

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

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- A. ROLL CALL:
1. Roll call of all City Commissioners and Department Heads.
- B. APPROVAL OF AGENDA:
- C. PUBLIC COMMUNICATIONS:
- D. MINUTES:
1. Consider approval of the following minutes:
    - i. February 19, 2013 – Regular Board Meeting
    - ii. February 26, 2013 – Special Board Meeting – Working Session
- E. PUBLIC HEARING:
- F. BIDS:
- G. CONSENT AGENDA:
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 4<sup>th</sup>, 2012 as "Spring Clean-Up Week" in the City of Mandan.
  2. Consider for approval the final plat of Terra Vallee 6<sup>th</sup> Addition.
  3. Consider for approval the final plat of Midway 14<sup>th</sup> Addition.
  4. Consider for approval the final Replat of North Prairie Subdivision.
  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).
  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.
  7. Consider 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.
  9. Consider the following abatements/exemptions:
    - i. 2-year exemption – Dustin Erhardt

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- ii. 2-year exemption – Jared Reimer
- iii. Wheelchair exemption – Leroy Schmautz
- iv. Blind Exemption – Leo Voll
- v. Blind Exemption – Loriena Ereth
- vi. Blind Exemption – Joseph Wingerter

H. OLD BUSINESS:

- 1. Consider Application for Property Tax Exemption for Improvements to Commercial and Residential Buildings (Former Mandan Jr. High)

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).

K. OTHER BUSINESS:

L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

- 1. March 19, 2013
- 2. April 2, 2013
- 3. April 16, 2013

M. ADJOURN

**Public Communication**

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

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

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The Mandan City Commission met in regular session at 5:00 p.m. on February 19, 2013 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota.

Commissioners present were Van Beek, Rohr, Frank, and Braun. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Fire Chief Nardello (arrived at 5:12 pm), Business Development and Communications Director Huber, Engineering Project Manager Fettig, and City Assessor Barta. Absent: Commissioner Tibke, and Director of Public Works Wright.

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

C. PUBLIC COMMUNICATIONS:

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission meetings held on January 29, 2013 Special Board Meeting w/Morton Co.; February 5, 2013 Regular Board Meeting and February 12, 2013 Special Board Meeting.*

Commissioner Frank moved to approve the minutes from the following Board meetings: January 29, 2013 Special Board Meeting w/Morton Co; February 5, 2013 Regular Board Meeting and February 12, 2013 Special Board Meeting. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed

E. PUBLIC HEARING:

1. *Public Hearing to Consider Property Tax Incentives for New or Expanding Businesses for Diamond Bend Apartments, LLC.* City Assessor Barta reviewed with the Board a request to consider a 100% 2-year tax exemption for a new apartment building pursuant to NDCC 40-57.1 from Diamond Bend Apartments LLC. Notices were published on 1/25/13 and 2/1/13 and there were no objections submitted by competitors. Morton County, Mandan School District and the Mandan Park Board were also notified. The proposal includes underground parking; (54) 2-bedroom, (12) 3-bedroom, and (12) 1-bedroom apartments. It will be located at 4300 21<sup>st</sup> Street Southeast, Mandan.

Mayor Van Beek announced that this is a public hearing and asked for comments.

Susan Beehler, Mandan City Resident, came forward to speak. She stated she is opposed to the tax incentive request from Diamond Bend Apartments LLC. She said that she considers apartments not as a business, but as homes. There is nothing new about the project of building apartments in Mandan. That is something that occurs all the time. In this case, and according to the Morton County Auditor, the homeowners are picking up the tax exemption tab. Beehler questioned why the City of Mandan is incentivizing apartment dwellers over home ownership? She believes the property tax issue is a problem and if neither the legislature nor the City of Mandan addresses it, it will continue

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to be a problem. She stated she would like to see Mandan stop giving tax incentives to apartment buildings stating there is no need to pad the pocket book of apartment developers.

Mark Payne, a developer, came forward and indicated that he had come before this Board previously and provided a brief summary of the project. He mentioned that this is a higher end project. He explained that it is very helpful to a developer to have the 2-year exemption. He stated that the incentives allow him to reduce the rents in order to fill up the property. He reiterated that he prefers to build in Mandan and commented that City Assessor Barta provided a good description of the project. He explained that the tax exemption is ultimately a “deferral” of paying taxes rather than an exemption, stating that the property will be taxed as a \$6 million dollar property and those taxes will eventually be forthcoming after the 2-year period expires.

Commissioner Frank questioned what the anticipated rents were for the units. Payne “guesstimated” \$1,000 to \$1,150 for the 2 bedrooms and \$1,250 for the 3 bedrooms. He stated he has some properties in Fargo with the underground parking and 9 ft. ceiling features, as well as others in Mandan. In Fargo he has done Crossing at Waters Edge which is a similar project to this one. Payne gave a short history of the projects he has in Mandan and Fargo.

Mayor Van Beek again announced that this is a public hearing and asked for any other comments. A final opportunity to come forward to speak was given. Hearing none, this portion of the public hearing was closed.

Commissioner Frank addressed Susan Beehler’s testimony and extended a thank-you to Ms. Beehler for her comments. She stated that the School District and Park District are given the opportunity to protest against these actions, noting that neither entity is present to do so. Since they are not protesting it is assumed that they approve of the exemption request as presented. Commissioner Frank commented on the term “deferral” as alluded to by Mr. Payne. She agreed that essentially it is a deferral for a short period of time and that taxes will be paid after the deferral period ends after two years. Commissioner Frank responded to Ms. Beehler’s concern for the multi-family housing indicating that she feels there is a need for this type of housing in the community. In previous similar actions, the Board has been granting the 2-year 100% tax exemption for such requests and she stated she is in favor of this request as presented.

Commissioner Frank moved to approve the Property Tax Incentives for New or Expanding Businesses for Diamond Bend Apartments, LLC at 100% for a 2-year tax exemption. Commissioner Braun seconded the motion. Commissioner Rohr mentioned that an apartment complex, due to its value, will bring in a higher tax than a single family home. He pointed out that if something is built on there and the city does not collect tax for the first 2 years, (but after that and for the next several years), taxes will be collected. He agreed that it is a deferral. Commissioner Braun noted that it is a slow process. However, it will benefit the Mandan community now and into the future. He mentioned that he concurs with what has been said by Commissioner Frank and Commissioner

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Rohr. Commissioner Frank asked about the green-space plans for this project. Mr. Payne provided a blueprint of the structure indicating the green-space and playground backyard areas. It was suggested that the developer commit to a green-space and/or playground area within the project final plan. Payne committed to an area of green-space as depicted on the blueprint plan. (Option A). He stated the completion of the project is estimated for the summer of 2014. City Attorney Brown reminded the Board and Mr. Payne that per policy, there will be a claw-back clause written into the agreement in the event it would be sold to a non-profit.

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

F. BIDS:

1. *Consider award of bid for Water and Sewer Improvement District No. 60, Project 2012-21(34<sup>th</sup> Avenue SE & Genoa Court SE). See Resolution No. 1.* Engineering Project Manager Fettig presented a request to award the bid for Water and Sewer Improvement District No. 60, Project 2012-21(34<sup>th</sup> Avenue SE & Genoa Court SE) to the low bidder, Cofell's Plumbing and Heating in the amount of \$272,600. The engineer's estimate was \$421,276. The project will be paid for by special assessments from the benefiting properties within the district.

Commissioner Frank motioned to recommend the bid award for Water and Sewer Improvement District No. 60, Project 2012-21(34<sup>th</sup> Avenue SE & Genoa Court SE) to Cofell's Plumbing and Heating in the amount of \$272,600. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider awarding bid for 2013 Utility Backhoe to RDO Equipment Co. of Bismarck.* City Administrator Neubauer presented a request to award the bid for a 2013 Utility Backhoe to the low bidder, RDO Equipment Co. of Bismarck in the amount of \$72,800. He recommended the bid award to RDO Equipment as presented. Commissioner Frank inquired if leasing would be an option. Neubauer replied that leasing options are considered. Since the old backhoe has been in use since 2002, Public Works recommended an outright buy on this equipment. There is a 5-year warranty on this equipment.

Commissioner Rohr moved to approve the bid award for a 2013 Utility Backhoe to the low bidder, RDO Equipment Co. of Bismarck in the amount of \$72,800. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider awarding bid for 2013 Utility Pickup to Kupper Chevrolet, Mandan.* City Administrator Neubauer presented a request to award the bid for 2013 Utility Pickup

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to the low bidder Kupper Chevrolet, Mandan in the amount of \$19,322. He recommended the bid award to Kupper Chevrolet as presented.

Commissioner Rohr moved to approve the bid award for 2013 Utility Pickup to the low bidder Kupper Chevrolet, Mandan in the amount of \$19,322. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

#### G. CONSENT AGENDA

1. *Consider approval of monthly bills.* The Board approved of the monthly bills.
2. *Consider approval of games of chance for Ducks Unlimited at Best Western Seven Seas on March 20, 2013.* The Board approved of games of chance for Ducks Unlimited at Best Western Seven Seas on March 20, 2013.
3. *Consider annual leave payout for Planning & Engineering administrative assistant Nancy Moser.* The Board approved of annual leave payout for Planning & Engineering administrative assistant Nancy Moser.
4. *Consider the following abatements/exemptions:*
  - ii. *Disabled Veteran Exemption:*
    - a. *Edward Lech*
  - iii. *Homestead Credit Exemptions:*
    - a. *Darlene Berger*
    - b. *Kathleen Mosbrucker*
    - c. *Raymond Vetter*
    - d. *Betty Wolfe*
  - iv. *Street Appraisal:*
    - a. *Snezana Kaufmann*
    - b. *Perry Kupfer*
    - c. *L. Vollmer*

The Board approved of the abatements/exemptions as listed for 4(ii-iv).

Commissioner Frank moved to approve the Consent Agenda excluding Item No. 4 (i)(a) & (b), which were removed for discussion. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

#### REMOVED FOR DISCUSSION:

- No. 4. *Consider the following abatements/exemptions:*
- i. *Assessment Value Removed:*
    - a. *Diversity Homes – 4006 Bayport Pl. SE*
    - b. *Diversity Homes – 4120A Bayport Pl. SE*

Commissioner Frank indicated that assessments were recently reviewed for this area because of the water and pipeline. She questioned how the infrastructure costs will be assessed. She also questioned how the property owners are notified of their obligation in

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regards to the assessed value of the lot that is being shared and how maintenance is handled. City Assessor Barta replied that one owner has 1/9<sup>th</sup> and another owner has 1/7<sup>th</sup>. If they would not be maintained they would be special assessed to either the 1/9<sup>th</sup> or the 1/7<sup>th</sup>. This is an area that provides water access. It is not large enough to store a boat.

Commissioner Frank moved to approve to remove value off of this lot due to it being a common area of access to other lots and is assessed with other parcels #10327 through #10332 of Lakewood Harbor 5<sup>th</sup> Addition & parcels #10615 through #10617 of Lakewood Harbor 6<sup>th</sup> Addition. Commissioner Rohr seconded the motion.

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

Commissioner Frank moved to approve to remove value for 4120A Bayport Pl. SE in 2012 for Diversity Homes Inc. due to it being a common area to other parcels #10320 through #10326 and is now assessed with those parcels. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

#### H. OLD BUSINESS:

#### I. NEW BUSINESS:

1. *Receive Bismarck-Mandan Development Association reports:* Russ Staiger provided an overview:

(i) 2013 Mandan Work Plan:

~ BMDA / Commission Communications to include in person summary of activity of three regularly scheduled commission meetings to present the following: Annual Report, BRE Report; Industrial Activity Report, Retail Activity Report, Retail Activity Update, Site Inventories; Industrial Activity Update; Hold bi-monthly meetings between BMDA, City Administrator, and Business and Development Director & Communications Director.

~ Industrial, Retail and Office Park Development Site(s) to include monitoring the availability of property for industrial, office and retail uses.

~ Business Attraction and Marketing Program

~ Business Retention & Expansion Program

~ Mandan Tomorrow to include participation in and act as staff liaison for the Economic and Prosperity Committee

(ii) 2012 Business Retention and Expansion Program

~ MVP: New HQ

~ Wenck: Building purchase to accommodate growth

~ Bakken Impact

~ Walmart

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(iii) 2012 Annual Report.

- ~ New Business Activity
- ~ Business Retention and Expansion

Commissioner Frank questioned the polls of availability of employees and the quality of the employees. Staiger replied that there is work in progress with the colleges to provide suitable training programs for those who want to change a career and for those who want to start a career. He stated that the work force has been growing gradually in Bismarck-Mandan. Regarding the quality of employees, Staiger said that when new employers look at a community, we go back to job services to get a better sense of numbers of what is available. We then go back to that company with the job service information in order for them to try to recruit them. We also have to look at what is happening in the state. He stated he feels that we are missing a pool of workers – the Native Americans who live on the reservations.

Commissioner Frank inquired what is needed for BMDA from the City of Mandan.

Staiger replied that cooperation with City staff is always beneficial. Mayor Van Beek asked Staiger for recommendations on how to not pull the plug on any opportunity to bring in, for example, a big-name restaurant while not raising property taxes. Staiger recommended that consideration should be given on a case-by-case basis because circumstances are so variable. Mayor Van Beek concurred with the recommendation.

2. *Introduction of new employees:* (i) Engineering Project Manager Kim Fettig introduced Matthew Sayler, Engineering Technician in the Engineering and Planning Department; (ii) Police Chief Bullinger introduced Nicholas Hinze, a new Police Officer; and (iii) City Assessor Barta introduced Carolyn Reisenauer, a new employee, as an Inspections/Assessing Tech.

3. *Consider agreements for the sale and development of Collins and Main parcels with Dakota Commercial Development.* Business Development and Communications Director Huber reviewed with the Board the agreements drafted by City Attorney Brown for the sale and development of Collins and Main parcels with Dakota Commercial Development. In January 2013 the Board provided direction to staff to negotiate agreements with Dakota Commercial and Development Company for the purchase and redevelopment of city-owned property located at the intersection of Collins Avenue and Main Street. The decision was based on offers and building plans received in response to a request for proposals issued in the fall of 2012. Huber summarized the key parameters of the agreements as follows:

- ~ Sales Price - \$1 psf or \$16,250 total with half due upon signing the Purchase Agreement and the balance due at closing.
- ~ Timeline – closing and commencement of construction to occur no later than 9/1/13 with a completion date of 12/31/14.
- ~ Project Scope – A 4-story building with at least 3,000 sf of commercial space at street level and approximately 29 apartments on upper stories.

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- ~ Incentives – Anticipate application for 5-years of Renaissance Zone benefits (100% property tax exemption on the structure) for the commercial space and 2-years for the apartments. The land is not subject to any exemptions.
  - ~ Claw-back provisions – Restrictions on resale of land or major change in scope of project without City Commission consent – reimbursement of full market value \$162,500 if minimum project goals are not met.
  - ~ Enticement to secure one or more businesses for main floor commercial space.
  - ~ Fiscal Impact - \$16,250 from the sale of the property plus future anticipated tax revenues of about \$59,000 per year on an approximate \$3 to \$4 million building.

Huber recommended approval of the Purchase and Business Incentive Agreements. Commissioner Frank commented that the land is always subject to taxation so the City will always continue to collect the same level of tax as is currently collected. She stated that she and Development Director Huber reviewed the provisions of the agreements that were explained by Huber and they also reviewed the claw-back provisions.

Commissioner Frank moved to approve the Purchase and Business Incentive Agreements with Dakota Commercial Development Company for the purchase and redevelopment of city-owned properties located at Collins Avenue and Main Street. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Update on Development of Former Junior High.* Jordan Schuetzle of Yegen Development Corporation presented a summary of events that have occurred with the redevelopment of the former Junior High building. He stated that to date approximately \$400,000 has been spent in the redevelopment of the building. It appears there is more asbestos in the building than was currently thought to be there. The project may cost up to \$5.8 million for the renovation costs. The majority of the investors are located in the Mandan community. The project went to bid on 1/8/13 with a bid coming back at \$7.8 million. Because of higher construction costs, wages, etc., the costs to renovate have exceeded the original estimate. Other options to consider are found under NDCC Title 57 “Exemption on Improvements”. Schuetzle asked about the possibility of requesting an exemption for the improvements being made to the property? If that is possible, an exemption on improvements will remove \$40,000-\$80,000 of the costs. The bank is willing to lend \$4.5 million at this time. He explained how the investors’ monies and the exemption, if granted, would allow for the project to move forward. Additional fund raising will occur. Construction is set to start on 3/15/13.

Commissioner Frank commented on a presentation she attended that was given by Mr. Schuetzle in December 2012 on this matter. She encouraged Mr. Schuetzle to complete an application for tax exemption as it is apparent that assistance is needed. Mr. Schuetzle explained the green-space that is a part of the redevelopment plan.

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City Administrator Neubauer stated that this qualifies for a remodeling exemption which can be granted by City Assessor Barta's office as a remodeling project. He asked how the Commission would like the staff to proceed with this application request.

Commissioner Braun motioned to approve the completion of an application for tax exemption application through the City Assessor's office as a remodeling project. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

**J. RESOLUTIONS AND ORDINANCES:**

1. *Consider Resolution Approving Contract and Contractor's Bond for Water and Sewer Improvement District No. 60, Project 2012-21(34<sup>th</sup> Avenue SE and Genoa Court SE).* Commissioner Rohr moved to approve a Resolution Approving Contract and Contractor's Bond for Water and Sewer Improvement District No. 60, Project 2012-21(34<sup>th</sup> Avenue SE and Genoa Court SE). Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

**K. OTHER BUSINESS**

There being no further actions to come before the Board of City Commissioners, Commissioner Frank moved to adjourn the meeting at 6:43 p.m. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

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James Neubauer,  
City Administrator

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Arlyn Van Beek,  
President, Board of City  
Commissioners

The Mandan City Commission met in a working session at 5:00 p.m. on February 26, 2013 in the former Morton County Library room at City Hall, 205 2<sup>nd</sup> Ave NW, Mandan, ND. Commissioners present were Van Beek, Tibke, Rohr, Frank and Braun. City Department Heads present were City Administrator Neubauer, City Attorney Brown, and Business Development and Communications Huber and Assessing/Building Official Barta. Also in attendance were Nancy Deichert, Bismarck Mandan Board of Realtors and Mary Splichal, real estate agent.

Discussion Items:

1. Housing property tax exemption policy

Discussions took place regarding the multi-unit and single family home property tax exemptions. The possibility of a survey related to what factors weigh most in selecting where to live, how the exemption rates as a determining factor, price and location and other factors. The first \$75,000 exemption on new single family homes was more meaningful when the exemption as first created and new home prices were below \$100,000. It becomes less significant as the average new home construction price approaches \$250,000.

Commissioners discussed separating the discussion of new single family home exemptions from the multifamily exemption. If the commission were to step away from the single family exemption, an option would be to adopt as Burleigh County has that in order to get the exemption the buyer must qualify for first time homeowners program.

Discussion also occurred relative to Senate Bill 2314 which may put an end to all property tax exemptions other than for entities certified as primary sector businesses. Amendments to SB 2314 were made to include retail activities that meet certain objectives as outlined by the municipality, but excluded service sector businesses. Work will proceed to have service sector businesses included.

Commissioners asked that the Bismarck Mandan Board of Realtors weigh in on the discussion, and therefore, the discussion will be brought back at the March 19<sup>th</sup> Commission meeting.

ADJOURN

There being no further actions to come before the Board Commissioner Frank moved and Commissioner Rohr seconded to adjourn at 6:15 p.m. The motion received unanimous approval of the Board members present and the meeting adjourned.

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James Neubauer,  
City Administrator

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Arlyn Van Beek  
President, Board of City  
Commissioners



"WHERE THE WEST BEGINS"

# CITY OF MANDAN

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

701-667-3215 • FAX: 701-667-3223 • www.cityofmandan.com

## CITY DEPARTMENTS

ADMINISTRATION	667-3215
ASSESSING/BUILDING INSPECTION	667-3230
BUSINESS DEVELOPMENT	667-3485
CEMETERY	667-6044
ENGINEER/PLANNING & ZONING	667-3225
FINANCE	667-3213
FIRE	667-3208
HUMAN RESOURCES	667-3217
LANDFILL	667-0184
MUNICIPAL COURT	667-3270
POLICE	667-3455
PUBLIC WORKS	667-3240
WASTEWATER TREATMENT	667-3278
SPECIAL ASSESSMENTS	667-3271
UTILITY BILLING	667-3219
WATER TREATMENT	667-3275

## Mayors Day of Recognition for National Service Proclamation April 9, 2013

**WHEREAS**, service to others is a hallmark of the American character, and central to how we meet our challenges; and

**WHEREAS**, the nation's mayors are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city needs; and,

**WHEREAS**, AmeriCorps and Senior Corps address the most pressing challenges facing our cities and nation, from educating students for the jobs of the 21st century and supporting veterans and military families to preserving the environment and helping communities recover from natural disasters; and

**WHEREAS**, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

**WHEREAS**, national service participants serve in more than 70,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

**WHEREAS**, national service participants increase the impact of the organizations they serve with, both through their direct service and by recruiting and managing millions of additional volunteers; and,

**WHEREAS**, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and,

**WHEREAS**, AmeriCorps (VISTA, State, NCCC) members and Senior Corps (RSVP, Foster Grandparent, Senior Companion) volunteers demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

**WHEREAS**, the Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with mayors across the country to support the Mayors Day of Recognition for National Service on April 9, 2013.

**NOW, THEREFORE**, BE IT RESOLVED that I, Arlyn Van Beek, Mayor of Mandan, ND, do hereby proclaim April 9, 2013, as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our city, to thank those who serve; and to find ways to give back to their communities.

Signed this 5<sup>th</sup> day of March, in the year 2013.

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

Attest:

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

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



"WHERE THE WEST BEGINS"

# CITY OF MANDAN

MANDAN CITY HALL - 205 2nd Avenue NW

MANDAN, NORTH DAKOTA 58554

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## PROCLAMATION

### PROJECT HOPE WEEK (BISMARCK CANCER CENTER)

**WHEREAS**, cancer is the second most common cause of death in the U.S., exceeded only by heart disease; and

**WHEREAS**, nearly 1.5 million new cancer cases are expected to be diagnosed in 2012 and of those, 562,340 individuals are expected to die; and

**WHEREAS**, the ratio of men that will be diagnosed with cancer in their lifetime is 1 in 2; while in women it is 1 in 3; and

**WHEREAS**, the National Institutes of Health estimates that the overall costs of cancer in 2008 at \$228.1 billion including direct medical costs as well as the cost of productivity due to illness and premature death; and

**WHEREAS**, project **HOPE** is a community wellness event designed to educate employees about healthy lifestyles, cancer prevention, early detection and to promote hope for a healthier tomorrow.

**NOW, THEREFORE**, I, Arlyn Van Beek, Mayor of the City of Mandan, do hereby proclaim April 15-19, 2013 as **PROJECT HOPE** Week in the City of Mandan and encourage employers to impact the quality of lives of their employees by providing education on the importance of cancer prevention and screening.

Dated this 5<sup>th</sup> day of March, 2013

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

Attest:

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



# CITY OF MANDAN

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LANDFILL	667-0104
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POLICE	667-3455
PUBLIC WORKS	667-3240
WASTEWATER TREATMENT	667-3278
SPECIAL ASSESSMENTS	667-3271
UTILITY BILLING	667-3219
WATER TREATMENT	667-3275

## PROCLAMATION

- WHEREAS, Each spring a special week has been set aside to encourage city wide clean-up effort; and
- WHEREAS, Experience has shown that the efforts put forth during this week help to prevent accidents and fires and does much to promote a clean, attractive community; and
- WHEREAS, The citizens of Mandan have participated in this program to the common benefit of the individual property owners and the community as a whole.

NOW THEREFORE, I, ARLYN VAN BEEK, President of the Board of City Commissioners of the City of Mandan, do hereby proclaim the week of April 29<sup>th</sup>-May 4<sup>th</sup>, 2013 to be

### “SPRING CLEAN-UP WEEK”

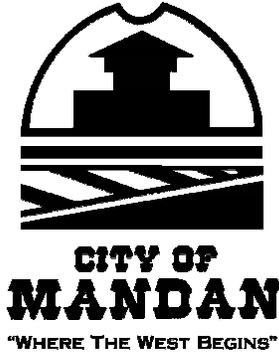
In the City of Mandan and do urge all citizens to participate in the efforts to keep Mandan the clean and attractive community that it is.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Mandan to be affixed on March 5, 2013.

Arlyn Van Beek, President  
Board of City Commissioners

Attest:

James Neubauer City Administrator



Consent No. 2

## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** March 5, 2013  
**PREPARATION DATE:** February 27, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Engineering & Planning  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider for approval the final plat of Terra Vallee 6<sup>th</sup> Addition

---

**STATEMENT/PURPOSE:** To consider for approval the final plat of Terra Vallee 6<sup>th</sup> Addition.

**BACKGROUND/ALTERNATIVES:** Request from Terra Vallee Inc. The Planning & Zoning Commission approved the final plat on February 25, 2013.

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

**FISCAL IMPACT:** minimal

**STAFF IMPACT:** minimal

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

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

**SUGGESTED MOTION:** I move to approve the final plat of Terra Vallee 6<sup>th</sup> Addition.

**MANDAN PLANNING OFFICE REPORT**  
**February 27, 2013**

Applicant: Terra Vallee Inc.

Owner: same

Requested Action: Final Plat Approval

Name of Subdivision: Terra Vallee 6<sup>th</sup> Addition

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

Location: northwest corner of 8<sup>th</sup> Avenue NW and 27<sup>th</sup> Street NW

Parcel Acreage: 8.45

Number of Blocks: 4                      Number of Lots: 72

Preliminary Plat Approval: January 18, 2013

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 Required: \$250.00                      Date Received: January 3, 2013

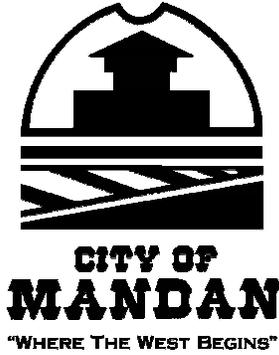
Adjacent Property Owner Notification: February 15, 2013

Dates of Legal Notices: February 15 & 22, 2013

Recommendation: Planning office recommends approval.







Consent No. 3

## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** March 5, 2013  
**PREPARATION DATE:** February 27, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Engineering & Planning  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider for approval the final plat of Midway 14<sup>th</sup> Addition

---

STATEMENT/PURPOSE: To consider for approval the final plat of Midway 14<sup>th</sup> Addition.

BACKGROUND/ALTERNATIVES: Request from M & P, LLP. The Planning & Zoning Commission approved the final plat on February 25, 2013.

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

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

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

SUGGESTED MOTION: I move to approve the final plat of Midway 14<sup>th</sup> Addition.

**MANDAN PLANNING OFFICE REPORT**  
**February 27, 2013**

Applicant: M&P, LLP

Requested Action: Final Plat Approval

Name of Subdivision: Midway 14<sup>th</sup> Addition

Legal Description: All of Lot 2, Block 1, Midway 8<sup>th</sup> Addition

Location: 4316 Memorial Highway SE

Parcel Acreage: 12.75

Number of Blocks: 1                      Number of Lots: 6

Preliminary Plat Approval: none (short form)

Existing Land Use: vacant

Proposed Land Use: Action Sports and other commercial

Adjacent Land Use: Circle Diamond Ranch Supply, KLXX, Dakota Community Bank, Marshall Feland's

Existing Zoning: CC Restricted (Heavy Commercial) Allow all CC heavy commercial uses except: Railroad Trackage, Auto Laundry (car wash), Auto Repair Garages (as a primary use), Commercial Parking Lot/Garage, Off-Premise Advertising Sign, Steam Bath, Tire/Battery Repair, Storage Building/Warehouse or any of the Wholesale Group.

Proposed Zoning: same

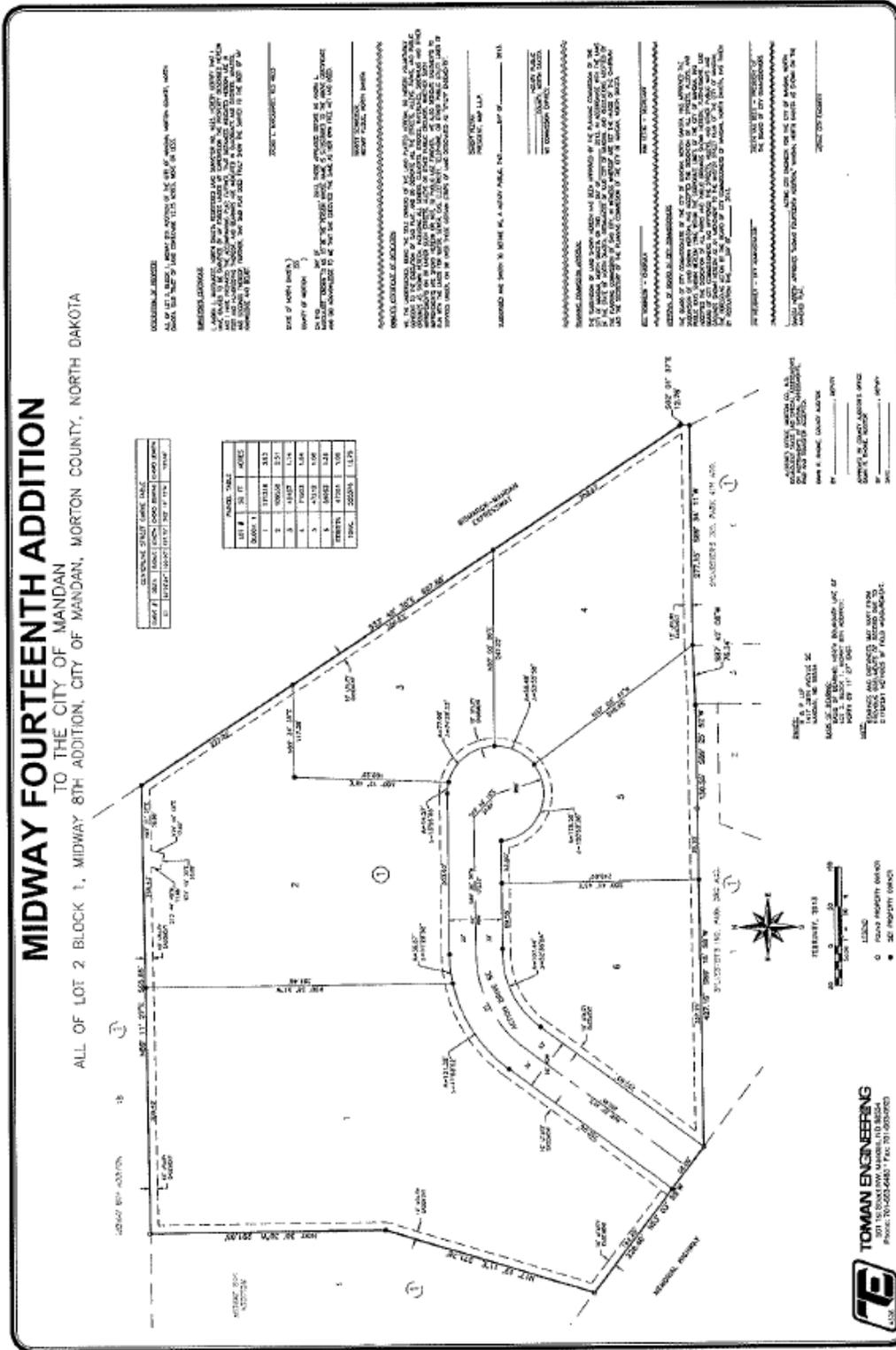
Adjacent Zoning: CC Restricted (Heavy Commercial) and MD Restricted (Heavy Industrial/Heavy Commercial).

Fee Required: \$250.00                      Date Received: February 6, 2013

Adjacent Property Owner Notification: February 12, 2013

Dates of Legal Notices: February 15 & 22, 2013

Recommendation: Planning office recommends approval.



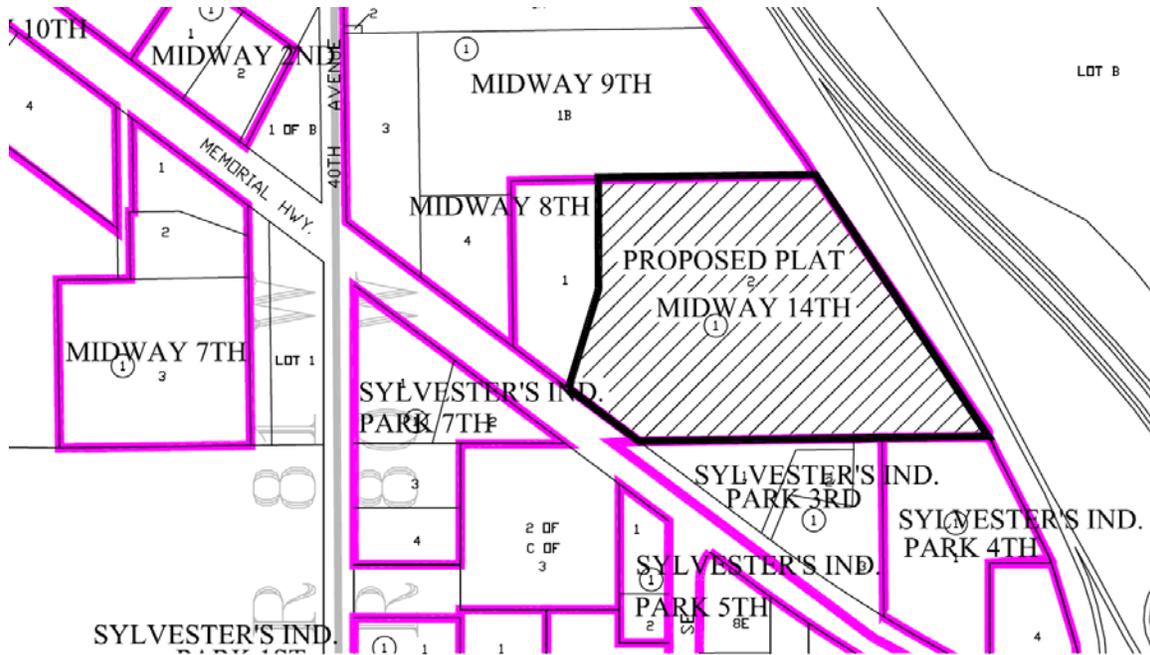
Board of City Commissioners

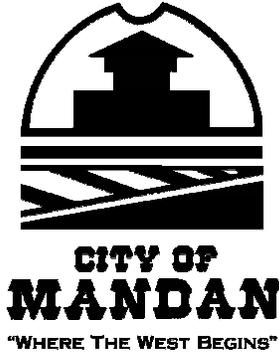
Agenda Documentation

Meeting Date: March 5, 2013

Subject: Consider for approval the final plat of Midway 14<sup>th</sup> Addition

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## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** March 5, 2013  
**PREPARATION DATE:** February 27, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Engineering & Planning  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider for approval the final Re-plat of North Prairie Subdivision

---

**STATEMENT/PURPOSE:** To consider for approval the final Re-plat of North Prairie Subdivision.

**BACKGROUND/ALTERNATIVES:** Request from Mor-Gran-Sou Electric; Jerry Weinhandl; Steve and Kim Symington. The Planning & Zoning Commission approved the final replat on February 25, 2013. There was a swapping of property among owners and we had them re-plat to clean up the area.

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

**FISCAL IMPACT:** minimal

**STAFF IMPACT:** minimal

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

**RECOMMENDATION:** This office supports the approval of the subject replat.

**SUGGESTED MOTION:** I move to approve the final Replat of North Prairie Subdivision.

**MANDAN PLANNING OFFICE REPORT**  
**February 27, 2013**

Applicant: Mor-Gran-Sou; Jerry Weinhandl; Steve & Kim Symington

Owner: same

Requested Action: Final Replat Approval

Name of Subdivision: Replat North Prairie Subdivision

Legal Description: Auditor's Lots 1 & 3 of Tract B of Lot 1, Block 1; the south 527' of Tract B of Lot 1 of North Prairie Subdivision; and Tract A of Lot 1 of Section 8, Township 139N, Range 81W.

Location: Highland Road N

Parcel Acreage: 53

Number of Blocks: 1                      Number of Lots: 4

Preliminary Plat Approval: none (short form)

Existing Land Use: agricultural and single-family residential,

Proposed Land Use: same

Adjacent Land Use: agricultural and single-family residential

Existing Zoning: R7 (Single-Family Residential)

Proposed Zoning: same

Adjacent Zoning: R7 (Single-Family Residential) and A (Agricultural)

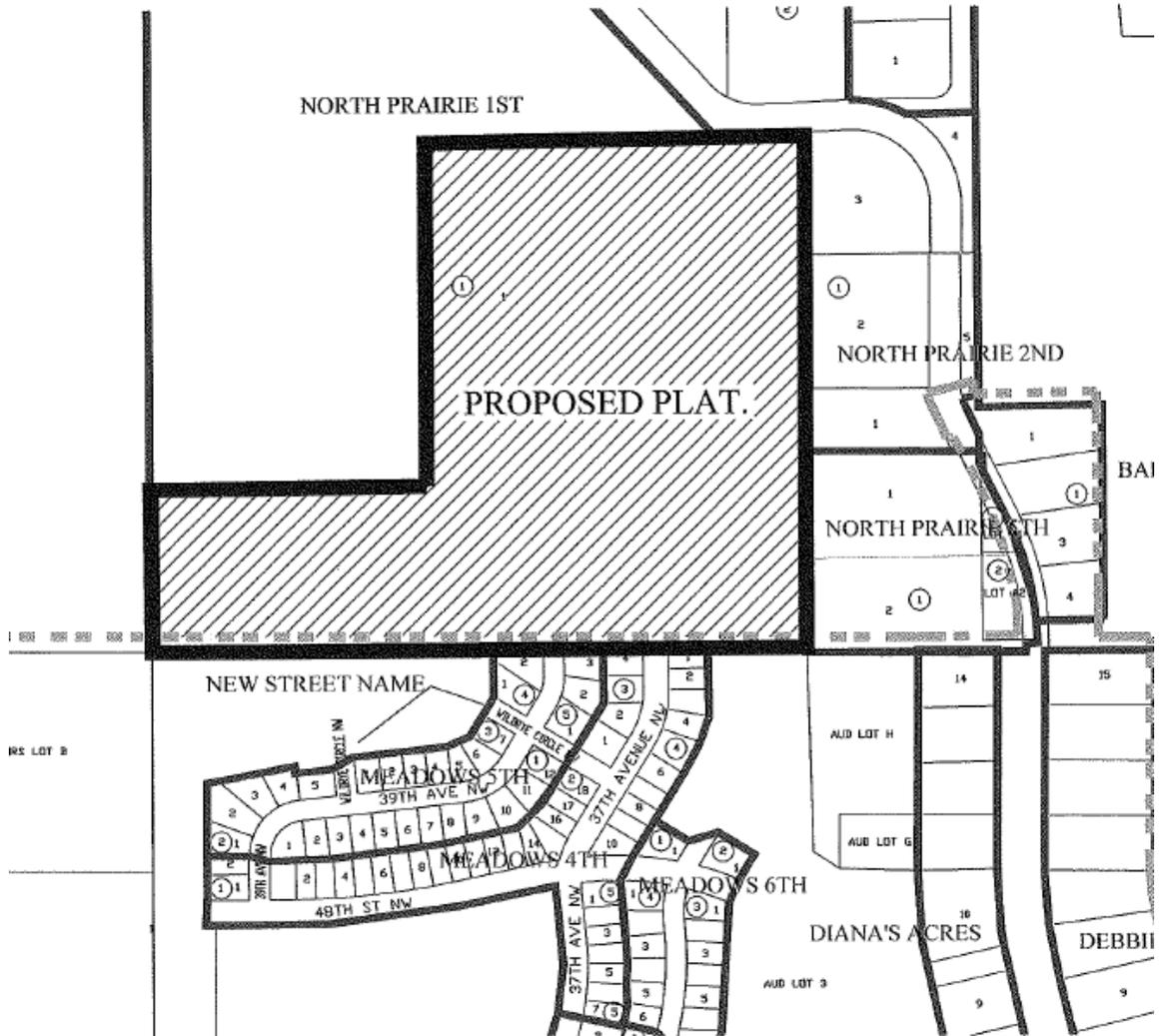
Fee Required: \$250.00                      Date Received: February 6, 2013

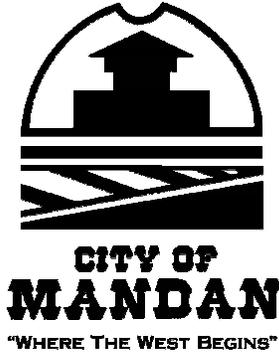
Adjacent Property Owner Notification: February 14, 2013

Dates of Legal Notices: February 15 & 22, 2013

Recommendation: Planning office recommends approval.







## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** March 5, 2013  
**PREPARATION DATE:** March 5, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Kim Fettig, Project Manager  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider approving the Amended Engineer's Report and authorize the call for bids for Water and Sewer Improvement District 60,(McKenzie Drive SE) Project# 2012-21.

---

**STATEMENT/PURPOSE:** To consider approving the Amended Engineer's Report and authorize the call for bids for Water and Sewer Improvement District 60,(McKenzie Drive SE) Project# 2012-21.

**BACKGROUND/ALTERNATIVES:** This project had been put out to bid and the City Commission awarded the bid to Markwed Excavating. Markwed Excavating sent us a letter giving the City of Mandan the option of adding a 10 percent overall cost increase to total amount of bid for project along with a time extension, or the City of Mandan can opt to re-bid the project. Attorney Brown advised that we should re-bid the project as the award documentation and contract was not provided by KLJ to Markwed Excavating within the 30 day time frame.

**ATTACHMENTS:**

1. Resolution amending the Engineers Report
2. Engineers Amended Report
3. Resolution Directing Advertisement for Bids

**FISCAL IMPACT:** minimal

**STAFF IMPACT:** minimal

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

**RECOMMENDATION:** This office supports approving the amended Engineer's Reports and authorizing a call for bids.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 5, 2013

Subject: Consider approving the Amended Engineer's Report and authorize the call for bids for Water and Sewer Improvement District 60,(McKenzie Drive SE) Project# 2012-21.

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SUGGESTED MOTION: I move to approve the Amended Engineer's Report and authorize the call for bids for Water and Sewer Improvement District 60,(McKenzie Drive SE) Project# 2012-21.

**RESOLUTION APPROVING AMENDED ENGINEER'S REPORT  
FOR THE CONSTRUCTION OF THE  
IMPROVEMENT IN WATER AND SEWER IMPROVEMENT DISTRICT NO. 60  
(McKenzie Drive SE)**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Water and Sewer Improvement District No. 60 (Project # 2012-21)(McKenzie Drive SE), as required by section 40-22-10 of the North Dakota Century Code, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

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

a. Construction costs:	\$281,548.00
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Board of City Commissioners

Agenda Documentation

Meeting Date: March 5, 2013

Subject: Consider approving the Amended Engineer's Report and authorize the call for bids for Water and Sewer Improvement District 60,(McKenzie Drive SE) Project# 2012-21.

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b. Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:	\$98,541.80
c. Total estimated costs of the improvement:	\$380,089.80

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

Dated this 5th day of March, 2013.

---

President, Board of City Commissioners

ATTEST:

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City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: March 5, 2013

Subject: Consider approving the Amended Engineer's Report and authorize the call for bids for Water and Sewer Improvement District 60,(McKenzie Drive SE) Project# 2012-21.

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McKENZIE DRIVE SE  
 WATER AND SANITARY SEWER IMPROVEMENT DISTRICT NO. 60 (PROJECT 2012-21)  
 CITY OF MANDAN, ND  
 FEBRUARY 27, 2013

Exhibit "A"

Item No.	Spec Section	Description	Unit	Estimated Quantity	Unit Price	Total Price
1	SP	MOBILIZATION	LS	1	\$ 40,000.00	\$ 40,000.00
2	SP	AC PATCH (CLASS B)	SY	235	\$ 60.00	\$ 14,100.00
3	104	CONTRACT BOND	LS	1	\$ 3,000.00	\$ 3,000.00
4	201	CLEARING AND GRUBBING	LS	1	\$ 7,500.00	\$ 7,500.00
5	603	CURB & GUTTER REMOVAL	LF	20	\$ 10.00	\$ 200.00
6	603	STANDARD CURB & GUTTER	LF	20	\$ 30.00	\$ 600.00
7	801	SUBCUT GRAVEL	TON	300	\$ 30.00	\$ 9,000.00
8	801	8" PVC SANITARY SEWER	LF	1,115	\$ 95.00	\$ 105,925.00
9	801	TELEWISE SEWER MAIN	LF	1,115	\$ 2.00	\$ 2,230.00
10	900	6" PVC WATER MAIN	LF	33	\$ 35.00	\$ 1,155.00
11	900	8" PVC WATER MAIN	LF	1,055	\$ 40.00	\$ 42,200.00
12	900	12" PVC WATERMAIN	LF	5	\$ 40.00	\$ 200.00
13	900	6" GATE VALVE & BOX	EA	2	\$ 1,200.00	\$ 2,400.00
14	900	8" GATE VALVE & BOX	EA	3	\$ 1,500.00	\$ 4,500.00
15	900	6" HYDRANT	EA	3	\$ 3,500.00	\$ 10,500.00
16	1205	CONCRETE MANHOLE W/ MONOLITHIC BASE	EA	3	\$ 4,500.00	\$ 13,500.00
17	1209	4" SEWER SERVICE PIPE	LF	320	\$ 25.00	\$ 8,000.00
18	1209	4" SEWER PIPE BEND	EA	16	\$ 50.00	\$ 800.00
19	1209	1" WATER SERVICE LINE	LF	544	\$ 22.00	\$ 11,968.00
20	1209	1" WATER SERVICE CONNECTION	EA	8	\$ 140.00	\$ 1,120.00
21	1209	1" CURB STOP AND BOX	EA	8	\$ 175.00	\$ 1,400.00
22	1211	TRAFFIC CONTROL	LS	1	\$ 1,250.00	\$ 1,250.00
<b>Total Base Bid</b>					<b>\$</b>	<b>\$ 281,548.00</b>

Board of City Commissioners

Agenda Documentation

Meeting Date: March 5, 2013

Subject: Consider approving the Amended Engineer's Report and authorize the call for bids for Water and Sewer Improvement District 60,(McKenzie Drive SE) Project# 2012-21.

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**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS  
FOR WATER AND SEWER IMPROVEMENT DISTRICT NO. 60  
PROJECT #2012-21(McKenzie Drive SE)**

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

1. The City Administrator, Deputy Auditor and City Engineer shall meet at the time and place specified in the notice authorized in paragraph 2 hereof, for the purpose of opening sealed bids for the work and material needed for the improvement project to be made in Water and Sewer Improvement District No. 60 (Project # 2012-21)(McKenzie Drive SE) of the City of Mandan, as more fully described and referred to in the resolution creating said improvement district passed and approved by the Board on November 6<sup>th</sup>, 2012, and in the plans and specifications for said improvement now on file in the office of the City Engineer.

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

**ADVERTISEMENT FOR BIDS FOR  
WATER AND SEWER IMPROVEMENT DISTRICT NO. 60  
(McKenzie Drive SE)  
MANDAN, NORTH DAKOTA**

Notice is hereby given, that the City of Mandan, North Dakota will receive sealed bids at the office of the City Administrator until March 26, 2013, at 10:00 a.m., local time for the purpose of opening sealed bids for the furnishing of materials, labor and skill needed for the installation of new water and sewer mains, and related work in accordance with the plans and specifications for Water and Sewer Improvement District 60 (Project No. 2012-21)(McKenzie Drive SE).

Board of City Commissioners

Agenda Documentation

Meeting Date: March 5, 2013

Subject: Consider approving the Amended Engineer's Report and authorize the call for bids for Water and Sewer Improvement District 60,(McKenzie Drive SE) Project# 2012-21.

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

The bid proposals must be submitted to the City Administrator by 10:00 a.m., local time, March 26, 2013 and shall be sealed and endorsed "Proposal for Water & Sewer Improvement District No. 60(McKenzie Drive SE)." Bids shall be delivered or mailed to: City Administrator, City of Mandan, 205 2<sup>nd</sup> Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 10:00 a.m., local time, on March 26, 2013. All bidders are invited to be present at the public opening of the Bids.

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

Each bid shall be accompanied by a separate envelope containing a bidder's bond in the amount of five (5) percent of the highest amount of the bids as required by Section 48-01.2-05 (4), North Dakota Century Code, as amended, and executed by the Bidder as principal and by a surety, conditioned that if the principal's bid is accepted and the contract awarded to the principal, the principal, within ten days after Notice of Award, shall execute and effect a contract in accordance with the terms of the bid, and a Contractor's Bond as required by law. No bid may be read or considered if it does not fully comply with the requirements of Section 48-01.2-05 of the North Dakota Century Code and any deficient bid must be resealed and returned to the bidder immediately.

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

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

All construction work on Project #2012-21 (McKenzie Drive SE) is to be completed no later than June 14, 2013.

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

Board of City Commissioners

Agenda Documentation

Meeting Date: March 5, 2013

Subject: Consider approving the Amended Engineer's Report and authorize the call for bids for Water and Sewer Improvement District 60,(McKenzie Drive SE) Project# 2012-21.

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

The Board of City Commissioners will meet on Tuesday, April 2, 2013, at 5:30 PM, local time, to review the Bids submitted, consider the engineer's recommendation, and to award the contract to the successful Bidder. The contract will be awarded on the basis of the low Bid submitted by a responsible and responsive Bidder deemed most favorable to the City's interest.

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

City of Mandan, North Dakota

BY: James Neubauer  
City Administrator

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

4. The Board of City Commissioners shall meet on Tuesday, April 2, 2013 at 5:30 pm, local time, to review the bids submitted, consider the engineer's recommendation, and to award the contract to the successful bidder, subject to the Board finding that filed protests are insufficient to bar the work.

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President, Board of City Commissioners

ATTEST:

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Board of City Commissioners

Agenda Documentation

Meeting Date: March 5, 2013

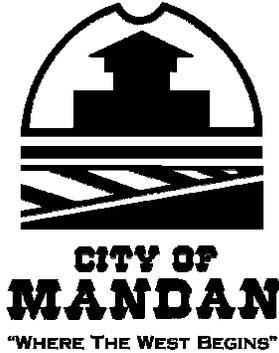
Subject: Consider approving the Amended Engineer's Report and authorize the call for bids for Water and Sewer Improvement District 60,(McKenzie Drive SE) Project# 2012-21.

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City Administrator

Passed: March 5, 2013



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** March 5, 2013  
**PREPARATION DATE:** February 11, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Kim Fettig, Project Manager  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider the approval of plans and specifications, Engineers Report, and authorize the call for bids for the 2013 Municipal Sidewalk Improvement Project 2013-03.

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**STATEMENT/PURPOSE:** To move forward with the project to construct sidewalks, driveways, and other concrete items throughout the City

**BACKGROUND/ALTERNATIVES:** This is an annual sidewalk construction project that we have had for many years. The participants in this project do so at request of themselves to have work done by the low bidder of this project and have that work assessed to their property. Work includes any concrete item within the public right-of-way that needs to be done. The City utilizes this contract also for various repairs.

**ATTACHMENTS:** 1. Advertisement for bids  
2. Engineers Estimate

**FISCAL IMPACT:** Minimal, all work under this project is requested and special assessed to the benefitting property

**STAFF IMPACT:** The Engineering staff will be performing the construction administration for this project

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

**RECOMMENDATION:** This office supports moving forward with the said project.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 1, 2011

Subject: Consider the approval of Plans and Specifications, Engineers Report and authorize the call for bids for the 2013 Municipal Sidewalk Improvement Project 2013-03

Page 2 of 5

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SUGGESTED MOTION: I move to approve the plans and specifications, and authorize the call for bids for the 2013 Municipal Sidewalk Improvement Project 2013-03.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 1, 2011

Subject: Consider the approval of Plans and Specifications, Engineers Report and authorize the call for bids for the 2013 Municipal Sidewalk Improvement Project 2013-03

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

Notice is hereby given, that the City of Mandan, North Dakota, will receive sealed bids at the Office of the City Engineer, City Hall, until March 29, 2013, at 10:00 a.m., local time, for the purpose of the construction and repair of sidewalks, curb and gutters, and all other work related to the 2013 Annual Sidewalk Improvement Project 2013-03. The work consists of all labor, skill and materials required to properly construct the improvement.

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

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

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

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

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

The bid proposals shall be sealed and endorsed "Proposal for the 2013 Annual Sidewalk Improvement Project #2013-03". Bids shall be delivered or mailed to: City Engineer, 205 2<sup>nd</sup> Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 10:00 a.m., local time, on March 29, 2013. All

Board of City Commissioners

Agenda Documentation

Meeting Date: March 1, 2011

Subject: Consider the approval of Plans and Specifications, Engineers Report and authorize the call for bids for the 2013 Municipal Sidewalk Improvement Project 2013-03

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bidders are invited to be present at the public opening of the bids. No bid may be read or considered if it does not fully comply with the requirements of NDCC '48-01.1-05 and any deficient bid submitted must be resealed and returned to the bidder immediately.

The Board of City Commissioners of the City of Mandan, North Dakota, will meet at the City Hall in said city on Tuesday, April 2, 2013 at 5:30 p.m., local time, to review the bids submitted, consider the engineer's recommendation, and to award the contract to the successful bidder, subject to the Board finding filed protests are insufficient to bar the work. The contract will be awarded on the basis of the low bid submitted by a responsible and responsive bidder deemed most favorable to the City's interest.

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

Dated this 5th day of March 2013.

City of Mandan, North Dakota

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

Publication Dates: March 8<sup>th</sup> and 15<sup>th</sup>, 2013

Board of City Commissioners

Agenda Documentation

Meeting Date: March 1, 2011

Subject: Consider the approval of Plans and Specifications, Engineers Report and authorize the call for bids for the 2013 Municipal Sidewalk Improvement Project 2013-03

Page 5 of 5

ENGINEER'S ESTIMATE

MUNICIPAL SIDEWALK IMPROVEMENT

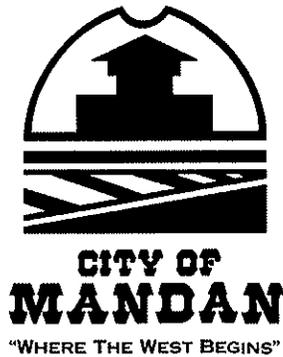
MARCH, 2013  
PROJECT NO. 2013-03

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

GENTLEMEN:

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

BID NO.	ITEM NO.	ITEM	APPROX QUANTITY		UNIT PRICE	AMOUNT
1	601	4" CONCRETE SIDEWALK	32,000	SF	\$3.00	\$96,000.00
2	601	6" CONCRETE SIDEWALK	15,000	SF	\$3.50	\$52,500.00
3	602	6" CONCRETE DRIVEWAY	25,000	SF	\$3.50	\$87,500.00
4	603	6" CURB AND GUTTER	3,000	LF	\$8.45	\$25,350.00
5	601	4" HANDICAP CURB RAMPS	800	SF	\$6.00	\$4,800.00
6	601	4" CONCRETE STEPS	100	SF	\$5.00	\$500.00
7	601	3/4" FELT EXPANSION MATERIAL	8,000	LF	\$1.00	\$8,000.00
8	202	UNCLASSIFIED EXCAVATION	2,200	CY	\$3.75	\$8,250.00
9	1504	CONCRETE REMOVAL	7,000	SF	\$1.50	\$10,500.00
10	1503	SAW CUTTING	400	LF	\$10.00	\$4,000.00
11	1505	ADJUST WATER CURB STOP	36	EA	\$45.00	\$1,620.00
12	1506	ADJUST WATER VALVE BOX	15	EA	\$45.00	\$675.00
13	1507	BLACK DIRT AND SEED	200	SY	\$5.00	\$1,000.00
14	1203	SOD	100	SY	\$3.00	\$300.00
15	201	TREE ROOT REMOVAL (2" TO 6")	3	EA	\$40.00	\$120.00
16	201	TREE ROOT REMOVAL (OVER 6" TO	3	EA	\$65.00	\$195.00
17	201	TREE ROOT REMOVAL (OVER 12")	2	EA	\$110.00	\$220.00
18	501	COLD WEATHER PROTECTION- CURB & GUTTER	600	LF	\$0.50	\$300.00
19	501	COLD WEATHER PROTECTION- CONCRETE PAVEMENT	6,500	SF	\$0.20	\$1,300.00
TOTAL PROJECT COST						\$303,130.00



# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** March 5, 2013  
**PREPARATION DATE:** February 28, 2013  
**SUBMITTING DEPARTMENT:** Human Resources  
**DEPARTMENT DIRECTOR:**  
**PRESENTER:**  
**SUBJECT:** Contract for Services for City's Employee Assistance Program from St. Alexius Medical Center.

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### PURPOSE

To consider the Contract for Services for the City's Employee Assistance Program from St. Alexius Medical Center.

### BACKGROUND

The City's current Employee Assistance Program (EAP) provider Sanford Health, formerly Medcenter One, terminated their EAP Service Agreement with the City effective March 1, 2013. A review of alternative EAP providers included The Village, Midwest EAP Solutions, and St. Alexius Medical Center.

### ATTACHMENTS

- EAP Comparison Schedule
- Contract for Services (March 1, 2013 to February 29, 2016)

### FISCAL IMPACT

\$19.50 per employee/per year for the first year. This is a budgeted item.

### STAFF IMPACT

None

### LEGAL REVIEW

Reviewed by Malcolm Brown, City Attorney.

Board of City Commissioners

Agenda Documentation

Meeting Date: March 5, 2013

Subject: Contract for Services for City's Employee Assistance Program from St. Alexius Medical Center.

Page 2 of 2

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RECOMMENDATION

To approve the Contract for Services for the City's Employee Assistance Program from St. Alexius Medical Center based on similar services provided by Sanford Health, local presence, cost and review of past employee utilization.

SUGGESTED MOTION

Move to approve the Contract for Services for the City's Employee Assistance Program from St. Alexius Medical Center.

Sessions	Village Household Aggregate 8 Sessions	Sanford Current 8 PP Year	St. Alexius 8 PP Year
Local	?	YES	YES
Web	YES	YES	YES
Legal	YES	YES	NO
24/7 Crisis Line	YES	YES	YES
Utilization Reports	YES	YES	YES
Financial Counseling	YES	YES	Assistances
Personal Health Assessments	YES	YES	NO
Employer Formal Referral	YES	YES	YES
Critical Incident Stress Debriefing	NO	NO	YES
Reasonable Suspicion Training	YES	YES	YES
Terminated Employee	90 Days	90 Days	8 Sessions final
Cost	\$24 FTE	\$24.05 EE	\$19.50 EE

Feb 19,2013

## **CONTRACT FOR SERVICES**

This **Contract** is between City of Mandan, whose address is 205 2<sup>nd</sup> Ave NW, Mandan, ND 58554; hereinafter referred to as "Company," and the St. Alexius Medical Center through its Employee Assistance Program, whose address is 900 East Broadway; Bismarck, ND 58506-5510, hereinafter referred to as "Contractor."

### **SCOPE AND OBJECTIVES**

1. Contractor hereby is retained by Company to assist Company to establish a program of special assistance to Company's employees, to be called the Employee Assistance Program (EAP), as provided in this Contract. Contractor warrants that its work will be provided in accordance with the standards of an EAP in the normal course of operations in the geographic region served by Contractor.
2. The purpose of the EAP is to guide, counsel and assist Company employees referred to the EAP by their managers, or employees who voluntarily seek assistance from the EAP, to determine appropriate diagnosis and a course of EAP services in order to restore such employees' capability to perform their jobs at an acceptable level of performance.
3. Company is contracting for the EAP to provide employees and their immediate families with assistance with personal problems, including marital, family, alcohol and other drug abuse and dependence, financial, emotional, behavioral and other problems. Immediate family is defined as spouse and/or dependent children, age seventeen (17) and under, living in the same household as the employee, or young adult children, age twenty-five (25) and under, who are attending a college or university. The EAP services of Contractor, outlined below, will include assistance to employees in the areas referenced in this paragraph.

### **SPECIFIC ACTIVITIES OF CONTRACTOR ON BEHALF OF COMPANY**

4. Contractor will provide specific management consultation, upon request, to Company managers and others with supervisory responsibility in dealing with problems relating to deteriorating job performance by individual employees.
5. Contractor will provide specific assistance to Company employees and members of their immediate families who have been referred to the EAP or who request such service of their own volition. Contractor and Company will adopt safeguards to ensure the privacy of Company employees and their family members by maintaining confidentiality regarding EAP services. Contractor will counsel and encourage Company employees to proceed with a course of assistance by referring the individual to clinical or supportive organizations and medical professionals.

Company employees and members of their immediate families will receive an assessment of their presenting problem and up to seven (7) additional EAP sessions for further assessment, evaluation, or counseling for that problem. During the term of this contract as outlined in paragraph 10, Company employees and members of their immediate

families may present multiple problems for which assessment, evaluation or treatment by the EAP may be appropriate. Under the provisions of this Contract an eligible employee and/or a member of the immediate family would receive additional EAP services from the EAP, providing the new problem is not related to a situation for which EAP services have already been received. The employee and/or family member will receive an assessment of the "new" presenting problem and up to seven (7) additional sessions.

Long-term clinical therapies, inpatient or outpatient medical, psychological, psychiatric, or substance abuse treatment modalities and medications are beyond the scope of EAP services to be provided under this Contract.

In the event long-term therapy or treatment is indicated, referral will be made by Contractor's EAP staff to an appropriate resource(s). Contractor will familiarize itself with Company's benefits program so that it can advise employees as to available coverage thereunder of services by such organizations or professionals. Contractor will exercise good faith efforts in obtaining recognition of Company's benefits program requirements as to accreditation of such agencies, so that eligibility for medical expense reimbursement to the employee under Company's benefits program is not jeopardized.

6. Contractor will provide follow up, as necessary, to monitor referred employees' adherence to the agreed course of treatment. Contractor will make progress reports to Company managers on employees they refer to the EAP. Such progress reports will be conditioned upon a valid consent to release information and any required HIPAA authorization and limited to reporting whether the employee is cooperating with the treatment program.
7. Contractor will assist Company in preparing a management guide for the EAP and will furnish ideas, copy suggestions and other assistance on a continuing basis for use in Company publications, special mailings or other media to maintain awareness of the EAP services by Company managers and employees.
8. From time to time, Contractor may provide other services not specifically covered by this Contract. Any additional services to be provided will be set forth in a subsequent written agreement between Contractor and Company.

#### REPORTS TO THE COMPANY

9. Contractor will prepare quarterly utilization reports in a manner which will de-identify the Company employee's and members of such employee's families' protected health information as permitted by applicable law.

#### DURATION OF THE CONTRACT

10. The term of this Contract shall be for a period of 36 months beginning March 1, 2013, and ending February 29, 2016, and shall be automatically renewed for successive periods of 24 months as of the anniversary date of the commencement of this Contract unless otherwise terminated. There shall be an annual review of the EAP and fee schedule by Company and Contractor on or before the Contract anniversary date. The fee schedule for calendar years following the initial one-year term of this Contract may be adjusted by Contractor to reflect increases in the costs of providing EAP services, provided that the increase by Contractor shall not exceed seven percent (7%) in any one (1) year, and

further provided that Contractor provide written notice at least one hundred twenty (120) days in advance of the anniversary date of this Contract or anniversary date of any renewal term to Company of the adjusted fee schedule.

#### TERMINATION OF CONTRACT

11. Either party may terminate this Contract without cause upon one hundred twenty (120) days' advance written notice to the other party.

In the event of termination of this Contract:

- a) Contractor and Company shall promptly review all work in progress. Contractor shall be responsible only for any work commenced prior to the termination date, and any and all charges which may be due and payable to Contractor at the termination date shall be paid within 30 days of the effective termination date.
- b) Contractor will provide EAP services and assistance as may be necessary to promptly transfer in the manner required by applicable law, rules, and regulations, all records related to EAP services rendered as well as EAP services in process. If care is being transferred or records are to be released to another provider, this information would only be released upon receiving signed and valid authorizations from the eligible individuals who are affected.

#### NOTICES

12. All notices or other communications to a party to this Contract shall be effective only if in writing delivered personally or mailed, with postage prepaid, to the party entitled to receive the same, at the addresses of the parties set forth in the initial paragraph of this Contract. Each party may at any time change the place to which such notices or other communications are to be addressed on 10 days written notice to the other party.

#### INDEMNIFICATION

13. Contractor shall indemnify, defend and hold harmless Company, its officers, agents and employees, from and against all lawsuits, damages, obligations, liabilities, claims, costs and expenses, including, but not limited to, reasonable attorneys fees, arising out of or related to Contractor's performance of EAP services under this Contract.

To the extent that any professional liability insurance policy of Contractor required by this Contract waives or does not provide to Contractor, in whole or in part, coverage as a result of any such indemnification or hold harmless clause, such indemnification and hold harmless clauses shall be deemed by the parties to be excluded from this Contract to the extent of such professional liability insurance coverage.

Company shall indemnify, defend, and hold Contractor, its officers, agents, and employees harmless from any and all lawsuits, damages, liabilities, claims, costs, and expenses, including reasonable attorneys' fees which result from the actions by Company.

The insurance and indemnification provisions set forth under this Paragraph 13 shall

survive the termination of this Contract.

#### MINIMUM INSURANCE

14. Contractor agrees to carry and maintain in full force and effect throughout the term of this Agreement, professional liability insurance covering the acts of Contractor's employees in an amount of not less than \$1,000,000 each occurrence and a general aggregate of \$3,000,000. Upon request, Contractor shall provide to Company a properly endorsed Certificate of Insurance evidencing the issuance of the required insurance.

#### NON-DISCLOSURE

15. Contractor agrees that it will not without the prior written consent of Company (1) reveal any information concerning this Contract (except as provided in paragraph 20), (2) reveal any proprietary information about Company, its officers, employees, management, operations, products or services, or any other confidential information whatsoever to any person to whom such information is not necessary in connection with the performance of this Contract, or (3) release any publicity or advertising concerning this Contract (other than to report or state that there is a Contract and that it relates to an employee assistance program.) Failure by Contractor to follow the letter and spirit of this paragraph shall constitute breach of this Contract.

#### CONFIDENTIALITY

16. Contractor and Company acknowledge that confidentiality is a key element of the EAP.
17. The confidentiality of all transactions with and identity of every person referred to, or voluntarily seeking the support of, the EAP will be maintained by Contractor and Company.

#### COMPLIANCE WITH PRIVACY AND SECURITY OBLIGATIONS

18.
  - a) **Definitions:**
    - i. "Disclose" and "Disclosure" mean, with respect to Protected Health Information, the lease, transfer, provision of access to, or divulging in any manner of Protected Health Information outside Contractor's internal operations.
    - ii. "Electronic Protected Information" means Protected Health Information that is transmitted by electronic media (as defined by HIPAA Security and Privacy Regulations) or as maintained in an electronic media. Electronic Protected Health Information may be transmitted and maintained on devices such as cell phones, PDAs, text pagers, and USB static disks.
    - iii. "Protected Health Information" or "PHI" means information, including demographic information that

1. Relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual;
  2. Identifies the individual (or for which there is a reasonable basis for believing that the information can be used to identify the individual); and
  3. Is received by Contractor from or on behalf of Company, or is created by Contractor or is made accessible to Contractor by Company. PHI includes, without limitation, Electronic PHI.
- iv. “Use” or “Uses” mean, with respect to PHI, the sharing, employment, application, utilization, examination or analysis of PHI within Contractor’s internal operations.
- v. Terms used, but not otherwise defined in this Agreement shall have the same meaning as those terms in the Security and Privacy Regulations of HIPAA including, but not limited to, 45 C.F.R. Sections 160.103 and 164.501.
- b) **Legal Compliance and Privacy and Security Obligations of Contractor:** Contractor warrants that all EAP services to be provided under the provisions of this Agreement shall fully comply with all applicable federal, state, and local statutes, laws, rules, and regulations, and that it shall be deemed to be a material breach of this Agreement by Contractor if Contractor should fail to observe this requirement. If such breach is not cured in accordance with this Agreement, Company may immediately terminate this Agreement without penalty and without limiting any other rights or remedies set forth in this Agreement as defined in paragraph 10.
- c) **Assurances by Contractor Regarding PHI:** More specifically, but not by way of limitation, insofar as Company is required to comply with HIPAA and insofar as Contractor has access to, has been provided with, or will be creating PHI regarding Qualified Participants, Contractor warrants and agrees as follows:
- i. **Permitted Uses and Disclosures of PHI. St. Alexius:**
    1. Shall use and Disclose PHI as necessary or appropriate to perform the EAP services as provided in this Agreement;
    2. Shall Disclose PHI to Company only upon documentation and receipt by Contractor of a HIPAA authorization signed and executed by the Qualified Participant.

3. May, as necessary for proper management and administration of Contractor's business or to carry out Contractor's legal responsibilities:

- A. Use PHI; and
- B. Disclose PHI if:

- i. The disclosure is required by law, or
- ii. Contractor obtains reasonable assurance from the person to whom PHI is Disclosed that the PHI will be held confidentially and used or further Disclosed only as required by law or for the purpose for which it was Disclosed to the person, and the person agrees to notify Contractor of any instances of which the person is aware in which the confidentiality of the PHI has been breached.

4. St. Alexius shall not Use or Disclose PHI for any other purpose.

ii. Adequate Safeguards for PHI. Contractor warrants that Contractor shall implement and maintain appropriate safeguards to prevent the use or disclosure of PHI in any manner other than as permitted by this Agreement. Contractor warrants that it shall implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of any Electronic PHI that Contractor creates, receives, maintains, or transmits on behalf of a Qualified Participant as required by the Privacy and Security Regulations of HIPAA.

iii. Reporting on Permitted Use and Disclosure. Contractor shall report to Company each Use or Disclosure that is made by Contractor or by Contractor's employees, representatives, agents or subcontractors, but is not specifically permitted by this Agreement. Contractor shall report to Company any security incident of which Contractor becomes aware. For purposes of this Agreement, "Security Incident" means the attempted or successful unauthorized access, Use or Disclosure, modification, or destruction of information or interference with the system operations in an information system. Contractor shall provide in such notice the remedial or other actions undertaken to correct the unauthorized Use or Disclosure. The initial report shall be made by telephone call to the contact information provided in this Agreement within five (5) days from the time Contractor becomes aware of an actual or apparent non-permitted Use or Disclosure, followed by a full written report to Company's designated privacy officer no later than ten (10) business days from the date Contractor becomes aware of the actual or apparent non-permitted Use or Disclosure. Contractor shall

include in such notice the remedial efforts or other actions undertaken to correct the unauthorized Use or Disclosure.

iv. Availability of Internal Practices, Books, and Records of Government Agencies. Contractor agrees to make its internal practices, books, and records relating to the Use and Disclosure of PHI available to the Secretary of the federal Department of Health and Human Services for purposes of determining Company's compliance with the Privacy and Security Regulations. Contractor shall immediately notify Company of any requests made by the Secretary and provide Company with copies of any documents produce in response to such request.

v. Access to and Amendment of PHI. Contractor shall:

1. Make PHI specified by Company available to the Company or other individuals identified by Company as being entitled to access and copy that PHI, provided an appropriate HIPAA authorization is signed and executed by the Qualified Participant whose PHI is the subject of potential Use and Disclosure.

vi. Accounting of Disclosures. Upon Company's request, Contractor shall provide to Company an accounting of each Disclosure and Use of PHI made by Contractor or its employees, agents, or representatives. Contractor is not required to provide an accounting of Disclosures that are necessary to perform the EAP services because Company has determined that such Disclosures are for treatment, payment, or health care operation purposes or both. The accountings provided for herein shall be provided only for those Uses and Disclosures that are not permitted under this section.

## EAP SERVICES PROVIDED

19. Contractor's performance of this contract shall be as follows:

### EAP Consultation Services

- Develop EAP Policy and Procedure as requested
- Provide a Management Briefing at City of Mandan
- Develop and Review Time Line for Orientation/Supervisory Training as requested
- Draft Letter for distribution to all Employees
- Formation and Consultation with Company's HR Director for EAP Development
- Development of Quarterly Utilization Reports
- Provide bi-monthly "Professional Update" publications
- Provide bi-monthly "Supervisory Update" publications
- Provide supervisory/employee training sessions three times per year at nine Contractor designated locations through the Enhancing Excellence in the North Dakota

- Workplace series of educational and training presentations
- Provide easy access website
  - Provide Posters for Company on an annual basis as necessary
  - Periodically, management may identify and request additional ongoing management/supervisory process training which could involve or be provided by the EAP staff of Contractor. Such services will be designed and cost estimated prior to implementation and a written agreement between the parties shall be executed documenting such additional fees and services.

### **Clinical Services**

8 Session Model as defined in Paragraph 5

### **EAP Administrative/Management/Supervisory Training**

Contractor will conduct EAP administrative/supervisory training sessions at Company in Mandan, North Dakota at time of EAP implementation. Contractor shall provide a one (1) hour training program for all Company supervisors and administrators. The training format shall include:

1. Objectives of training program
2. EAP Supervisory Training Booklet
3. Discussion of why Company is contracting for EAP Services
4. Review of policy and procedure specific to the EAP as well as in relation to the supervisory referral process
5. Typical personal problems causing performance difficulty
6. Basic principles of the EAP
7. Five steps of the "Constructive Intervention Process"
8. Case illustrations

### **EAP Employee Education**

Contractor will provide EAP employee orientation sessions at Company offices in Mandan, North Dakota of one-half hour duration. General and specific information would be provided relative to the EAP, including:

1. What is the EAP
2. Why an EAP is available

3. Policy and Procedure
4. EAP Brochure
5. Basic principles of the EAP
6. Typical types of problems observed
7. Methods to access the EAP
8. Description of Contractor's EAP staff specialties
9. Identify various locations where EAP services can be received

The length and scheduling of EAP sessions can be adjusted to meet the needs of Company's management and employment staff. This could include an early morning or evening training session.

EAP Administrative/Supervisory Training and EAP Employee Orientation sessions will be offered at Company offices in Mandan North Dakota one time per year, upon request of the Company.

EAP Administrative/Supervisory Training or EAP Employee Orientation for Company office locations outside of the Mandan, North Dakota area will be cost estimated before Contractor undertakes such services, and Contractor will proceed only upon written request from Company and agreement to pay the additional fees.

#### FEES AND PAYMENT

20. For the entire Contract term, EAP Consultation, Clinical Services and Training will be provided as presented in this contract. The fee for all Company employees for the first one (1) year period of the term of this Contract shall be Nineteen Dollars and Fifty Cents (\$19.50) per employee per year, payable quarterly upon invoice. This fee is subject to adjustment as provided for in paragraph 10 above.

Fees and charges for services by providers to which a Company employee or family member is referred by Contractor shall be the sole responsibility of the employee and not of Company or Contractor. Contractor will so inform any individual receiving such a referral.

#### MISCELLANEOUS

21. If Contractor is required to disclose the contents of this Contract in the course of its normal business operations with Contractor's banks or financial institutions, Contractor

may do so without further approval of Company.

22. This Contract, as the same may be amended or modified in writing, supersedes all prior understandings, transactions, communications and writings with respect to the subject matter hereof. To the extent there is any conflict between the terms of the Proposal and of this Contract, the terms of this Contract shall govern.

**NON-ASSIGNABILITY**

23. The obligations of Contractor under this Contract may not be assigned without the prior written consent of Company.

**GOVERNING LAW**

24. This Contract shall be governed by and construed in accordance with the laws of the State of North Dakota.

Contractor shall comply with Title VII of the Civil Rights Act of 1964, Executive Order 11246 and Executive Order 11375. In accordance with the aforementioned, no person in the United States shall, on the ground of race, color, religion, sex, age, handicap, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under this Contract.

**CONTRACTOR - ST ALEXIUS MEDICAL CENTER**

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

\_\_\_\_\_  
President/CEO

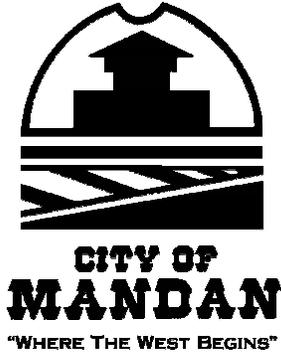
**COMPANY - CITY OF MANDAN**

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Printed Name



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** March 5, 2013  
**PREPARATION DATE:** March 1, 2013  
**SUBMITTING DEPARTMENT:** Fire  
**DEPARTMENT DIRECTOR:** Steve Nardello, Fire Chief  
**PRESENTER:** Steve Nardello, Fire Chief  
**SUBJECT:** Out-of-State Travel

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**STATEMENT/PURPOSE:** Out-of-State training and travel at the Indianapolis Fire Department Instructors Conference for Captain Martin and Battalion Chief Bitz.

**BACKGROUND/ALTERNATIVES:** The fire department sends two fire officers to the Indianapolis Fire Department Instructors Conference for fire training. All expenses related to the travel are included within the fire department 2013 budget. The training provided at this conference is very valuable and used to train all firefighters within the department. Our burn building training and plans came from attendance to this conference.

**ATTACHMENTS:** None

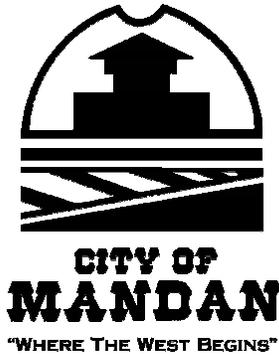
**FISCAL IMPACT:** Travel, food, lodging, and registration for two personnel of approximately \$3,950.00 is included in the 2013 fire department budget.

**STAFF IMPACT:** Two personnel will attend the conference and there will be no overtime or comp time for attendance as we will adjust work schedules accordingly.

**LEGAL REVIEW:** None

**RECOMMENDATION:** It is my recommendation to allow out-of-state travel for Captain Martin and Battalion Chief Bitz to attend the Indianapolis Fire Department Instructors Conference.

**SUGGESTED MOTION:** Motion to allow out-of-state travel for Captain Martin and Battalion Chief Bitz to attend the Indianapolis Fire Department Instructors Conference.



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** March 5, 2013  
**PREPARATION DATE:** February 20, 2013  
**SUBMITTING DEPARTMENT:** Assessing Dept  
**DEPARTMENT DIRECTOR:** Richard L Barta  
**PRESENTER:** Richard L Barta  
**SUBJECT:** 2-Year Exemption for Dustin Erhardt

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

BACKGROUND/ALTERNATIVES: Mr. Erhardt 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 39, Block 1, Lakewood Harbor 2nd Addition at 3908 Waterfront Pl SE on Parcel #9747.

The City of Mandan computer has the exemption correct, but Morton County data does not reflect this exemption. The building value to be taxed should be \$236,300 plus land value of \$68,100. Morton County tax statement shows building value being taxed at \$270,900 plus land value of \$68,100.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$614.19

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. Erhardt 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.

**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 ERHARDT DUSTIN J & DEBRA

Property ID Number

Address 3908 WATERFRONT PL SE

City 9747

Legal Description of the property involved in this application

County 65-1810650

Lot: 39

Block: 1

LAKEWOOD HARBOR 2ND

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

Land \$68,100  
 Improvements \$345,900  
 Total (1) \$414,000

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

Land \$68,100  
 Improvements \$236,300  
 Total (2) \$304,400

The difference of \$109,600 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 FOR NEW SINGLE FAMILY RESIDENCE

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

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

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

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

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

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

The Applicant asks that **WE ABATE THE TAXES FOR 2012 DUE TO QUALIFICATION OF THE 2 YR TAX EXEMPTION @ 90% COMPLETION.**

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 \_\_\_\_\_

*Dustin Erhardt*  
 Dustin Erhardt

2/26/13  
 2/26/13



PARCEL # 9747

**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 50<sup>th</sup> Legislative Assembly and certify the following in support of my request.

NAME OF APPLICANT: Dustin Erhardt  
MAILING ADDRESS: 3908 Waterfront Place SE Mandan ND 58554  
STATUS OF APPLICANT: Builder \_\_\_\_\_ First Owner After Builder:   
ADDRESS OF PROPERTY TO BE EXEMPT: 3908 Waterfront Pl SE  
LEGAL DESCRIPTION: Lot 39 Blk 1 Lakewood Harbor 2<sup>nd</sup>  
DATE PERMIT ISSUED: 4-26-10 BUILDING PERMIT #: 139-10  
CONTRACT DATE: \_\_\_\_\_ DATE OCCUPIED: 10-7-10  
EXEMPTION CLAIMED: Single Family  Townhouse \_\_\_\_\_ Condo \_\_\_\_\_  
COST OR VALUE OF STRUCTURE (Purchase Price): \_\_\_\_\_  
OWNER'S EST. MARKET VALUE (Lot and Structure): \_\_\_\_\_  
APPRAISAL VALUE: \$475,000

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

DATE: 10/7/10 SIGNATURE: Dustin Erhardt

**FOR OFFICE USE ONLY**

APPROVED:

DENIED: \_\_\_\_\_ Reason for Denial: \_\_\_\_\_

Richard Z Barta /msv 10-7-10  
Assessor's Signature Date

ADDITIONAL REMARKS: \_\_\_\_\_

Board of City Commissioners  
 Agenda Documentation  
 Meeting Date: March 5, 2013  
 Subject: 2-Year Exemption for Dustin Erhardt  
 Page 5 of 7

Parcel Search Results

Page 1 of 1

As of :  
 2/14/2013

Parcel Number: **65-1810650**

Payable Year: 2012

[General Info](#) | [Tax Info](#) | [Current Receipts](#) | [Special Asmts](#) | [Unpaid Tax](#) | [History](#) | [View Maps](#)

**General**

Receipt #	4137	Name	DUSTIN J ERHARDT &
ASMT	201 RESIDENTIAL	MP#	
Homestead	0 NON HOMESTEAD	MP Name	DUSTIN J ERHARDT &
HS Percent	.00		

<b>Market/Tax</b>					
T & F Land	68,100	Tax State	15.26	Gross Tax	6,017.50
T & F Building	270,900	Tax County	1,480.04	Special Asmt	0.00
Total T & F	339,000	Tax Twp/Cty	1,427.11	Tax Due	6,017.50
Assessed	169,500	Tax School	2,383.44		
Taxable	15,255	Tax Cnty.WD	73.53	Disc Avail	0.00
HSTD Credit	0	Tax Increm	0.00	Net Tax Due	6,017.50
Net Taxable	15,255	Fire	0.00		
Mill Rate	394.46	Park	576.64	Tax AB/Adds	0.00
Statement #	4137	Water	61.48	S A AB/Adds	0.00
				Adj.NT.Due	6,017.50
		Tax Penalty	0.00		
		Tax Interest	0.00	Total Receipts	5,716.63
		SA Penalty	0.00	Disc Taken	300.87
		SA Interest	0.00	Remain Due	0.00
		Cost			

[Another Search](#) | [Back to ParcelList](#)

*Didn't get their exemption*

*90% Completion + 75,000 exemption*

*6017.50*  
*- 5403.31*  


---

*614.19 difference*

*Structure value should be*  
*\$ 236,300*  
*+ 68,100 land*  


---

*\$ 304,400*

Board of City Commissioners  
Agenda Documentation  
Meeting Date: March 5, 2013  
Subject: 2-Year Exemption for Dustin Erhardt  
Page 6 of 7

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2/14/13 ASSESSING DEPARTMENT 2012 AS1015  
CAROLYNR Legal Description Master File Inquiry SCRNO8

Sequence #: 9747 Multiple Sales Exist  
Morton Tax ID: 1810650  
DATA RECORDING  
Sale Price: \$475,000 Sale Date: 1/04/2012 Report Code-(0,1,2): 3  
Appraiser: JONB Area Factor: 140 Review Date: 12/22/2011

EXEMPTION STATUS

Senr. Cit. Tax Cr.: 0 Fully Exempt: 0 Part Exempt: 0 % Exemption: 00  
% Structr Complete: 90 Yr Exmpt: 2013

ADDITIONAL DATA

# of Units: 0 Type of Unit: 00, None  
% Ag: 00 % Res: 00 % Comm: 00

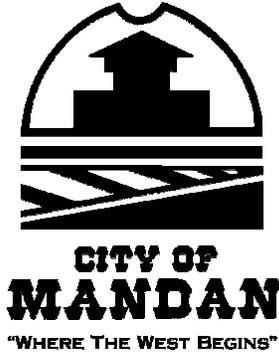
Tax Amount: \$5,403.31

F2-Selection F3-Exit F6-Print Data Sheet F7-Document Mgmt System  
F8-Sales Dates F12-Previous F14-Exemptions

Board of City Commissioners  
Agenda Documentation  
Meeting Date: March 5, 2013  
Subject: 2-Year Exemption for Dustin Erhardt  
Page 7 of 7

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2/14/13 ASSESSING DEPARTMENT 2012 AS1015  
CAROLYNR Legal Description Master File Inquiry SCRNO9  
Sequence #: 9747  
Morton Tax ID: 1810650  
Type of Occupancy: . . . . .  
Class of Construction: . . . . .  
Quality: . . . . .  
Prop Type: 3 Acres: . . . . .54 Disaster: N (N/Y) Land-%-Struct .00 .00  
Finl Appr. Date: 9/15/2010 Finl Appraiser: JONB . . . . . Assessment Year: 2012  
SqFt Sale Price . . . . \$123 SqFt Market Value . . . . \$89  
Current Years Values  
Land: . . . . \$68,100 . Structures: . . . . \$345,900 . Market: . . . . \$414,000 .  
% Completed: . . . . \$311,300 . Aft Adjust: . . . . \$304,400 .  
Previous Years Values  
Land: . . . . \$66,300 . Structures: . . . . \$332,100 . Market: . . . . \$398,400 .  
F2-Selection F6-Print Data Sheet F8-Tenants  
F3-Exit F7-Document Mgmt System F9-M/A Calcs F12-Previous



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** March 5, 2013  
**PREPARATION DATE:** February 21, 2013  
**SUBMITTING DEPARTMENT:** Assessing Dept  
**DEPARTMENT DIRECTOR:** Richard L Barta  
**PRESENTER:** Richard L Barta  
**SUBJECT:** 2-Year Exemption for Jared Reimer

---

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

BACKGROUND/ALTERNATIVES: Mr. Reimer qualifies for an exemption of the first \$75,000 of structure value on a new single family dwelling.

This parcel is also known as Lot 10A, Block 2, Lakewood Harbor 4<sup>th</sup> Addition at 3605 Bay Pl SE on Parcel #10206-A.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$1,332.

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 single family dwelling due to all qualifications being met.

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

PARCEL # 10206 A

**APPLICATION FOR TAX EXEMPTION FOR NEWLY BUILT HOMES**

I hereby make application for a tax exemption for the years ~~2012~~<sup>12</sup> and ~~2013~~<sup>13</sup> on the property described below (exclusive of the land on which it is situated or any special assessments). I certify that this request is in compliance with North Dakota Century Code 57-02-08(35). This exemption is for single family dwelling, condo or townhome only.

NAME OF APPLICANT: Jared Reimer  
MAILING ADDRESS: 3605 Bay Place SE  
STATUS OF APPLICANT: Builder \_\_\_\_\_ First owner after builder:   
ADDRESS OF PROPERTY TO BE EXEMPT: 3605 Bay Place SE  
LEGAL DESCRIPTION: LOT 10A Block 2 Lakewood Harbor 4th  
DATE PERMIT ISSUED: \_\_\_\_\_ BUILDING PERMIT #: \_\_\_\_\_  
CONTRACT DATE: 9/16/11 DATE OCCUPIED: 9/16/11  
EXEMPTION CLAIMED: Single Family \_\_\_\_\_ Townhouse  Condo \_\_\_\_\_  
COST OR VALUE OF STRUCTURE (Purchase Price): 161,921  
OWNER'S EST. MARKET VALUE (Lot and Structure): \_\_\_\_\_  
APPRAISAL VALUE: 162,000

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

DATE: 21 FEB 2013 SIGNATURE: Jared Reimer

**FOR OFFICE USE ONLY**

APPROVED: \_\_\_\_\_  
DENIED: \_\_\_\_\_ Reason for Denial: \_\_\_\_\_

\_\_\_\_\_  
Assessor's Signature Date

**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 REIMER JARED J

Address 3605 BAY PL SE

Legal Description of the property involved in this application

Lot: 10A

Block: 2

LAKEWOOD HARBOR 4TH

Property ID Number

City 10206 A

County 65-1811525

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

Land	\$14,300
Improvements	\$121,600
Total (1)	\$135,900

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

Land	\$14,300
Improvements	\$46,600
Total (2)	\$60,900

The difference of \$75,000 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 PROPERTY TAX EXEMPTION FOR 2 YEAR

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): \_\_\_\_\_

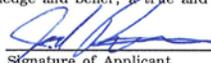
The Applicant asks that WE ABATE HIS TAXES FOR THIS EXEMPTION FOR 2012.

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 20 FEB 2013

**Recommendation of the Governing Body of the City or Township**

Recommendation of the governing board of Mandan City Commissioners

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

\_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ .  
 \_\_\_\_\_  
 City Auditor or Township Clerk

**Action by the Board of County Commissioners**

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

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

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

Dated \_\_\_\_\_, \_\_\_\_\_ .  
 \_\_\_\_\_  
 County Auditor Chairperson

**Certification of County Auditor**

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

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

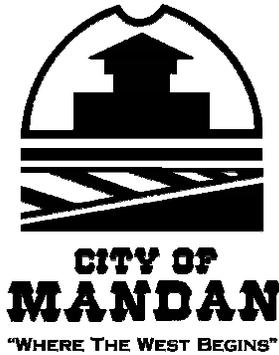
I further certify that the taxable valuation and the taxes ordered abated or refunded by the Board of Commissioners are as follows:

Year	Reduction in Taxable Valuation	Reduction in Taxes

\_\_\_\_\_  
 County Auditor Date

**Application For Abatement  
 And Settlement Of Taxes**

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



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** March 5, 2013  
**PREPARATION DATE:** February 20, 2013  
**SUBMITTING DEPARTMENT:** Assessing Department  
**DEPARTMENT DIRECTOR:** Richard L Barta  
**PRESENTER:** Richard L Barta  
**SUBJECT:** Wheelchair Exemption for Leroy Schmautz

---

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

BACKGROUND/ALTERNATIVES: Mr. Schmautz 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 land value of \$11,300. Morton County tax statement shows he was taxed for \$21,000 of the structure value and \$11,300 of land value.

This parcel is also known as #4664, West ½ Lots 7 & 8, Blk 101, N.P. 1<sup>st</sup> Addition at 208 8<sup>th</sup> St. NW.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$372.76.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

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

SUGGESTED MOTION: I recommend a motion to approve the request by Leroy Schmautz 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 SCHMAUTZ LEROY & ARLENE

Address 208 8 ST NW

Legal Description of the property involved in this application

W 1/2 LOTS 7 & 8

Property ID Number

City 4664

County 65-3592000

Block: 101

N.P. 1ST

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

Land \$11,300  
 Improvements \$85,700  
 Total (1) \$97,000

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

Land \$11,300  
 Improvements \$0  
 Total (2) \$11,300

The difference of \$85,700 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 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 \_\_\_\_\_

*Leroy Schmautz*  
 Signature of Applicant

2-26-13  
 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 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.

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:	4664	65-3592000	Legal Description
Property Owner:	SCHMAUTZ LEROY & ARLENE		Lot: Block: 101
Property Address:	208 8 ST NW		W 1/2 LOTS 7 & 8
Telephone Number:	663-5615		N.P. 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. § 57-02-03.1.  
 (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 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) \_\_\_\_\_ %

Leroy Schmutz  
 Applicant Date  
Richard Z Banta / 1/27 / 1-18-12  
 Assessor or Director of Tax Equalization Date

Board of City Commissioners  
 Agenda Documentation  
 Meeting Date: March 5, 2013  
 Subject: Wheelchair Exemption for Leroy Schmautz  
 Page 5 of 7

Parcel Search Results

Page 1 of 1

As of:  
 2/15/2013

Parcel Number: **65-3592000**

Payable Year: 2012

[General Info](#) | [Tax Info](#) | [Current Receipts](#) | [Special Asmts](#) | [Unpaid Tax](#) | [History](#) | [View Maps](#)

**General**

<b>Receipt #</b>	16311	<b>Name</b>	LEROY R. & ARLENE SCHMAUTZ
<b>ASMT</b>	201 RESIDENTIAL	<b>MP#</b>	12755
<b>Homestead</b>	0 NON HOMESTEAD	<b>MP Name</b>	LEROY R. & ARLENE SCHMAUTZ
<b>HS Percent</b>	.00		

**Market/Tax**

<b>T &amp; F Land</b>	11,300	<b>Tax State</b>	1.45	<b>Gross Tax</b>	573.54
<b>T &amp; F Building</b>	21,000	<b>Tax County</b>	141.07	<b>Special Asmt</b>	289.94
<b>Total T &amp; F</b>	32,300	<b>Tax Twp/Cty</b>	136.02	<b>Tax Due</b>	863.48
<b>Assessed</b>	16,150	<b>Tax School</b>	227.17	<b>Disc Avail</b>	0.00
<b>Taxable</b>	1,454	<b>Tax Cnty.WD</b>	7.01	<b>Net Tax Due</b>	863.48
<b>HSTD Credit</b>	0	<b>Tax Increm</b>	0.00	<b>Tax AB/Adds</b>	0.00
<b>Net Taxable</b>	1,454	<b>Fire</b>	0.00	<b>S A AB/Adds</b>	0.00
<b>Mill Rate</b>	394.46	<b>Park</b>	54.96	<b>Adj.NT.Due</b>	863.48
<b>Statement #</b>	16311	<b>Water</b>	5.86	<b>Total Receipts</b>	834.81
		<b>Tax Penalty</b>	0.00	<b>Disc Taken</b>	28.67
		<b>Tax Interest</b>	0.00	<b>Remain Due</b>	0.00
		<b>SA Penalty</b>	0.00		
		<b>SA Interest</b>	0.00		
		<b>Cost</b>			

[Another Search](#) | [Back to ParcelList](#)

*Wheelchair exemption  
 tax should be land only*

*573.54  
 - 200.28  
 -----  
 372.76 diff.*

Board of City Commissioners  
Agenda Documentation  
Meeting Date: March 5, 2013  
Subject: Wheelchair Exemption for Leroy Schmautz  
Page 6 of 7

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2/15/13 ASSESSING DEPARTMENT 2012 AS1015  
CAROLYNR Legal Description Master File Inquiry SCRNO8

Sequence #: 4664  
Morton Tax ID: 3592000  
DATA RECORDING  
Sale Price: \$0 Sale Date: Report Code-(0,1,2): 0  
Appraiser: JULIEF Area Factor: 55 Review Date: 2/23/2011

EXEMPTION STATUS  
Senr. Cit. Tax Cr.: 0 Fully Exempt: 0 Part Exempt: W % Exemption: 00  
& Structr Complete: 00 Yr Exmpt: 0

ADDITIONAL DATA  
# of Units: 0 Type of Unit: 00 None  
% Ag: 00 % Res: 00 % Comm: 00

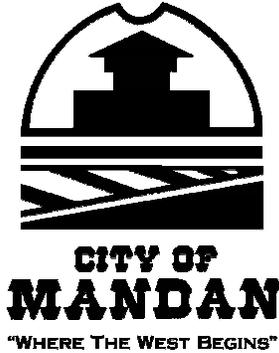
Tax Amount: \$200.78

F2-Selection F3-Exit F6-Print Data Sheet F7-Document Mgmt System  
F8-Sales Dates F12-Previous F14-Exemptions

Board of City Commissioners  
Agenda Documentation  
Meeting Date: March 5, 2013  
Subject: Wheelchair Exemption for Leroy Schmautz  
Page 7 of 7

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2/15/13 ASSESSING DEPARTMENT 2012 AS1015  
CAROLYNR Legal Description Master File Inquiry SCRNO9  
Sequence #: 4664  
Morton Tax ID: 3592000  
Type of Occupancy: . . . . .  
Class of Construction: . . . . .  
Quality: . . . . .  
Prop Type: 3 Acres: . . . . .16 Disaster: N (N/Y) Land-%-Struct .00 .00  
Finl Appr. Date: 9/29/2010 Finl Appraiser: JULIEF . . . . . Assessment Year: 2012  
SqFt Sale Price . . . . . \$0 SqFt Market Value . . . . . \$49  
Current Years Values  
Land: . . . . . \$11,300 . Structures: . . . . . \$85,700 . Market: . . . . . \$97,000 .  
Aft Adjust: . . . . . \$11,300 .  
Previous Years Values  
Land: . . . . . \$10,900 . Structures: . . . . . \$93,600 . Market: . . . . . \$104,500 .  
F2-Selection F6-Print Data Sheet F8-Tenants  
F3-Exit F7-Document Mgmt System F9-M/A Calcs F12-Previous



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** March 5, 2013  
**PREPARATION DATE:** February 20, 2013  
**SUBMITTING DEPARTMENT:** Assessing Department  
**DEPARTMENT DIRECTOR:** Richard L Barta  
**PRESENTER:** Richard L Barta  
**SUBJECT:** Blind Exemption for Leo Voll

---

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

BACKGROUND/ALTERNATIVES: Mr. Voll 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 he should only be taxed on the land value. Morton County tax statement shows he was taxed for \$6,600 of the structure value.

This parcel is also known as the Lots 5, Block 10, Plainview Hts. 1st Addition at 913 19<sup>th</sup> St SE on Parcel #5424.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$116.63 for the year 2012.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

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

SUGGESTED MOTION: I recommend a motion to approve the request by Ms. Voll 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 VOLL LEO W & FRIEDA

Address 913 19 ST SE

Legal Description of the property involved in this application

Lot: 0005

Block: 010

PLAINVIEW HTS 1ST

Property ID Number

City 5424

County 65-4158000

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

Land	\$15,500
Improvements	\$138,300
Total (1)	\$153,800

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

Land	\$15,500
Improvements	\$0
Total (2)	\$15,500

The difference of \$138,300 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 DUE TO QUALIFICATION OF THE 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 \_\_\_\_\_

Leo W. Voll  
Stanley D. Voll P.O.A. 2-28-13  
 Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of Mandan City Commissioners

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

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

\_\_\_\_\_  
 City Auditor or Township Clerk

Action by the Board of County Commissioners

Application was \_\_\_\_\_ 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

### 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:	5424 65-4158000	Legal Description
Property Owner:	VOLL LEO W & FRIEDA	Lot: 0005 Block: 010
Property Address:	913 19 ST SE	PLAINVIEW HTS 1ST
Telephone Number:	663-3514	

Date property was acquired: 3/01/1995 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, 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 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 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) \_\_\_\_\_ %

Richard Roberts JRM 1-30-12  
 Applicant Leo W Voll by \_\_\_\_\_ Date  
Stanley P Voll P.O.A. 1-30-12  
 Assessor or Director of Tax Equalization Date

Board of City Commissioners  
 Agenda Documentation  
 Meeting Date: March 5, 2013  
 Subject: Blind Exemption for Leo Voll  
 Page 5 of 7

Parcel Search Results

Page 1 of 1

As of :  
 2/15/2013

Parcel Number: **65-4158000**

Payable Year: 2012

[General Info](#) | [Tax Info](#) | [Current Receipts](#) | [Special Asmts](#) | [Unpaid Tax](#) | [History](#) | [View Maps](#)

<b>General</b>		<b>Name</b>	LEO W & FRIEDA VOLL
<b>Receipt #</b>	19205	<b>MP#</b>	19862
<b>ASMT</b>	201 RESIDENTIAL	<b>MP Name</b>	LEO W & FRIEDA VOLL
<b>Homestead</b>	0 NON HOMESTEAD		
<b>HS Percent</b>	.00		

<b>Market/Tax</b>		<b>Tax State</b>	1.00	<b>Gross Tax</b>	391.96
T & F Land	15,500	<b>Tax County</b>	96.53	<b>Special Asmt</b>	337.04
T & F Building	6,600	<b>Tax Twp/Cty</b>	93.08	<b>Tax Due</b>	729.00
<b>Total T &amp; F</b>	22,100	<b>Tax School</b>	155.46	<b>Disc Avail</b>	0.00
<b>Assessed</b>	11,050	<b>Tax Cnty.WD</b>	4.80	<b>Net Tax Due</b>	729.00
<b>Taxable</b>	995	<b>Tax Increm</b>	0.00	<b>Tax AB/Adds</b>	0.00
<b>HSTD Credit</b>	0	<b>Fire</b>	0.00	<b>S A AB/Adds</b>	0.00
<b>Net Taxable</b>	995	<b>Park</b>	37.61	<b>Adj.NT.Due</b>	729.00
<b>Mill Rate</b>	393.93	<b>Water</b>	3.48	<b>Total Receipts</b>	709.41
<b>Statement #</b>	19205	<b>Tax Penalty</b>	0.00	<b>Disc Taken</b>	19.59
		<b>Tax Interest</b>	0.00	<b>Remain Due</b>	0.00
		<b>SA Penalty</b>	0.00		
		<b>SA Interest</b>	0.00		
		<b>Cost</b>			

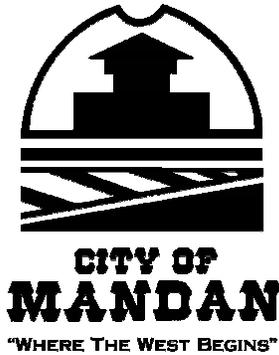
[Another Search](#) | [Back to ParcelList](#)

*Blind exemption  
 Should be taxed  
 on land only.*

*391.96  
 275.33  
 -----  
 116.63 diff.*







## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** March 5, 2013  
**PREPARATION DATE:** February 20, 2013  
**SUBMITTING DEPARTMENT:** Assessing Department  
**DEPARTMENT DIRECTOR:** Richard L Barta  
**PRESENTER:** Richard L Barta  
**SUBJECT:** Blind Exemption for Loriena Ereth

---

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

**BACKGROUND/ALTERNATIVES:** Ms. Ereth 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; Morton County tax statement shows being taxed \$4,000 for the structure and should only be taxed for the land.

This parcel is also known as the Lot 6 (less N 2') & All Lots 7 & 8, Block 13, Heartview Addition at 1206 Sunny Rd SW on Parcel #1149.

**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. Ereth to receive a blind exemption for the year 2012.

**SUGGESTED MOTION:** I recommend a motion to approve the request by Ms. Ereth 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 ERETH LORIENA S

Address 1206 SUNNY RD SW

Legal Description of the property involved in this application

LOT 6 (LESS N 2') & ALL LOTS 7 & 8

Property ID Number

City 1149

County 65-1279000

Block: 013

HEARTVIEW

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

Land \$10,300  
 Improvements \$106,400  
 Total (1) \$116,700

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

Land \$10,300  
 Improvements \$0  
 Total (2) \$10,300

The difference of \$106,400 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 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 DUE TO QUALIFICATION OF THE 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 *Loriena Ereth*

Date 2-26-13

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 \_\_\_\_\_

*2nd Notice*

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:	1149 65- 1279000	Legal Description
Property Owner:	ERETH LORIENA S	Lot: Block: 013
Property Address:	1206 SUNNY RD SW	LOT 6 (LESS N 2') & ALL LOTS 7 & 8
Telephone Number:	663-3520	HEARTVIEW

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 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.  
 (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.

*Loriena Ereth* *2/12/12*  
 Applicant Date  
*Richard Z Brite* *2-16-12*  
 Assessor or Director of Tax Equalization Date

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

Board of City Commissioners  
 Agenda Documentation  
 Meeting Date: March 5, 2013  
 Subject: Blind Exemption for Loriena Ereth  
 Page 5 of 7

Parcel Search Results

Page 1 of 1

As of:  
 2/15/2013

Parcel Number: 65-1279000

Payable Year: 2012

[General Info](#) | [Tax Info](#) | [Current Receipts](#) | [Special Asmts](#) | [Unpaid Tax](#) | [History](#) | [View Maps](#)

**General**

<b>Receipt #</b>	4093	<b>Name</b>	LORIENA ERETH
<b>ASMT</b>	201 RESIDENTIAL	<b>MP#</b>	
<b>Homestead</b>	0 NON HOMESTEAD	<b>MP Name</b>	LORIENA ERETH
<b>HS Percent</b>	.00		

**Market/Tax**

<b>T &amp; F Land</b>	10,300	<b>Tax State</b>	0.64	<b>Gross Tax</b>	254.03
<b>T &amp; F Building</b>	4,000	<b>Tax County</b>	62.48	<b>Special Asmt</b>	0.00
<b>Total T &amp; F</b>	14,300	<b>Tax Twp/Cty</b>	60.25	<b>Tax Due</b>	254.03
<b>Assessed</b>	7,150	<b>Tax School</b>	100.62	<b>Disc Avail</b>	0.00
<b>Taxable</b>	644	<b>Tax Cnty.WD</b>	3.10	<b>Net Tax Due</b>	254.03
<b>HSTD Credit</b>	0	<b>Tax Increm</b>	0.00		
<b>Net Taxable</b>	644	<b>Fire</b>	0.00	<b>Tax AB/Adds</b>	0.00
<b>Mill Rate</b>	394.46	<b>Park</b>	24.34	<b>S A AB/Adds</b>	0.00
<b>Statement #</b>	4093	<b>Water</b>	2.60	<b>Adj.NT.Due</b>	254.03
		<b>Tax Penalty</b>	0.00	<b>Total Receipts</b>	241.33
		<b>Tax Interest</b>	0.00	<b>Disc Taken</b>	12.70
		<b>SA Penalty</b>	0.00	<b>Remain Due</b>	0.00
		<b>SA Interest</b>	0.00		
		<b>Cost</b>			

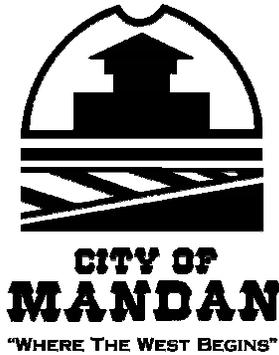
[Another Search](#) | [Back to ParcelList](#)

*Blind Exemption  
 Should be taxed  
 on land only.*

*254.03  
 - 183.03  
 -----  
 71.00*







## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** March 5, 2013  
**PREPARATION DATE:** February 19, 2013  
**SUBMITTING DEPARTMENT:** Assessing Department  
**DEPARTMENT DIRECTOR:** Richard L Barta  
**PRESENTER:** Richard L Barta  
**SUBJECT:** Blind Exemption for Joseph Wingerter

---

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

BACKGROUND/ALTERNATIVES: Mr. Wingerter 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.

Morton County tax statement did not reflect this blind exemption.

This parcel is also known as the Lot 17, Block 6, Diane's 1<sup>st</sup> Addition at 806 5<sup>th</sup> Ave NW on Parcel #578.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$520.28 for the year 2012.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

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

SUGGESTED MOTION: I recommend a motion to approve the request by Mr. Wingerter 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 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:	578 65-604000	Legal Description
Property Owner:	WINGERTER JOE & AGNES	Lot: 0017 Block: 006
Property Address:	806 5 AVE NE	DIANE'S 1ST
Telephone Number:	222-4080	

Date property was acquired: 5/12/2010 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 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 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) \_\_\_\_\_ %

*[Signature]*  
 Assessor or Director of Tax Equalization  
 Date: 1-18-12

**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 WINGERTER JOE & AGNES

Address 806 5 AVE NE

Legal Description of the property involved in this application

LOT: 0017

Block: 006

DIANE'S 1ST

Property ID Number

City 578

County 65-604000

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

Land \$15,600  
 Improvements \$127,000  
 Total (1) \$142,600

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

Land \$15,600  
 Improvements \$0  
 Total (2) \$15,600

The difference of \$127,000 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 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 TAXES FOR 2012 DUE TO THE QUALIFICATION OF THE BLIND 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 \_\_\_\_\_

*Agnes Wingerter 2-26-13*  
 Signature of Applicant *for Joe* \_\_\_\_\_

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 \_\_\_\_\_

Board of City Commissioners  
 Agenda Documentation  
 Meeting Date: March 5, 2013  
 Subject: Blind Exemption for Joseph Wingerter  
 Page 5 of 7

Parcel Search Results

Page 1 of 1

As of :  
 2/15/2013

Parcel Number: **65-0604000**

Payable Year: 2012

[General Info](#) | [Tax Info](#) | [Current Receipts](#) | [Special Asmts](#) | [Unpaid Tax](#) | [History](#) | [View Maps](#)

<b>General</b>		<b>Name</b>	JOSEPH & AGNES WINGERTER
<b>Receipt #</b>	20124	<b>MP#</b>	
<b>ASMT</b>	201 RESIDENTIAL	<b>MP Name</b>	JOSEPH & AGNES WINGERTER
<b>Homestead</b>	0 NON HOMESTEAD		
<b>HS Percent</b>	.00		

<b>Market/Tax</b>					
T & F Land	15,600	<b>Tax State</b>	2.02	<b>Gross Tax</b>	797.19
T & F Building	29,300	<b>Tax County</b>	196.08	<b>Special Asmt</b>	289.94
Total T & F	44,900	<b>Tax Twp/Cty</b>	189.06	<b>Tax Due</b>	1,087.13
Assessed	22,450	<b>Tax School</b>	315.76		
Taxable	2,021	<b>Tax Cnty.WD</b>	9.74	<b>Disc Avail</b>	0.00
HSTD Credit	0	<b>Tax Increm</b>	0.00	<b>Net Tax Due</b>	1,087.13
Net Taxable	2,021	<b>Fire</b>	0.00		
Mill Rate	394.46	<b>Park</b>	76.39	<b>Tax AB/Adds</b>	0.00
Statement #	20124	<b>Water</b>	8.14	<b>S A AB/Adds</b>	0.00
				<b>Adj.NT.Due</b>	1,087.13
		<b>Tax Penalty</b>	0.00		
		<b>Tax Interest</b>	0.00	<b>Total Receipts</b>	1,047.28
		<b>SA Penalty</b>	0.00	<b>Disc Taken</b>	39.85
		<b>SA Interest</b>	0.00	<b>Remain Due</b>	0.00
		<b>Cost</b>			

[Another Search](#) | [Back to ParcelList](#)

*Blind exemption  
 Should be taxed  
 on land only 15,600 -*

*797.19  
 - 276.91  
 -----  
 520.28 diff*





# Great Plains Apartments

Information for Mandan City Commission

03/02/13

## Purchase Price ≠ Money in Pocket

GPA, LLC purchased the land and building for \$1000.00 in August of 2012. A possible misconception is that the low purchase price means that GPA, LLC and its owners are getting extra money in their pocket. A review of the total project cost to the appraised value shows this is simply not true. The cost to renovate the building into a commercial viable property is \$1.4 million more than the end value of the property. In other words, the value of the property as purchased was worth a negative \$1.4 million in economic value. GPA, LLC has to come up with \$1,399,000 in additional dollars to make the project competitive with similar projects, and even then, account for the lost revenue from maintaining the property at low income levels.

## Purchase Tied to Tax Exemptions

The bid we submitted to the School District stated “We are not asking for property tax breaks...our budget relies on a valuation of \$4.9 million which results in a property tax payment of approximately \$90,000 a year.” The previous bids which were accepted by the school board were contingent upon receiving certain tax incentives, and when those were not obtained the property reverted back to the school district. We cannot speak for the school board, but we believe that our offer was more attractive to the board because we were going to assume liability for the property regardless of whether we received tax incentives or not; the actual transfer of the property was unrestricted and title transferred fee simple absolute. Under the Governor’s current budgetary proposal, the school district is set to receive more money from the state with our housing development operating than the community would lose from property tax exemptions.

We resisted asking for any additional government assistance until there was no other choice. The project was economically feasible at \$4.9 million but at the current cost of \$7.1 million it is not. GPA, LLC and Yegen Development Corporation have incurred expenses in excess of \$400,000 in developing the property and we would like to see something viable result from that investment. We are facing a reality of costs far exceeding any prediction and the only way to help absorb those costs is to utilize all available sources of funding and incentives. GPA, LLC, Yegen Development Corporation, the City of Mandan, and the school district all lose out if the building remains vacant and deteriorating until construction costs fall back down.

## Air Conditioning

GPA, LLC will provide individual air conditioning units in each unit as well as corridor cooling capabilities.

## Landscaping and Site Design

GPA, LLC has added an additional \$45,000 to the budget for landscaping improvements, to include shade trees and bushes on the south façade, new gravel and retaining wall supports in the northwestern corner, a playground in the northwestern corner, Bushes along the north façade, and bicycle racking and a bench on the western façade. Additionally, we have \$65,000 budgeted for site clean-up, \$7,000 for exterior sealing and caulking, and \$26,000 for concrete repair.

**Application For Property Tax Exemption For Improvements  
To Commercial And Residential Buildings**

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

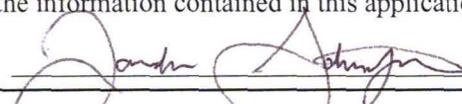
**Property Identification**

1. Legal description of the property for which exemption is claimed	<u>All of Block 55, Original Town, Now</u> <u>City of Mandan, Morton County, North Dakota</u>		
2. Address of Property	<u>406 4th St. NW</u>		
3. Parcel Number	<u>65-292100</u>		
4. Name of Property Owner	<u>GPA, LLC</u>	Phone No.	<u>701-203-3010</u>
5. Mailing Address of Property Owner	<u>4200 James Ray Drive, Suite 203, Grand Forks, ND 58202</u>		

**Description Of Improvements For Exemption**

6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary).	<u>Complete Rehabilitation into Residential Living Space.</u> <u>Reinforce existing structural elements, install equipment and facilities to support 62 apartment units,</u>		
7. Building permit No.	<u>To Be Obtained</u>	8. Year built (residential property)	<u>1917</u>
9. Date of commencement of making the improvements	<u>03/20/2013</u>		
10. Estimated market value of property before the improvements	\$	<u>490,000.00</u>	
11. Cost of making the improvement (all labor, material and overhead)	\$	<u>6,457,304.00</u>	
12. Estimated market value of property after the improvements	\$	<u>5,500,000.00</u>	

**Applicant's Certification And Signature**

13. I certify that the information contained in this application is correct to the best of my knowledge.			
Applicant		Date	<u>07/27/13</u>

**Assessor's Determination And Signature**

14. The assessor/county director of tax equalization finds that the improvements described in this application do <input type="checkbox"/> do not <input type="checkbox"/> meet the qualifications for exemption for the following reason(s): _____			
Assessor/Director of Tax Equalization	_____	Date	_____

**Action Of Governing Body**

15. Action taken on this application by the governing board of the county or city:	Approved <input type="checkbox"/>	Denied <input type="checkbox"/>	
Approval is subject to the following conditions: _____			
Exemption is allowed for years 20____, 20____, 20____, 20____, 20____.			
Chairperson	_____	Date	_____

# GPA - Construction Costs

Construction Costs							
Percent	Category	Takeoff Quantity	Total Cost/Unit	Total Amount	Alternatives	Description/Notes/Questions	
4.80%	<b>1000 General Conditions</b>						
	1010 Supervision	1 ls		\$12,067.40			
	1013 Administrative Requirements	1 ls		\$104,757.36			
	1014 Quality Control	1 ls		\$3,912.92			
	1015 Temp Facilities	1 ls		\$22,781.67			
	1016 Equipment	1 ls		\$31,850.00			
	1017 Misc Materials, Cleaning & Safety	1 ls		\$125,281.94			
	1019 Mobilization	1 ls		\$9,086.04			
		<b>1</b>	<b>0.00</b>	<b>\$309,737.33</b>			
4.44%	<b>2000 Demolition / Site Work</b>						
	2022 Selective Demolition	81,885 SF	2.39	\$195,320.22			
	2121 Site Demolition	1 ls	1.00	\$7,633.53			
	2125 Utilities	1 ls	1.00	\$36,042.60			
	2127 Paving	1 ls	1.00	\$26,775.57			
	2128 Site Improvements	1 ls	1.00	\$3,820.83			
	2132 Asbestos Abatement	81,885 SF	0.21	\$17,260.00			
			<b>81,885 SF</b>	<b>6.60</b>	<b>\$286,872.75</b>		
6.13%	<b>3000 Building Shell</b>						
	3033 Concrete	81,885 SF	0.93	\$76,000.51			
	3042 Masonry	81,885 SF	0.34	\$28,200.00			
	3051 Structural Steele	81,885 SF	0.74	\$60,221.61			
	3061 Rough Carpentry	81,885 SF	1.41	\$122,339.22			
	3072 EIFS and Insulation	81,885 SF	0.18	\$15,033.74			
	3074 Siding	81,885 SF	0.06	\$5,145.00			
	3075 Roof Patching at Penetrations	81,885 SF	0.29	\$23,623.00			
	3076 Flashing and Sheet Metal	81,885 SF	0.10	\$8,307.95			
	3079 Exterior Sealants	81,885 SF	0.07	\$5,731.95			
	3084 Exterior Doors and Frames (aluminum)	81,885 SF	0.18	\$15,000.00			
	3085 Windows at New Openings	81,885 SF	0.45	\$36,552.15			
			<b>81,885 SF</b>	<b>3.48</b>	<b>\$396,155.13</b>		
24.09%	<b>4000 Building Finishes</b>						
	4055 Misc. Metals	81,885 SF	0.14	\$11,074.68			
	4061 Rough Carpentry	81,885 SF	0.18	\$14,292.91			
	4062 Finish Carpentry	81,885 SF	0.14	\$11,422.99			
	4064 Casework	81,885 SF	2.02	\$165,659.78			
	4072 Insulation	81,885 SF	0.66	\$54,366.30			
	4079 Interior Joint Sealants	81,885 SF	0.15	\$12,282.75			
	4081 Interior Doors & Frames	81,885 SF	2.31	\$189,132.73			
	4085 Interior Windows	81,885 SF	0.00	\$207.52			
	4088 Glazing	81,885 SF	0.08	\$6,912.01			
	4092 Gypsum Wall Assemblies	81,885 SF	8.76	\$717,089.58			
	4096 Floorings	81,885 SF	3.00	\$245,763.86			
	4099 Painting	81,885 SF	1.23	\$100,689.50			
	4108 Specialties	81,885 SF	0.33	\$26,952.42			
		<b>81,885 SF</b>	<b>19.00</b>	<b>\$1,555,847.03</b>			
38.34%	<b>6000 Mechanical &amp; Electrical</b>						
	6150 Building Mechanical	81,885 SF	15.72	\$1,286,835.25			
	6160 Building Electrical	81,885 SF	14.52	\$1,189,000.00			
			<b>81,885 SF</b>	<b>30.24</b>	<b>\$2,475,835.25</b>		
	<b>Total Project Costs</b>			<b>\$5,024,447.49</b>			
1.70%	<b>8100 Additions/Alternates</b>						
	8100 New Fire Alarm Devices	1 ls	0.22	\$18,300.01			
	8100 Air Conditioning Units	50 units		\$91,250.00			
		<b>81,885 SF</b>	<b>0.22</b>	<b>\$109,550.01</b>			
7.77%	<b>Total Construction Costs With Additions</b>			<b>\$5,133,997.50</b>			
	Liability Ins on Subs			\$4,459.69			
	BR-Type 3B Joisted Masonry \$5M			\$12,685.20			
	Building Permit		\$3,200 \$4	5,134	\$23,412.44		
	Contractor O & P		8.5%		\$432,080.91		
	Pre Construction Services		0.5%		\$28,829.92		
	<b>Total with Contractor Costs</b>				<b>\$6,635,465.66</b>		
	Contingency			4.0%	\$225,418.63		
	<b>Architect and Engineer Fees</b>			<b>7%</b>	<b>\$369,379.83</b>		
3.67%	<b>Total Appliances</b>		62 units	\$2,120.00	\$131,440.00		
	Fridge	62 units		\$700.00			
	Stove	62 units		\$650.00			
	Dishwasher	62 units		\$320.00			
	Microwave	62 units		\$180.00			
	Delivery	62 units		\$70.00			
	Install	62 units		\$200.00			
	Window Treatments	62 units		\$300.00	\$18,600.00		
	New Electrical Transformer	1 ls			\$18,000.00		
	Landscape Improvements				\$45,000.00		
	Developer Demo and prep	1 ls		\$24,000.00	\$24,000.00		
	<b>Total Developer Costs</b>				<b>\$237,040.00</b>		
	<b>Total Project Costs With Additions</b>				<b>\$6,457,304.11</b>		
	Just "Hard Costs"			\$4,897,503.63			
	Just "Soft Costs"			\$1,559,800.49			
	Construction and Design costs per sq ft.			\$73.21			
	Total Costs per sq ft			\$78.86			
	Construction and Design Costs Per Unit			\$96,691.06			
	Total Costs per Unit			\$104,150.07			
	Contractor Profit/CM Fee		9.0%	\$465,709.93			
	Total Contractor Takehome		13.8%	\$775,447.26	13.8% of the Construction Costs, 12.1% of the Total Project Costs		
			12.0%				

Unit Pricing

Unit Pricing and Income Statistics																	
	30% AMI Rent	Utility Allowance	Units	Income	50% AMI Rent	Utility Allowance	Units	Income	140% AMI but charging Market Rent	Utility Allowance	Units	Income	Unrestricted AMI and Market Rent	Units	Income	Unit Totals	Totals
<b>Monthly</b>																	
5 bed, 3 bath									\$1,600		0	\$0	\$1,600	0	\$0	0	\$0
4 bed, 2 bath									\$1,433		0	\$0	\$1,433	5	\$7,167	5	\$7,167
3 Bed, 2 Bath	\$584	-\$150	0	\$0	\$973	-\$150	0	\$0	\$1,116		3	\$3,349	\$1,116	7	\$7,814	10	\$11,163
2 Bed, 2 Bath	\$506	-\$120	0	\$0	\$843	-\$120	0	\$0	\$930	Rent + Utilities are well below maximum	17	\$15,810	\$930	3	\$2,790	20	\$18,600
2 Bed, 1 Bath	\$506	-\$100	0	\$0	\$843	-\$100	0	\$0	\$778		10	\$7,775	\$778	0	\$0	10	\$7,775
1 Bed, 1 Bath	\$421	-\$80	5	\$1,705	\$703	-\$80	0	\$0	\$742		8	\$5,933	\$742	0	\$0	13	\$7,638
Studio	\$393	-\$60	2	\$666	\$656	-\$60	1	\$596	\$586		1	\$586	\$586	0	\$0	4	\$1,848
<b>Totals</b>			<b>7</b>	<b>\$2,371</b>			<b>1</b>	<b>\$596</b>			<b>39</b>	<b>\$33,453</b>		<b>15</b>	<b>\$17,770</b>	<b>62</b>	<b>\$54,190</b>
<b>Percentage Occupancy</b>			<b>11.3%</b>				<b>1.6%</b>				<b>62.9%</b>			<b>24.2%</b>			
Garages													\$100	0	\$0	0	\$0
Storage Units													\$60	15	\$900	15	\$900
<b>Totals</b>																<b>15</b>	<b>\$900.00</b>

# GPA - Sources and Uses sans Tax

Construction and Loan Expense																																	
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<b>Acquisition &amp; Predevelopment</b>																																	
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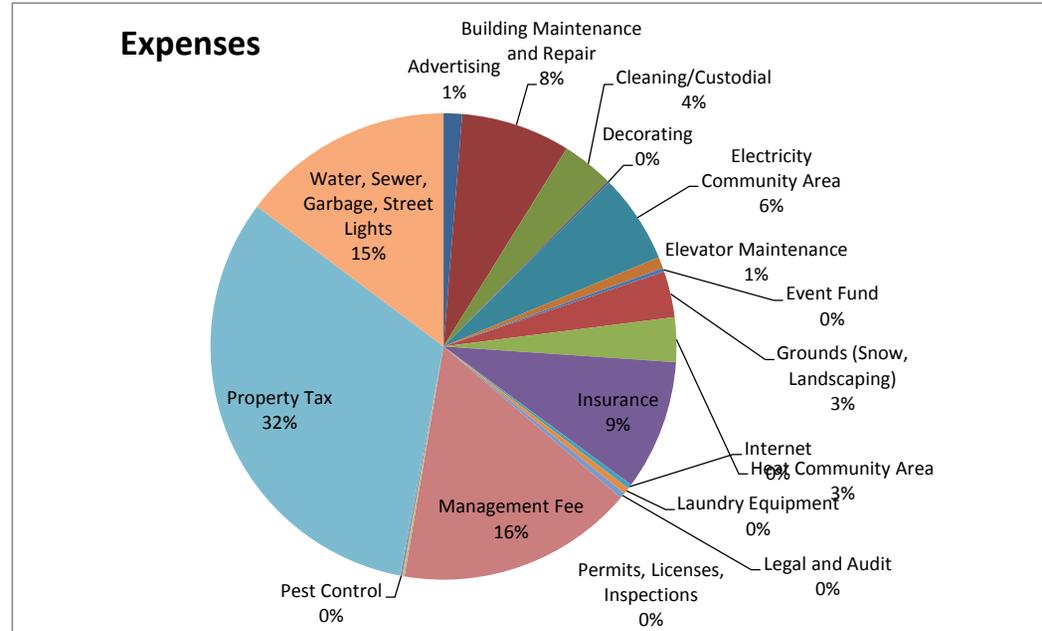
(Must include as cost to get credit as equity)

Note 1 - Private Bank			
	Ratio or %	Required	
TRUE	At least 25% Owners Equity	39.3%	25%
TRUE	At least 20% Owners Equity	39.3%	20%
TRUE	At least 15% Cash	32.4%	15%
TRUE	At least 10% Cash	32.4%	10%
TRUE	Debt Coverage Ratio of 1.2	1.33	1.20
TRUE	Debt Coverage Ratio of 1.25	1.33	1.25
TRUE	Loan to Value Ratio using 9% Cap Rate	0.93	0.75
TRUE	Loan to Value Ratio using est. Appraisal	0.72	0.75
TRUE	LTV Ratio Using Actual Stabilized App.	0.74	0.75

Note 2 - Housing Incentive Fund					
TRUE	At least 10% of units at 30% rental rate		10% of Total Units	# of Units	
			6.2	7.0	
TRUE	Cannot exceed 40% of total cost	Max	Per unit cost	40% of Total Cost	HIF \$
FALSE	or \$100,000 per unit	100,000	\$113,834.34	2,823,092	586,000
TRUE	all HIF assisted units will be both income and rent restricted for households at or below 50% of AMI	# Units restricted at 50% Income Limit	8	# of units HIF funds benefit	
				5.1	

# GPA - Pro Forma Operating Statement sans Tax

Pro Forma Operating Statement		
Income		
Gross Rental Receipts		\$661,084
Rental Unit Income	\$650,284	
Storage Unit / Garage Income	\$10,800	
Laundry Income		\$12,816
Late Fees		\$3,305
Recovered Maintenance Expenses		\$6,200
Other Income		\$0
Gross Scheduled (Potential) Income		\$683,405
Less Vacancy Reserve		-\$26,443
<b>Effective Gross Income</b>		<b>\$656,962</b>
Expenses		
Advertising	\$3,100	
Building Maintenance and Repair	\$18,290	
Cleaning/Custodial	\$8,680	
Decorating	\$310	
Electricity Community Area	\$14,880	
Elevator Maintenance	\$1,920	
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Insurance	\$21,789	
Internet	\$780	
Laundry Equipment	\$992	
Legal and Audit	\$1,000	
Management Fee	\$39,665	
Permits, Licenses, Inspections	\$360	
Pest Control	\$372	
Property Tax	\$77,848	
Water, Sewer, Garbage, Street Lights	\$35,639	
<b>Total Expenses</b>		<b>\$241,385</b>
<b>Net Operating Income</b>		<b>\$415,577</b>
Less Capital Reserves	\$26,443	
Less Debt Service	\$312,686	
<b>Net Cash Flow</b>		<b>\$76,448</b>



# GPA - Owners Equity sans Tax

IRR Using Flatline Increase from Actual Appraised Value															
Cost of Acquisition	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7	Yr 8	Yr 9	Yr 10	Yr 11	Yr 12	Yr 13	Yr 14	Yr 15
-\$2,190,000	76,448	76,448	84,087	90,154	96,296	2,158,560 *									
-\$2,190,000	76,448	76,448	84,087	90,154	96,296	106,517	112,809	119,176	130,624	137,141	3,759,917 *				
-\$2,190,000	76,448	76,448	84,087	90,154	96,296	106,517	112,809	119,176	130,624	137,141	143,733	156,657	163,398	170,213	184,924
NOI from Op Budget	415,577	415,577	424,010	430,893	437,877	448,965	456,150	463,436	475,832	483,324	490,921	504,880	512,687	520,601	536,443
<b>Internal Rate of Return (IRR)</b>					<b>Year 5 3%</b>					<b>Year 10 8%</b>					<b>Year 15 9%</b>

15 Year Financial Ratios															
Present Value/Discounted Returns	\$1,688,503	\$1,546,317	\$1,419,770	\$1,306,885	\$1,205,963	\$1,115,536	\$1,034,336	\$961,265	\$895,370	\$835,821	\$781,896	\$732,965	\$688,477	\$647,948	\$610,955
Net Present Value	(\$501,497)	(\$643,683)	(\$770,230)	(\$883,115)	(\$984,037)	(\$1,074,464)	(\$1,155,664)	(\$1,228,735)	(\$1,294,630)	(\$1,354,179)	(\$1,408,104)	(\$1,457,035)	(\$1,501,523)	(\$1,542,052)	(\$1,579,045)
Profitability Index	0.77	0.71	0.65	0.60	0.55	0.51	0.47	0.44	0.41	0.38	0.36	0.33	0.31	0.30	0.28

GPA, LLC Distributions															
Net Cash For Distributions	\$76,448	\$76,448	\$84,087	\$90,154	\$96,296	\$106,517	\$112,809	\$119,176	\$130,624	\$137,141	\$143,733	\$156,657	\$163,398	\$170,213	\$184,924
Priority Distributions/Guarantee Fee															
Management and Reporting Fee	\$10,950	\$10,950	\$10,950	\$10,950	\$10,950	\$10,950	\$10,950	\$10,950	\$10,950	\$10,950	\$10,950	\$10,950	\$10,950	\$10,950	\$10,950
Legal/Maintenance Costs	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150
Retained Capital	\$764	\$764	\$841	\$902	\$963	\$1,065	\$1,128	\$1,192	\$1,306	\$1,371	\$1,437	\$1,567	\$1,634	\$1,702	\$1,849
<b>Member Distributions</b>	<b>\$64,583</b>	<b>\$64,583</b>	<b>\$72,146</b>	<b>\$78,152</b>	<b>\$84,233</b>	<b>\$94,352</b>	<b>\$100,581</b>	<b>\$106,884</b>	<b>\$118,218</b>	<b>\$124,669</b>	<b>\$131,195</b>	<b>\$143,990</b>	<b>\$150,664</b>	<b>\$157,411</b>	<b>\$171,975</b>
Distributions as a percent of Income	9.8%	9.8%	10.7%	11.4%	12.0%	13.2%	13.8%	14.3%	15.5%	16.0%	16.5%	17.6%	18.1%	18.6%	19.7%
Distributions as ROI or "Cash-on-Cash" Returns	2.9%	2.9%	3.3%	3.6%	3.8%	4.3%	4.6%	4.9%	5.4%	5.7%	6.0%	6.6%	6.9%	7.2%	7.9%
After Tax Cash-on-Cash Return	3.0%	2.9%	3.1%	3.3%	3.4%	3.6%	3.8%	3.9%	4.2%	4.3%	4.4%	4.7%	4.8%	4.9%	5.3%

# GPA - Sources and Uses with Tax

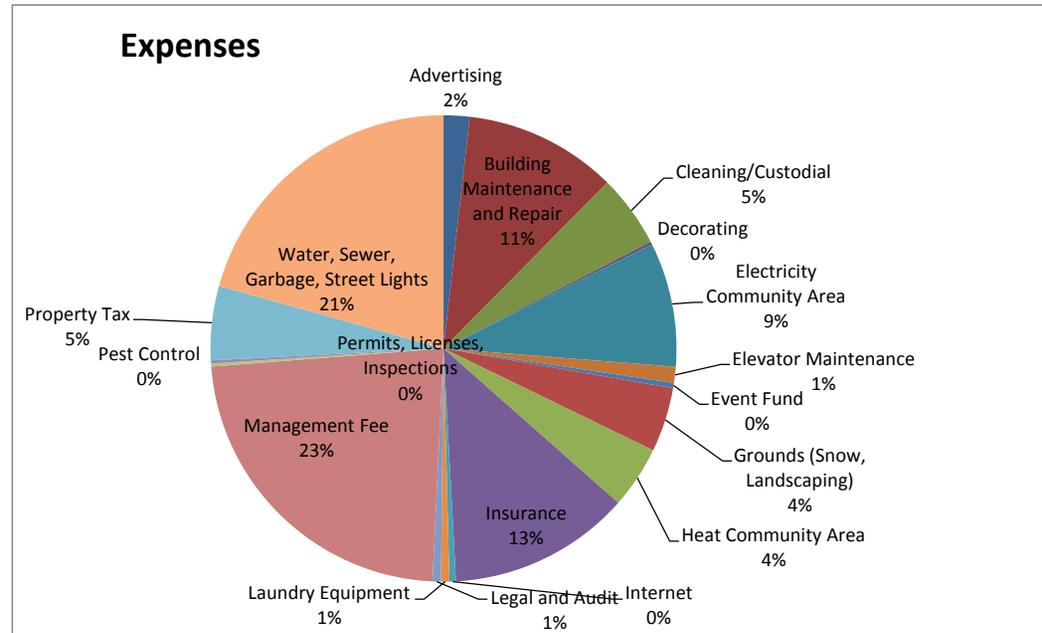
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Note 2 - Housing Incentive Fund					
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Permits, Licenses, Inspections	\$360	
Pest Control	\$372	
Property Tax	\$8,869	
Water, Sewer, Garbage, Street Lights	\$35,639	
<b>Total Expenses</b>		<b>\$172,406</b>
<b>Net Operating Income</b>		<b>\$484,556</b>
Less Capital Reserves	\$26,443	
Less Debt Service	\$380,406	
<b>Net Cash Flow</b>		<b>\$77,707</b>



# GPA - Owners Equity with Tax

IRR Using Flatline Increase from Actual Appraised Value																
Cost of Acquisition	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7	Yr 8	Yr 9	Yr 10	Yr 11	Yr 12	Yr 13	Yr 14	Yr 15	
-\$1,915,000	77,707	77,707	88,491	96,178	103,972	2,158,560 *										
-\$1,915,000	77,707	77,707	88,491	96,178	103,972	106,517	112,809	119,176	130,624	137,141	3,759,917 *					
-\$1,915,000	77,707	77,707	88,491	96,178	103,972	106,517	112,809	119,176	130,624	137,141	143,733	156,657	163,398	170,213	184,924	
NOI from Op Budget	484,556	484,556	496,134	504,637	513,273	448,965	456,150	463,436	475,832	483,324	490,921	504,880	512,687	520,601	536,443	
<b>Internal Rate of Return (IRR)</b>				<b>Year 5 6%</b>						<b>Year 10 10%</b>					<b>Year 15 11%</b>	

15 Year Financial Ratios															
Present Value/Discounted Returns	\$1,708,350	\$1,565,430	\$1,438,183	\$1,324,634	\$1,223,079	\$1,132,050	\$1,050,276	\$976,658	\$910,242	\$850,195	\$795,796	\$746,411	\$701,490	\$660,547	\$623,158
Net Present Value	(\$206,650)	(\$349,570)	(\$476,817)	(\$590,366)	(\$691,921)	(\$782,950)	(\$864,724)	(\$938,342)	(\$1,004,758)	(\$1,064,805)	(\$1,119,204)	(\$1,168,589)	(\$1,213,510)	(\$1,254,453)	(\$1,291,842)
Profitability Index	0.89	0.82	0.75	0.69	0.64	0.59	0.55	0.51	0.48	0.44	0.42	0.39	0.37	0.34	0.33

GPA, LLC Distributions															
Net Cash For Distributions	\$77,707	\$77,707	\$88,491	\$96,178	\$103,972	\$106,517	\$112,809	\$119,176	\$130,624	\$137,141	\$143,733	\$156,657	\$163,398	\$170,213	\$184,924
Priority Distributions/Guarantee Fee															
Management and Reporting Fee	\$9,575	\$9,575	\$9,575	\$9,575	\$9,575	\$9,575	\$9,575	\$9,575	\$9,575	\$9,575	\$9,575	\$9,575	\$9,575	\$9,575	\$9,575
Legal/Maintenance Costs	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150	\$150
Retained Capital	\$777	\$777	\$885	\$962	\$1,040	\$1,065	\$1,128	\$1,192	\$1,306	\$1,371	\$1,437	\$1,567	\$1,634	\$1,702	\$1,849
<b>Member Distributions</b>	<b>\$67,205</b>	<b>\$67,205</b>	<b>\$77,881</b>	<b>\$85,491</b>	<b>\$93,207</b>	<b>\$95,727</b>	<b>\$101,956</b>	<b>\$108,259</b>	<b>\$119,593</b>	<b>\$126,044</b>	<b>\$132,570</b>	<b>\$145,365</b>	<b>\$152,039</b>	<b>\$158,786</b>	<b>\$173,350</b>
Distributions as a percent of Income	10.2%	10.2%	11.6%	12.5%	13.3%	13.3%	13.9%	14.5%	15.6%	16.2%	16.7%	17.8%	18.3%	18.7%	19.9%
Distributions as ROI or "Cash-on-Cash" Returns	3.5%	3.5%	4.1%	4.5%	4.9%	5.0%	5.3%	5.7%	6.2%	6.6%	6.9%	7.6%	7.9%	8.3%	9.1%
After Tax Cash-on-Cash Return	3.5%	2.8%	3.1%	3.2%	3.4%	4.2%	4.4%	4.5%	4.8%	5.0%	5.1%	5.5%	5.6%	5.7%	6.1%

**RESOLUTION APPROVING AMENDED ENGINEER'S REPORT  
FOR THE CONSTRUCTION OF THE  
IMPROVEMENT IN WATER AND SEWER IMPROVEMENT DISTRICT NO. 60  
(McKenzie Drive SE)**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Water and Sewer Improvement District No. 60 (Project # 2012-21)(McKenzie Drive SE), as required by section 40-22-10 of the North Dakota Century Code, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

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

a. Construction costs:	\$281,548.00
b. Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:	\$98,541.80
c. Total estimated costs of the improvement:	\$380,089.80

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

Dated this 5th day of March, 2013.

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

ATTEST:

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

**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS  
FOR WATER AND SEWER IMPROVEMENT DISTRICT NO. 60  
PROJECT #2012-21(McKenzie Drive SE)**

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

1. The City Administrator, Deputy Auditor and City Engineer shall meet at the time and place specified in the notice authorized in paragraph 2 hereof, for the purpose of opening sealed bids for the work and material needed for the improvement project to be made in Water and Sewer Improvement District No. 60 (Project # 2012-21)(McKenzie Drive SE) of the City of Mandan, as more fully described and referred to in the resolution creating said improvement district passed and approved by the Board on November 6<sup>th</sup>, 2012, and in the plans and specifications for said improvement now on file in the office of the City Engineer.

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

**ADVERTISEMENT FOR BIDS FOR  
WATER AND SEWER IMPROVEMENT DISTRICT NO. 60  
(McKenzie Drive SE)  
MANDAN, NORTH DAKOTA**

Notice is hereby given, that the City of Mandan, North Dakota will receive sealed bids at the office of the City Administrator until March 26, 2013, at 10:00 a.m., local time for the purpose of opening sealed bids for the furnishing of materials, labor and skill needed for the installation of new water and sewer mains, and related work in accordance with the plans and specifications for Water and Sewer Improvement District 60 (Project No. 2012-21)(McKenzie Drive SE).

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

The bid proposals must be submitted to the City Administrator by 10:00 a.m., local time, March 26, 2013 and shall be sealed and endorsed "Proposal for Water & Sewer Improvement District No. 60(McKenzie Drive SE)." Bids shall be delivered or mailed to: City Administrator, City of Mandan, 205 2<sup>nd</sup> Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 10:00 a.m., local time, on March 26, 2013. All bidders are invited to be present at the public opening of the Bids.

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

Each bid shall be accompanied by a separate envelope containing a bidder's bond in the amount of five (5) percent of the highest amount of the bids as required by Section 48-01.2-05 (4), North Dakota Century Code, as amended, and executed by the Bidder as principal and by a surety, conditioned that if the principal's bid is accepted and the contract awarded to the principal, the principal, within ten days after Notice of Award, shall execute and effect a contract in accordance with the terms of the bid, and a Contractor's Bond as required by law. No bid may be read or considered if it does not fully comply with the requirements of Section 48-01.2-05 of the North Dakota Century Code and any deficient bid must be resealed and returned to the bidder immediately.

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

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

All construction work on Project #2012-21 (McKenzie Drive SE) is to be completed no later than June 14, 2013.

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

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

The Board of City Commissioners will meet on Tuesday, April 2, 2013, at 5:30 PM, local time, to review the Bids submitted, consider the engineer's recommendation, and to award the contract to the successful Bidder. The contract will be awarded on the basis of the low Bid submitted by a responsible and responsive Bidder deemed most favorable to the City's interest.

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

City of Mandan, North Dakota

BY: James Neubauer

City Administrator

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

4. The Board of City Commissioners shall meet on Tuesday, April 2, 2013 at 5:30 pm, local time, to review the bids submitted, consider the engineer's recommendation, and to award the contract to the successful bidder, subject to the Board finding that filed protests are insufficient to bar the work.

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

ATTEST:

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

Passed: March 5, 2013