WATERMAIN ITEMS - ALT. B</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>TOTAL PRICE</u>
Pressure Reducing Valve & Manhole	1 LS	\$ 43,100. ⁰⁰	\$ 43,100.00
12" x 12" Tapping Sleeve & Valve	1 EA	\$ 6,200. ⁰⁰	\$ 6,200.00
12" Gate Valve & Box	1 EA	\$ 3,400. ⁰⁰	\$ 3,400.00
12" PVC Watermain	63 LF	\$ 56. ⁰⁰	\$ 3,528.00
WATERMAIN (ALT B) SUBTOTAL			\$ 56,228.00

Markwed Excavating Inc.
Markwed Excavating Inc.
3555 93rd St. SE
Bismarck, ND 58504

03-13-13

Board of City Commissioners

Agenda Documentation

Meeting Date: March 19, 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 Heart Ridge 2nd Addition.

Page 10 of 10

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND
AUTHORIZING EXECUTION OF 3-WAY AGREEMENT FOR WATER AND
SEWER IMPROVEMENT PROJECT NO. 2013-02
(Heart Ridge 2nd Addition)**

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

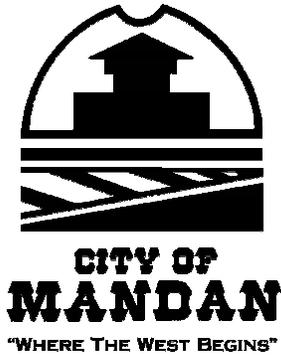
1. That the plans and specifications for the Water and Sewer Project No. 2013-02 serving Heart Ridge 2nd Addition in the City of Mandan, as presented by Lance Wachter, Wachter Development Inc., on behalf of themselves, are hereby approved, ratified and confirmed as the plans and specifications for said 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: Ridge Drive SE, Plains Bend SE, 18th Street SE, Fields Court SE, and 14th Street 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, Lance Wachter, Wachter Development 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: March 19, 2013



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 19, 2013
PREPARATION DATE: March 15, 2013
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, Administrator
PRESENTER: Jim Neubauer, Administrator
SUBJECT: Multi-Family Housing Exemption Policy & New Single Family Home Exemption

STATEMENT/PURPOSE: To review and consider the City's policy on any incentive for multi-family or high-density housing & New Single Family Home Exemption.

BACKGROUND/ALTERNATIVES: Informally since June 2010 and formally since February 2011, the City of Mandan has considered applications for a two-year 100% exemption for new construction of multi-family housing of 24 units or greater. *Note: This policy has been for projects outside of the Renaissance Zone. The benefit period for RZ projects is five years.*

Among rationale for the multi-family high density exemption policy when it began was to encourage greater investment on a fixed amount of land thereby increasing future property tax revenues per parcel while reducing the investment in street, water and sewer lines in terms of lineal feet. More recently, a benefit considered has been the need for affordable housing to accommodate the need for workforce as demanded by new and growing businesses in the region.

Since the policy was adopted, four development groups have applied and been approved for the exemption. These comprise 10 buildings and 306 to 330 units. Additionally, there were two assisted living projects. Two to three of these approved projects have not yet begun construction, but must do so within 1 year of the original City Commission approval to receive the exemption.

During working sessions held this fall, the City Commission and Growth Fund Committee determined that the consideration of any housing incentive policy was beyond the Growth Fund Committee's core economic and business development focus. Also there was discussion by a commissioner about offering an incentive for any multi-family limited to the first \$75,000 in value per unit for two years. If this were to occur, there could be many more applications from 4-, 8-, and 12-plexes or other smaller

configurations. For this reason, it was determined that any housing incentive policy and/or applications be considered directly by the City Commission without prior review and recommendation by the Growth Fund Committee.

An application has been received by the Assessing Department and is slated for public hearing before the Commission on Feb. 19. The Commission approved this request.

Current Policy:

Consider applications for a two-year 100% exemption for new construction of multi-family housing of 24 units or greater

Alternative Options (in no particular order)

Option A:

Consider applications for a two-year 100% exemption for new construction of multi-family housing of 24 units or greater limited to the first \$75,000 of value.

Option B:

Consider applications for a two-year 100% exemption for new construction of multi-family housing of 4 units or greater limited the first \$75,000 of value.

Option C:

Eliminate this exemption from consideration via a phased out approach. Any applications received on or before June 30 will be considered for a 2 year 100% exemption. Those received between July 1, 2013 – December 31, 2013 would be considered for a 1 year exemption and no consideration for those applications received after December 31, 2013.

Option D:

Keep the current policy in place. If this were the decision, you may wish to add caveats to the exemption such as additional onsite parking requirements, green space and children's play area.

Option E:

Keep the current policy in place, pending the outcome of SB 2314 which may affect the ability to provide the exemption.

Current ordinance regarding new single family home/townhome/condo construction is to provide an exemption for two years on the first \$75,000 of value.

This has not been changed for many years. State law would provide an option for the City of Mandan to up that amount to \$150,000. Options available to consider would be:

- Leave the exemption as is

Board of City Commissioners

Agenda Documentation

Meeting Date: March 19, 2013

Subject: Multi-Family Housing Policy & New Single Family Home Exemption

Page 3 of 3

- Eliminate the exemption
- Adjust it from \$75,000 higher or lower.

With the strong housing market we are currently in, I would recommend leaving the exemption as is.

We have had discussions with the Bismarck Mandan Board of REALTORS and their Board of Directors has decided to remain neutral on the exemption issue.

ATTACHMENTS: n/a

FISCAL IMPACT: unknown

STAFF IMPACT: minimal

LEGAL REVIEW:

RECOMMENDATION: It is advisable for the City Commission to determine how they would like to proceed on such applications, which in turn will provide investors with some degree of certainty on what to expect.

My recommendation or preference on the multifamily housing exemption would be to leave it in place, but add conditions relative to additional parking requirements, green space and play areas.

I would also recommend leaving the existing ordinance in place providing for the first \$75,000 in value be exempt on new single family homes.

SUGGESTED MOTION:

Greg Welch

From: Steven Vogelwohl <slv@slvlaw.net>
Sent: Tuesday, March 12, 2013 12:04 PM
To: Greg Welch
Cc: Brown, Malcolm H.; Manstrom, Mike
Subject: Mandan Refunding Improvement Bonds of 2013, Series A and Series B
Attachments: FORM DRAFT - Resolution Awarding Sale, RIB 2013, Series A.pdf; FORM DRAFT - Resolution Awarding Sale, RIB 2013, Series B.pdf

Greg,

Attached is a form of Resolution Awarding Sale for each of the above bond Series. The Resolutions would be considered for adoption at the Commission's March 19 meeting.

I will revise and complete the Resolutions to reflect issue details upon being provided information on the purchase offers.

Thank you for your assistance and please don't hesitate to contact me if you've any questions on the above.

Steve

CITY OF MANDAN
COUNTY OF MORTON
STATE OF NORTH DAKOTA

RESOLUTION AWARDDING SALE

WHEREAS, the Board of City Commissioners (the "Governing Body") of the City of Mandan, North Dakota (the "City") has authorized the private sale of the City's Refunding Improvement Bonds of 2013, Series A, in principal amount of \$1,675,000 (the "Bonds") for the purpose of refunding the City's Refunding Improvement Bonds of 2006, Series B, having stated maturities in 2014 and thereafter; and

WHEREAS, the Governing Body has received an offer from Dougherty & Company LLC, Minneapolis, Minnesota, to purchase the Bonds (the "Offer"),

BE IT HEREBY RESOLVED by the Governing Body that the Offer of Dougherty & Company LLC, Minneapolis, Minnesota, is hereby accepted, which Offer is as follows:

The Bonds are to be purchased at a purchase price of \$_____ plus accrued interest and initially dated as of April 10, 2013, and shall be issuable as book-entry bonds on the terms as set forth on Attachment 1 hereto.

BE IT HEREBY FURTHER RESOLVED that issuance of the Bonds shall be subject to the approving legal opinion of Steven L. Vogelpohl, Bond Counsel, Bismarck, North Dakota.

Dated and adopted this 19th day of March, 2013.

Attest:

CITY OF MANDAN, NORTH DAKOTA

City Administrator

President, Board of City Commissioners

(S E A L)

The governing body of the political subdivision acted on the foregoing resolution on March 19, 2013, as follows:

Adoption moved by _____ Seconded by _____

Roll Call Vote (List Last Names)

"Aye" _____

"Nay" _____

Absent _____

and after vote the presiding officer declared the resolution adopted.

CITY OF MANDAN
MORTON COUNTY, NORTH DAKOTA

\$1,675,000 Refunding Improvement Bonds of 2013, Series A

THE BONDS

DATED DATE: APRIL 10, 2013

DUE: MAY 1, AS BELOW

Bonds will be available in fully registered form in the denominations of \$5,000 or any whole multiple thereof. Interest is payable each May 1 and November 1, commencing November 1, 2013.

<u>Year</u>	<u>Due May 1</u>	<u>Rate</u>
2014	\$235,000	____%
2015	225,000	_____
2016	220,000	_____
2017	215,000	_____
2018	205,000	_____
2019	200,000	_____
2020	195,000	_____
2021	180,000	_____

Bonds maturing in 2019 and thereafter shall be subject to redemption and prepayment, at the option of the City, on May 1, 2018 and any date thereafter, in inverse order of maturities and by lot within any maturity, at par plus accrued interest.

Res. #1 Revised

Greg Welch

From: Steven Vogelpohl <slv@slvlaw.net>
Sent: Tuesday, March 19, 2013 2:42 PM
To: Greg Welch
Cc: Brown, Malcolm H.; Manstrom, Mike
Subject: Mandan Refunding Improvement Bonds of 2013, Series A and Series B
Attachments: FORM FINAL - Resolution Awarding Sale, RIB 2013, Series A.pdf; FORM FINAL - Resolution Awarding Sale, RIB 2013, Series B.pdf

Greg,

Attached for today's Commission meeting is a revised and completed Resolution Awarding Sale for each of the above bond Series.

If you could send me the voting record information, I'll then prepare execution copies of each of the Resolutions.

Thank you for your assistance and please don't hesitate to contact me if you've any questions on the above.

Steve

CITY OF MANDAN
COUNTY OF MORTON
STATE OF NORTH DAKOTA

RESOLUTION AWARDING SALE

WHEREAS, the Board of City Commissioners (the "Governing Body") of the City of Mandan, North Dakota (the "City") has authorized the private sale of the City's Refunding Improvement Bonds of 2013, Series A, in principal amount of \$1,675,000 (the "Bonds") for the purpose of refunding the City's Refunding Improvement Bonds of 2006, Series B, having stated maturities in 2014 and thereafter; and

WHEREAS, the Governing Body has received an offer from Dougherty & Company LLC, Minneapolis, Minnesota, to purchase the Bonds (the "Offer"),

BE IT HEREBY RESOLVED by the Governing Body that the Offer of Dougherty & Company LLC, Minneapolis, Minnesota, is hereby accepted, which Offer is as follows:

The Bonds are to be purchased at a purchase price of \$1,654,062.50 plus accrued interest and initially dated as of April 10, 2013, and shall be issuable as book-entry bonds on the terms as set forth on Attachment 1 hereto.

BE IT HEREBY FURTHER RESOLVED that issuance of the Bonds shall be subject to the approving legal opinion of Steven L. Vogelpohl, Bond Counsel, Bismarck, North Dakota.

Dated and adopted this 19th day of March, 2013.

Attest:

CITY OF MANDAN, NORTH DAKOTA

City Administrator

President, Board of City Commissioners

(S E A L)

The governing body of the political subdivision acted on the foregoing resolution on March 19, 2013, as follows:

Adoption moved by _____ Seconded by _____

Roll Call Vote (List Last Names)

"Aye" _____

"Nay" _____

Absent _____

and after vote the presiding officer declared the resolution adopted.

CITY OF MANDAN
MORTON COUNTY, NORTH DAKOTA

\$1,675,000 Refunding Improvement Bonds of 2013, Series A

THE BONDS

DATED DATE: APRIL 10, 2013

DUE: MAY 1, AS BELOW

Bonds will be available in fully registered form in the denominations of \$5,000 or any whole multiple thereof. Interest is payable each May 1 and November 1, commencing November 1, 2013.

<u>Year</u>	<u>Due May 1</u>	<u>Rate</u>
2014	\$235,000	0.35%
2015	225,000	0.45
2016	220,000	0.60
2017	215,000	0.80
2018	205,000	1.00
2019	200,000	1.25
2020	195,000	1.50
2021	180,000	1.75

Bonds maturing in 2019 and thereafter shall be subject to redemption and prepayment, at the option of the City, on May 1, 2018 and any date thereafter, in inverse order of maturities and by lot within any maturity, at par plus accrued interest.

RESOLUTIONS #2

Greg Welch

From: Steven Vogelpohl <slv@slvlaw.net>
Sent: Tuesday, March 12, 2013 12:04 PM
To: Greg Welch
Cc: Brown, Malcolm H.; Manstrom, Mike
Subject: Mandan Refunding Improvement Bonds of 2013, Series A and Series B
Attachments: FORM DRAFT - Resolution Awarding Sale, RIB 2013, Series A.pdf; FORM DRAFT - Resolution Awarding Sale, RIB 2013, Series B.pdf

Greg,

Attached is a form of Resolution Awarding Sale for each of the above bond Series. The Resolutions would be considered for adoption at the Commission's March 19 meeting.

I will revise and complete the Resolutions to reflect issue details upon being provided information on the purchase offers.

Thank you for your assistance and please don't hesitate to contact me if you've any questions on the above.

Steve

CITY OF MANDAN
COUNTY OF MORTON
STATE OF NORTH DAKOTA

RESOLUTION AWARDING SALE

WHEREAS, the Board of City Commissioners (the "Governing Body") of the City of Mandan, North Dakota (the "City") has authorized the private sale of the City's Refunding Improvement Bonds of 2013, Series B, in principal amount of \$1,410,000 (the "Bonds") for the purpose of refunding the City's Refunding Improvement Bonds of 2003, Series A, having stated maturities in 2014 and thereafter; and

WHEREAS, the Governing Body has received an offer from Dougherty & Company LLC, Minneapolis, Minnesota, to purchase the Bonds (the "Offer"),

BE IT HEREBY RESOLVED by the Governing Body that the Offer of Dougherty & Company LLC, Minneapolis, Minnesota, is hereby accepted, which Offer is as follows:

The Bonds are to be purchased at a purchase price of \$_____ plus accrued interest and initially dated as of April 10, 2013, and shall be issuable as book-entry bonds on the terms as set forth on Attachment 1 hereto.

BE IT HEREBY FURTHER RESOLVED that issuance of the Bonds shall be subject to the approving legal opinion of Steven L. Vogelpohl, Bond Counsel, Bismarck, North Dakota.

Dated and adopted this 19th day of March, 2013.

Attest:

CITY OF MANDAN, NORTH DAKOTA

City Administrator

President, Board of City Commissioners

(S E A L)

The governing body of the political subdivision acted on the foregoing resolution on March 19, 2013, as follows:

Adoption moved by _____ Seconded by _____

Roll Call Vote (List Last Names)

"Aye" _____

"Nay" _____

Absent _____

and after vote the presiding officer declared the resolution adopted.

CITY OF MANDAN
MORTON COUNTY, NORTH DAKOTA

\$1,410,000 Refunding Improvement Bonds of 2013, Series B

THE BONDS

DATED DATE: APRIL 10, 2013

DUE: MAY 1, AS BELOW

Bonds will be available in fully registered form in the denominations of \$5,000 or any whole multiple thereof. Interest is payable each May 1 and November 1, commencing November 1, 2013.

<u>Year</u>	<u>Due May 1</u>	<u>Rate</u>
2014	\$305,000	____%
2015	295,000	_____
2016	280,000	_____
2017	270,000	_____
2018	260,000	_____

The Bonds are not subject to redemption prior to maturity.

Res. # 2 Revised

Greg Welch

From: Steven Vogelpohl <stv@slvlaw.net>
Sent: Tuesday, March 19, 2013 2:42 PM
To: Greg Welch
Cc: Brown, Malcolm H.; Manstrom, Mike
Subject: Mandan Refunding Improvement Bonds of 2013, Series A and Series B
Attachments: FORM FINAL - Resolution Awarding Sale, RIB 2013, Series A.pdf; FORM FINAL - Resolution Awarding Sale, RIB 2013, Series B.pdf

Greg,

Attached for today's Commission meeting is a revised and completed Resolution Awarding Sale for each of the above bond Series.

If you could send me the voting record information, I'll then prepare execution copies of each of the Resolutions.

Thank you for your assistance and please don't hesitate to contact me if you've any questions on the above.

Steve

CITY OF MANDAN
COUNTY OF MORTON
STATE OF NORTH DAKOTA

RESOLUTION AWARDING SALE

WHEREAS, the Board of City Commissioners (the "Governing Body") of the City of Mandan, North Dakota (the "City") has authorized the private sale of the City's Refunding Improvement Bonds of 2013, Series B, in principal amount of \$1,400,000 (the "Bonds") for the purpose of refunding the City's Refunding Improvement Bonds of 2003, Series A, having stated maturities in 2014 and thereafter; and

WHEREAS, the Governing Body has received an offer from Dougherty & Company LLC, Minneapolis, Minnesota, to purchase the Bonds (the "Offer"),

BE IT HEREBY RESOLVED by the Governing Body that the Offer of Dougherty & Company LLC, Minneapolis, Minnesota, is hereby accepted, which Offer is as follows:

The Bonds are to be purchased at a purchase price of \$1,393,618.95 plus accrued interest and initially dated as of April 10, 2013, and shall be issuable as book-entry bonds on the terms as set forth on Attachment 1 hereto.

BE IT HEREBY FURTHER RESOLVED that issuance of the Bonds shall be subject to the approving legal opinion of Steven L. Vogelpohl, Bond Counsel, Bismarck, North Dakota.

Dated and adopted this 19th day of March, 2013.

Attest:

CITY OF MANDAN, NORTH DAKOTA

City Administrator

President, Board of City Commissioners

(S E A L)

The governing body of the political subdivision acted on the foregoing resolution on March 19, 2013, as follows:

Adoption moved by _____ Seconded by _____

Roll Call Vote (List Last Names)

"Aye" _____

"Nay" _____

Absent _____

and after vote the presiding officer declared the resolution adopted.

CITY OF MANDAN
MORTON COUNTY, NORTH DAKOTA

\$1,400,000 Refunding Improvement Bonds of 2013, Series B

THE BONDS

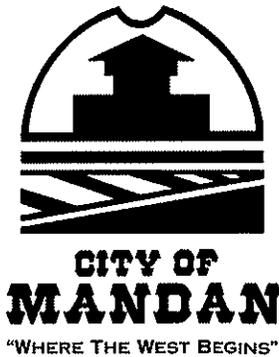
DATED DATE: APRIL 10, 2013

DUE: MAY 1, AS BELOW

Bonds will be available in fully registered form in the denominations of \$5,000 or any whole multiple thereof. Interest is payable each May 1 and November 1, commencing November 1, 2013.

<u>Year</u>	<u>Due May 1</u>	<u>Rate</u>
2014	\$295,000	0.50%
2015	295,000	1.00
2016	280,000	0.85
2017	270,000	2.00
2018	260,000	1.35

The Bonds are not subject to redemption prior to maturity.



Board of City Commissioners Agenda Documentation

MEETING DATE: March 19, 2013
PREPARATION DATE: March 13, 2013
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Duane Friesz, Water Treatment Plant Superintendent
SUBJECT: Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Safe Drinking Water Act.

PURPOSE

To consider a Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Safe Drinking Water Act.

BACKGROUND

The Mandan Water Treatment Facility Master Plan Update, completed in 2006, identified a 20-year Capital Improvements Plan (CIP) for the Facility. As the City continues to following the CIP recommendations to optimize the operation of the Facility the City is preparing to proceed with the next Project, which is the Phase II Optimization Project. This Project will address a number of Facility improvements, including recoating of basins, installation of new plate settlers in the pretreatment basin, replacement of filter valves, lime silo OSHA compliance modifications, instrumentation and control upgrades, chemical feed upgrades, and architectural improvements to address aging infrastructure.

On February 5, 2013 the Board of City Commissioners approved to enter into an Agreement with Advanced Engineering and Environmental Services for engineering services for the Mandan Water Treatment Plant – Phase II Improvements Project.

Construction will begin during the summer of 2013 and will be completed during the summer of 2014.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 19, 2013

Subject: Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Safe Drinking Water Act.

Page 2 of 2

To finance the Project, the City will apply for a Loan from the State Revolving Fund Program (SRF) through the North Dakota Public Finance Authority. The Loan will be for a period of 20 years at an interest rate of 2.5%, which includes a 0.5% administrative fee. The Loan will be repaid from user fees. The City is only obligated for the Loan draw requests.

ATTACHMENTS

- North Dakota Public Finance Authority's summary of the State Revolving Fund Program.
- North Dakota Drinking Water State Revolving Fund Program (DWSRF) Loan Application Package cover page and list of Contents and Instructions.
- Budget Sheet
- Resolution

FISCAL IMPACT

The total SRF Loan request and Project cost estimate = \$1,200,000

- Construction = \$839,000
- Engineering = \$271,000
- Administration = \$10,000
- Contingency = \$80,000
- Total = \$1,200,000

The City included this Project in the 2013 Budget and adjusted the Water and Sewer Base Rate to service the debt on the Loan.

STAFF IMPACT

None

LEGAL REVIEW

The Resolution is in accordance with the requirements of the North Dakota Department of Health and the North Dakota Public Finance Authority.

RECOMMENDATION

To approve the Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Safe Drinking Water Act.

SUGGESTED MOTION

Move to approve the Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Safe Drinking Water Act.

North Dakota

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ND Public Finance Authority

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- » STATE REVOLVING FUND
- » SCHOOL FINANCING
- » INDUSTRIAL DEVELOPMENT
- » OFFICIAL STATEMENTS
- » FINANCIAL INFORMATION
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- » LINKS
- » HOME

1200 Memorial Highway
 PO Box 5509
 Bismarck, ND 58506-5509

701.328.7100 : phone
 800.526.3509 : toll-free
 701.328.7130 : fax
ndpfa@nd.gov

Search:



State Revolving Fund Program

The State Revolving Fund Program (SRF) was established in 1990 to enable North Dakota to receive federal capitalization grants as authorized under the Clean Water Act. In 1998, the SRF was amended to enable the State to receive capitalization grants as authorize under the Safe Drinking Water Act. The SRF grants, received from the United States Environmental Protection Agency, are to be used to make below-market interest rate loans to political subdivisions for the purpose of financing authorized projects, to establish reserve funds, and for other purposes allowed under the Clean Water and Safe Drinking Water Acts. Authorized projects under the SRF include wastewater treatment facilities, non-point source pollution control projects, and public water systems. The North Dakota Department of Health and the Authority jointly administer the SRF.

The interest rates on SRF loans are set by the Department of Health in consultation with the Authority. The interest rates are fixed for a term up to 20 years. Currently, the interest rate for all SRF loans is 2.5%, which includes a .5% administrative fee.

The SRF Program has been assigned a rating of "AAA" by Moody's Investors Service, Inc.

Loan Applications

- » [Clean Water State Revolving Fund](#) (340kb rtf)
- » [Drinking Water State Revolving Fund](#) (374kb rtf)

Bond Counsel

- » [Bond Counsel](#) (19kb pdf)

DISCLAIMER • PRIVACY POLICY



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**NORTH DAKOTA DRINKING WATER
STATE REVOLVING FUND PROGRAM
(DWSRF)**

Loan Application Package

**North Dakota Department of Health
Division of Municipal Facilities**

and

North Dakota Public Finance Authority

Bismarck, North Dakota

CONTENTS AND INSTRUCTIONS

CONTENTS OF APPLICATION PACKAGE

1. SRF Program Application
2. Budget Sheet
3. Request for Supplemental Information
4. Debarment and Suspension Certification
5. Preaward Compliance Review Report
6. Resolution of Governing Body

APPLICATION SUBMISSION

Complete items 1-6 and submit to:

North Dakota Department of Health
Division of Municipal Facilities
918 East Divide Avenue, Third Floor
Bismarck, ND 58501-1947

APPLICATION PROCESS

1. Project must be on the Department of Health's Intended Use Plan (IUP)
2. Application reviewed by ND Public Finance Authority (PFA)
3. Application reviewed by PFA's Advisory Committee
4. Application reviewed by the ND Industrial Commission
5. Political subdivision's bond counsel prepares bond documents
6. Bond documents are filed with the PFA
7. Political subdivision may submit loan draw requests to the Department of Health

IMPORTANT REMINDERS

- The political subdivision is responsible for selecting and retaining bond counsel.
- SRF loans are Federal Funds and subject to specific auditing procedures. Please alert your auditor.
- Revenue bonds require 120% coverage and a reserve fund.
- Audit reports or financial statements must be filed annually with the PFA.

QUESTIONS

Completing pages 1 – 7 of the application:

ND Public Finance Authority
Phone: 1.800.526.3509 or 701.328.7100
Fax: 701.328.7130
Email: ndpfa@state.nd.us
Website: www.nd.gov/pfa

Project Approval & IUP
ND Department of Health
Phone: 701.328.5211
Fax: 701.328.5200
Email: dbruschw@nd.gov
Website: www.ndhealth.gov/MF/

BUDGET SHEET

COST CLASSIFICATION	SRF	CDBG	LOCAL	OTHER	TOTAL																														
1. Administrative expenses	\$10,000				\$10,000																														
2. Land, structures, rights-of-way	---				---																														
3. Engineering basic fees	\$150,000				\$150,000																														
4. Other engineering fees	\$40,000				\$40,000																														
5. Project inspection fees	\$81,000				\$81,000																														
6. Land development	---				---																														
7. Relocation expenses	---				---																														
8. Construction and project improvement	\$839,000				\$839,000																														
9. Equipment	---				---																														
10. Capitalized interest	---				---																														
11. Other (describe)	---				---																														
12. Miscellaneous	---				---																														
13. SUBTOTAL	\$1,120,000				\$1,120,000																														
14. Contingencies	\$80,000				\$80,000																														
15. TOTAL	\$1,200,000				\$1,200,000																														
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;">16. SRF Funds</td> <td style="width: 20%; text-align: right;"><u>\$1,200,000</u></td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> </tr> <tr> <td>17. CDBG Funds</td> <td></td> <td style="text-align: right;"><u> </u></td> <td></td> <td></td> <td></td> </tr> <tr> <td>18. LOCAL Funds</td> <td></td> <td></td> <td style="text-align: right;"><u> </u></td> <td></td> <td></td> </tr> <tr> <td>19. OTHER Funds</td> <td></td> <td></td> <td></td> <td style="text-align: right;"><u> </u></td> <td></td> </tr> <tr> <td>20. TOTAL All Funds</td> <td></td> <td></td> <td></td> <td></td> <td style="text-align: right;"><u>\$1,200,000</u></td> </tr> </table>						16. SRF Funds	<u>\$1,200,000</u>					17. CDBG Funds		<u> </u>				18. LOCAL Funds			<u> </u>			19. OTHER Funds				<u> </u>		20. TOTAL All Funds					<u>\$1,200,000</u>
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**RESOLUTION AUTHORIZING FILING OF APPLICATION WITH THE NORTH DAKOTA
DEPARTMENT OF HEALTH FOR A LOAN UNDER THE SAFE DRINKING WATER ACT**

WHEREAS, under the terms of the Safe Drinking Water Act, the United States of America has authorized the making of Loans to authorized applicants to aid in the construction of specific public projects:

Now, Therefore, Be It Resolved by the **Board of City Commissioners of the City of Mandan, North Dakota:**

1. That **Arlan Van Beek, President**, be and is hereby authorized to execute and file an application on behalf of the **City of Mandan** with the North Dakota Department of Health for a Loan to aid in the construction of **the Phase II Optimization Improvements at the Mandan Water Treatment Facility**.
2. That **Jim Neubauer, City Administrator**, be and is hereby authorized and directed to furnish such information as the North Dakota Department of Health may reasonably request in connection with the application which is herein authorized to be filed, to sign all necessary documents, and, on behalf of city, to accept Loan offer and receive payment of Loan funds.

This resolution shall become effective upon the date of its adoption.

Dated and adopted this 19th day of **March, 2013**.

Arlan Van Beek, President of the Board of City Commissioners

Attest:

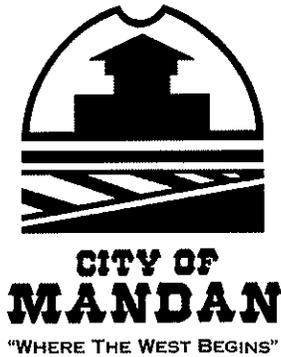
Jim Neubauer, City Administrator

CERTIFICATE OF RECORDING OFFICER

The undersigned duly qualified and acting as **City Administrator** of the **City of Mandan** does hereby certify: That the attached resolution is a true and correct copy of the resolution, authorizing the filing of application with the North Dakota Department of Health, as regularly adopted at a legally convened meeting of the **Board of City Commissioners** duly held on the 19th day of **March, 2013**; and further that such resolution has been fully recorded in the journal of proceedings and records in my office.

In Witness Whereof, I have hereunto set my hand this _____ day of **March, 2013**.

Jim Neubauer, City Administrator



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 19, 2013
PREPARATION DATE: March 13, 2013
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Jeff Wright, Public Works Director/
Steve Himmelspach, Wastewater Treatment
Plant Superintendent
SUBJECT: Resolution authorizing filing of application with
the North Dakota Department of Health for a
Loan under the Clean Water Act.

PURPOSE

To consider a Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Clean Water Act.

BACKGROUND

The City of Mandan is currently developing three Projects to optimize the City's Wastewater System. These three Projects include the Mandan Wastewater Treatment Facility Outfall Rehabilitation, the Roughrider Estates Collection System Extension Improvements, and the Central Lift Station Alarm System. Each of these Projects is described in detail in the Mandan Wastewater and Collection System Master Plan.

On April 30, 2012 the City was awarded \$672,938 from the State Land Board for a Flood-Impacted Political Subdivision Infrastructure Development Grant for the repair of the Wastewater Treatment Plant Outfall Pipe. The award is for up to 50% of approved Project costs.

On June 19, 2012 the Board of City Commissioners approved to enter into an Agreement with Advanced Engineering and Environmental Services for engineering services for the Mandan Wastewater Treatment Plant Effluent Lift Station and Outfall Pipeline Rehabilitation Project.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 19, 2013

Subject: Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Clean Water Act.

Page 2 of 3

On September 18, 2012 the Board of City Commissioner approved to enter into a Contact with Swanberg Construction for the Mandan Wastewater Treatment Facility Outfall Rehabilitation Project.

On December 18, 2012 the Board of City Commissioners approved to enter into an Agreement with Advanced Engineering and Environmental Services for engineering services for the Mandan Roughrider Estates Sanitary Sewer Extension Project and the Mandan Lift Station Central Alarm Project.

Construction will begin during the spring of 2013 and will be completed during the spring of 2014.

To finance these Projects, the City will apply for a Loan from the State Revolving Fund Program (SRF) through the North Dakota Public Finance Authority. The Loan will be for a period of 20 years at an interest rate of 2.5%, which includes a 0.5% administrative fee. The Loan will be repaid from user fees. The City is only obligated for the Loan draw requests.

ATTACHMENTS

- North Dakota Public Finance Authority's summary of the State Revolving Fund Program.
- North Dakota Clean Water State Revolving Fund Program (CWSRF) Loan Application Package cover page and list of Contents and Instructions.
- Budget Sheet
- Resolution

FISCAL IMPACT

The total SRF Loan request and Projects cost estimate = \$2,230,000

- Mandan Wastewater Treatment Facility Outfall Rehabilitation Project = \$1,073,300
- Roughrider Estates Collection System Extension Improvements Project = \$668,000
- Central Lift Station Alarm System Project = \$488,700
- Total = \$2,230,000
 - Construction = \$1,557,000
 - Engineering = \$450,000
 - Administration = \$20,000
 - Contingency = \$203,000
 - Total = \$2,230,000

Board of City Commissioners

Agenda Documentation

Meeting Date: March 19, 2013

Subject: Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Clean Water Act.

Page 3 of 3

The City included these Projects in the 2013 Budget and adjusted the Water and Sewer Base Rate to service the debt on the Loan.

STAFF IMPACT

None

LEGAL REVIEW

The Resolution is in accordance with the requirements of the North Dakota Department of Health and the North Dakota Public Finance Authority.

RECOMMENDATION

To approve the Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Clean Water Act.

SUGGESTED MOTION

Move to approve the Resolution authorizing filing of application with the North Dakota Department of Health for a Loan under the Clean Water Act.

North Dakota

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- » OFFICIAL STATEMENTS
- » FINANCIAL INFORMATION
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1200 Memorial Highway
 PO Box 5509
 Bismarck, ND 58506-5509

701.328.7100 : phone
 800.526.3509 : toll-free
 701.328.7130 : fax
ndpfa@nd.gov

Search:



State Revolving Fund Program

The State Revolving Fund Program (SRF) was established in 1990 to enable North Dakota to receive federal capitalization grants as authorized under the Clean Water Act. In 1998, the SRF was amended to enable the State to receive capitalization grants as authorize under the Safe Drinking Water Act. The SRF grants, received from the United States Environmental Protection Agency, are to be used to make below-market interest rate loans to political subdivisions for the purpose of financing authorized projects, to establish reserve funds, and for other purposes allowed under the Clean Water and Safe Drinking Water Acts. Authorized projects under the SRF include wastewater treatment facilities, non-point source pollution control projects, and public water systems. The North Dakota Department of Health and the Authority jointly administer the SRF.

The interest rates on SRF loans are set by the Department of Health in consultation with the Authority. The interest rates are fixed for a term up to 20 years. Currently, the interest rate for all SRF loans is 2.5%, which includes a .5% administrative fee.

The SRF Program has been assigned a rating of "AAA" by Moody's Investors Service, Inc.

Loan Applications

- » [Clean Water State Revolving Fund](#) (340kb rtf)
- » [Drinking Water State Revolving Fund](#) (374kb rtf)

Bond Counsel

- » [Bond Counsel](#) (19kb pdf)

DISCLAIMER • PRIVACY POLICY



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**NORTH DAKOTA CLEAN WATER
STATE REVOLVING FUND PROGRAM
(CWSRF)**

Loan Application Package

**North Dakota Department of Health
Division of Municipal Facilities**

and

North Dakota Public Finance Authority

Bismarck, North Dakota

CONTENTS AND INSTRUCTIONS

CONTENTS OF APPLICATION PACKAGE

1. SRF Program Application
2. Budget Sheet
3. Debarment and Suspension Certification
4. Preaward Compliance Review Report
5. Resolution of Governing Body

APPLICATION SUBMISSION

Complete items 1-5 and submit to:

North Dakota Department of Health
Division of Municipal Facilities
918 East Divide Avenue, Third Floor
Bismarck, ND 58501-1947

APPLICATION PROCESS

1. Project must be on the Department of Health's Intended Use Plan (IUP)
2. Application reviewed by ND Public Finance Authority (PFA)
3. Application reviewed by PFA's Advisory Committee
4. Application reviewed by the ND Industrial Commission
5. Political subdivision's bond counsel prepares bond documents
6. Bond documents are filed with the PFA
7. Political subdivision may submit loan draw requests to the Department of Health

IMPORTANT REMINDERS

- The political subdivision is responsible for selecting and retaining bond counsel.
- SRF loans are Federal Funds and subject to specific auditing procedures. Please alert your auditor.
- Revenue bonds require 120% coverage and a reserve fund.
- Audit reports or financial statements must be filed annually with the PFA.

QUESTIONS

Completing pages 1 – 7 of the application:
ND Public Finance Authority
Phone: 1.800.526.3509 or 701.328.7100
Fax: 701.328.7130
Email: ndpfa@nd.gov
Website: www.nd.gov/pfa

Project Approval & IUP
ND Department of Health
Phone: 701.328.5211
Fax: 701.328.5200
Email: dbergsa@nd.gov
Website: www.health.state.nd.us/MF/

BUDGET SHEET

COST CLASSIFICATION	SRF	CDBG	LOCAL	OTHER	TOTAL																														
1. Administrative expenses	\$20,000	\$	\$	\$	\$20,000																														
2. Land, structures, rights-of-way																																			
3. Engineering basic fees	300,000				300,000																														
4. Other engineering fees	15,000				15,000																														
5. Project inspection fees	135,000				135,000																														
6. Land development																																			
7. Relocation expenses																																			
8. Construction and project improvement	1,557,000				1,557,000																														
9. Equipment																																			
10. Capitalized interest																																			
11. Other (describe)																																			
12. Miscellaneous																																			
13. SUBTOTAL	\$2,027,000	\$	\$	\$	\$2,027,000																														
14. Contingencies	\$203,000				\$203,000																														
15. TOTAL	\$2,230,000	\$	\$	\$	\$2,230,000																														
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;">16. SRF Funds</td> <td style="width: 20%; text-align: right;"><u>\$2,230,000.00</u></td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> </tr> <tr> <td>17. CDBG Funds</td> <td></td> <td style="text-align: center;">\$</td> <td style="text-align: center;">_____</td> <td></td> <td></td> </tr> <tr> <td>18. LOCAL Funds</td> <td></td> <td></td> <td style="text-align: center;">\$</td> <td style="text-align: center;">_____</td> <td></td> </tr> <tr> <td>19. OTHER Funds</td> <td></td> <td></td> <td></td> <td style="text-align: center;">\$</td> <td style="text-align: center;">_____</td> </tr> <tr> <td>20. TOTAL All Funds</td> <td></td> <td></td> <td></td> <td></td> <td style="text-align: right;"><u>\$2,230,000.00</u></td> </tr> </table>						16. SRF Funds	<u>\$2,230,000.00</u>					17. CDBG Funds		\$	_____			18. LOCAL Funds			\$	_____		19. OTHER Funds				\$	_____	20. TOTAL All Funds					<u>\$2,230,000.00</u>
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**RESOLUTION AUTHORIZING FILING OF APPLICATION WITH THE NORTH DAKOTA
DEPARTMENT OF HEALTH FOR A LOAN UNDER THE CLEAN WATER ACT**

Now, Therefore, Be It Resolved by the **Board of City Commissioners of the City of Mandan, North Dakota:**

1. That **Arlyn Van Beek, President**, be and is hereby authorized to execute and file an application on behalf of the **City of Mandan** with the North Dakota Department of Health for a Loan to aid in the construction of the **Mandan Wastewater Treatment Facility Outfall Rehabilitation, the Roughrider Estates Collection System Extension Improvements, and the Central Lift Station Alarm System.**

2. That **Jim Neubauer, City Administrator**, be and is hereby authorized and directed to furnish such information as the North Dakota Department of Health may reasonably request in connection with the application which is herein authorized to be filed, to sign all necessary documents, and, on behalf of city, to accept Loan offer and receive payment of Loan funds.

This resolution shall become effective upon the date of its adoption.

Dated and adopted this **19th** day of **March, 2013.**

Arlan Van Beek, President of the Board of City Commissioners

Attest:

Jim Neubauer, City Administrator

CERTIFICATE OF RECORDING OFFICER

The undersigned duly qualified and acting as **City Administrator** of the **City of Mandan** does hereby certify: That the attached resolution is a true and correct copy of the resolution, authorizing the filing of application with the North Dakota Department of Health, as regularly adopted at a legally convened meeting of the **Board of City Commissioners** duly held on the **19th** day of **March, 2013**; and further that such resolution has been fully recorded in the journal of proceedings and records in my office.

In Witness Whereof, I have hereunto set my hand this _____ day of **March, 2013.**

Jim Neubauer, City Administrator

ORDINANCE NO. 1143

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 R3.2 (Two-Family Residential) and RM (Multi-Family Residential) and shall be included in the **R7 (Single-Family Residential)** zoning namely,

Lots 2-12, Block 1; Lots 2-9 and 12-19, Block 2; Lots 2-9 and 12-19, Block 3; Lots 2-9 and 12-19, Block 4; of Terra Vallee 6th Addition of Section 16, Township 139N, Range 81W, City of Mandan, Morton County, North Dakota

The following described property located within the City of Mandan, Morton County, North Dakota shall be excluded from R7 (Single-Family Residential) and RM (Multi-Family Residential) and shall be included in the **R3.2 (Single-Family Residential)** zoning namely,

Lots 1 & 13, Block 1; Lots 1 & 20, Block 2; Lot 1, Block 3; Lots 1 & 20, Block 4; of Terra Vallee 6th Addition of Section 16, Township 139N, Range 81W, City of Mandan, Morton County, North Dakota

The following described property located within the City of Mandan, Morton County, North Dakota shall be excluded from R7 (Single-Family Residential) and R3.2 (Two-Family Residential) and shall be included in the **RM (Multi-Family Residential)** zoning namely,

Lots 10 & 11, Block 2; Lots 10 & 11, Block 3; Lots 10 & 11, Block 4; of Terra Vallee 6th Addition of Section 16, Township 139N, Range 81W, City of Mandan, Morton County, North Dakota

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:

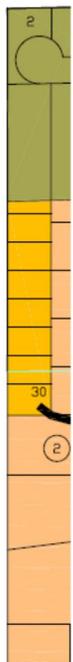
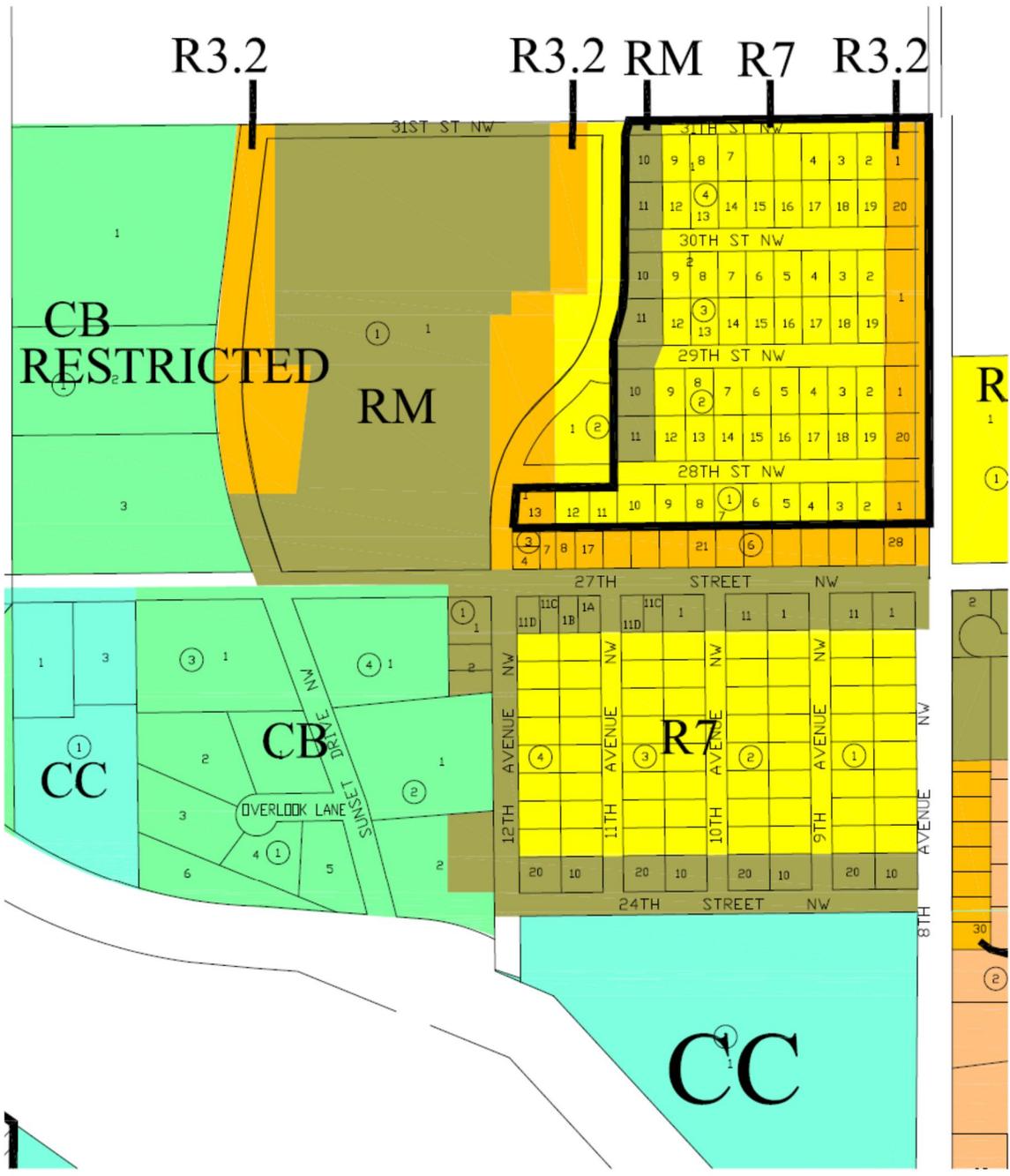
City Administrator

Public Hearing:
First Consideration:
Second Consideration
and Final Reading:
Publication Date:
Recording Date:

March 19, 2013

March 19, 2013

April 2, 2013



**RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING
EXECUTION OF 3-WAY AGREEMENT FOR WATER AND SEWER IMPROVEMENT
PROJECT NO. 2013-02
(Heart Ridge 2nd Addition)**

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

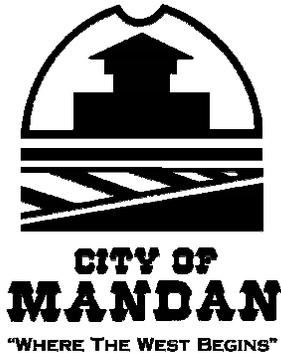
1. That the plans and specifications for the Water and Sewer Project No. 2013-02 serving Heart Ridge 2nd Addition in the City of Mandan, as presented by Lance Wachter, Wachter Development Inc., on behalf of themselves, are hereby approved, ratified and confirmed as the plans and specifications for said 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: Ridge Drive SE, Plains Bend SE, 18th Street SE, Fields Court SE, and 14th Street 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, Lance Wachter, Wachter Development 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: March 19, 2013



Board of City Commissioners

Agenda Documentation

MEETING DATE: March 19, 2013
PREPARATION DATE: March 13, 2013
SUBMITTING DEPARTMENT: Assessing & Building Inspections
DEPARTMENT DIRECTOR: Richard Barta
PRESENTER: A representative of the Architectural Review Committee.
SUBJECT: Consider an amendment to existing ordinance relating to the Gateway Overlay Districts, to the City of Mandan.

STATEMENT/PURPOSE: The Mandan Architectural Review Committee felt the need to extend the Gateway Overlay District to Highway 1806 or County 38th Street North due to the growth of the city.

BACKGROUND/ALTERNATIVES: The Architectural Review Committee is proposing the attached changes to the zoning section of the Municipal Code book. These changes extending the Gateway Overlay District to Highway 1806 or County 38th Street North.

ATTACHMENTS: 1. Proposed ordinance number 1144.

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

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

RECOMMENDATION: Richard Barta's office and the Mandan Architectural Review Committee supports the proposed ordinance.

SUGGESTED MOTION: I move to approve the introduction and first consideration of ordinance number 1144 (an ordinance relating to the Gateway, to the City of Mandan, overlay districts).

ORDINANCE NO. 1144

An Ordinance to Amend Sections 21-04-18 relating to the purpose in the Gateway and Memorial Highway Overlay Districts.

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

SECTION 1. AMENDMENT to Section 21-04-18.1 of the Mandan Code of Ordinances is hereby amended and reenacted to read as follows:

The following described area of the extraterritorial jurisdiction shall be extended in the Gateway Overlay District:

1: PURPOSE:

The Gateway Overlay district provides a higher standard of appearance for corridors that serve as the main entrances to the community. The Gateway Overlay district includes properties partially or fully within 200 feet of the Right-of-Ways of the following corridors: I-94 and its ramps within Mandan's city limits and extraterritorial jurisdiction; Main Street west from 10th Avenue W to the western edge of the extraterritorial jurisdiction and from Mandan Avenue east to I-94; Highway 6 south from Main St to the edge of the extraterritorial jurisdiction; Highway 1806 south from Main St to the edge of the extraterritorial jurisdiction and north from Old Red Trail to the edge of the extraterritorial jurisdiction; and Sunset Ave NW north from Old Red Trail to Highway 1806 or County 38th St. North and within the extraterritorial jurisdiction.

The Memorial Highway Overlay district provides a higher standard of appearance for heavily traveled and highly visible areas of the community. The Memorial Highway Overlay district includes properties partially or fully within 200 feet of the Right-of-Ways of the following corridors: Memorial Highway, McKenzie Drive, 40th Avenue SE from Memorial Highway to McKenzie Drive, and 46th Avenue SE from Memorial Highway to McKenzie Drive.

SECTION 13. EFFECTIVE DATE. The provisions of this ordinance shall be in full force and effect from and after the date of publication of a notice of adoption.

Dated this _____ day of _____, 2013

President, Board of City Commissioners

ATTEST:

City Administrator

First Consideration: March 19, 2013
Second Consideration
and Final Passage: April 2, 2013
Date of Publication: April 26, 2013