

**AGENDA**  
**MANDAN CITY COMMISSION**  
**MAY 7, 2013**  
**ED "BOSH" FROEHLICH MEETING ROOM,**  
**MANDAN CITY HALL**  
**5:30 P.M.**  
**[www.cityofmandan.com](http://www.cityofmandan.com)**

- 
- A. ROLL CALL:
1. Roll call of all City Commissioners and Department Heads.
- B. APPROVAL OF AGENDA:
- C. PUBLIC COMMUNICATIONS:
- D. MINUTES:
1. Consider approval of the following minutes:
    - i. April 16, 2013 – Regular Board Meeting
    - ii. April 16, 2013 – Working Session
- E. PUBLIC HEARING:
1. Consider the annexation of a tract of land owned by Ardys Bahm Couch, being a part of Government Lot 1 and the SE ½ of the NE ¼ of the NE ¼ of Section 3, Township 138N, Range 81W. (Proposed Lincoln Ridge Estates 6<sup>th</sup> Addition). (First consideration of ordinance #1147) (*See Ordinances No. 3*).
  2. Consider approval of a zone change for part of Government Lot 1 and the SE ½ of the NE ¼ of the NE ¼ of Section 3, Township 138N, Range 81W. (Proposed Lincoln Ridge Estates 6<sup>th</sup> Addition). (First consideration of ordinance #1148) (*See Ordinances No. 4*).
  3. Consider approval of a zone change for Government Lot 2, less Outlot A and the NW ¼ of the NE ¼ of Section 3, Township 138N, Range 81W (Macedonia Hills Masterplan). (First consideration of ordinance #1149) (*See Ordinances No. 5*).
  4. Public Hearing to consider a 5-Year Property Tax exemption for Prairie View Properties, LLP, with Little Caesar's Pizza franchise. (*See New Business No. 2.*)
- F. BIDS:
1. Consider award of bid for 2013 Annual Sidewalk Project (Project No. 2013-03).
  2. Consider award of bid for Millennium Trail resurfacing. (*See Resolution No. 6*)
- G. CONSENT AGENDA:
1. Consider proclamation designating May 25, 2013 as National Missing Children's Day in the City of Mandan.

*Agenda  
Mandan City Commission  
May 7, 2013  
Page 2 of 4*

---

2. Consider for approval the final plat of Lincoln Ridge Estates 6<sup>th</sup> Addition.
3. Consider for approval the final plat of Macedonia Hills 1<sup>st</sup> Addition.
4. Consider for approval the final plat of Meadow Ridge 3<sup>rd</sup> Addition.
5. Consider for approval the final plat of Mule Ridge Addition.
6. Consider for approval the final plat of Big Sky Estates 4<sup>th</sup> Addition.
7. Consider for approval the final plat of Big Sky Estates 5<sup>th</sup> Addition.
8. Consider for approval the final Replat of Lot 2B, 3A1, 3A2, & 3B, Block 2, Lakewood Commercial Park Addition.
9. Consider for approval the final Replat of Lot 10B, Block 2, Lakewood 6<sup>th</sup> Addition.
10. Consider Approval of the Police Department Making Grant Application With The Office Of Community Oriented Policing Services, COPS.
11. Consider Approval for Out of State Travel for the Police Department to attend training in St. Paul, MN.
12. Consider approval of beer garden street dance application for Buggies-n-Blues, All Class Reunion, Wild West Grill Fest and Oktoberfest all for Mandan Progress Organization.
13. Consider approval of beer garden street dance application for Silver Dollar Bar for June 7 – 8 and July 2 -3.
14. Consider approving amended Engineer's Report and authorizing a call for bids on Street Improvement District No. 176, Project 2012-20 (Lakewood 6<sup>th</sup> and 7th)(See Resolution No. 7).
15. Consider the following abatements/exemptions:
  - i. Street Appraisal – Dewitz
  - ii. Street Appraisal – Wentz
  - iii. Flood Discount - Reid

H. OLD BUSINESS:

I. NEW BUSINESS:

1. Consider funding requests from the Mandan Progress Organization Funding Committee.
2. Consider Growth Fund Committee recommendation regarding application for property tax incentive by Prairie View Properties, LLC (Little Caesar's Pizza), 310 6<sup>th</sup> Avenue SE.
3. Consider entering into contract with Wenck Associates for a detailed Engineering Study for 8th Ave NW.

J. RESOLUTIONS AND ORDINANCES:

1. Consider second consideration and final passage of Ordinance No. 1146. – An ordinance to create and enact Chapter 21-13 of the Mandan Code of Ordinances relating to Planned Unit Developments.

*Agenda  
Mandan City Commission  
May 7, 2013  
Page 3 of 4*

---

2. Consider second consideration and final passage of Ordinance No. 1145 – An Ordinance to Repeal Section 04-06-10(5) of the Mandan Code of Ordinances Relating to Salary Increases Due to Change in Status.
3. *Consider first consideration of Ordinance No. 1147, An ordinance annexing certain adjoining lands to the City of Mandan, North Dakota, and extending the corporate boundaries thereof (tract of land being a part of S2-T138N-R81W).*
4. *Consider first consideration of Ordinance No. 1148 Zone Change for a part of Government Lot 1 and the NE ¼ of the NE ¼ of Section 3, Township 138N, Range 81W (proposed Lincoln Ridge Estates 6<sup>th</sup> Addition) – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map*
5. *Consider first consideration of Ordinance No. 1149 Zone Change for Government Lot 2, less Outlot A and the NW ¼ of the NE ¼ in Section 3, Township 1389N, Range 81W (Macedonia Hills Masterplan) – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map*
6. Consider Resolution of Concurrence to award Project TEU-1-988(035)046, PCN 19984 --Mandan Millenium Trail to the low bidder.
7. Consider Resolution approving Amended Engineer's Report and Resolution Directing Advertisement for Bids for Street Improvement District No. 176, Project 2012-20 (Lakewood 6<sup>th</sup> and 7th).

K. OTHER BUSINESS:

L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. May 21, 2013
2. June 4, 2013
3. June 18, 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

*Agenda  
Mandan City Commission  
May 7, 2013  
Page 4 of 4*

---

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.*

---

The Mandan City Commission met in regular session at 5:30 p.m. on April 16, 2013 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, and Braun. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development and Communications Director Huber, Engineering Project Manager Fettig, and Building Official Lalim. Absent: Commissioner Frank.

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

C. PUBLIC COMMUNICATIONS:

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission meeting held on April 2, 2013 Regular Board Meeting and April 11, 2013, Special Board Meeting.* Commissioner Tibke moved to approve the minutes from the Board of City Commission meeting held on April 2, 2013 Regular Board Meeting and April 11, 2013, Special Board Meeting. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

E. PUBLIC HEARING:

1. *Consider approving Vacation of Pedestrian Access Easement between Lots 14 & 15 Block 1 Hoovestol's 1<sup>st</sup> Addition. (See Resolutions and Ordinances No. 2).* Engineering Project Manager Fettig reviewed with the Board a request for the vacation of a Pedestrian Access Easement which was brought forward by a property land owner in that area who requested the vacation of the easement. Fettig stated she was not sure what purpose the easement served. It was platted considerable years ago, but it might have been done because of Adobe Trail that runs along the front side of these lots. Possibly as a shortcut to 6<sup>th</sup> Avenue.

Mayor Van Beek announced this is a public hearing and asked for comments from the public. A second announcement was made to come forward to speak for or against the Vacation of Pedestrian Access Easement between Lots 14 & 15 Block 1 Hoovestol's 1<sup>st</sup> Addition. Hearing none, this portion of the public hearing was closed. (See Resolutions and Ordinances No. 2)

F. BIDS:

G. CONSENT AGENDA

1. *Consider approval of monthly bills.*  
2. *Consider approving the amended Engineer's Estimate and the revised advertisement for bids for Sidewalk Improvement Project 2013-03.*  
3. *Consider approval of beer garden street dance application for May 11, June 22, July 20, August 17 and September 21, 2013 pending staff recommendation.*

- 
4. *Consider approval of annual Liquor License, Special B Liquor Permit and Special Sunday Permit for Dacotah Speedway from May 1, 2013 through October 30, 2013.*
  5. *Consider approval of Site Authorization for Abate of ND at the Hideaway Bar from July 1, 2013 through June 30, 2014.*
  6. *Consider approval of the following Site Authorizations:*
    - i. *American Foundation for Wildlife at the Lakewood Bar and Grill from July 1, 2013 through June 30, 2014.*
    - ii. *American Foundation for Wildlife at the Last Call Bar from July 1, 2013 through June 30, 2014.*
  7. *Consider proclamation designating May 3, 2013 as Arbor Day in the City of Mandan.*
  8. *Consider the following abatements/exemptions: (i) Disabled Veteran's exemption – Gary Koth (ii) Homestead Credit Exemption – Joyce Gustafson.*
  9. *Consider for approval the request to sell the 1981 Brush Truck by the Public Works Department.*

Commissioner Tibke moved to approve the Consent Agenda as presented. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Consider appointment of Jackie Bair to the MMPL Board of Trustees.* Kelly Steckler, MMPL Director, presented a request at the recommendation of the Board of Trustees to appoint Jackie Bair as a trustee on the Morton Mandan Public Library Board of Trustees to complete a vacant term ending June 2015. Steckler stated that both the City and County Commissions are required to approve the appointment. Ms. Bair stated that she has worked with the Bookmobile for 4 years and that she has a special interest in providing additional services at the MMPL.

Commissioner Rohr moved to approve the appointment of Jackie Bair to the MMPL Board of Trustees to complete a vacant term ending June 2015. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Introduction of new employees:* (i) Richard Barta introduced the new City Assessor and Building Official - Doug Lalim. Mr. Lalim came from Williston, North Dakota and has 15 years of experience in the building inspection field. He is certified in planning review and is also a building official. (ii) Director of Public Works Wright introduced Chris Webber, Utility Operator for the Utility Department. Webber is a Bismarck-Mandan native and has Power Plant Technology and Electrical Lineman schooling and has worked at MDU in the past.

---

Commissioner Braun commended the staff for a great job done during the last couple days regarding the snow removal considering the amount of snow that fell.

3. *Consider reactivation of Community Beautification Committee and calling for property owner involvement.* Laurie Leingang, Chair of the Mandan Tomorrow Leadership, Pride and Image Committee (LPI) presented a proposal to the Board to consider reactivating Mandan's Beautification Committee. She explained that the Mandan Tomorrow Leadership Pride and Image Committee is one of the four Mandan Tomorrow Committees that came about as a result of the City's 2009 Strategic Plan calling for a community beautification initiative. Leingang stated that a recent survey indicated that 36% of the 600 respondents thought that Mandan is an "Attractive and Desirable place to live". She mentioned that a current question posed on the City's website should help in determining if community beautification is still needed and relevant. There have not been any meetings held by the LPI for about three years. Leingang stated that the LPI is requesting the City Commission reactivate the Mandan Beautification Committee and also to strengthen that committee to have citizen representation involved.

The recommendation is to include six citizens that could be appointed to the committee. It may include some of the LPI Committee members, business representatives and general community representatives. The request would be that the City of Mandan calls for Letters of Interest from volunteers within the community that would be willing to serve. Further, she outlined that if this Beautification Committee were reactivated it could be tasked with reviewing current city ordinances and suggesting new ordinances in concert with existing municipal code. At this time she took the opportunity to address the citizens of Mandan and encouraged them to become involved in events and activities. Additional information can be obtained on the Dakota Media website at [www.freetv.org](http://www.freetv.org) to check out what sessions are available through the on-line video library. Leingang concluded her presentation with a request to move forward with the citizen/staff coordinated Beautification Committee as presented. Commissioner Rohr alluded to the importance of maintaining properties in order to attract new businesses and residents to the community.

Commissioner Rohr moved to approve the reactivation of the Community Beautification Committee and the appointment of up to six (6) citizens consisting of property owners and the business sector to serve on the Committee. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Consider recommendation from Mandan Visitors Committee related to a funding request from Mandan School District MHS gym floor and bleacher replacement.* City Administrator Neubauer stated that the Mandan Visitor's Committee received a request from the Mandan Public Schools for funding assistance for the replacement of the high school gym floor and also the bleachers. The Visitor's Committee met on April 11<sup>th</sup> and recommend that \$146,000 be used for that replacement. That represents 40% of the

---

project cost. Approximately 50% will come from the Mandan Public School District and the balance of approximately 10% is being donated by the private sector. The legal requirements are being met for use on this project. Mandan Public School officials were present to answer any questions. Dr. Mike Bitz, Mandan School Superintendent, stated that there is a Building Fund and explained that 2/3 of that fund is for long-term debt. He said there are some dollars available but there are also eight buildings to maintain. The gym floor replacement has been talked about for quite some time but it was not a top priority. Bitz stated the School Board was approached by members of the business community with concerns about the condition of the floor and the bleachers. Commissioner Rohr commented that with the loss of accessibility to the Community Center, it was expected there would be a lack of gym-space availability so he agrees the school gym floor project should be addressed. A summary of proceeds from local events from concession sales was reviewed by Athletic Director Lorell Jungling explaining that money is used to offset costs when tournaments or other events are held in the school gym.

Also noted was that the new codes are going to require updated bleachers in regards to safety issues. The General Fund pays the costs for coaching fees and transportation for events. The gate fees and participation fees and other expenses are self-sufficient. The MAR Club donates funds to the school every year. Commissioner Braun suggested getting back to the project in regards to the bleachers. He had questions as to whether the bleachers are middle-of-the-road. Higher quality? Are they going to last a long time? Mike Bitz indicated that the bleachers will be handicap accessible and will have a front-flex row that will accommodate wheelchairs, walkers, etc. They will meet all current codes. The current bleachers were installed in the 1980's. Regarding mill levy, there are about 16 mills in the Building Fund and about 2/3 of those mills are pledged to long-term debt. Those funds cannot be used to make improvements in the building. They are used to pay off bonds. Then there is roughly \$400,000 a year to maintain the 8 buildings.

Mayor Van Beek commented that the Visitor's Committee, was in favor of updating of the gym floor and the bleachers. All members were unanimous for the project and believe it will be good for the community. Finance Director Welch stated that there is currently a cash balance of \$1 million in the Visitor's Fund.

Commissioner Braun asked what other options for funding are being considered if this request is not approved. Mr. Bitz stated that the project would not get done this year (2013) and other alternatives would have to be looked at. It is still a need. However, there are not enough funds available and the project would continue to be prioritized. Commissioner Tibke pointed out that in the past when discussing the subject of attracting retail and hotels, these types of events will increase the car count and foot traffic; which in turn make it so retail businesses look at the possibilities of locating their business in Mandan.

Commissioner Tibke moved to approve the recommendation from the Mandan Visitors Committee for a grant to the Mandan School District for MHS gym floor and bleacher replacement in the amount of \$146,000. Commissioner Braun seconded the motion.

---

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

5. *Consider application for City Infrastructure Grant funding from the Energy Impact Office, Department of ND Trust Lands. (Information forthcoming).* City Administrator Neubauer reviewed with the Board a proposal for a grant application to the Energy Infrastructure and Impact Office identified as the Water and Wastewater Systems Improvement Services Growth Areas Project. The growth area is located north of I-94 and west of the river and east of Old Red Trail. The City is experiencing residential development in that area which is cause for increased demands on the city sewer and water services. The waste water system is limited by downstream sewer system capacity on 14<sup>th</sup> Street NW. This capacity deficiency was identified in the 2012 Waste Water Master Plan. A new collection system and a new lift station were identified as selected alternates to serve the area along the major north-south corridor of Hwy 1806 adjacent to the Tesoro Refinery property. The proposed lift station is located at the intersection of ND Hwy 1806 at 38<sup>th</sup> Street Heskett Road.

Neubauer stated that normally the grants from the Energy Impact Office will go to the 19 oil and gas producing counties. Other than that, you have to make a pretty strong case that the growth that we are seeing is tied to that oil related activity. We are trying to tie the growth activity we are seeing to that occurring in the western part of the state. Neubauer stated that he would recommend applying for the grant money even though it's a long shot since we're not one of the 19 oil producing counties. But we are trying to exhaust all of our potential funding sources to have these three projects installed. In addition, he explained that typically the project would be 80% grant and 20% local. The grant scores higher if more local participation is demonstrated. The application is due on April 30, 2013. Neubauer is requesting permission to move forward with the grant request for these 3 projects.

Commissioner Braun questioned whether requesting Heskett or Tesoro to help with the costs would be an option. Neubauer replied that the application shows community support. However, he indicated those companies may be approached during negotiations on a cost-share basis of installing a water line to that new turbine. He stated that the City is looking for grant opportunities to reduce the cost to local citizens and to lower the cost for infrastructure to utility funds.

Commissioner Tibke moved to approve the application for City Infrastructure Grant funding from the Energy Impact Office, Department of ND Trust Lands. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

J. RESOLUTIONS AND ORDINANCES:

1. *Consider first consideration of Ordinance No.1146. – An ordinance to create and enact Chapter 21-13 of the Mandan Code of Ordinances relating to Planned Unit*

---

*Developments.* Commissioner Tibke moved to approve the first consideration of Ordinance No.1146. – An ordinance to create and enact Chapter 21-13 of the Mandan Code of Ordinances relating to Planned Unit Developments. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider Resolution approving Vacation of Pedestrian Access Easement between Lots 14 & 15 Block 1 Hoovestol's 1<sup>st</sup> Addition.* Commissioner Tibke moved to approve the Resolution approving Vacation of Pedestrian Access Easement between Lots 14 & 15 Block 1 Hoovestol's 1<sup>st</sup> Addition. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider first consideration of Ordinance No. 1145 – An Ordinance to Repeal Section 04-06-10(5) of the Mandan Code of Ordinances Relating to Salary Increases Due to Change in Status.* City Administrator Neubauer stated that as part of the review of the salary study since January 1<sup>st</sup>, this request is before the Commission to repeal the current language in Title IV that talks about salaries and promotion increases. In essence if there is a grade change from one grade to the next it averages out to about a 2.5% pay increase. It has been determined that that amount is not significant enough for employees to want to advance in their careers. Consideration has been given to adopt a policy similar to Bismarck's in which there would be a provision that would include a 5% increase and then after the probationary period expires, (if all criteria are met), an additional amount up to 5% could be awarded for a possible 10% total increase in salary. Department heads have discussed this on several occasions. Pay ranges have also been compared to Bismarck's pay scale. He stated there are 9 employees that should have pay adjustments retro to the 1<sup>st</sup> pay period beginning in January 2013 and moving them forward. Neubauer summarized pay grade levels currently in effect and how the revised plan would allow for more flexibility and fairness to long-term employees. Commissioner Braun voiced concern about a more detailed type of document to review to help him better understand the scenarios Neubauer presented. Commissioner Tibke recommended the Commissioners review the plan being presented before the second consideration is held and to bring any questions at that time.

Commissioner Tibke moved to approve the first consideration of Ordinance No. 1145 – An Ordinance to Repeal Section 04-06-10(5) of the Mandan Code of Ordinances Relating to Salary Increases Due to Change in Status. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Absent; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS

1. *Reminder of Spring Clean-Up Week;* Director of Public Works Wright said that April 29 thru May 4 are the tentative dates set for cleanup. Bismarck has not made any decision as to their clean-up dates at this time. We usually try to do them at the same

---

time as Bismarck so there's no confusion. He indicated that the final decision will be based on the snow melt. Wright stated that the main point of spring cleanup is to get rid of bulky items. No tires, branches, leaves, or trees. Appliances and TVs are typical items picked up at the curb. The Landfill will be open during Spring Clean-Up week for 8 hours free of charge for Mandan residents; as well as 8 hours, (instead of the usual ½ day), on Saturday April 27<sup>th</sup> and Saturday May 4<sup>th</sup>. There is a disposal fee for tires. This information is available on the City website.

2. *Update on Snow Removal Progress:* Director of Public Works Wright provided an update on the recent snowstorm snow removal that will start on April 17, 2013, at 1:00 a.m. and will be completed at approximately 1:00 p.m. He reported there are nine snowplows in operation. One is down for repair. Residential areas will be completed at the end of the shift on Wednesday. Updated information is posted on the City website. Mayor Van Beek extended a thank you to Public Works for the hard work spent on the snow removal project.

There being no further actions to come before the Board of City Commissioners, Commissioner Tibke moved to adjourn the meeting at 6:50 p.m. The motion received unanimous approval of the members present. The motion passed.

---

James Neubauer,  
City Administrator

---

Arlyn Van Beek,  
President, Board of City  
Commissioners

---

The Mandan City Commission met in a working session at 7:00 p.m. on April 16, 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, Braun, and Rohr. City Department Heads present were Director of Public Works Wright, Fire Chief Nardello, Water Treatment Plant Superintendent Friesz, Engineering Project Manager Fettig, Morton Mandan Public Library Director Steckler, Finance Director Welch, City Administrator Neubauer, Business Development and Communications Director Huber, and Police Chief Bullinger. Also in attendance was Richard Ott, formerly of the N.D. School Boards Association. Absent: Commissioner Tibke and Commissioner Frank.

NEW BUSINESS:

1. *Boardmanship Training with Richard Ott.* Topics included: Give confidence to constituency, Time is not our friend, Origin(s), Status of Law/Your Policies, Endurance, Misuse of Parliamentary Procedure, Key Actors, Role of Chair, Parliamentarian, Member's Responsibilities, Planning the Meeting, Open Meetings/Open Records, Agenda, Procedure, Motion(s), Debate, Ending Debate, Voting, Minutes, Jones/Call to Order, Questions.

ADJOURN

There being no further actions to come before the Board Commissioner Rohr moved and Commissioner Braun seconded to adjourn at 7:58 p.m. The motion received unanimous approval of the Board members present and the meeting adjourned.

---

James Neubauer,  
City Administrator

---

Arlyn Van Beek  
President, Board of City  
Commissioners



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 7, 2013  
**PREPARATION DATE:** April 25, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Engineering & Planning  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider the annexation of a tract of land being a part of Government Lot 1 and the SE ¼ of the NE ¼ of Section 3, Township 138N, Range 81W (proposed Lincoln Ridge Estates 6<sup>th</sup> Addition)

---

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

BACKGROUND/ALTERNATIVES: Request by Ardys Bahm Couch. The plat and zone change are also before the city commission today.

ATTACHMENTS: 1. Ordinance  
2. Vicinity Map

FISCAL IMPACT: Minimal.

STAFF IMPACT: Minimal.

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

RECOMMENDATION: This office supports the approval of the annexation.

SUGGESTED MOTION: I move to approve Ordinance No. 1147, annexing the subject lands.

Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: Annexation of a tract of land being a part of Government Lot 1 and the SE ¼ of the NE ¼ of Section 3, Township 138N, Range 81W (proposed Lincoln Ridge Estates 6<sup>th</sup> Addition)

Page 2 of 4

---

**ORDINANCE NO. 1147**

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

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

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

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

A tract of land being a part of Government Lot 1 and the SE ¼ of the NE ¼ of Section 3, Township 138N, Range 81W of the Fifth Principal Meridian, Morton County, North Dakota (proposed Lincoln Ridge Estates 6<sup>th</sup> Addition) that lies within the following described traverse:

Beginning at the southwest corner of Government Lot 1 of Section 3, Township 138N, Range 81W; thence north 00° 10' 21" west along the west boundary line of said Government Lot 1 for 1253.26 feet to a point on the south right-of-way line of 19<sup>th</sup> Street SW; thence along said south right-of-way line for the following five (5) courses; thence north 89° 33' 39" east for 140.60 feet; thence south 00° 26' 21" east for 20.00 feet; thence north 89° 33' 39" east for 200.00 feet; thence south 00° 26' 21" east for 20.00 feet; thence north 89° 33' 39" east for 21.27 feet to the northwest corner of School District 3<sup>rd</sup> Addition of the City of Mandan, Morton County, North Dakota; thence south 00° 26' 30" east along the west boundary line of said School District 3<sup>rd</sup> Addition for 779.43 feet to a point on the westerly boundary line of the Replat of Lots 7 & 8, Block 2, Lincoln Ridge Estates and Auditor's Lot "A" of said Government Lot 1; thence south 89° 34' 24" west along the westerly boundary line of said replat for 110.00 feet; thence south 15° 05' 01" west continuing along said westerly boundary line for 149.44 feet to the northwest corner of Auditor's Lot "B" of said Government Lot 1; thence south 22° 14' 26" east along the west boundary line of said Auditor's Lot "B" for 107.71 feet to the southwest corner of said Auditor's Lot "B"; thence north 89° 34' 28" east along the south boundary line of said Auditor's Lot "B" for 110.00 feet to the southeast corner of said Auditor's Lot "B", said point also being on the westerly boundary line of Lincoln Ridge Estates of the City of Mandan, Morton County, North Dakota; thence along said westerly boundary line the following three (3) courses; thence south 00° 26' 30" east for 100.00 feet; thence south 37° 20' 31" east for 191.53 feet; thence south 00° 44' 24" east for 119.87 feet; thence south 43° 38' 15" west for 66.00 feet to a point on the westerly boundary line of Lincoln Ridge Estates 2<sup>nd</sup> Addition of the City of Mandan, Morton County, North Dakota; thence along said westerly boundary line of said Lincoln Ridge Estates 2<sup>nd</sup> Addition the following three (3) courses; thence north 46° 21' 45" west for 160.98 feet; thence south 17° 58' 09" west for 175.24 feet; thence north 86° 28' 21" west for 119.52 feet; thence north 62° 09' 46" west for 168.02 feet to a point on the west boundary line of the SE ¼ of

Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: Annexation of a tract of land being a part of Government Lot 1 and the SE ¼ of the NE ¼ of Section 3, Township 138N, Range 81W (proposed Lincoln Ridge Estates 6<sup>th</sup> Addition)

Page 3 of 4

---

the NE ¼ of said Section 3; thence north 00° 10' 51" west along said west boundary line for 157.05 feet to the point of beginning. Said tract of land containing 11.97 acres, more or less.

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

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

Attest

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

First Consideration: May 7, 2013

Second Consideration

and Final Passage: May 21, 2013

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

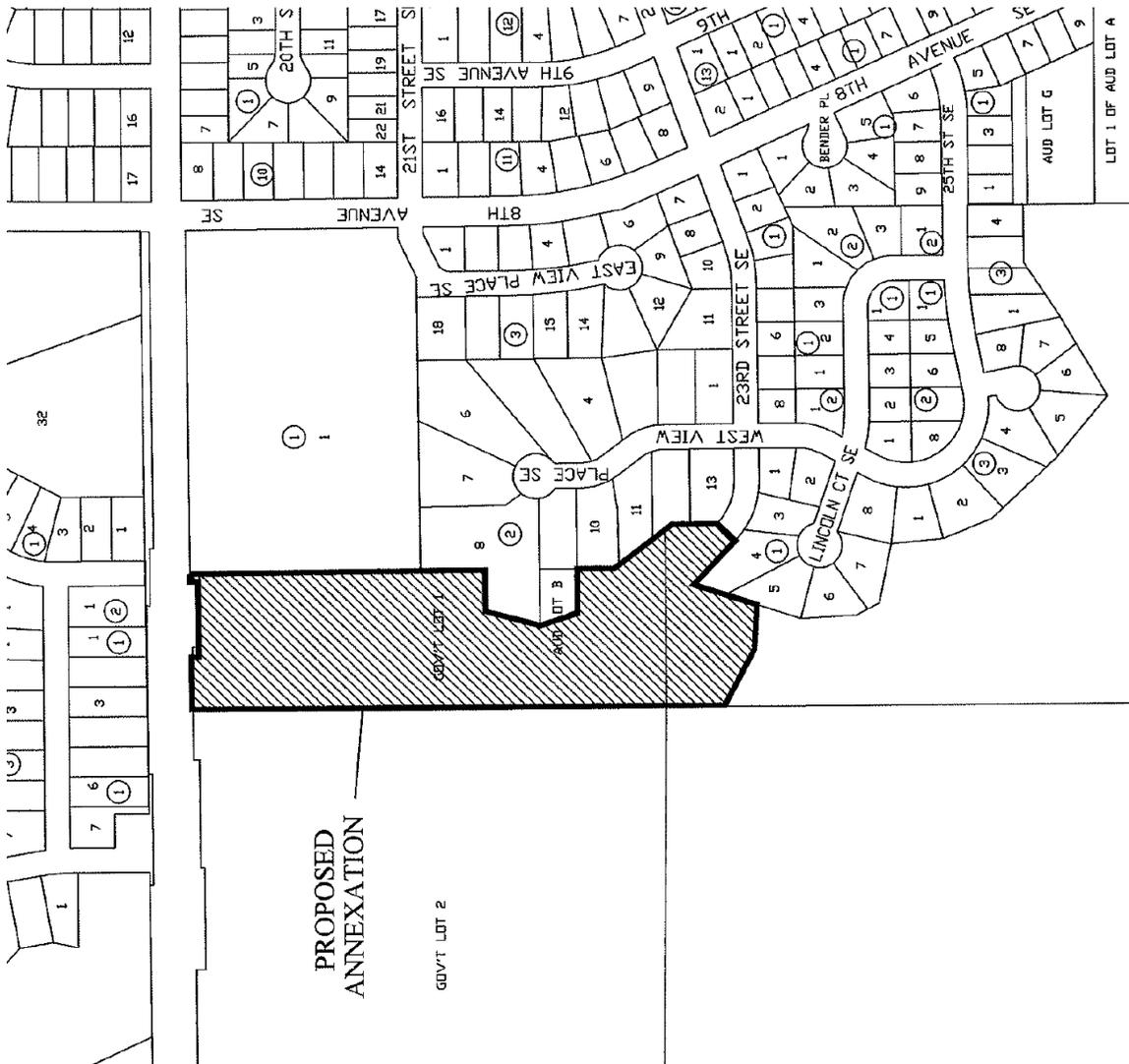
Board of City Commissioners

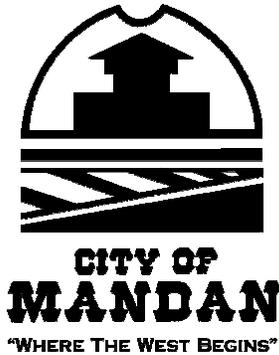
Agenda Documentation

Meeting Date: May 7, 2013

Subject: Annexation of a tract of land being a part of Government Lot 1 and the SE 1/4 of the NE 1/4 of Section 3, Township 138N, Range 81W (proposed Lincoln Ridge Estates 6<sup>th</sup> Addition)

Page 4 of 4





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 7, 2013  
**PREPARATION DATE:** April 25, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Kim Fettig, Project Manager  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider a change of zoning for a part of Government Lot 1 and the NE ¼ of the NE ¼ of Section 3, Township 138N, Range 81W (proposed Lincoln Ridge Estates 6<sup>th</sup> Addition).

**STATEMENT/PURPOSE:** Request to change the zoning a part of Government Lot 1 and the NE ¼ of the NE ¼ of Section 3, Township 138N, Range 81W (proposed Lincoln Ridge Estates 6<sup>th</sup> Addition).

**BACKGROUND/ALTERNATIVES:** Request by owner Ardys Bahm Couch and developer, Steve Thilmoney, for a change of zoning to R3.2 (Lots 1 – 21, Block 1) and R7 (Lots 22- 30, Block 1). The Planning & Zoning Commission voted unanimously to approve the zone change on March 25, 2013.

**ATTACHMENTS:** 1. Office Report  
2. Map  
3. Ordinance

**FISCAL IMPACT:** Minimal

**STAFF IMPACT:** Minimal

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

**SUGGESTED MOTION:** I move to approve the zone change for a part of Government Lot 1 and the NE ¼ of the NE ¼ of Section 3, Township 138N, Range 81W (proposed Lincoln Ridge Estates 6<sup>th</sup> Addition) to R3.2 (Lots 1 – 21, Block 1) and R7 (Lots 22- 30, Block 1).

Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: A part of Government Lot 1 and the NE ¼ of the NE ¼ of Section 3, Township 138N, Range 81W (proposed Lincoln Ridge Estates 6<sup>th</sup> Addition).

Page 2 of 4

---

MANDAN PLANNING OFFICE REPORT

April 26, 2013

Applicant(s): Ardys Bahm Couch (Developer: Steve Thilmony)

Owner(s): same

Requested Action: Zone Change Approval

Name of Subdivision: proposed Lincoln Ridge Estates 6<sup>th</sup> Addition

Legal Description: part of Government Lot 1 and the NE ¼ of the NE ¼ of Section 3, Township 138N, Range 81W

Located: south side of 19<sup>th</sup> Street SE

Parcel Acreage: 10.25

Existing Land Use: vacant

Proposed Land Use: single and two-family residential

Adjacent Land Use: school, vacant, single and two-family residential

Existing Zoning: A (Agricultural)

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

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

Fee(s) Required: \$250.00      Date Received: March 6, 2013

Adjacent Property Owner Notification: March 11, 2013

Dates of Legal Notices: April 19 & 26, 2013

Recommendations: The Planning Office recommends approval.

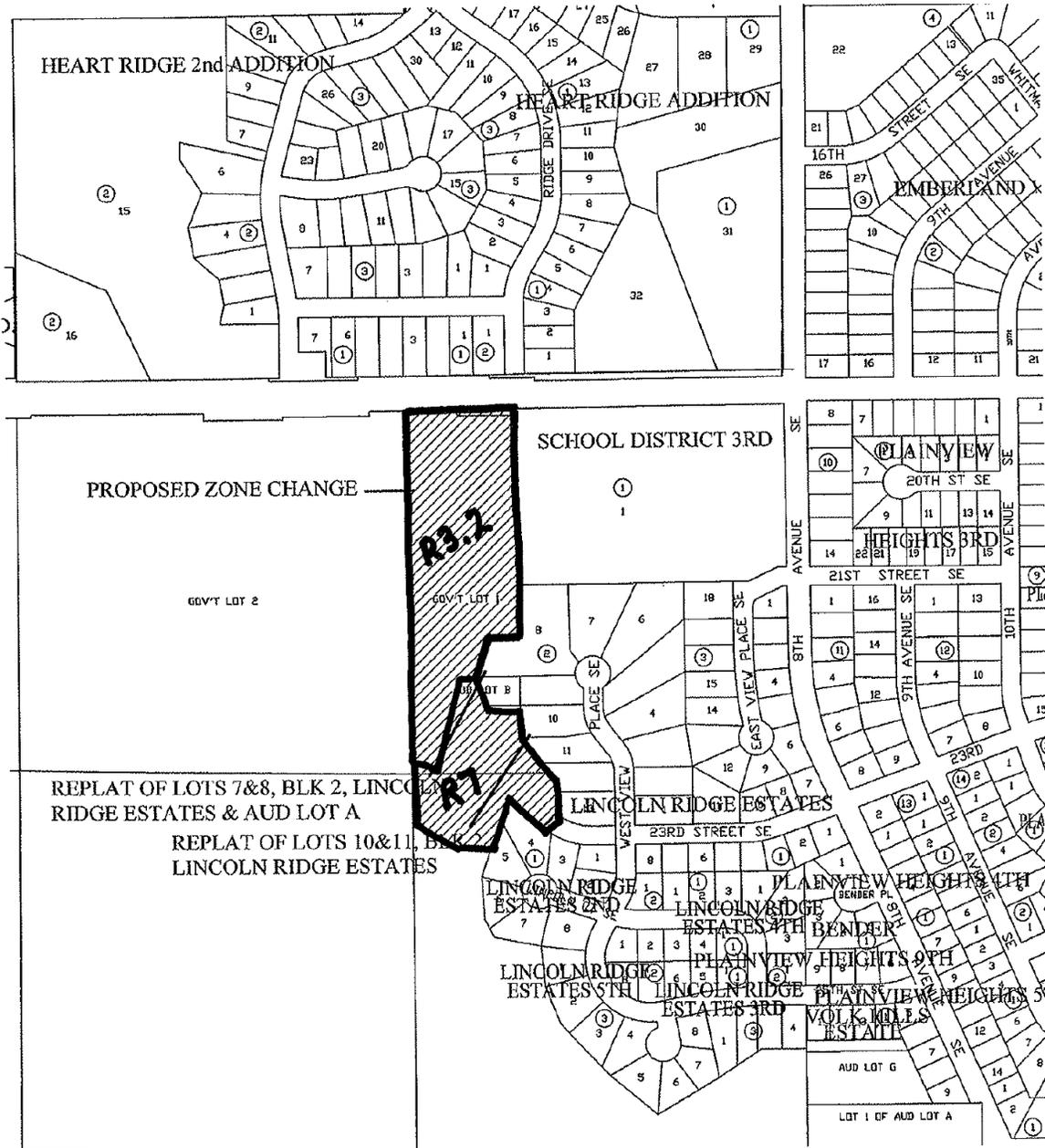
Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: A part of Government Lot 1 and the NE ¼ of the NE ¼ of Section 3, Township 138N, Range 81W (proposed Lincoln Ridge Estates 6<sup>th</sup> Addition).

Page 3 of 4



Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: A part of Government Lot 1 and the NE ¼ of the NE ¼ of Section 3, Township 138N, Range 81W (proposed Lincoln Ridge Estates 6<sup>th</sup> Addition).

Page 4 of 4

---

**ORDINANCE NO. 1148**

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

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

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

The following described property located within the City of Mandan shall be excluded from the A (Agricultural) zoning and shall be included in the R7 (Single-Family Residential) for Lots 22-30, Block 1 and R3.2 (Two-Family Residential) for Lots 1-21, Block 1, all of namely,

Lincoln Ridge Estates 6<sup>th</sup> Addition in Section 3, Township 138N, Range 81W (proposed Lincoln Ridge Estates 6<sup>th</sup> Addition plat)

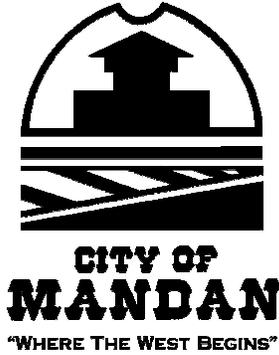
and as so amended said section is hereby reenacted. The city administrator is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

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

Attest:

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

Public Hearing:	<u>March 25, 2013</u>
First Consideration:	<u>May 7, 2013</u>
Second Consideration and Final Reading:	<u>May 21, 2013</u>
Publication Date:	_____
Recording Date:	_____



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 7, 2013  
**PREPARATION DATE:** April 25, 2013  
**SUBMITTING DEPARTMENT:** Engineering  
**DEPARTMENT DIRECTOR:** Kim Fettig, Project Manager  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider a change of zoning for Government Lot 2, less Outlot A and the NW ¼ of the NE ¼ of Section 3, Township 138N, Range 81W (Macedonia Hills Masterplan)

**STATEMENT/PURPOSE:** Request to change the zoning for Government Lot 1, less Outlot A and the NW ¼ of the NE ¼ of Section 3, Township 138N, Range 81W of Section 3, Township 138N, Range 81W (Macedonia Hills Masterplan).

**BACKGROUND/ALTERNATIVES:** Request by owner Risto Mackovski for a change of zoning from A (Agricultural) to R3.2 (Two-Family Residential) and RM (Multi-Family Residential). The Planning & Zoning Commission voted unanimously to approve the zone change with restrictions on February 25, 2013. The RM (Multi-Family Residential) would be restricted to no more than a four-plex per lot and no more than two-stories tall.

**ATTACHMENTS:** 1. Office Report  
2. Map  
3. Ordinance

**FISCAL IMPACT:** Minimal

**STAFF IMPACT:** Minimal

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

Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: Government Lot 2, less Outlot A and the NW ¼ of the NE ¼ of Section 3,  
Township 138N, Range 81W (Macedonia Hills Masterplan) zone change.

Page 2 of 5

---

SUGGESTED MOTION: I move to approve the zone change for Government Lot 2, less Outlot A and the NW ¼ of the NE ¼ of Section 3, Township 138N, Range 81W (Macedonia Hills Masterplan) from A (Agricultural) to R3.2 (Two-Family Residential) and RM (Multi-Family Residential), the RM (Multi-Family Residential) would be restricted to no more than a four-plex per lot and no more than two-stories tall.

Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: Government Lot 2, less Outlot A and the NW ¼ of the NE ¼ of Section 3,  
Township 138N, Range 81W (Macedonia Hills Masterplan) zone change.

Page 3 of 5

---

MANDAN PLANNING OFFICE REPORT

April 25, 2013

Applicant(s): Risto Mackovski

Owner(s): same

Requested Action: Zone Change Approval

Name of Subdivision: Macedonia Hills Masterplan

Legal Description: Government Lot 2, less Outlot A and the NW ¼ of the NE ¼ in  
Section 3, Township 138N, Range 81W (Macedonia Hills  
Masterplan).

Located: 19<sup>th</sup> Street SE

Parcel Acreage: 36.08

Existing Land Use: vacant

Proposed Land Use: single-family, two-family and multi-family residential

Adjacent Land Use: vacant and residential

Existing Zoning: A (Agricultural)

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

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

Fee(s) Required: \$250.00      Date Received: December 13, 2012

Adjacent Property Owner Notification: April 22, 2013

Dates of Legal Notices: March 8 & 15, 2013

Recommendations: The planning office recommends approval.

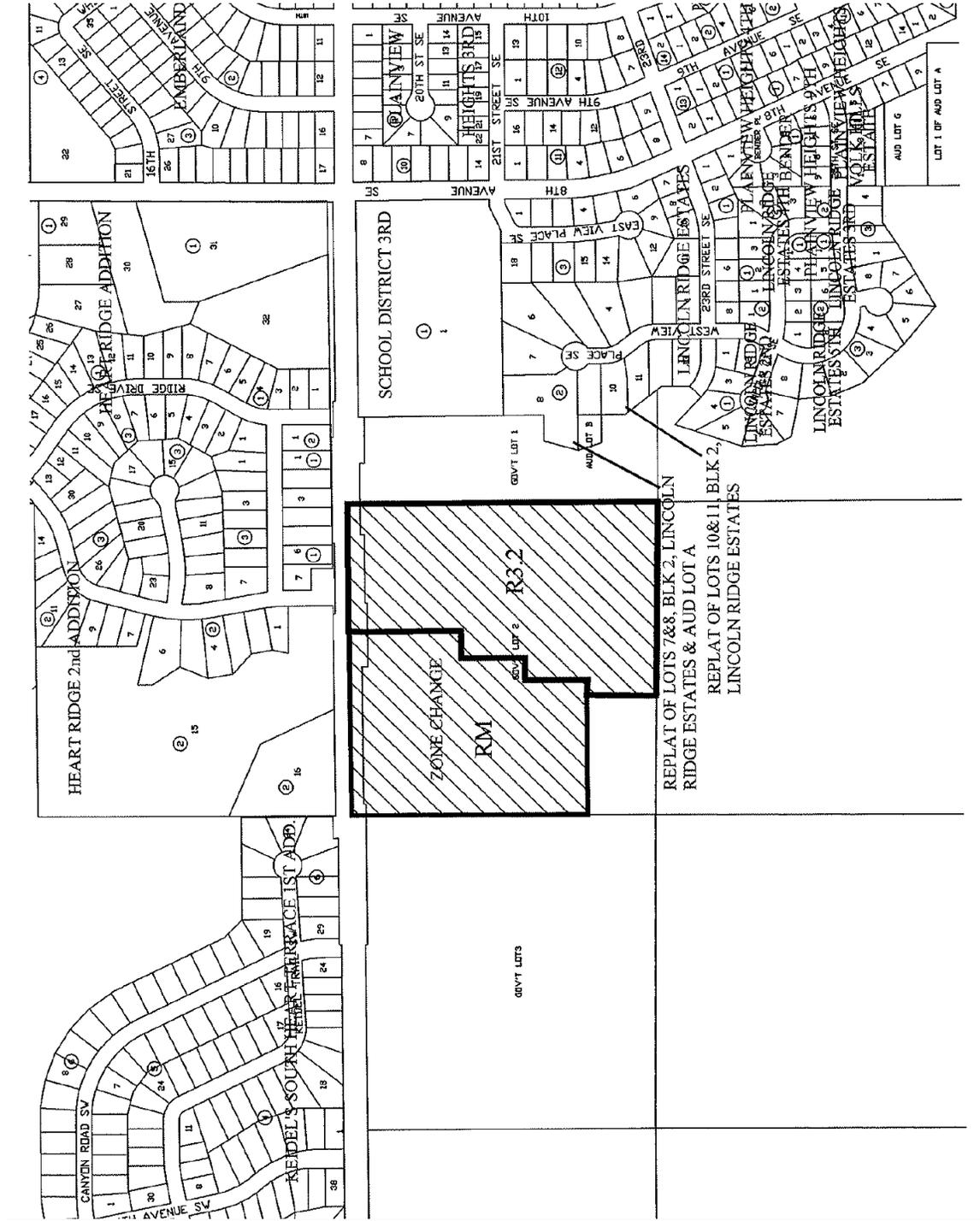
Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: Government Lot 2, less Outlot A and the NW ¼ of the NE ¼ of Section 3,  
Township 138N, Range 81W (Macedonia Hills Masterplan) zone change.

Page 4 of 5



Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: Government Lot 2, less Outlot A and the NW ¼ of the NE ¼ of Section 3, Township 138N, Range 81W (Macedonia Hills Masterplan) zone change.

Page 5 of 5

---

**ORDINANCE NO. 1149**

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

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

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

The following described property located within the City of Mandan shall be excluded from the A (Agricultural) zoning and shall be included in the R3.2 (Two-Family Residential) for Macedonia Hills 1<sup>st</sup> Addition and RM (Multi-Family Residential) for remaining Government Lot 2, less Outlot A. The RM (Multi-Family Residential) would be restricted to no more than a four-plex per lot and no more than two-stories tall, namely,

Macedonia Hills 1<sup>st</sup> Addition and Government Lot 2, less Outlot A in the NW ¼ of the NE ¼ of Section 3, Township 138N, Range 81W.

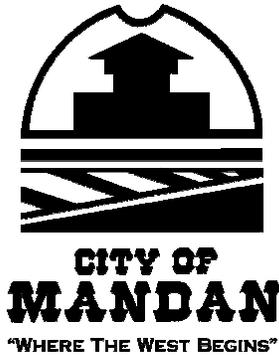
and as so amended said section is hereby reenacted. The city administrator is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

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

Attest:

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

Public Hearing:	<u>February 25, 2013</u>
First Consideration:	<u>May 7, 2013</u>
Second Consideration and Final Reading:	<u>May 21, 2013</u>
Publication Date:	_____
Recording Date:	_____



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 7, 2013  
**PREPARATION DATE:** April 8, 2013  
**SUBMITTING DEPARTMENT:** Assessing Dept.  
**DEPARTMENT DIRECTOR:** Doug Lalim  
**PRESENTER:** Doug Lalim  
**SUBJECT:** Property Tax Incentives for New or Expanding Businesses for Prairie View Properties, LLP, with Little Caesar's Pizza franchise

---

STATEMENT/PURPOSE: To consider a five year tax exemption for construction of a new commercial structure pursuant to North Dakota Century Code 40-57.1. (See New Business No. 2)

BACKGROUND/ALTERNATIVES: Mr. Rhone is asking for an exemption for the construction of a new wood framed building that will carry a Little Caesar's Pizza franchise. Mr. Rhone received prior property tax approval in 2011 for this project but never used any incentives because the 2011 flood changed their plans. The Notice to Competitors was published in the April 12th and April 19<sup>th</sup> of the Mandan News and no competitors have submitted a written protest. Notices were also sent via email to Morton County, Mandan School District and Mandan Park District on April 5, 2013.

SHORT DESCRIPTION OF PROJECT: Mr. Rhone is proposing a new building structure. The proposed building will be 50' x 75' or a total of 3,650 square feet.

# OF JOBS TO BE CREATED: 20; 3 full-time and 17 part-time.

This parcel is also known as Parcel # 8136 A at 310 6<sup>th</sup> Ave. SE, S 150' of W 200' of Lot 2, Block 1, Fischer's Addition.

ATTACHMENTS: Application

FISCAL IMPACT: \$11,820.00 per year

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: Property Tax Incentives for New or Expanding Businesses for Prairie View Properties, LLP, with Little Caesar's Pizza franchise

Page 2 of 14

---

RECOMMENDATION: Approval of a Property Tax Incentive for New or Expanding Businesses for Prairie View Properties, LLP in accordance with the recommendation from the Mandan Growth Fund Committee with conditions of the tier 2 exemption for five years due to number of jobs created meeting all criteria under the City of Mandan's Commercial Property Tax Exemption Policy and Guidelines and also under State Statute. The tier 2 level of exemption is 100% years 1-2, 75% year 3, 50% year 4 and 25% year 5 subject to a clawback agreement.

SUGGESTED MOTION: A motion to approve a Property Tax Incentive for New or Expanding Businesses for Prairie View Properties, LLP in accordance with the recommendation from the Mandan Growth Fund Committee with the conditions of an exemption for five years; tier 2 level, due to the number of jobs created meeting all criteria under the City of Mandan's Commercial Property Tax Exemption Policy and Guidelines and also under State Statute. The tier 2 level of exemption is 100% years 1-2, 75% year 3, 50% year 4 and 25% year 5 with the exemption being subject to a clawback agreement.

**Application For Property Tax Incentives For  
New or Expanding Businesses**

Pursuant to N.D.C.C. Chapter 40-57.1

Project Operator's Application To Mandan  
City or County

File with the City Auditor for a project located within a city; County Auditor for locations outside of city limits.

A representative of each affected school district and township is included as a non-voting member in the negotiations and deliberation of this application.

**This application is a public record**

**Identification Of Project Operator**

1.	Name of project operator	<u>Prairie View Properties LLP</u>	
2.	Address of project	<u>310 6th Ave SE</u>	
	City	<u>Mandan</u> County <u>Morton</u>	
3.	Mailing address of project operator	<u>PO Box 113</u>	
	City	<u>Mandan</u> State <u>ND</u> Zip <u>58554</u>	
4.	Type of ownership of project		
	<input type="checkbox"/> Partnership	<input type="checkbox"/> Subchapter S corporation	<input type="checkbox"/> Individual proprietorship
	<input type="checkbox"/> Corporation	<input type="checkbox"/> Cooperative	<input checked="" type="checkbox"/> Limited liability company
5.	Federal Identification No. or Social Security No.	_____	
6.	North Dakota Sales and Use Tax Permit No.	_____	
7.	If a corporation, specify the state and date of incorporation	_____	
8.	Name and title of individual to contact	<u>Randy Rhone</u>	
	Mailing address	<u>3001 Plainview Dr SE</u>	
	City, State, Zip	<u>Mandan, ND 58554</u> Phone No. _____	

**Project Operator's Application For Tax Incentives**

9.	Indicate the tax incentives applied for and terms. Be specific.	
	<input checked="" type="checkbox"/> <b>Property Tax Exemption</b>	<input type="checkbox"/> <b>Payments In Lieu of Taxes</b>
	<u>5</u> Number of years	_____ Beginning year _____ Ending year
	<u>Tier 2</u> Percent of exemption	_____ Amount of annual payments (attach schedule if payments will vary)
10.	Which of the following would better describe the project for which this application is being made:	
	<input checked="" type="checkbox"/> New business project	<input type="checkbox"/> Expansion of a existing business project

Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: Property Tax Incentives for New or Expanding Businesses for Prairie View Properties, LLP, with Little Caesar's Pizza franchise

Page 4 of 14

**Description of Project Property**

<p>11. Legal description of project real property <u>The southerly 150' of the Westerly 200' of Lot 2, Block 1, Fischer's First Addition to the City of Mandan;</u> <u>65-1064100</u></p>	
<p>12. Will the project property be owned or leased by the project operator?    <input checked="" type="checkbox"/> Owned    <input type="checkbox"/> Leased</p> <p>If the answer to 12 is leased, will the benefit of any incentive granted accrue to the project operator? <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>If the property will be leased, attach a copy of the lease or other agreement establishing the project operator's benefits.</p>	
<p>13. Will the project be located in a new structure or an existing facility?    <input checked="" type="checkbox"/> New construction    <input type="checkbox"/> Existing facility</p> <p>If existing facility, when was it constructed? _____</p> <p>If new construction, complete the following:</p> <p>a. Estimated date of commencement of construction of the project covered by this application    <u>May 15, 2013</u></p> <p>b. Description of project to be constructed including size, type and quality of construction <u>50'X75'- 3650 sq ft Wood Framed Building w/ Dryvit, Brick, and Metal Exterior</u></p> <p>c. Projected number of construction employees during the project construction    <u>25</u></p>	
<p>14. Approximate date of commencement of operations for this project    <u>Sept 1, 2013</u></p>	
<p>15. Estimated market value of the property used for this project:</p> <p>a. Land..... \$ <u>150000</u></p> <p>b. Existing buildings and structures for which an exemption is claimed..... \$ _____</p> <p>c. Newly constructed buildings and structures when completed ..... \$ <u>600000</u></p> <p>d. Total ..... \$ <u>750000</u></p> <p>e. Machinery and equipment ..... \$ <u>150000</u></p>	<p>16. Estimate taxable valuation of the property eligible for exemption by multiplying the market values by 5 percent:</p> <p>a. Land (not eligible) ..... </p> <p>b. Eligible existing buildings and structures ..... \$ _____</p> <p>c. Newly constructed buildings and structures when completed ..... \$ <u>30000</u></p> <p>d. Total taxable valuation of property eligible for exemption (Add lines b and c)..... \$ <u>30000</u></p> <p>e. Enter the consolidated mill rate for the appropriate taxing district ..... <u>0.39</u></p> <p>f. Annual amount of the tax exemption (Line d multiplied by line e) ..... \$ <u>11,820.00</u></p>

Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: Property Tax Incentives for New or Expanding Businesses for Prairie View Properties, LLP, with Little Caesar's Pizza franchise

Page 5 of 14

**Description of Project Business**

**Note: "project" means a newly established business or the expansion portion of an existing business. Do not include any established part of an existing business.**

17. Type of business to be engaged in:  Ag processing  Manufacturing  Retailing  
 Wholesaling  Warehousing  Services

18. Describe in detail the activities to be engaged in by the project operator, including a description of any products to be manufactured, produced, assembled or stored (attach additional sheets if necessary).

Little Caesars Pizza will occupy the building.

19. Indicate the type of machinery and equipment that will be installed

Ovens, Coolers, Dough Making Equipment

20. Projected annual revenue, expense, and net income of the project for each year for the first five years.

Year	1	2	3	4	5
Annual revenue	<u>800000</u>	<u>900000</u>	<u>1000000</u>	<u>1100000</u>	<u>1150000</u>
Annual expense	<u>760000</u>	<u>855000</u>	<u>950000</u>	<u>1045000</u>	<u>1092500</u>
Net income	<u>40000</u>	<u>45000</u>	<u>50000</u>	<u>55000</u>	<u>57500</u>

21. Projected annual average number of persons to be employed by the project at the project location for each year for the first five years and the estimated annual payroll.

Year	1	2	3	4	5
No. of Employees	<sup>(1)</sup> <u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>
	<sup>(2)</sup> <u>17</u>	<u>18</u>	<u>19</u>	<u>19</u>	<u>19</u>
Estimated payroll	<sup>(1)</sup> <u>90000</u>	<u>90000</u>	<u>90000</u>	<u>90000</u>	<u>90000</u>
	<sup>(2)</sup> <u>230000</u>	<u>270000</u>	<u>290000</u>	<u>350000</u>	<u>370000</u>

(1) - full time  
(2) - part time

**Previous Business Activity**

22. Is the project operator succeeding someone else in this or a similar business?  Yes  No
23. Has the project operator conducted this business at this or any other location either in or outside of the state?  
 Yes  No
24. Has the project operator or any officers of the project received any prior property tax incentives?  Yes  No  
If the answer to 22, 23, or 24 is yes, give details including locations, dates, and name of former business (attach additional sheets if necessary).  
Received Prior Property Tax Approval in 2011 for this project but never used any incentives because the 2011 flood changed plans

Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: Property Tax Incentives for New or Expanding Businesses for Prairie View Properties, LLP, with Little Caesar's Pizza franchise

Page 6 of 14

---

**Notice To Competitors Of Hearing On Application  
For Property Tax Incentives**

Notice is hereby given that the \_\_\_\_\_  
(City or county governing body)

of \_\_\_\_\_, North Dakota, will meet at \_\_\_\_\_  
(City or county) (Time)

on \_\_\_\_\_ at \_\_\_\_\_ to consider the application of  
(Date) (Location)

\_\_\_\_\_  
(Project operator name and address)

for property tax relief on the project which the applicant will use in the operation of  
\_\_\_\_\_  
(Type of business)

at \_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Legal description)

Any competitor of that applicant may appear and be heard by the \_\_\_\_\_  
(City or county governing body)

at the time and place designated herein. A competitor may provide written comments to the governing body before the scheduled hearing.

This notice is given by the above-named applicant pursuant to the provisions of North Dakota Century Code § 40-57.1-03

Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: Property Tax Incentives for New or Expanding Businesses for Prairie View Properties, LLP, with Little Caesar's Pizza franchise

Page 7 of 14

**Business Competition**

25. Is any similar business being conducted by other operators in the municipality?  Yes  No

If YES, give name and location of competing business or businesses

Pizza Hut, Pizza Ranch, A&B Pizza, Dominos, Papa Murphys

\_\_\_\_\_

\_\_\_\_\_

**Property Tax Liability Disclosure Statement**

26. Does the project operator own real property in North Dakota which has delinquent property tax levied against it?  Yes  No

27. Does the project operator own a greater than 50% interest in a business that has delinquent property tax levied against any of its North Dakota real property?  Yes  No

If the answer to 26 or 27 is Yes, list and explain

\_\_\_\_\_

\_\_\_\_\_

**Use Only When Reapplying**

28. The project operator is reapplying for property tax incentives for the following reason(s):

To present additional facts or circumstances which were not presented at the time of the original application

To request continuation of the present property tax incentives because the project has:

moved to a new location

had a change in project operation or additional capital investment of more than twenty percent

had a change in project operators

To request an additional annual exemption for the year of \_\_\_\_\_ on structures owned by a governmental entity and leased to the project operator. (See N.D.C.C. § 40-57.1-04.1)

**Notice to Competitors of Hearing**

Prior to the hearing, the applicant must present to the governing body of the county or city a copy of the affidavit of publication giving notice to competitors unless the municipality has otherwise determined there are no competitors.

I, Randy Rhone, do hereby certify that the answers to the above questions and all of the information contained in this application, including attachments hereto, are true and correct to the best of my knowledge and belief and that no relevant fact pertaining to the ownership or operation of the project has been omitted.

[Signature] Managing Partner 4/1/13  
Signature Title Date

In compliance with the Federal Privacy Act of 1974, Public Law 93-579, the disclosure of the individual's social security number on this form is mandatory pursuant to North Dakota Century Code §§ 40-57.1-03 and 40-57.1-07. An individual's social security number is used as an identification number by the Office of State Tax Commissioner for file control purposes and record keeping.

**Certification of Governing Body (To be completed by the Auditor of the City or County)**

The municipality shall, after granting any property tax incentives, certify the findings to the State Tax Commissioner and Director of Tax Equalization by submitting a copy of the project operator's application with the attachments. The governing body, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, granted the following:

- Property Tax Exemption**  **Payments in lieu of taxes**
- \_\_\_\_\_ Number of years \_\_\_\_\_ Beginning year \_\_\_\_\_ Ending year
- \_\_\_\_\_ Percent of exemption \_\_\_\_\_ Amount of annual payments (Attach schedule if payments will vary)

\_\_\_\_\_  
Auditor

Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: Property Tax Incentives for New or Expanding Businesses for Prairie View Properties, LLP, with Little Caesar's Pizza franchise

Page 8 of 14

---

**APPLICATION FOR PROPERTY TAX INCENTIVES  
FOR NEW OR EXPANDING BUSINESSES**

**City of Mandan Supplemental Application — Adopted Dec. 18, 2012**

Name of project operator Prairie View Properties LLP  
Address of project 310 6<sup>th</sup> Ave SE Mandan ND 58554

*Based on the City of Mandan's commercial property tax exemption policy and guidelines (see separate document), please indicate the level of exemption being sought.*

**Level of Exemption**

- Tier 1 — 100% exemption for 2 years
- Tier 2 — 100% exemption years 1-2, 75% year 3, 50% year 4, and 25% year 5
- Tier 3 — 100% exemption for 5 years

*Please indicate all significant public benefits to be provided by the subject project. These are the factors that should serve as the basis for your request. Please check all that apply and please be sure that you provide justification for each claimed benefit through information provided in the "Application for Property Tax Incentives For New and Expanding Businesses" and through this supplemental form. Attach additional sheets and information as needed. If a question is not applicable to the subject project, please indicate such with an "n/a" in the blank.*

**Public Benefits**

- Creation and retention of job opportunities within the community (factors to be considered include numbers of jobs, average wages and benefits)
  - Increased local use taxes (sales, hotel and restaurant, or occupancy)
  - Filling a gap in the community or region's retail market profile (based on Nielsen Claritas or other published market data)
  - Diversification of economic base
  - Ability of the project to attract people from other communities (typically for destination purchases for services)
  - Synergies with existing businesses in the community (Examples: enhancing an industry sector important to the local economy, filling a gap in the supply chain for a core industry or business sector, providing a product or service needed by other businesses in the region)
  - Growth potential of company and industry and potential spin-off benefits
  - Adding value to local resources
  - Making use of an underutilized asset (either facilities or land)
-

APPLICATION FOR PROPERTY TAX INCENTIVES FOR NEW OR EXPANDING BUSINESSES  
City of Mandan Supplemental Application  
Page 2 of 4

**Project Development**

Please describe the overall impact of the expansion, relocation, additional location or new business on the City of Mandan and the surrounding economic base. Please note any necessary investment beyond the building in site or infrastructure improvements.

Current Residents of Mandan & surrounding areas that frequent our Bismarcks Little Caesars have been requesting for the last 5 years have been requesting us to build a store in Mandan. They are requesting this because they are tired of the inconvenience of driving to Bismarck.

Little Caesars in Mandan will create more jobs and keep our residents from driving to Bismarck to work. Little Caesars will also increase tax revenue for the city and create a new fast food outlet which hasn't happened in years.

Current assessed land value per square foot: 0.56/sq ft

Cost of land (if purchased as part of this project) per square foot: \$1.67/sq ft

Estimated added land value (per square foot): \_\_\_\_\_

Estimated annual end-of-the year inventory: N/A

Sites being considered: 310 6<sup>th</sup> Ave SE

Is this business relocating from another North Dakota site? NO

If yes ...

Where is the business relocating from? \_\_\_\_\_

Please explain the reason for the relocation including details of any expansion in square footage, employment, products or service offerings: \_\_\_\_\_

**Employment**

Total number of permanent employees in full-time equivalents: 3 Full Time, 17 Part Time

Total number of permanent employees estimated to live within 50 miles of proposed site: ALL

Hourly wage range by key positions or categories of positions \$14 Full Time

\$7-9 part time

Please describe the benefits offered to employees (retirement, health insurance, dental, etc.) and the eligibility requirements for participation. Indicate value of benefits on an hourly basis.

FT = health insurance, paid vacation, \$2/hr value of benefits

APPLICATION FOR PROPERTY TAX INCENTIVES FOR NEW OR EXPANDING BUSINESSES  
City of Mandan Supplemental Application  
Page 3 of 4

**Impact on Local Use Taxes**

Estimated value of annual purchases for project location \$320,000  
Percentage of purchases for project location subject to local sales or use tax 0% (resale)  
Estimated value of annual sales to be generated from project location \$800,000  
Percentage of sales subject to local sales or use tax 2% or \$16,000

**Market Context (for retail-oriented businesses only)**

General retail category (check category that best applies)

- Motor Vehicle & Parts Dealers
- Furniture & Home Furnishing Stores
- Electronics & Appliance Stores
- Building Materials & Garden Equipment
- Food and Beverage Stores
- Health & Personal Care Stores
- Gas Stations
- Clothing & Accessories
- Sporting Goods, Hobby, Book, Music Stores
- General Merchandise Stores
- Foodservice and Drinking Places
- Miscellaneous (please indicate) \_\_\_\_\_

Please use Nielsen Claritas, ESRI or Buxton market analyses as references for the following:

Estimated consumer expenditures in city or county 19.1 million  
Estimated retail sales in city of county 7.1 million  
Estimated surplus or gap 11.9 million

**Importance of Incentive (use a separate sheet as needed)**

Please describe why an incentive is necessary for the success of this project and how the improvements will benefit the property at the conclusion of the abatement.

The cost of land & construction is currently very high. Startup cost, equipment, and payroll also require a large amount of capital. There is a huge amount of risk involved in bringing a value orientated food concept into a smaller community. (Buildout cost no cheaper in a small city & also don't have population to drive sales) Profit Margins are very slim in Fast Food.

The improvements to this property (raw land) will benefit Mandan for many decades by creating jobs, property tax revenue, add fast food to south Mandan, & also help increase surrounding property values by adding a much needed service to Mandan.

Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: Property Tax Incentives for New or Expanding Businesses for Prairie View Properties, LLP, with Little Caesar's Pizza franchise

Page 11 of 14

---

APPLICATION FOR PROPERTY TAX INCENTIVES FOR NEW OR EXPANDING BUSINESSES  
City of Mandan Supplemental Application  
Page 4 of 4

---

**Future Expansion Plans (use a separate sheet as needed)**

Please describe any plans for future expansion beyond the initial development. Describe investments and employment associated with those plans on a year-to-year basis.

I Randy Phone do hereby certify that the answers to the questions above and all of the information contained in this application, including attachments hereto, are true and correct to the best of my knowledge and belief and that no relevant fact pertaining to the ownership or operation of the project has been omitted.

I further agree that I have read the requirement for installation of an automatic door per Mandan Municipal Code 14-02-15 if the building project that is subject of this application is approved for a property tax exemption and if the building is used for a purpose described in the following sections of 21-03-07 of the Mandan Municipal Code: Retail Group A; Retail Group B; Service Group A; Office Bank Group; Commercial Recreation Group; Health Medical Group and Education Group.

 \_\_\_\_\_  
Signature Title Date  
managing partner 4/1/13

Board of City Commissioners

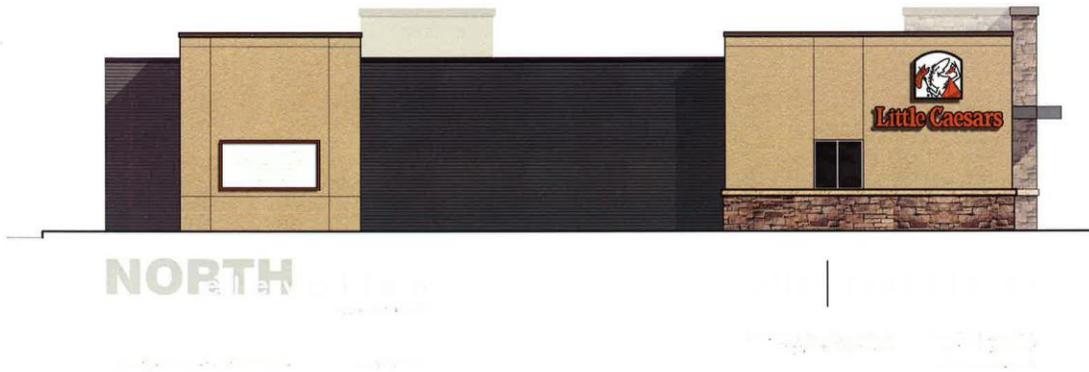
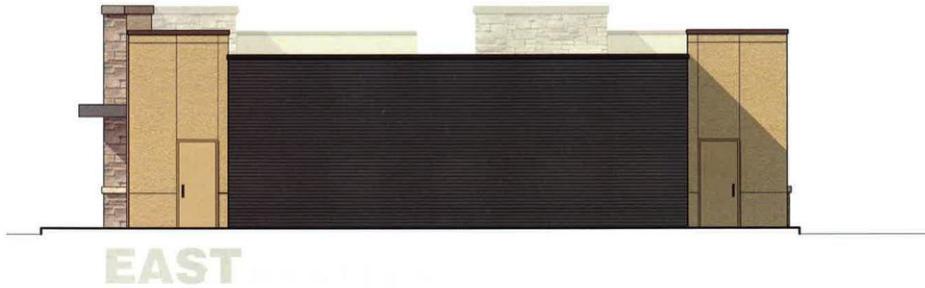
Agenda Documentation

Meeting Date: May 7, 2013

Subject: Property Tax Incentives for New or Expanding Businesses for Prairie View Properties, LLP, with Little Caesar's Pizza franchise

Page 12 of 14

---



Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: Property Tax Incentives for New or Expanding Businesses for Prairie View Properties, LLP, with Little Caesar's Pizza franchise

Page 13 of 14

---



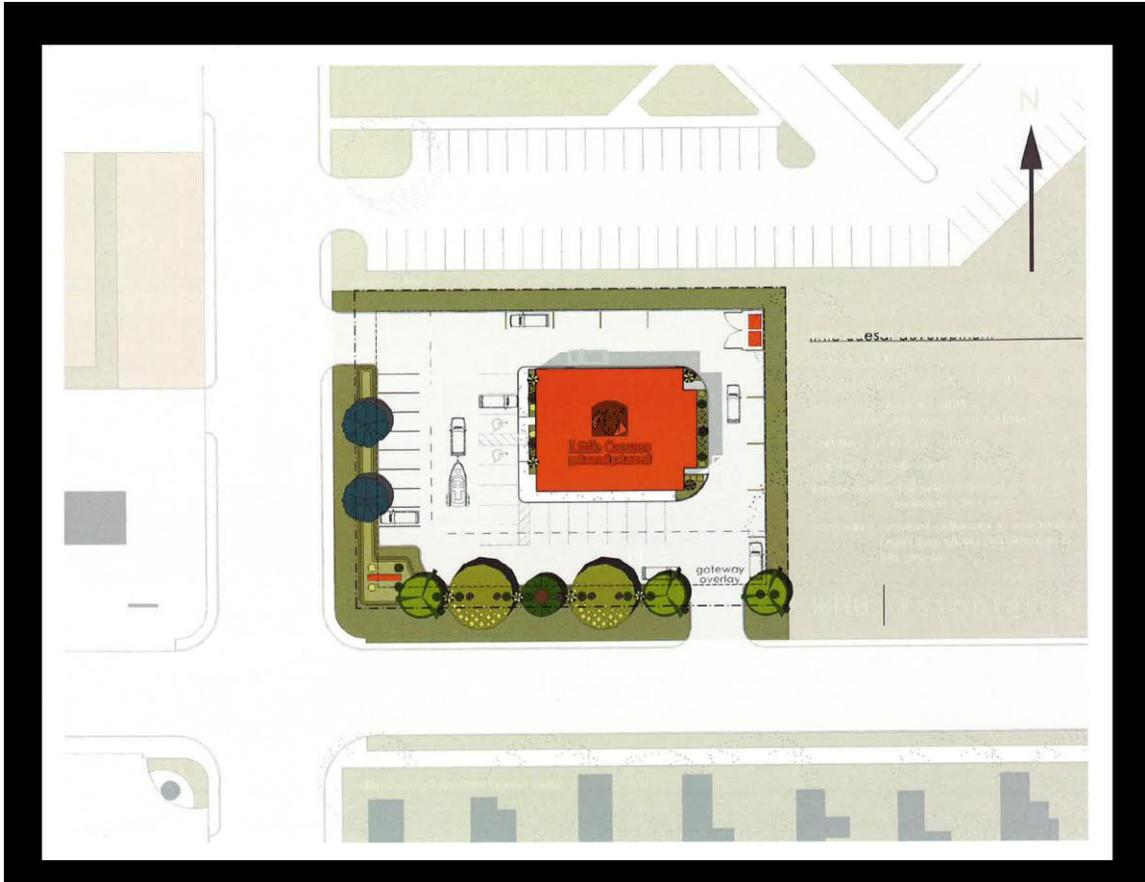
Board of City Commissioners

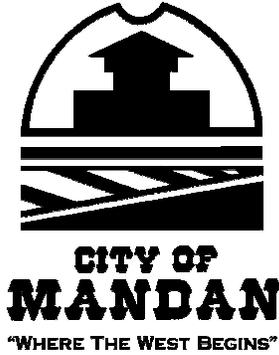
Agenda Documentation

Meeting Date: May 7, 2013

Subject: Property Tax Incentives for New or Expanding Businesses for Prairie View Properties, LLP, with Little Caesar's Pizza franchise

Page 14 of 14





Bid No. 1

## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 7, 2013  
**PREPARATION DATE:** April 25, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Engineering & Planning  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider the award of bids for Sidewalk Improvement Project 2013-03.

---

STATEMENT/PURPOSE: To award a contract for bids received for the 2013 sidewalk construction throughout the City.

BACKGROUND/ALTERNATIVES: On April 1 we had 1 bid on the project and that bid came in 57% higher than the engineers estimate. The City Commission voted to reject that bid and authorize rebidding the project and splitting it into two separate contracts: Part A- New (construction of new sidewalks, aprons, and curb and gutter) and Part B for Repairs (remove and replace of existing sidewalks, aprons, and curb and gutter). Bids were received on the subject project at 10:00 a.m., May 3, 2013. On Part A – New we had no bids. On Part B – Repairs, we received 1 bid. That bid was from Alliance Concrete LLC in the amount of \$79,195. The engineers estimate was \$58,135. This amount is 36% higher than then the engineers estimate. We need to have discussion on how to move forth with knowing we have no one interested in doing the work. Our main concern at this time is how to handle the residents we have on a waiting list to have this work done.

ATTACHMENTS: 1. Bid Tabulation  
2. Engineers Reports

FISCAL IMPACT: N/A

STAFF IMPACT: Minimal

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

RECOMMENDATION: I recommend approving the bid for Part B of the 2013-03 Sidewalk Project that was opened May 3, 2013 to Alliance Concrete LLC for the Amount of \$79,195.

Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: Consider the award of bids for Sidewalk Improvement Project 2013-03 for 2013.

Page 2 of 5

---

**SUGGESTED MOTION:** I would move to approve the bid for Part B of the 2013-03 Sidewalk Project that was opened May 3, 2013 to Alliance Concrete LLC for the Amount of \$79,195

MUNICIPAL SIDEWALK IMPROVEMENT  
PROJECT NO. 2013-03 (PART B)

BID TAB

May 3, 2013

PROJECT #2013-03

DESCRIPTION	APPROX QUANTITY	UNIT PRICE	ENGINEERS ESTIMATE	Alliance Concrete LLC		TOTAL
				UNIT PRICE	TOTAL	
4" CONCRETE SIDEWALK	3,200 SF	\$4.00	\$12,800.00	\$5.00	\$16,000.00	
6" CONCRETE SIDEWALK	1,500 SF	\$5.00	\$7,500.00	\$5.50	\$8,250.00	
6" CONCRETE DRIVEWAY	2,500 SF	\$5.00	\$12,500.00	\$6.00	\$15,000.00	
6" CURB AND GUTTER	300 LF	\$15.00	\$4,500.00	\$25.00	\$7,500.00	
4" HANDICAP CURB RAMP	80 SF	\$10.00	\$800.00	\$15.00	\$1,200.00	
4" CONCRETE STEPS	10 SF	\$6.00	\$60.00	\$30.00	\$300.00	
3/4" FELT EXPANSION MATERIAL	800 LF	\$1.00	\$800.00	\$1.00	\$800.00	
UNCLASSIFIED EXCAVATION	220 CY	\$6.00	\$1,320.00	\$15.00	\$3,300.00	
CONCRETE REMOVAL	7,500 SF	\$2.00	\$15,000.00	\$3.00	\$22,500.00	
SAW CUTTING	300 LF	\$5.00	\$1,500.00	\$10.00	\$3,000.00	
ADJUST WATER CURB STOP	4 EA	\$45.00	\$180.00	\$25.00	\$100.00	
ADJUST WATER VALVE BOX	2 EA	\$45.00	\$90.00	\$25.00	\$50.00	
BLACK DIRT AND SEED	20 SY	\$10.00	\$200.00	\$12.00	\$240.00	
SOD	10 SY	\$10.00	\$100.00	\$15.00	\$150.00	
TREE ROOT REMOVAL (2" TO 6")	2 EA	\$40.00	\$80.00	\$50.00	\$100.00	
TREE ROOT REMOVAL (OVER 6" TO 12")	2 EA	\$65.00	\$130.00	\$75.00	\$150.00	
TREE ROOT REMOVAL (OVER 12")	2 EA	\$110.00	\$220.00	\$100.00	\$200.00	
COLD WEATHER PROTECTION - CURB & GUTTER	60 LF	\$0.50	\$30.00	\$0.50	\$30.00	
COLD WEATHER PROTECTION - CONCRETE PAVEMENT	650 SF	\$0.50	\$325.00	\$0.50	\$325.00	
<b>TOTAL BID</b>			<b>\$58,135.00</b>		<b>\$79,195.00</b>	

I HEREBY CERTIFY ALLIANCE CONCRETE LLC TO BE THE APPARENT LOW BIDDER.

KIM FETTIG  
PROJECT MANAGER

Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: Consider the award of bids for Sidewalk Improvement Project 2013-03 for 2013.

Page 4 of 5

ENGINEER'S ESTIMATE (PART A - NEW)

MUNICIPAL SIDEWALK IMPROVEMENT

APRIL, 2013  
PROJECT NO. 2013-03

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

GENTLEMEN:

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

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

Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: Consider the award of bids for Sidewalk Improvement Project 2013-03 for 2013.

Page 5 of 5

ENGINEER'S ESTIMATE (PART B - REPAIR)

MUNICIPAL SIDEWALK IMPROVEMENT

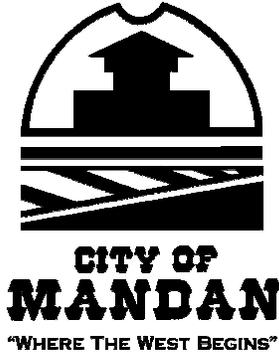
APRIL, 2013  
PROJECT NO. 2013-03

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

GENTLEMEN:

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

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



Bid No. 2

## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 7, 2013  
**PREPARATION DATE:** May 1, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Kim Fettig, Project Manager  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider awarding the bid for Mandan Millennium Trail.

---

STATEMENT/PURPOSE:

To consider awarding the bid for project TEU-1-988(035)046, PCN 19984 - Mandan Millennium Trail.

BACKGROUND/ALTERNATIVES:

On December 18, 2012 the Board of City Commissioners approved the Cost Participation, Construction, and Maintenance Agreement from the North Dakota Department of Transportation for the asphalt overlay of the existing Mandan Millennium Trail and the request from the Mandan Parks and Recreation District for the City of Mandan to special assess the Park District for the City's cost share of the Project.

Bids for this project were received by the NDDOT on April 19, 2013. The low bid for Asphalt Paving and Associated Work of existing trail was submitted by Northern Improvement Company of Fargo, ND in the amount of \$244,619.70. The Federal funds obligated for this project shall not exceed 80.93 percent of the eligible project costs up to a maximum of \$129,949.00. The balance of the project cost of \$119,670.70 is the City of Mandan's share and the amount will be reimbursed by the Park District through a special assessment. The approval of awarding this bid needs to be contingent on the Mandan Park District's approval at their May 13<sup>th</sup> board meeting. We need to move forward with our agreement in order to award in the 30 days of the bid opening. This work is to repair damage that was done to the trail during the flood.

ATTACHMENTS:

1. Resolution to concur award
2. NDDOT letter with Contract Detail Estimate and Abstract of Bids
3. NDDOT letter authorizing the City to Award the contract

FISCAL IMPACT:

The net financial impact to the City of Mandan will amount to no cost since the Mandan Parks and Recreation District will reimburse the City for the City's cost share of \$119,670.70.

STAFF IMPACT:

The Finance Department is required under the OMB Circular A-133 Federal Audit Requirements to perform Sub-Recipient Monitoring of the Mandan Parks and Recreation District to ensure compliance with the Federal Audit Requirements for the NDDOT funding.

LEGAL REVIEW:

Reviewed by City Attorney.

RECOMMENDATION:

This office supports approving awarding the bid contingent on approval by the Mandan Park District Board.

SUGGESTED MOTION:

I move to approve awarding the bid for project TEU-1-988(035)046, PCN 19984 - Mandan Millennium Trail contingent on the approval of the Mandan Park District board.

**RESOLUTION OF CONCURRENCE TO AWARD PROJECT TEU-1-988(035)046,  
PCN 19984 – MANDAN MILLENIUM TRAIL TO THE LOW BIDDER**

BE IT RESOLVED By the Board of City Commissioners of the City of Mandan, North Dakota, that the governing body of the City of Mandan, concurs with the North Dakota Department of Transportation in recommending the award of the above referenced project to the low bidder.

This resolution shall become effective upon the date of its adoption.

Dated and adopted this 7th day of May, 2013.

---

Arlyn Van Beek, President of the Board of City Commissioners

Attest:

---

Jim Neubauer, City Administrator



## North Dakota Department of Transportation

Grant Levi, P.E.  
*Interim Director*

Jack Dalrymple  
*Governor*

April 22, 2013

Mr. James Neubauer  
City Administrator  
205 2<sup>nd</sup> Avenue NW  
Mandan, ND 58554

PROJECT: TEU-1-988(035)046, PCN 19984 – MANDAN MILLENNIUM TRAIL

Bids for the construction on the above noted project were received by the NDDOT on April 19, 2013. Copies of the Contract Detail Estimate and Abstract of Bids are enclosed.

The low bid for Asphalt Paving & Associated Work of existing trail was submitted by Northern Improvement Company of Fargo, ND in the amount of \$244,619.70. According to the agreement with the City of Mandan, the City's share is estimated to be \$119,670.70. Federal funds obligated for this project shall not exceed 80.93 percent of the eligible project cost up to a maximum of \$129,949.00. The balance of the project cost is the obligation of the City.

The Department will review the low bidder's proposal to assure that the Disadvantaged Business Enterprise Program requirements have been met. Upon review of the contractor's Disadvantaged Business Enterprise Program, the Department will advise you whether this project may be awarded.

Questions should be addressed to the Construction Services Division at 328-2566.

Handwritten signature of Cal J. Gendreau in black ink.

CAL J. GENDREAU, P.E. - CONSTRUCTION SERVICES ENGINEER

80/cg/lp  
Enclosure

Board of City Commissioners  
 Agenda Documentation  
 Meeting Date: May 7, 2013  
 Subject: Consider awarding the bid for Mandan Millennium Trail  
 Page 4 of 7

4/19/2013 NORTH DAKOTA DEPARTMENT OF TRANSPORTATION Page 1 of 2  
 CONTRACT DETAIL ESTIMATE UPON WHICH PROJECT AGREEMENT IS TO BE BASED

North Dakota **FEDERAL AID** Bid Opening Date: **4/19/2013**  
 Project Number: **TEU-1-988(035)046** PCN: **19984**  
 Job Number: **39** English/Metric: **ENGLISH**  
 Contract with **NORTHERN IMPROVEMENT COMPANY FARGO, ND** Signed Date:

County(s): **MORTON**  
 Location: **MANDAN MILLENNIUM TRAIL FROM THE TROLLEY STATION AT 3RD ST SE TO 40TH AVE SE**  
 Roadway: **URBAN**  
**FROM STATION 1+19.00 TO STATION 107+81.00**  
 Type: **ASPHALT PAVING AND ASSOCIATED WORK**

Participating: Y

Spec Code	Item Description	Quantity	Unit	Unit Price	Amount
103 0100	CONTRACT BOND	1.000	L SUM	\$650.00	\$650.00
202 0132	REMOVAL OF BITUMINOUS SURFACING	257.000	SY	\$6.00	\$1,542.00
202 0153	SAW BITUMINOUS SURFACING-FULL DEPTH	40.000	LF	\$10.80	\$432.00
203 0119	TOPSOIL-IMPORTED	65.000	CY	\$200.00	\$13,000.00
302 0120	AGGREGATE BASE COURSE CL 5	54.000	TON	\$39.90	\$2,154.60
401 0150	SS1H OR CSS1H OR MS1 EMULSIFIED ASPHALT	1,630.000	GAL	\$2.30	\$3,749.00
408 0176	HOT BITUMINOUS PAVEMENT CL 27	1,354.000	TON	\$91.50	\$123,891.00
408 0198	HOT BITUMINOUS PAVEMENT PATCHING	25.000	TON	\$278.80	\$6,970.00
408 0445	PG 58-28 ASPHALT CEMENT	88.000	TON	\$610.00	\$53,680.00
411 0602	MILLING 2IN BITUMINOUS PAVEMENT	95.000	SY	\$6.70	\$636.50
702 0100	MOBILIZATION	1.000	L SUM	\$23,000.00	\$23,000.00
704 1000	TRAFFIC CONTROL SIGNS	82.000	UNIT	\$2.70	\$221.40
704 1050	TYPE I BARRICADE	4.000	EA	\$108.00	\$432.00
708 2900	SEEDING-HYDRO MULCH	2,210.000	SY	\$1.90	\$4,199.00
709 0702	GEOTEXTILE FABRIC-TYPE R2	2,914.000	SY	\$3.30	\$9,616.20
722 6200	ADJUST MANHOLE	1.000	EA	\$446.00	\$446.00
				Subtotal	\$244,619.70
				Eng and Contg	\$0.00
				Total	\$244,619.70

Length 2.0200 Miles

Estimated Cost		Construction
		\$244,619.70
TEU FUNDS	LIMITED	\$129,949.00
CITY OF MANDAN FUNDS	19.07%	\$114,670.70

Board of City Commissioners  
 Agenda Documentation  
 Meeting Date: May 7, 2013  
 Subject: Consider awarding the bid for Mandan Millennium Trail  
 Page 5 of 7

---

4/19/2013 NORTH DAKOTA DEPARTMENT OF TRANSPORTATION Page 2 of 2  
 CONTRACT DETAIL ESTIMATE UPON WHICH PROJECT AGREEMENT IS TO BE BASED

North Dakota **FEDERAL AID** Bid Opening Date: **4/19/2013**  
 Project Number: **TEU-1-988(035)046** PCN: **19984**  
 Job Number: **39** English/Metric: **ENGLISH**

Type: **SPECIAL ITEMS**

Item Description	Amount
<b>ESTIMATED COST OF REPAIR AND RESTORATION OF HAUL ROADS</b>	<b>\$5,000.00</b>
Funding Splits:	
<b>TEU FUNDS</b>	<b>LIMITED \$0.00</b>
<b>CITY OF MANDAN FUNDS</b>	<b>19.07% \$5,000.00</b>

Summary for Project

Length **2.0200 Miles**

Estimated Total Construction Cost: **\$244,619.70**

Estimated Total Eng and Contg: **\$0.00**

	Construction	Special Items	Total
Estimated Cost	<b>\$244,619.70</b>	<b>\$5,000.00</b>	<b>\$249,619.70</b>
<b>TEU FUNDS</b>	<b>\$129,949.00</b>	<b>\$0.00</b>	<b>\$129,949.00</b>
<b>CITY OF MANDAN FUNDS</b>	<b>\$114,670.70</b>	<b>\$5,000.00</b>	<b>\$119,670.70</b>

**TEU FEDERAL FUNDS LIMITED TO \$129,949.  
 NDDOT TO MAKE CONTRACTOR PAYMENTS.**

ND DEPARTMENT OF TRANSPORTATION		SHEET NO 1 OF 1		ABSTRACT OF BIDS RECEIVED			
PROJECT NO.	TEU-1-988(035)046	BIDDER	ENGINEERS ESTIMATE	BIDDER	NORTHERN IMPROVEMENT	BIDDER	MARINER CONSTRUCTION
COUNTY & DATE	MORTON (059) 2-020 MILLENNUIUM TRAIL	APR 19, 2013 09:30AM		NORTHERN IMPROVEMENT	COMPANY	INC	
LENGTH & TYPE	MANDAN MILLENNIUM TRAIL			FARGO, ND			BISMARCK, ND
COMPLETION TIME	21 DAYS ASPHALT PAVING AND ASSOCIATED WORK						
SPCC							
ITEM DESCRIPTION	UNIT	QUANTITY	RANK 00	RANK 01	RANK 02	AMOUNT	AMOUNT
			BID PRICE	BID PRICE	BID PRICE		
			AMOUNT	AMOUNT	AMOUNT		
			C.C. CHECK	C.C. BOND	C.C. BOND		
103 CONTRACT BOND	L SUM	1000	3000000	650000	650000	1450000	1450000
202 REMOVAL OF BITUMINOUS SURFACING	SY	257000	8000	6000	154200	7000	179900
202 SAW BITUMINOUS SURFACING-FULL DEPTH	LF	40000	8000	6000	154200	30000	120000
203 TOP SOIL-IMPORTED	CY	65000	25000	10800	43200	220000	1430000
502 AGGREGATE BASE COURSE CL 5	TON	54000	135000	200000	1300000	45000	2430000
401 SS1H OR CSS1H OR MSL EMULSIFIED ASPHALT	GAL	1630000	448250	59900	215460	3200	521600
408 HOT BITUMINOUS PAVEMENT CL 27	TON	25000	70000	91500	374900	98000	13226200
409 HOT BITUMINOUS PAVEMENT PATCHING	TON	88000	120000	278800	697000	450000	1125000
712 MOBILIZATION BITUMINOUS PAVEMENT	TON	91000	650000	610000	5368000	680000	5984000
704 TRAFFIC CONTROL SIGNS	UNIT	82000	1500000	2300000	2300000	10750000	10750000
704 TYPE I BARRICADE	EA	4000	3500	2700	23100	70000	28000
708 SEEDING-HYDRO MULCH	SY	2210000	15000	19000	419000	2200	486200
709 GEOTEXTILE FABRIC-TYPE R2	SY	2914000	3000	3500	961620	6000	1748400
722 ADJUST MANHOLE	EA	1000	1000000	446000	446000	1100000	1100000
TOTAL			19681350	NO LIMIT	24461970	NO LIMIT	26737300

ACTION TAKEN BY DEPARTMENT OF TRANSPORTATION DIRECTOR: \_\_\_\_\_ AMOUNT TO: \_\_\_\_\_ WHEN PRELIMINARY ARRANGEMENTS ARE COMPLETED.

78

DATE OF AWARD: \_\_\_\_\_ DEPARTMENT OF TRANSPORTATION DIRECTOR



## North Dakota Department of Transportation

Grant Levi, P.E.  
*Interim Director*

Jack Dalrymple  
*Governor*

April 25, 2013

Mr. James Neubauer  
City Administrator  
205 2<sup>nd</sup> Avenue NW  
Mandan, ND 58554

PROJECT: TEU-1-988(035)046, PCN 19984 – MANDAN MILLENNIUM TRAIL

Bids for the construction on the above noted project were received by the NDDOT on April 19, 2013. The low bid for Asphalt Paving & Associated Work of existing trail was submitted by Northern Improvement Company of Fargo, ND in the amount of \$244,619.70. According to the agreement with the City of Mandan, the City's share is estimated to be \$119,670.70. Federal funds obligated for this project shall not exceed 80.93 percent of the eligible project cost up to a maximum of \$129,949.00. The balance of the project cost is the obligation of the City.

The city is hereby authorized to award the contract for this project to the low bidder. If awarded, it is the city's responsibility to execute the contract and provide copies of the contract, contract bond, Certificate of Insurance and the **original** Fuel Cost Adjustment Affidavit (enclosed) to the Department of Transportation within 30 days of this letter. Upon receipt of these documents, the NDDOT will distribute copies of the bidder's proposal.

Questions should be addressed to the Construction Services Division at 328-2566.

A handwritten signature in blue ink, appearing to read "Cal J. Gendreau".

CAL J. GENDREAU, P.E. - CONSTRUCTION SERVICES ENGINEER

80/cg/lp  
Enclosure



## Proclamation

### National Center for Missing & Exploited Children® National Missing Children's Day

**WHEREAS**, according to the U.S. Department of Justice, an estimated 800,000 children are reported missing each year; and

**WHEREAS**, on average, approximately 2,000 children are reported missing to law-enforcement agencies daily; and

**APPROXIMATELY**, 58,200 of these children are victims of non-family abductions and more than 200,000 are the victims of family abductions; and

**WHEREAS**, the National Center for Missing & Exploited Children® (NCMEC) exists as a resource to help prevent child abduction and sexual exploitation, help find missing children, and assist victims of child abduction and sexual exploitation, their families, and the professionals who serve them, and

**WHEREAS**, this special day is a time to remember those children who are missing and give hope to their families.

**NOW THEREFORE BE IT RESOLVED** that, in partnership with NCMEC and its supporters, Mandan, ND proclaims May 25 as National Missing Children's Day.

**THEREFORE, BE IT FURTHER RESOLVED** that Mandan, ND urges the participation of local government, law enforcement, and communities in the protection of children and educating children about child abduction and sexual exploitation, and how to respond and seek help from law enforcement, social services, and NCMEC.

**THEREFORE, BE IT FURTHER RESOLVED** that Mandan, ND encourages all individuals to take 25 minutes to help children stay safer.

**THEREFORE, BE IT FURTHER RESOLVED** by Mandan, ND: That May 25, 2013, is set aside as National Missing Children's Day as part of Mandan, ND's continuing efforts to prevent the abduction and sexual exploitation of children.

**NOW, THEREFORE**, as the Mayor of the City of Mandan, ND, I do hereby proclaim, May 25, 2013, **NATIONAL MISSING CHILDREN'S DAY** in the City of Mandan, North Dakota.

Signed this 7<sup>th</sup> day of May, in the year 2013.

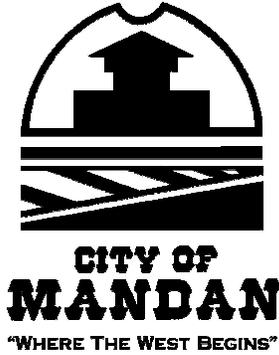
---

Arlyn Van Beek, President  
Board of City Commissioners

Attest:

---

James Neubauer, City Administrator



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 7, 2013  
**PREPARATION DATE:** April 25, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Engineering & Planning  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider for approval the final plat of Lincoln Ridge Estates 6th Addition

---

**STATEMENT/PURPOSE:** To consider for approval the final plat of Lincoln Ridge Estates 6th Addition.

**BACKGROUND/ALTERNATIVES:** Request from Ardys Bahm Couch and developer, Steve Thilmony, for final plat approval of Lincoln Ridge Estates 6th Addition. The Planning & Zoning Commission approved the plat contingent on a defined plan of ownership on lots 25, 26 and 27 Block 1 on April 22, 2013, with 9 ayes and 1 nay. Steve Thilmony indicated that this would be in place by City Commission meeting. The concern from our office is so that we do not get those lots back.

**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 Lincoln Ridge Estates 6th Addition.

Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: Consider for approval the final plat of Lincoln Ridge Estates 6th Addition

Page 2 of 4

---

**MANDAN PLANNING OFFICE REPORT**

**April 30, 2013**

Applicant: Ardys Bahm Couch (Developer: Steve Thilmony)

Requested Action: Final Plat Approval

Name of Subdivision: Lincoln Ridge Estates 6<sup>th</sup> Addition

Legal Description: Part of Government Lot 1 and SE ¼ of the NE ¼ of Section 3,  
Township 138N, Range 81W

Location: south side of 19<sup>th</sup> Street SE

Parcel Acreage: 11.97

Number of Blocks: 1                      Number of Lots: 30

Preliminary Plat Approval: March 25, 2013

Existing Land Use: vacant

Proposed Land Use: single and two-family residential

Adjacent Land Use: school, vacant and residential

Existing Zoning: A (Agricultural)

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

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

Fee Required: \$250.00

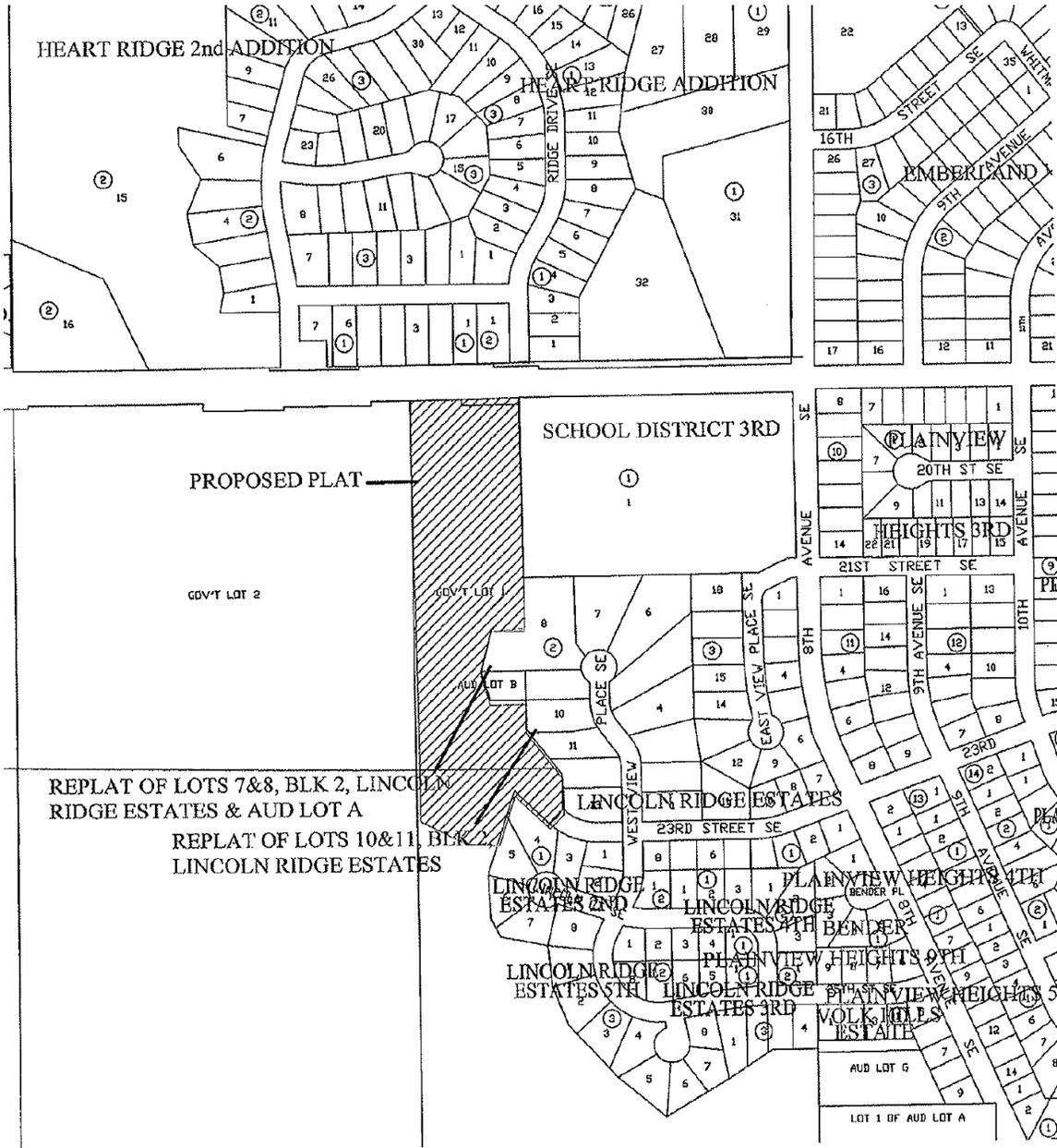
Date Received: February 6, 2013

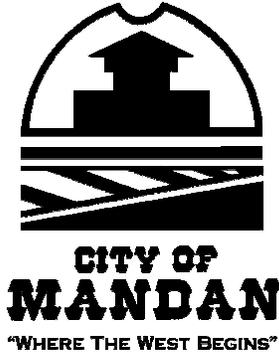
Adjacent Property Owner Notification: March 6, 2013

Dates of Legal Notices: April 12 & 19, 2013

Recommendation: Planning office recommends approval.







## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 7, 2013  
**PREPARATION DATE:** April 25, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Engineering & Planning  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider for approval the final plat of Macedonia Hills 1st Addition

---

STATEMENT/PURPOSE: To consider for approval the final plat of Macedonia Hills 1st Addition.

BACKGROUND/ALTERNATIVES: Request from Risto Mackovski for final plat approval of Macedonia Hills 1st Addition. Planning & Zoning Commission voted unanimously to approve the plat on April 22, 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 Macedonia Hills 1st Addition.

**MANDAN PLANNING OFFICE REPORT**  
**April 30, 2013**

Applicant: Risto Mackovski

Requested Action: Final Plat Approval

Name of Subdivision: Macedonia Hills 1<sup>st</sup> Addition

Legal Description: Part of Government Lot 2 in Section 3, Township 138N, Range 81W

Location: south side of 19<sup>th</sup> Street SE

Parcel Acreage: 19.22

Number of Blocks: 6                      Number of Lots: 44

Preliminary Plat Approval: Masterplan approval February 25, 2013

Existing Land Use: vacant

Proposed Land Use: single-family, two-family and multi-family residential

Adjacent Land Use: vacant and residential

Existing Zoning: A (Agricultural)

Proposed Zoning: R3.2 (Two-Family) and RM (Multi-Family)

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

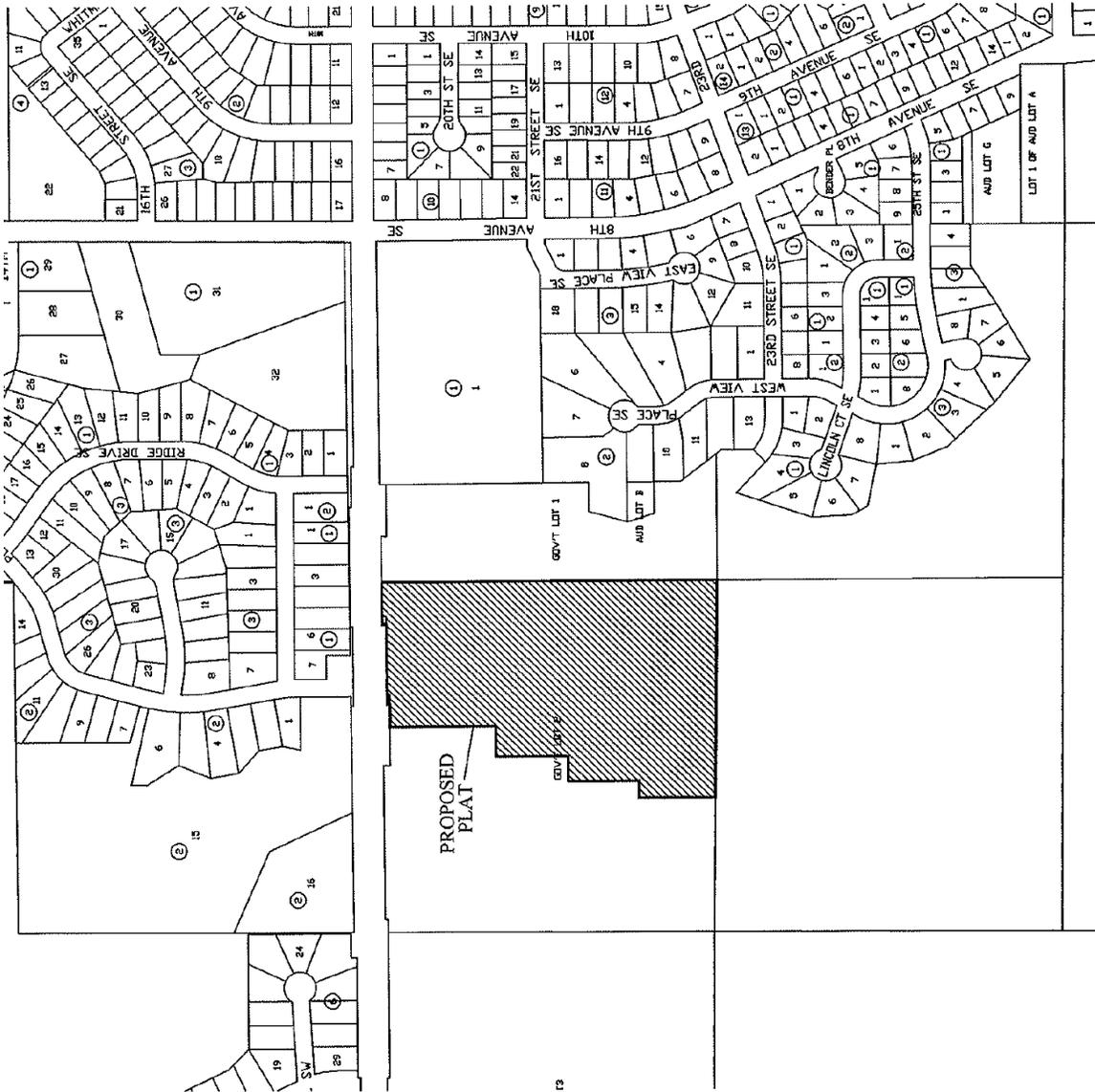
Fee Required: \$250.00                      Date Received: December 13, 2013

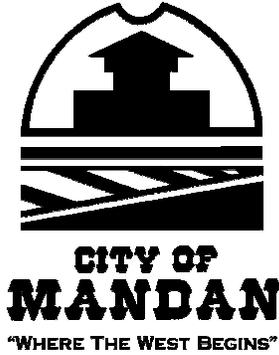
Adjacent Property Owner Notification: April 11, 2013

Dates of Legal Notices: April 12 & 19, 2013

Recommendation: Planning office recommends approval.







## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 7, 2013  
**PREPARATION DATE:** April 25, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Engineering & Planning  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider for approval the final plat of Meadow Ridge 3rd Addition

---

STATEMENT/PURPOSE: To consider for approval the final plat of Meadow Ridge 3rd Addition.

BACKGROUND/ALTERNATIVES: Request from Harmony Properties, LLC for final plat approval of Meadow Ridge 3rd Addition. The Planning & Zoning Commission voted unanimously to approve the plat on April 22, 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 Meadow Ridge 3rd Addition.

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

Applicant: Harmony Properties, LLC

Requested Action: Final Plat Approval

Name of Subdivision: Meadow Ridge 3<sup>rd</sup> Addition

Legal Description: all of Meadow Ridge 2<sup>nd</sup> Addition and part of the NW ¼ of Section 22, Township 139N, Range 81W

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

Parcel Acreage: 9.59

Number of Blocks: 2                      Number of Lots: 19

Preliminary Plat Approval: none (short form)

Existing Land Use: vacant

Proposed Land Use: single-family, two-family and multi-family residential

Adjacent Land Use: vacant, single-family, two-family and multi-family residential

Existing Zoning: MC (Light Non-Nuisance Industrial/Heavy Commercial)

Proposed Zoning: RM (Multi-Family Residential)

Adjacent Zoning: R7 (Single-Family Residential), R3.2 (Two-Family Residential), RM (Multi-Family Residential), CC (Heavy Commercial) and MC (Light Non-Nuisance Industrial/Heavy Commercial)

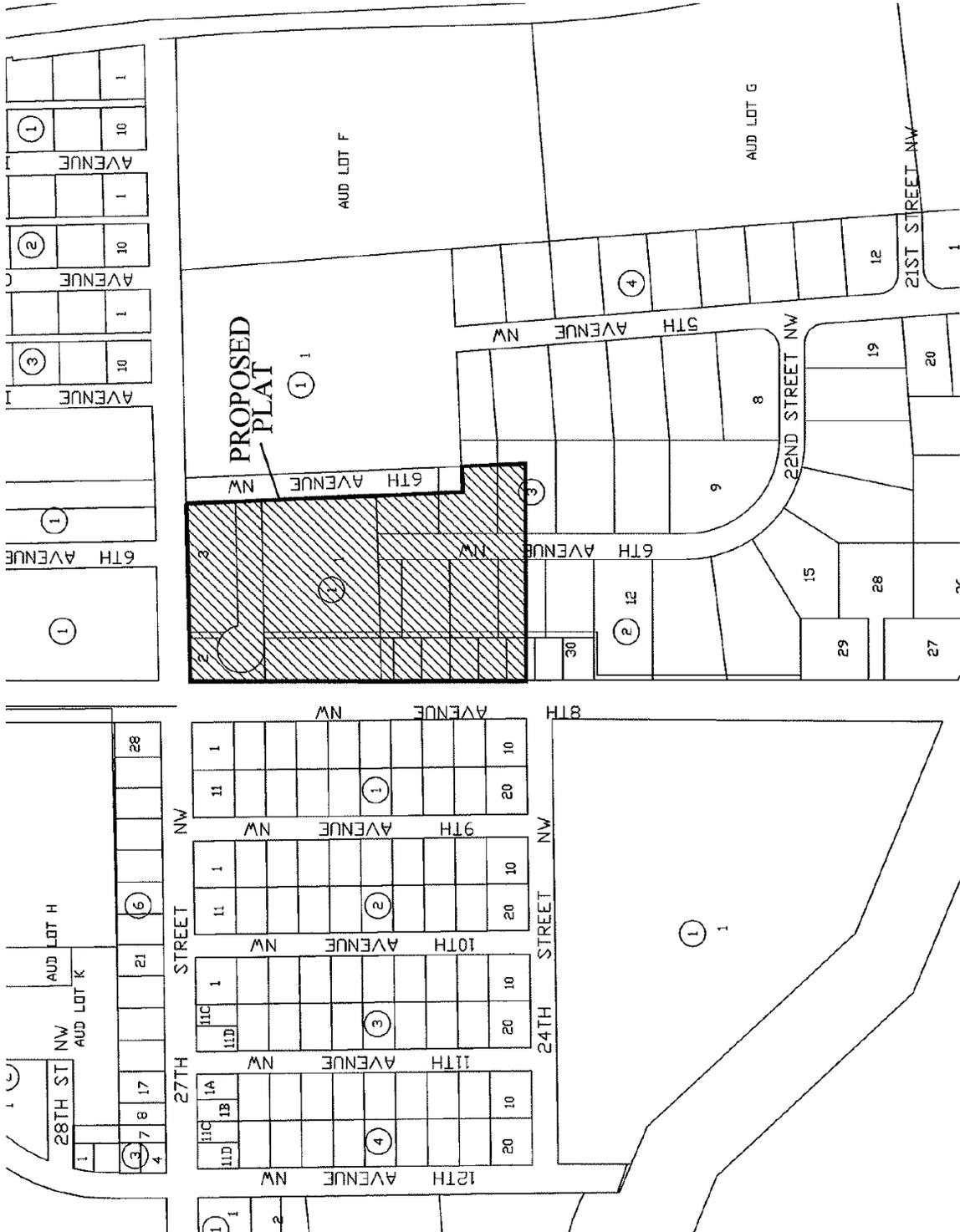
Fee Required: \$250.00                      Date Received: April 2, 2013

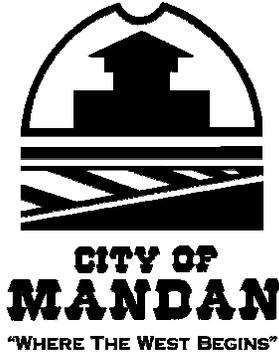
Adjacent Property Owner Notification: April 11, 2013

Dates of Legal Notices: April 12 & 19, 2013

Recommendation: Planning office recommends approval.







## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 7, 2013  
**PREPARATION DATE:** April 25, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Engineering & Planning  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider for approval the final plat of Mule Ridge Addition

---

STATEMENT/PURPOSE: To consider for approval the final plat of Mule Ridge Addition.

BACKGROUND/ALTERNATIVES: Request from Rodney and Brenda Fried for final plat approval of Mule Ridge Addition. The Planning & Zoning Commission voted unanimously to approve the plat on April 22, 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 Mule Ridge Addition.

**MANDAN PLANNING OFFICE REPORT**  
**April 30, 2013**

Applicant: Rodney & Brenda Fried

Requested Action: Final Plat Approval

Name of Subdivision: Mule Ridge Addition

Legal Description: All of Lot A of the SW ¼ of the SW ¼ of Section 14, Township 138N, Range 81W

Location: County Road 138 (being within the 2 mile extraterritorial jurisdiction)

Parcel Acreage: 6.05

Number of Blocks: 1                      Number of Lots: 1

Preliminary Plat Approval: none (short form)

Existing Land Use: vacant

Proposed Land Use: single-family residential

Adjacent Land Use: vacant and agricultural

Existing Zoning: A (Agricultural)

Proposed Zoning: automatically reverts to R7 (Single-Family Residential)

Adjacent Zoning: A (Agricultural)

Fee Required: \$250.00                      Date Received: April 2, 2013

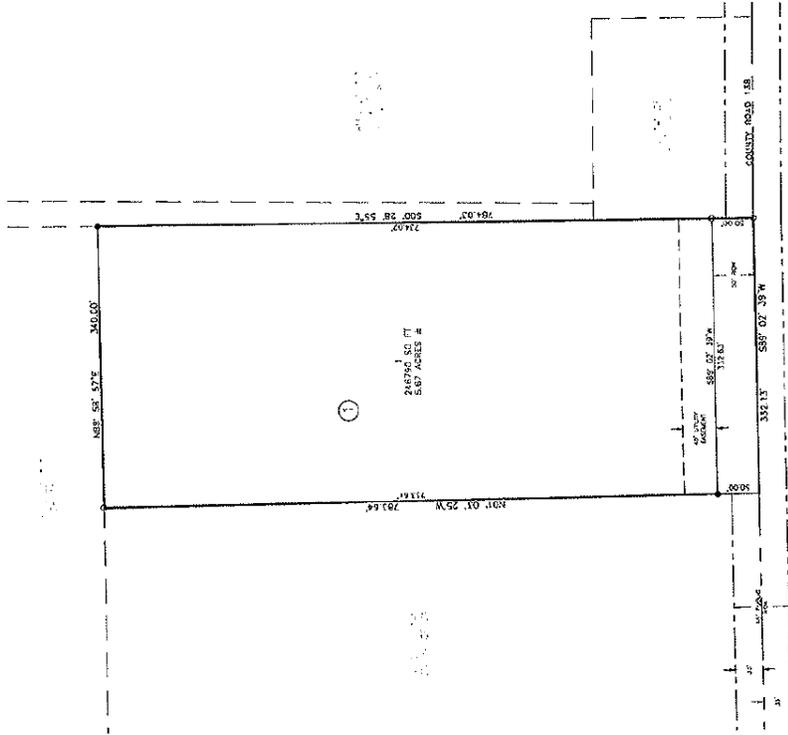
Adjacent Property Owner Notification: April 12, 2013

Dates of Legal Notices: April 12 & 19, 2013

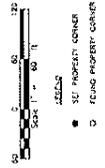
Recommendation: Planning office recommends approval.

# MULE RIDGE ADDITION

OF MORTON COUNTY, NORTH DAKOTA  
 ALL OF LOT B OF THE SW 1/4 OF SECTION 14, T138N-R81W OF MORTON COUNTY,  
 NORTH DAKOTA, BEING WITHIN THE CITY OF MANDAN 2-MILE EXTRATERRITORIAL JURISDICTION



SECTIONAL ABSTRACT  
 MADE UP OF 1/4 OF THE SW 1/4 OF SECTION 14, T138N-R81W, MORTON COUNTY, ND, BEING WITHIN THE CITY OF MANDAN 2-MILE EXTRATERRITORIAL JURISDICTION, AND TRACT OF LAND CONTAINED IN THE CITY OF MANDAN 2-MILE EXTRATERRITORIAL JURISDICTION.



- SET PROPERTY CORNER
- FOUND PROPERTY CORNER

TRACT	AREA	ACRES
1	24,8794	567.17
TOTAL	24,8794	567.17

STATE OF NORTH DAKOTA  
 COUNTY OF MORTON

WE, THE UNDERSIGNED, HAVE MADE AND CAUSED TO BE MADE A CORRECT AND TRUE COPY OF THE ORIGINAL RECORD OF THIS PLAT TO BE KEPT IN THE OFFICE OF THE COUNTY CLERK OF MORTON COUNTY, NORTH DAKOTA, AND WE HEREBY CERTIFY THAT THE SAME IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD OF THIS PLAT.

WITNESSED MY HAND AND SEAL OF OFFICE THIS 14th DAY OF MARCH, 2013.

DAVID L. WOODWARD, CLERK

STATE OF NORTH DAKOTA  
 COUNTY OF MORTON

WE, THE UNDERSIGNED, HAVE MADE AND CAUSED TO BE MADE A CORRECT AND TRUE COPY OF THE ORIGINAL RECORD OF THIS PLAT TO BE KEPT IN THE OFFICE OF THE COUNTY CLERK OF MORTON COUNTY, NORTH DAKOTA, AND WE HEREBY CERTIFY THAT THE SAME IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD OF THIS PLAT.

WITNESSED MY HAND AND SEAL OF OFFICE THIS 14th DAY OF MARCH, 2013.

DAVID L. WOODWARD, CLERK

STATE OF NORTH DAKOTA  
 COUNTY OF MORTON

WE, THE UNDERSIGNED, HAVE MADE AND CAUSED TO BE MADE A CORRECT AND TRUE COPY OF THE ORIGINAL RECORD OF THIS PLAT TO BE KEPT IN THE OFFICE OF THE COUNTY CLERK OF MORTON COUNTY, NORTH DAKOTA, AND WE HEREBY CERTIFY THAT THE SAME IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD OF THIS PLAT.

WITNESSED MY HAND AND SEAL OF OFFICE THIS 14th DAY OF MARCH, 2013.

DAVID L. WOODWARD, CLERK

DAVID L. WOODWARD, CLERK  
 COUNTY OF MORTON, NORTH DAKOTA

DAVID L. WOODWARD, CLERK  
 COUNTY OF MORTON, NORTH DAKOTA



**TOMAN ENGINEERING**  
 201 1st Street NW, Mandan, ND 58544  
 Phone: 701-468-6453 Fax: 701-468-0253

APPROVED AND ORDERED THAT THE CITY ENGINEER, MORTON COUNTY, NORTH DAKOTA, DO SIGN AND SEAL THIS PLAT AND THE RECORD OF THIS PLAT IN THE OFFICE OF THE COUNTY CLERK OF MORTON COUNTY, NORTH DAKOTA.

BY: \_\_\_\_\_  
 CITY ENGINEER

APPROVED AND ORDERED THAT THE CITY ENGINEER, MORTON COUNTY, NORTH DAKOTA, DO SIGN AND SEAL THIS PLAT AND THE RECORD OF THIS PLAT IN THE OFFICE OF THE COUNTY CLERK OF MORTON COUNTY, NORTH DAKOTA.

BY: \_\_\_\_\_  
 CITY ENGINEER



**TOMAN ENGINEERING**  
 201 1st Street NW, Mandan, ND 58544  
 Phone: 701-468-6453 Fax: 701-468-0253

Board of City Commissioners

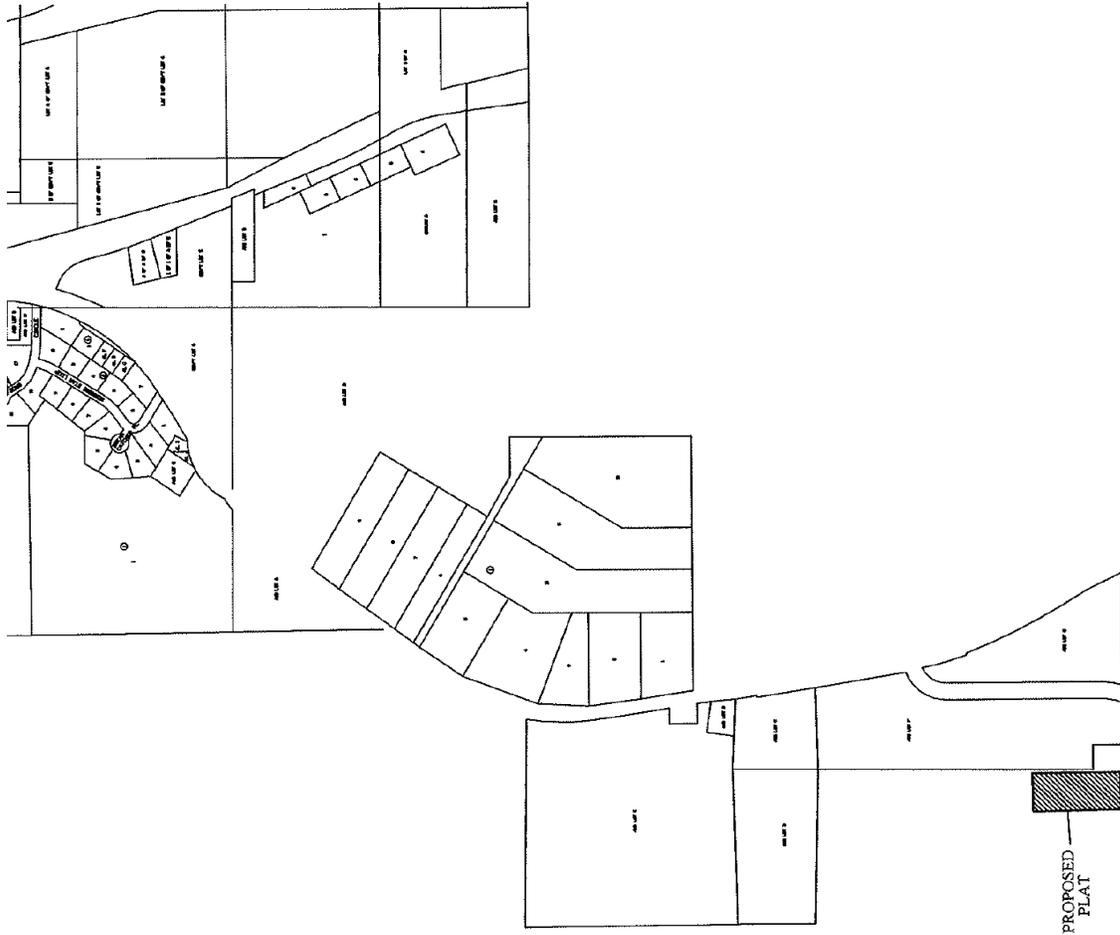
Agenda Documentation

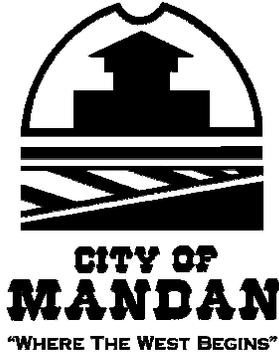
Meeting Date: May 7, 2013

Subject: Consider for approval the final plat of Mule Ridge Addition

Page 4 of 4

---





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 7, 2013  
**PREPARATION DATE:** April 25, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Engineering & Planning  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider for approval the final plat of Big Sky Estates 4th Addition

---

STATEMENT/PURPOSE: To consider for approval the final plat of Big Sky Estates 4th Addition.

BACKGROUND/ALTERNATIVES: Request from Modern Machine Works for final plat approval of Big Sky Estates 4th Addition. Said addition is all of Lots 4 & 5, Block 5 of Big Sky Estates 3<sup>rd</sup> Addition and Lot 11, Block 1, Sunset Acres. The Planning & Zoning Commission voted unanimously to approve the plat on April 22, 2013. At our Planning & Zoning Commission meeting we had a few residents in that area that voiced concerns that they do not have paved streets. The Developer has said he will be doing the street improvements to his area. When this is done we will do a street improvement project for that area as a whole.

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 Big Sky Estates 4th Addition.

**MANDAN PLANNING OFFICE REPORT**  
**April 30, 2013**

Applicant: Modern Machine Works

Requested Action: Final Plat Approval

Name of Subdivision: Big Sky Estates 4<sup>th</sup> Addition

Legal Description: All of Lots 4 & 5, Block 5, Big Sky Estates 3<sup>rd</sup> Addition and Lot 11, Block 1, Sunset Acres in Section 16, Township 139N, Range 81W

Location: Viewpoint Lane NW

Parcel Acreage: 2.29

Number of Blocks: 1                      Number of Lots: 4

Preliminary Plat Approval: none (short form)

Existing Land Use: vacant

Proposed Land Use: single-family and two-family residential

Adjacent Land Use: single-family and two-family residential

Existing Zoning: R3.2 (Two-Family Residential)

Proposed Zoning: same

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

Fee Required: \$250.00                      Date Received: April 2, 2013

Adjacent Property Owner Notification: April 12, 2013

Dates of Legal Notices: April 12 & 19, 2013

Recommendation: Planning office recommends approval.



Board of City Commissioners

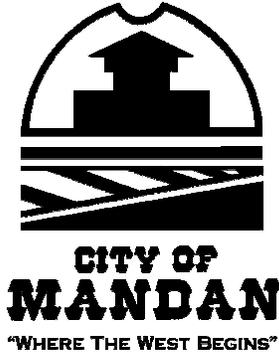
Agenda Documentation

Meeting Date: May 7, 2013

Subject: Consider for approval the final plat of Big Sky Estates 4th Addition

Page 4 of 4





Consent No. 7

## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 7, 2013  
**PREPARATION DATE:** April 25, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Engineering & Planning  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider for approval the final plat of Big Sky Estates 5th Addition

---

STATEMENT/PURPOSE: To consider for approval the final plat of Big Sky Estates 5th Addition.

BACKGROUND/ALTERNATIVES: Request from Modern Machine Works for final plat approval of Big Sky Estates 5th Addition. Said addition is all of Lots 1-3, Block 4 of Big Sky Estates 3<sup>rd</sup> Addition. The Planning & Zoning Commission approved the plat on April 22, 2013, with 7 ayes and 3 nays. There was some discussion on the access easement on Lots 1 and 2 Block 1. The easement is to allow access to Lot 2 and to provide access to the City Utilities that are there.

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 Big Sky Estates 5th Addition.

**MANDAN PLANNING OFFICE REPORT**  
**April 30, 2013**

Applicant: Modern Machine Works

Requested Action: Final Plat Approval

Name of Subdivision: Big Sky Estates 5<sup>th</sup> Addition

Legal Description: All of Lots 1-3, Block 4, Big Sky Estates 3<sup>rd</sup> Addition and part of Viewpoint Lane NW in Section 16, Township 139N, Range 81W

Location: Jude Lane NW

Parcel Acreage: 1.60

Number of Blocks: 1                      Number of Lots: 4

Preliminary Plat Approval: none (short form)

Existing Land Use: vacant

Proposed Land Use: single-family residential

Adjacent Land Use: single-family residential and commercial

Existing Zoning: R7 (Single-Family Residential)

Proposed Zoning: same

Adjacent Zoning: R7 (Single-Family Residential) and CC restricted (Heavy Commercial)

Fee Required: \$250.00                      Date Received: April 2, 2013

Adjacent Property Owner Notification: April 12, 2013

Dates of Legal Notices: April 12 & 19, 2013

Recommendation: Planning office recommends approval.



Board of City Commissioners

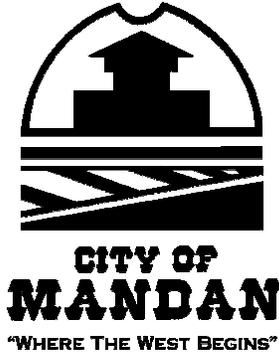
Agenda Documentation

Meeting Date: May 7, 2013

Subject: Consider for approval the final plat of Big Sky Estates 5th Addition

Page 4 of 4





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 7, 2013  
**PREPARATION DATE:** April 25, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Engineering & Planning  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider for approval the final plat of the Replat of Lots 2B, Lots 3A1, 3A2 & 3B, Block 2 of Lakewood Commercial Park

---

**STATEMENT/PURPOSE:** To consider for approval the final plat of the Replat of Lots 2B,3A1, 3A2 & 3B, Block 2 of Lakewood Commercial Park.

**BACKGROUND/ALTERNATIVES:** Request from Apple Creek LLP & Diversity Homes for final plat approval of the Replat of Lots 2B,3A1, 3A2 & 3B, Block 2 of Lakewood Commercial Park. Planning & Zoning Commission approved the plat on April 22, 2013, with 9 ayes and 1 nay.

**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 the Replat of Lots 2B,3A1, 3A2 & 3B, Block 2 of Lakewood Commercial Park.

Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: Consider for approval the final plat of the Replat of Lots 2B,3A1, 3A2 & 3B,  
Block 2 of Lakewood Commercial Park

Page 2 of 4

---

**MANDAN PLANNING OFFICE REPORT**

**May 1, 2013**

Applicant: Apple Creek LLP & Diversity Homes

Requested Action: Final Plat Approval

Name of Subdivision: Replat of Lot 2B & Lots 3A1, 3A2 & 3B, Block 2, Lakewood  
Commercial Park

Legal Description: Replat of Lot 2B & Lots 3A1, 3A2 & 3B, Block 2, Lakewood  
Commercial Park

Location: northwest corner of 21<sup>st</sup> Street SE and 46<sup>th</sup> Avenue SE

Parcel Acreage: 12.75

Number of Blocks: 1                      Number of Lots: 5

Preliminary Plat Approval: none (short form)

Existing Land Use: vacant

Proposed Land Use: commercial and industrial

Adjacent Land Use: commercial and industrial

Existing Zoning: MA (Light Non-Nuisance Industrial/Heavy Commercial)

Proposed Zoning: same

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

Fee Required: \$250.00

Date Received: April 8, 2013

Adjacent Property Owner Notification: April 9, 2013

Dates of Legal Notices: April 12 & 19, 2013

Recommendation: Planning office recommends approval.



Board of City Commissioners

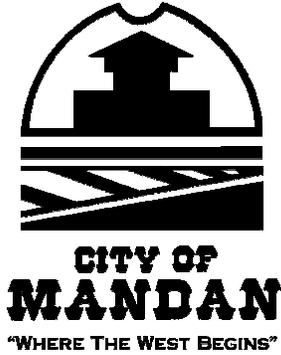
Agenda Documentation

Meeting Date: May 7, 2013

Subject: Consider for approval the final plat of the Replat of Lots 2B, 3A1, 3A2 & 3B,  
Block 2 of Lakewood Commercial Park

Page 4 of 4





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 7, 2013  
**PREPARATION DATE:** April 25, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Engineering & Planning  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider for approval the final plat of the Replat of Lakewood 6th Addition Lot 10B, Block 2

---

STATEMENT/PURPOSE: To consider for approval the final plat of the Replat of Lakewood 6th Addition Lot 10B, Block 2.

BACKGROUND/ALTERNATIVES: Request from Gary Kraft, Spring Creek Builders for final plat approval of the Replat of Lakewood 6th Addition Lot 10B, Block 2. Planning & Zoning Commission approved the plat on April 22, 2013, with 9 ayes and 1 nay.

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 the Replat of Lakewood 6th Addition Lot 10B, Block 2.

Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: Consider for approval the final plat of the Replat of Lakewood 6th Addition Lot 10B, Block 2

Page 2 of 4

---

**MANDAN PLANNING OFFICE REPORT**

**May 1, 2013**

Applicant: Gary Kraft, Spring Creek Builders

Requested Action: Final Plat Approval

Name of Subdivision: Replat Lot 10B, Block 2, Lakewood 6<sup>th</sup> Addition

Legal Description: Replat of Lot 10B, Block 2, Lakewood 6<sup>th</sup> Addition in Section 1, Township 138N, Range 81W

Location: southwest corner of 39<sup>th</sup> Avenue SE and 29<sup>th</sup> Street SE

Parcel Acreage:

Number of Blocks: 1                      Number of Lots: 19

Preliminary Plat Approval: none (short form)

Existing Land Use: vacant

Proposed Land Use: multi-family residential

Adjacent Land Use: vacant and residential

Existing Zoning: RM (Multi-Family Residential)

Proposed Zoning: same

Adjacent Zoning: A (Agricultural) and RM (Multi-Family Residential)

Fee Required: \$250.00                      Date Received: April 2, 2013

Adjacent Property Owner Notification: April 9, 2013

Dates of Legal Notices: April 12 & 19, 2013

Recommendation: The Planning office recommends approval.



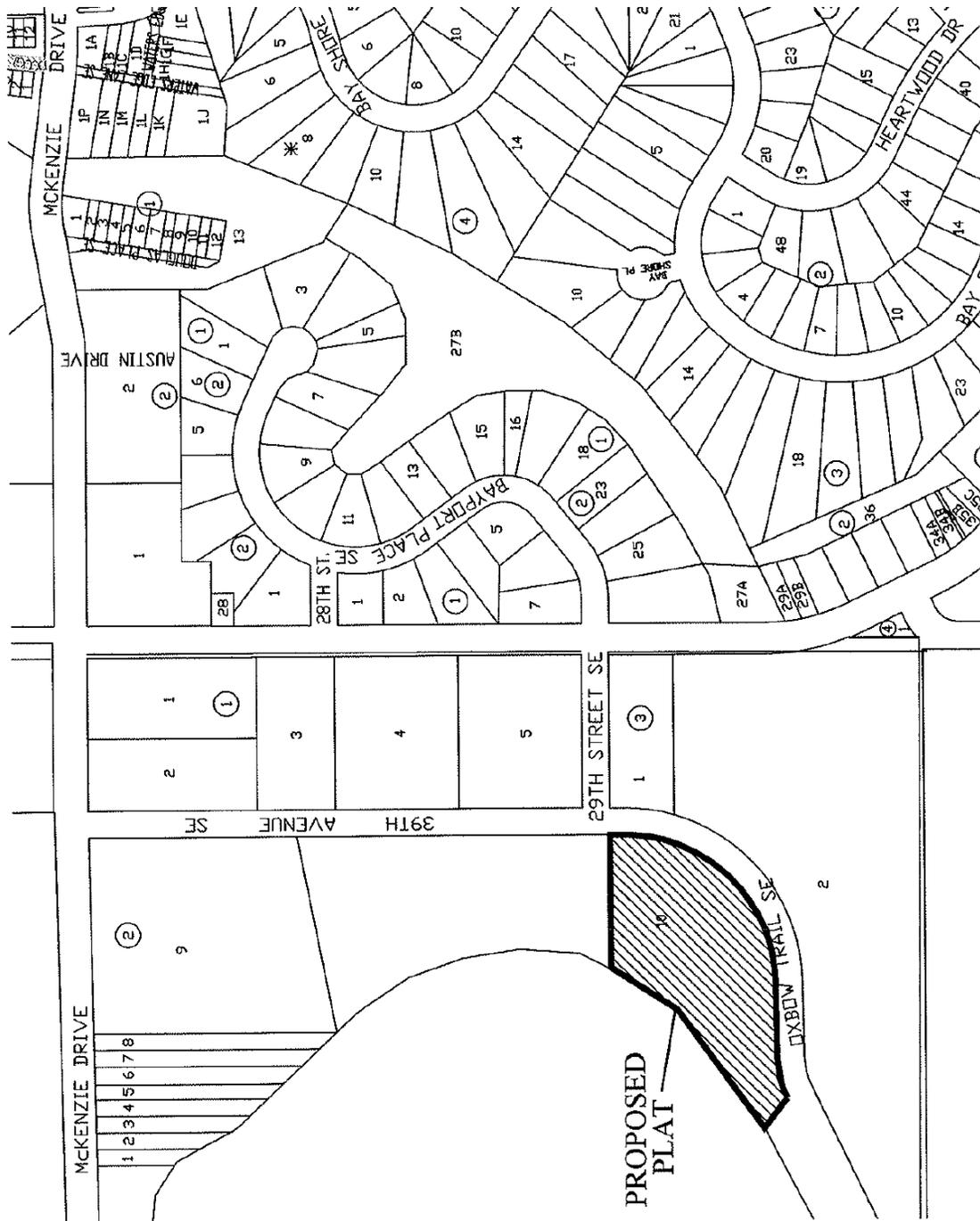
Board of City Commissioners

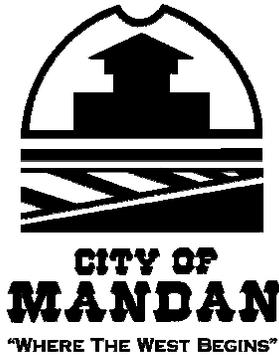
Agenda Documentation

Meeting Date: May 7, 2013

Subject: Consider for approval the final plat of the Replat of Lakewood 6th Addition Lot 10B, Block 2

Page 4 of 4





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 7, 2013  
**PREPARATION DATE:** April 30, 2013  
**SUBMITTING DEPARTMENT:** Police  
**DEPARTMENT DIRECTOR:** Chief Dennis A. Bullinger  
**PRESENTER:** Chief Dennis A. Bullinger  
**SUBJECT:** Consider Approval of the Police Department  
 Making Grant Application With The Office Of  
 Community Oriented Policing Services, COPS

**STATEMENT/PURPOSE:** The Mandan Police Department is requesting board approval in making application with the 2013 COPS Hiring Program, through the office of U.S. Department of Justice.

**BACKGROUND/ALTERNATIVES:** The police department is asking for board approval with applying for grant assistance with hiring an additional police officer through the 2013 COPS Hiring Program. The application period opened on April 22, 2013 with a deadline of May 22, 2013. With a funding provision cap on the number of officers that an agency can request to be no more than 5% of current actual sworn force strength, we would be eligible with a request for funding one position for a three year period.

A recent staffing study for 2011 and 2012, shown that current staffing levels of the police departments uniform patrol division is no longer adequate needing to be increased. It is with good purpose that I request of the commission in my 2014 budget, to increase staffing of sworn officers by four. If grant funding were to be awarded, funding of 75% of the entry-level salary and fringe benefits for a thirty-six month grant period would be reimbursed for a maximum federal share of \$125,000. There is a required 25% local cash match requirement.

**ATTACHMENTS:** COPS Hiring Program, Fact Sheet. COPS Hiring Program, Letter of Announcement.

**FISCAL IMPACT:** Using an anticipated salary proposal increases and pension contribution increases, entry-level cost of salaries and fringe benefits for the 36-month period is \$ 166,177.60. COPS Hiring Program Grant share at 75%, \$124,633.20. City of Mandan share at 25%, \$41,544.40. (See attachment spread sheet).

Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: Consider Approval of Grant Application With The Office of Community Oriented Police Services, COPS

Page 2 of 5

---

STAFF IMPACT: Would significantly help with availability of uniform officer response to calls for service.

LEGAL REVIEW: N/A

RECOMMENDATION: Approve the request of the police department in making application through the COPS Hiring Program.

SUGGESTED MOTION: Move to approve the police department request in making application with the 2013 COPS Hiring Program.

U.S. Department of Justice  
Office of Community Oriented Policing Services



**COPS**  
Community Oriented Policing Services  
U.S. Department of Justice

## Fact Sheet

www.cops.usdoj.gov

"We are pleased to partner with local law enforcement in their efforts to enhance public safety through community policing."

Joshua A. Ederheimer, Acting Director  
Office of Community Oriented Policing Services

### 2013 COPS Hiring Program Strengthening Community Policing by Hiring Officers

The fiscal year (FY) 2013 COPS Hiring Program (CHP) is designed to advance public safety through community policing by addressing the full-time sworn officer needs of state, local, and tribal law enforcement agencies nationwide. CHP provides funds directly to law enforcement agencies to hire new and/or rehire career law enforcement officers, and to increase their community policing capacity and crime prevention efforts.

The FY2013 CHP grant program is an open solicitation. All local, state, and tribal law enforcement agencies that have primary law enforcement authority are eligible to apply. All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law.

#### Supporting Local Law Enforcement

More than 15 years after the Violent Crime Control and Law Enforcement Act of 1994 was signed into law, the COPS Office continues to support the efforts of law enforcement agencies across the country as they develop creative and innovative ways of dealing with long-standing community problems and public safety issues. To date, the COPS Office has funded the addition of more than 124,000 officers to more than 13,000 state, local, and tribal law enforcement agencies to advance community policing in small and large jurisdictions across the nation.

CHP is one of several hiring programs developed by the COPS Office since its inception to support law enforcement. This is particularly important as state, local, and tribal law enforcement agencies embrace the challenges of keeping communities safe and maintaining sufficient sworn personnel levels while enduring ever shrinking budgets.

#### Funding Provisions

FY2013 CHP grants will provide up to 75 percent of the approved entry-level salaries and fringe benefits of full-time officers for a 36-month grant period, with a minimum 25 percent local cash match requirement and a maximum federal share of \$125,000 per officer position. FY2013 CHP grants may be used on or after the official grant award start date to: (1) hire new officers (including filling existing officer vacancies that are no longer funded in an agency's budget); (2) rehire officers already laid off (at the time of application) as a result of state, local, or Bureau of Indian Affairs (BIA) budget reductions unrelated to the receipt of grant funding; or (3) rehire officers scheduled to be laid off (at the time of application) on a specific future date as a result of state, local, or BIA budget reductions unrelated to the receipt of grant funding. CHP applicants may request funding in one or more of the above-referenced hiring categories.

The COPS Office has capped the number of officers that an agency can request through the FY2013 CHP program. All agencies' requests will be capped at no more than 5 percent of their actual sworn force strength as reported on the date of application. Agencies with a service population of 1 million or above may apply for up to 25 officer positions; however, agencies with a service population less than 1 million may apply for up to 15 officer positions. The request of any agency with a sworn force strength less than or equal to 20 will be capped at one officer. CHP grant funding will be based on the current full-time entry-level salary and fringe benefits package of an officer in the department. Any additional costs for higher than entry-level salaries and fringe benefits will be the responsibility of the grantee agency.

Below are a variety of resources to better enable law enforcement agencies to recruit, hire, and retain officers. Additional resources to assist with the hiring of military veterans as law enforcement officers are also included.

- **COPS Video Cast – Hiring in the Spirit of Service** King County Sheriff Sue Rahr explains how her agency's involvement in the "Hiring in the Spirit of Service" program helped aid organizational transformation and drastically improved recruiting and retention. <http://cops.usdoj.gov/html/COPSMediaCenter/index.html>
- **Innovations in Police Recruitment and Hiring – Hiring in the Spirit of Service** discusses how agencies met their goals of hiring service-oriented recruits, and the challenges encountered as well as lessons learned. <http://ric-zai-inc.com/ric.php?page=detail&id=COPS-W0113>
- **Law Enforcement Recruitment Toolkit** Developed by the International Association of Chiefs of Police (IACP), this toolkit is composed of four reports, each focusing on a different area of recruitment. This toolkit is one step among many in addressing the recruitment needs of the field. The issues of police recruitment, selection, and retention are critical to the advancement of community policing and the policing profession in general. <http://ric-zai-inc.com/ric.php?page=detail&id=COPS-P171>
- **Discover Policing** This website offers first-hand descriptions of law enforcement work and provides opportunities for potential recruits and agencies to connect. [www.discoverpolicing.org](http://www.discoverpolicing.org)
- **Police Recruitment and Retention for the New Millennium** summarizes for police practitioners lessons on recruiting and retaining diverse, effective workforces. It provides a means for local officials to identify what has been tried elsewhere and what might be applicable in their own communities. <http://ric-zai-inc.com/ric.php?page=detail&id=COPS-P199>

- *Today's Police and Sheriff Recruits* provides the results of a recruit assessment conducted by RAND, including findings about the overall sample as well as those focused on groups often of particular interest to law enforcement recruitment professionals. <http://ric-zai-inc.com/ric.php?page=detail&id=COPS-W0592>

- *Combat Deployment and the Returning Police Officer* examines issues concerning police officers' transition back to work after combat zone deployment. Topics include the psychological effects of combat deployment, methods that may lessen the severity of combat stress experienced, and strategies used by police agencies to help officers returning back to work, their families, and communities. The report highlights the responses of four police agencies that have taken measures to assist returning officers, and offers recommendations for further study. <http://ric-zai-inc.com/ric.php?page=detail&id=COPS-P150>

- *Assigning Police Officers to Schools* Nearly half of all public schools have assigned police officers, commonly referred to as school resource officers (SRO) or education officers. This publication summarizes the typical duties of SROs, synthesizes the research pertaining to their effectiveness, and presents issues for communities to bear in mind when considering the adoption of an SRO model. <http://ric-zai-inc.com/ric.php?page=detail&id=COPS-P182>

- *School Safety (CD-ROM)* provides more than 110 documents and links related to school violence, gangs, bullying, and property crime as a resource to local policymakers, law enforcement, school administrators, parents, and students. Bullying, stalking, and other interpersonal crimes affect our nation's children at an alarming rate. As such, *School Safety* provides resources on bullying and interpersonal violence, youth violence prevention, alcohol and substance abuse, community partnerships, property crime and nuisance violations, school resource officers, and emergency preparedness and management. <http://ric-zai-inc.com/ric.php?page=detail&id=COPS-CD010>

Additional COPS publications and resources are posted online at [www.cops.usdoj.gov](http://www.cops.usdoj.gov).

The COPS Office may grant a waiver of some or all of an applicant's local match requirement. During the application review process, waiver requests will be evaluated based on a demonstration of *severe fiscal distress*.

The COPS statutory nonsupplanting requirement mandates that CHP funds must be used to supplement (increase) state, local, or BIA funds that would have been dedicated toward sworn officer positions if federal funding had not been awarded. CHP grant funds must not be used to supplant (replace) local funds that agencies otherwise would have devoted to sworn officer hiring. The hiring or rehiring of officers under CHP must be in addition to, and not in lieu of, officers who otherwise would have been hired or rehired with state, local, or BIA funds.

At the conclusion of the 36 months of federal funding, grantees must retain all sworn officer positions awarded under the CHP grant for a minimum of 12 months. The retained CHP-funded position(s) should be added to the grantee's law enforcement budget with state and/or local funds, over and above the number of locally-funded positions that would have existed in the absence of the grant. **Applicants are required to affirm in their CHP grant application that their agency plans to retain any additional officer positions awarded following the expiration of the grant and identify their planned source(s) of retention funding.**

#### Differences in FY2013 CHP

Under FY2013 CHP, new hire officer positions are not required to be military veterans, as under FY2012 CHP. However, since the COPS Office supports the Attorney General's commitment to hiring military veterans whenever possible, applicants who commit to hiring or rehiring at least one military veteran under CHP will receive additional consideration for FY2013 CHP funding. These military veterans may be in any of the three hiring categories described above, not just new hires.

The COPS Office supports the Attorney General's priority goal of reducing violent crime, especially gun violence. To this end, applicants who choose "Homicide" or "Gun Violence" as their community policing problem area under 2013 CHP will receive additional consideration for CHP funding; however, if awarded CHP funding, grantees will not be able to change these problem areas post-award.

Applicants who request officer positions in order to deploy School Resource Officers (SRO) will likewise receive additional consideration for FY2013 CHP funding. Applicants who wish to do so must choose the "School Based Policing through School Resource Officers" community policing problem area in their 2013 CHP application. Note that applicants requesting officer positions(s) in order to deploy SROs must deploy **all** their officer positions as SROs. Moreover, if awarded CHP funding, CHP grantees who chose this specific community policing problem area will not be allowed to change it post-award. CHP grantees who use CHP funding to deploy SROs will also be required to submit to the COPS Office the contact information for each school partner where they intend to deploy the SROs, and to provide a Memorandum of Understanding between the CHP grantee and the school partner.

#### How to Apply

Applicants are first required to register via [www.grants.gov](http://www.grants.gov) and complete an SF-424. Once the SF-424 has been submitted, applicants will receive an e-mail with instructions on completing the second part of the CHP application through the COPS Office Online Application System. To complete the CHP application, please go to the COPS website at [www.cops.usdoj.gov](http://www.cops.usdoj.gov) and click on the "Account Access" link in the upper right hand corner. Enter your username and password and select "COPS Hiring Program" from the menu of services.

Complete application packages for the FY2013 CHP solicitation are due by **May 22, 2013, at 7:59 PM, EDT**. Hard copies or electronic copies sent via e-mail will not be accepted.

#### Contact the COPS Office

For more information about the COPS Hiring Program, please call the COPS Office Response Center at 800.421.6770, or visit COPS Online at [www.cops.usdoj.gov](http://www.cops.usdoj.gov).

Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: Consider Approval of Grant Application With The Office of Community Oriented Police Services, COPS

Page 5 of 5

**CITY OF MANDAN  
POLICE DEPARTMENT  
COPS HIRING PROGRAM GRANT**

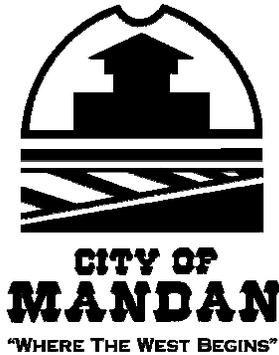
	YEAR 1	YEAR 2	YEAR 3	TOTAL
SALARY	\$ 39,500.00	\$ 41,475.00	\$ 43,548.75	\$ 124,523.75
SOCIAL SECURITY AND MEDICARE	\$ 3,021.75	\$ 3,172.84	\$ 3,331.48	\$ 9,526.07
PENSION	\$ 3,160.00	\$ 3,732.75	\$ 3,919.39	\$ 10,812.14
UNEMPLOYMENT COMPENSATION	\$ -	\$ -	\$ -	\$ -
WORKERS' COMPENSATION	\$ 413.70	\$ 413.70	\$ 413.70	\$ 1,241.10
HEALTH INSURANCE	\$ 6,021.31	\$ 6,623.44	\$ 7,285.79	\$ 19,930.54
TERM LIFE INSURANCE	\$ 48.00	\$ 48.00	\$ 48.00	\$ 144.00
TOTAL	<u>\$ 52,164.76</u>	<u>\$ 55,465.73</u>	<u>\$ 58,547.10</u>	<u>\$ 166,177.60</u>
<b>FUNDING SUMMARY</b>				
	YEAR 1	YEAR 2	YEAR 3	TOTAL
COPS HIRING PROGRAM GRANT SHARE=75%	\$ 39,123.57	\$ 41,599.30	\$ 43,910.33	\$ 124,633.20
CITY OF MANDAN SHARE=25%	\$ 13,041.19	\$ 13,866.43	\$ 14,636.78	\$ 41,544.40
TOTAL	<u>\$ 52,164.76</u>	<u>\$ 55,465.73</u>	<u>\$ 58,547.10</u>	<u>\$ 166,177.60</u>

**NOTES**

SALARY = 95% OF CITY OF BISMARCK, 5% INCREASE (YEAR 2 AND YEAR 3)

PENSION = 8% (YEAR 1), 9% (YEAR 2 AND YEAR 3)

HEALTH INSURANCE = SINGLE POLICY, 10% INCREASE (YEAR 1, YEAR 2, AND YEAR 3)



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 7, 2013  
**PREPARATION DATE:** April 30, 2013  
**SUBMITTING DEPARTMENT:** Police  
**DEPARTMENT DIRECTOR:** Chief Dennis A. Bullinger  
**PRESENTER:** Dennis A. Bullinger  
**SUBJECT:** Consider Approval for Out of State Travel

---

STATEMENT/PURPOSE: The police department is request commission approval with traveling outside the state for training in St. Paul, Minnesota, July 29, 2013 to August 2, 2013.

BACKGROUND/ALTERNATIVES: The police department is requesting permission in sending an officer to a Basic School Resource Officer Course in St. Paul, Minnesota. A search of the National Association School Resource Officer (NASRO) training calendar identified training in St. Paul to be the closes location during the 2013 calendar year. The training would be the first in which an officer had ever attended such training. Cost for training, travel to and from would be covered in the police department budget.

ATTACHMENTS: Copy of Course Description.

FISCAL IMPACT: Expenses for fuel, daily per diem, and lodging would be paid from the 2013 Police Training/Travel budget.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approve the request for out-of-state travel.

SUGGESTED MOTION: Move to approve the request for out-of-state travel by the police department, to St. Paul Minnesota, July 29 through August 2, 2013.

Board of City Commissioners  
Agenda Documentation  
Meeting Date: May 7, 2013  
Subject: Approval for Out of State Travel  
Page 2 of 4

---

Course Core:

BASIC SRO

Date: 07/29/2013 to 08/02/2013

Class Time: 08:00 - 17:00

Location: 389 North Hamline Avenue

St. Paul Minnesota 55104

The Basic School Resource Officer Course is a forty-hour block of instruction designed for any law enforcement officer with two years or less experience working in an educational environment and school administrators. The course emphasizes three main areas of instruction:

Functioning as a police officer in the school setting  
Working as a resource and problem solver  
Developing teaching skills

Attendees will gain a solid working knowledge of the School Resource Officer concept and how to establish a lasting partnership with their schools.

The course is taught on a five day, eight hour format. Classes begin promptly at 8:00 am each morning and run through 5:00 pm each day. Attendees are required to attend all sessions in order to obtain the National School Resource Officer Basic Course Certificate. There is a written examination, multiple discussions, and at least one graded practical exercise for each student.

## Who Should Attend

The School Resource Officer Program is a true Community Based Police program. Although many of the officers attending our courses will be assigned as School Resource or School Liaison Officers, the course is designed to benefit school administrators working with law enforcement and any law enforcement officer working with youth, or in an educational environment.

## Course Outline

### **Day One**

The course begins with an extensive overview of school based police programs and the History of the SRO Program. Time is spent discussing the Roles and Responsibilities of a school based police officer and integrating that officer into his or her school community. Attendees will be taught the Triad Concept reminding them that the SRO needs to balance the role of law enforcement officer with that of an informal counselor and educator. The remainder of the day is spent preparing the SRO for Public Speaking and Classroom Preparedness. An explanation of Law Related Education will cover the main objective for an SRO's educational program.

Attendees will be required to participate in a brief public speaking exercise.

History of School Based Policing  
The SRO Program: Triad Concept  
Roles and Responsibilities of the SRO  
Being a Positive Role Model  
Public Speaking  
Law Related Education

**Day Two**

The attendee will spend a major portion of the day developing skills necessary for their role as a teacher. Instructional Techniques and Teaching Skills are covered as well as time for Lesson Plan Development. NASRO does not supply a pre-packaged curriculum, but rather emphasizes the skills necessary to create individual lessons and curriculum based on the needs of the schools served. By sharing classroom scenarios and student personalities, the attendees will understand the need for proper Classroom Management. Time will be allowed at the conclusion of the day for attendees to research and prepare individual lesson plans.

Instructional Techniques  
Classroom Management  
Lesson Plan Development  
Preparation Time

**Day Three**

The role of "informal counselor or problem solver" is probably one of the most important roles the School Resource Officer will assume for their school. The attendee will have an opportunity to role-play and contribute experiences as a law enforcement officer. The class will then start the transition to problem solver within the school and working with adolescents. Additional topics emphasizing the adolescent and potential problem areas include discussions on Child Abuse, Adolescent Stress, Dysfunctional Families, and working with Children with Special Needs.

Counseling  
Adolescent Emotional Issues  
Child Abuse  
Dysfunctional Families  
Special Education

**Day Four**

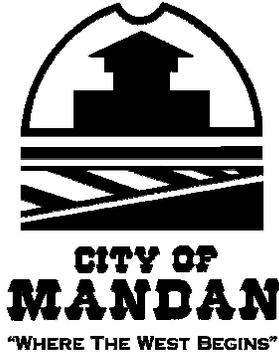
School Safety focuses on the SRO's role as both a resource provider and law enforcement officer. This includes maintaining a safe school environment and a broad discussion on topics

related to school safety including handling assaults, theft, burglary, bomb threats, weapons, alcohol and drug incidents. Complementing school safety issues is a block of instruction on Emergency Management or "Crisis Planning". The course will examine the main points of a school crisis plan and discuss the SRO's responsibilities during a crisis or potentially dangerous incident.

School Safety Procedures  
Emergency Management  
Crime Prevention  
Substance Abuse  
School Law  
Course Review  
Final Examination

**Day Five**

Crime Prevention is an integral part of a School Resource Officer's role in the schools. Time is spent examining ways the SRO can be a resource in the area of Crime Prevention with special emphasis on Crime Prevention Through Environmental Design. A block of information on Substance Abuse issues is covered as well as an important discussion on School Related Law. A course review takes place before a final, written exam is administered and course certificates are issued.



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 7, 2013  
**PREPARATION DATE:** May 2, 2013  
**SUBMITTING DEPARTMENT:** City Administrator  
**DEPARTMENT DIRECTOR:** Jim Neubauer, City Administrator  
**PRESENTER:** Jim Neubauer, City Administrator  
**SUBJECT:** Beer Garden – Street Dance Application for MPO

---

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

BACKGROUND/ALTERNATIVES: We received a Street Dance Beer Garden application for the Mandan Progress Organization summer events. Buggies-n-Blues, All Class Reunion, Wild West Grill Fest and Oktoberfest. Everything is in proper order.

ATTACHMENTS: Applications

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

LEGAL REVIEW: n/a

RECOMMENDATION: Recommend approval of these Beer Garden Street Dances, as all departments have signed off on their approval.

SUGGESTED MOTION: I move to approve the applications.

# CITY OF MANDAN

1. Type of license being applied for:

Street Dance: \_\_\_\_\_  
Beer Gardens: \_\_\_\_\_  
Both:  \_\_\_\_\_

2. Applicant:

Name: Buggier-N-Blues Del Witsch / Vern Carmak  
Address: 411 West Main  
MANDAN, N.D. 58554  
Date of Birth: \_\_\_\_\_  
Social Security or Drivers License: \_\_\_\_\_

3. Name of individual or individuals who will manage or conduct the event:

Name: <u>Del Witsch</u>	Name: <u>Vern Carmak</u>
Address: <u>4704 Jetty Beach Dr. S</u>	Address: <u>610 North 7th St.</u>
Date of Birth: _____	Date of Birth: _____
S.S. or D.L.: _____	S.S. or D.L.: _____

4. Have any of the individuals listed in answer to questions #2 & #3 ever had a license of any kind revoked or cancelled by any municipal, state or federal authority: \_\_\_\_\_ Yes  No. If yes, explain in detail on a separate sheet giving the date, place and type of business.
5. Have any of the individuals listed in answer to questions #2 & #3 ever been convicted of any crime relating to the sale of alcoholic beverages or controlled substances: \_\_\_\_\_ Yes  No. If yes, explain in detail on a separate sheet giving the date, place and type of business.
6. If you should be applying for a public dance or concert permit has any of the individuals in answer to questions #2 & #3 been convicted within the past five years of any crime against persons, including assault, disorderly conduct, sexual assault, rape and murder. \_\_\_\_\_ Yes  No. If yes, explain on a separate sheet.
7. List the place, date and hours of the proposed event (special note, all applications must be received 30 days in advance of the proposed event). Dyckshoorn Park June 8th, 9th 2013  
June 8 4:00 P.M to 12:00 midnight June 9th 12:00 Noon to 5:00 P.M.
8. Site Plan: See attached sheets.
- A. Beer Gardens  
B. Street Dance

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

Maximum Capacity 3500  
Expected Attendance 1900

10. Is there going to be advance ticket sales? Yes \_\_\_\_\_ No x

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

11. What plans are there to limit attendance if there are no advance ticket sales, Monitored by  
Bugger-in-the-Machine committee and Big-Man Security

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

Number of toilet facilities 10 1 Hlep 2 sinks

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

Yes \_\_\_\_\_ No x using same amount for last 6 years

14. Fencing & Barricades should be supplied on site plan.

15. List below a description of the signing which is proposed to control pedestrian and vehicular traffic, parking and notices to the persons in attendance. crosswalks and pedestrian crosswalk signs  
placed on Main Street

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

Private 3 City Police \_\_\_\_\_

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

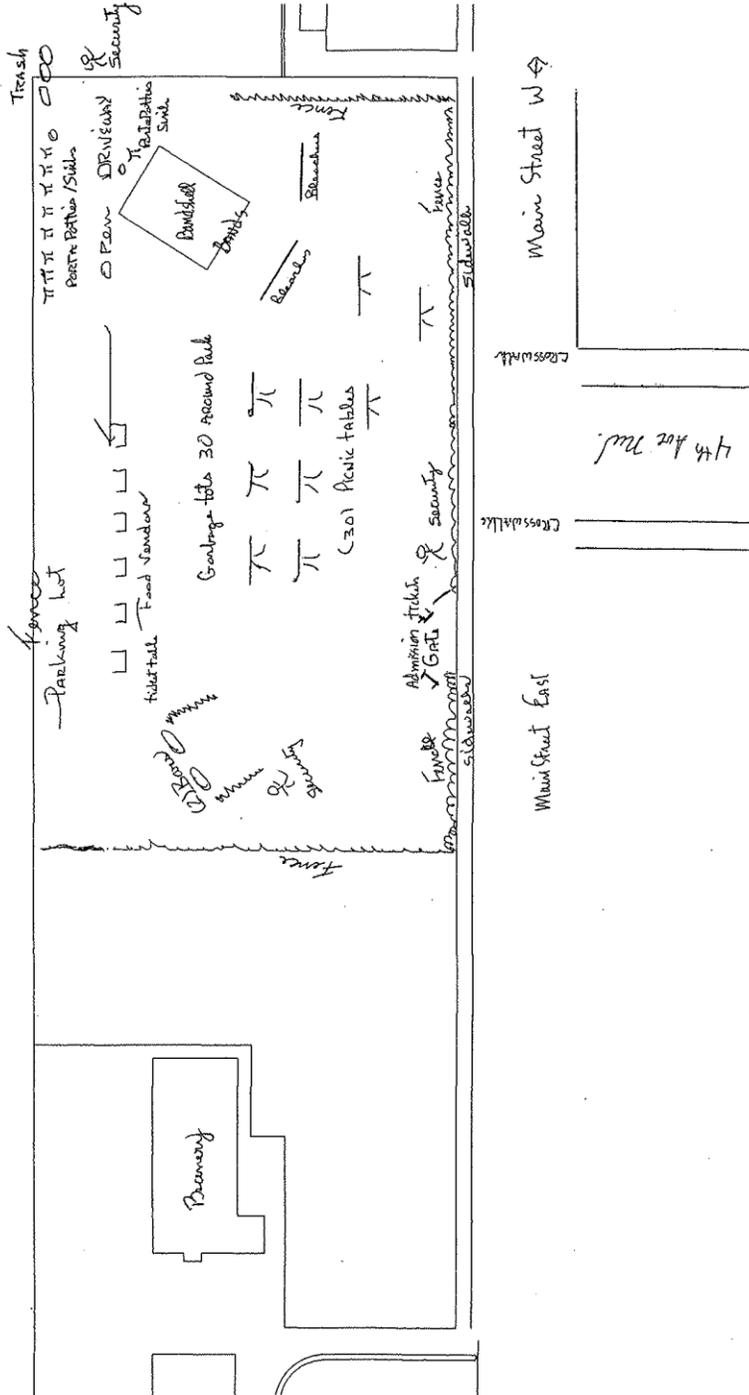
Private 3 City Police \_\_\_\_\_

18. Street Dances & Concerts: Have you enclosed fees for the charges for city police officers? List the amount \$ 26.00.

Chadwick  
Signature of applicant

April 9<sup>th</sup> 2013  
Date

\_\_\_\_\_  
Telephone number





**Musicians Association &  
Buggies-n-Blues**  
**411 West Main Street**  
**Mandan, ND 58554**  
**Phone: 258-8876**  
E-mail: [vernoncermak59@gmail.com](mailto:vernoncermak59@gmail.com)

**April, 2013**

Mayor Arlyn Van Beek  
Mandan City Hall  
205 2<sup>nd</sup> Ave. NW  
Mandan, ND 58554

Members of the Commission:

The Musicians Association and the Mandan Progress Organization is sponsoring Buggies-n-Blues event which will be on Saturday, June 8<sup>th</sup> and Sunday June 9<sup>th</sup>.

To that end we are submitting the following request:

**DYKSHOORN PARK**

- The use of the Dykshoorn Park area for a dance on Saturday, June 8<sup>th</sup> and for use on Sunday June 9<sup>th</sup>

**POSTING OF "NO PARKING"**

- The posting and removing of "No Parking" signs from 3rd Ave NW to 1st Ave NE. to the alley
- Posting of no parking on 4<sup>th</sup> Ave NW to 1<sup>st</sup> Street
- Posting of no parking on Main Street from the 100 block NE through the 500 block NW
- Posting of no parking west and east of the former John Everson Building and the Papa Murphy Building. (Permission has been granted for the use of the lot east of the Iverson Building from the owner Al Leingang)
- Posting of no parking on the lot at the corner of Main and Collins.
- We suggest that the signs be posted before Saturday, June 8th, prior to midnight. "No Parking" is requested from 2:00 AM Sunday, until the removal of the barricades on Sunday following the event. (Approx. 7:00 PM)

**SIGNS**

- The city will provide detour, merging traffic, no parking and stop signs.

**Request of the Mandan Police Department**

**Prior to event**

- To notify patrons that have rented parking spaces in city lots, not to use those areas during the requested times. Buggies-n-Blues will cover cost of notification.

**Saturday, June 8<sup>th</sup>**

- We request a police escort on Saturday night for “The Parade of Classics”. The cars will gather near the Mandan Brave Center with the parade beginning at 8:00 PM. The scheduled parade route is down 6<sup>th</sup> Ave NW than continue east on Main to Burger King
- To assist with the removal of parked cars on the NO PARKING ZONES starting after 2:00 AM on Sunday

**Sunday, June 9<sup>th</sup>**

- Provide traffic cones with delivery by the Mandan Police Dept. at 6:30 AM Sunday (Meeting at M & H)
- Two officers on bicycles on Sunday if possible. Time to be determined by the MPD.
- To assist in traffic control and closing the streets on Sunday morning starting at 6:30 AM and in reopening the streets Sunday at 7:00 PM.

**The possibility of having Main Street washed/cleaned prior to 6:30 a.m. Sunday, June 9<sup>th</sup>.**

We thank you for the consideration of our requests.

Vern Cermak  
Vernon Cermak

Musicians Association  
Buggies-n-Blues, Chairman

Del Wetsch  
Del Wetsch  
Mandan Progress Organization, Director

# CITY OF MANDAN

1. Type of license being applied for:

Street Dance: \_\_\_\_\_  
Beer Gardens:  \_\_\_\_\_  
Both: \_\_\_\_\_

2. Applicant:

Name: All Class Reunion (Mandan Progress Organization)  
Address: 411 West Main St.  
Mandan, ND 58554  
Date of Birth: \_\_\_\_\_  
Social Security or Drivers License: \_\_\_\_\_

3. Name of individual or individuals who will manage or conduct the event:

Name: <u>Bob Wetzch</u>	Name: _____
Address: <u>411 West Main St.</u>	Address: _____
Date of Birth: _____	Date of Birth: _____
S.S. or D.L.: _____	S.S. or D.L.: _____

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

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

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

7. List the place, date and hours of the proposed event (special note, all applications must be received 30 days in advance of the proposed event). July 3rd, Heritage Park,  
7:00 PM to 12:30 AM.

8. Site Plan: See attached sheets.

- A. Beer Gardens
- B. Street Dance

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

Maximum Capacity 1800  
Expected Attendance 1000

10. Is there going to be advance ticket sales? Yes \_\_\_\_\_ No X

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

11. What plans are there to limit attendance if there are no advance ticket sales, \_\_\_\_\_

Security Guards and MPO committee member  
held discussing AED in the Park

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

Number of toilet facilities 10 3 Hdep 2 50mlr

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

Yes \_\_\_\_\_ No X same as last years

14. Fencing & Barricades should be supplied on site plan.

15. List below a description of the signing which is proposed to control pedestrian and vehicular traffic, parking and notices to the persons in attendance. Event takes place in Heritage Park

Parking lot. No traffic lot is blocked off use of street crosswalk

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

Private X City Police \_\_\_\_\_

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

Private 2 City Police \_\_\_\_\_

18. Street Dances & Concerts: Have you enclosed fees for the charges for city police officers? List the amount \$1000.

R. Witsch  
Signature of applicant

April 24<sup>th</sup> 2013  
Date

\_\_\_\_\_  
Telephone number

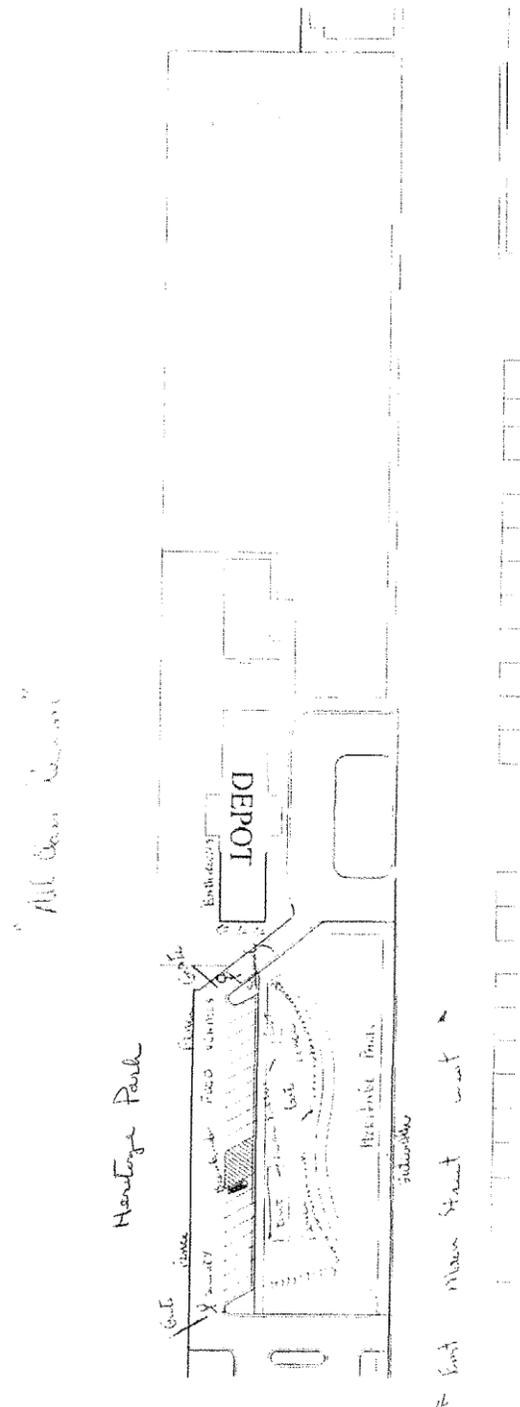
Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: Beer Garden – Street Dance Application for MPO

Page 9 of 18





To: Mandan City Commission  
Fr: Mandan Rodeo Days Committee  
Re: Street Closing and Parking Lot Requests

The Mandan Rodeo Days Committee consisting of the Art in the Park, Parade and Rodeo would like to request the assistance of the city commission for the following Street closures held in conjunction with the Mandan Rodeo Days Celebration.

- \*closing the 300 and 400 blocks of West Main Street on Tuesday July 2<sup>nd</sup> at 6:30 a.m. to Thursday July 4<sup>th</sup> at 8:00 p.m. Security guards will open streets at 12:00 midnight Tuesday and Wednesday nights. Streets will remained closed during Art in the Park
- \*Stop sign placement at the corners of the 300 and 400 blocks of 1<sup>st</sup> Street NW from July 2<sup>nd</sup> thru July 4<sup>th</sup>.
- \*No parking on Main Street from 1:00 a.m. on the morning of July 4<sup>th</sup> until the completion of the July 4<sup>th</sup> parade. The Rodeo Days Road Race begins at 8:00 a.m. in front of the Mandan Depot. Registration begins at 7:00 a.m. The Road Race will proceed down Main Street East to Burger King and then back to 10<sup>th</sup> Ave. NW, before finishing in front of the Depot. Main Street needs to be shut down at 8:00 a.m. for the Road Race, World's Longest Macarena Dance and Car Parade and July 4<sup>th</sup> parade which starts at 10:30 a.m. on the Strip and ends at approximately at 1:00 p.m.
- \*Secure parking lot on West Side of Lisa's Gluten Free for Inflatable Games. Sign no parking on July 2 along with Heritage Plaza parking lot.
- \*Assistance at closing Main Street 300 and 400 blocks on the morning of July 2<sup>nd</sup>. for Art in the Park setup. Close streets at 6:30 a.m. with police assistance.
- \*Deliver 2 detour signs, an east and west merging traffic signs, 9 no parking signs, a street closed sign for 3<sup>rd</sup> Ave. NW to be placed at the alley to close off the ½ block 6 barricades, and 2 stop signs at the 300 and 400 corners of 1<sup>st</sup> St NW. Deliver signage by Monday, July 1st
- \* Committee will set up a meeting with Police Chief Bullinger and City Shop Director Jeff Wright to work out the placement of street signage.

On behalf of Mandan Rodeo Days committees we wish to thank the city of Mandan and all its departments for all their help and assistance in bringing this event to Mandan.

Sincerely,

Del Wetsch Mandan Progress Organization  
Neil Ness Rodeo Chairman

Scott Volkert Art in the Park  
Marlo Anderson / Dennis Friesz Parade

# CITY OF MANDAN

1. Type of license being applied for:

Street Dance: \_\_\_\_\_  
Beer Gardens: \_\_\_\_\_  
Both:  \_\_\_\_\_

2. Applicant:

Name: (Wied West Gate Fest) DEL Wetsch / Vern Comack <sup>Committee</sup>  
Address: 411 West Main St.  
MANDAN ND 58554  
Date of Birth: \_\_\_\_\_  
Social Security or Drivers License: \_\_\_\_\_

3. Name of individual or individuals who will manage or conduct the event:

Name: <u>DEL Wetsch</u>	Name: <u>Vern Comack</u>
Address: <u>411 West MAIN Mandan</u>	Address: <u>610 North 7th St Bis</u>
Date of Birth: _____	Date of Birth: _____
S.S. or D.L.: _____	S.S. or D.L.: _____

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

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

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

7. List the place, date and hours of the proposed event (special note, all applications must be received 30 days in advance of the proposed event). August 16-17 2013 Dykshaorn Park  
Aug 16 - 11:00 AM - 11:00 PM  
Aug 17 11:00 AM - 12:00 midnight

8. Site Plan: See attached sheets.

- A. Beer Gardens
- B. Street Dance

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

Maximum Capacity 3500  
Expected Attendance 4000 2 days

10. Is there going to be advance ticket sales? Yes \_\_\_\_\_ No X

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

11. What plans are there to limit attendance if there are no advance ticket sales, control of attendance at both entrance gates by committee

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

Number of toilet facilities 16 2 Hdep 4 sinks

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

Yes \_\_\_\_\_ No X

14. Fencing & Barricades should be supplied on site plan.

15. List below a description of the signing which is proposed to control pedestrian and vehicular traffic, parking and notices to the persons in attendance. all in place since event is in Dryden Park

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

Private X City Police \_\_\_\_\_

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

Private 4 City Police \_\_\_\_\_

18. Street Dances & Concerts: Have you enclosed fees for the charges for city police officers? List the amount 20<sup>00</sup>.

Delwitsch  
Signature of applicant

April 8 2013  
Date

\_\_\_\_\_  
Telephone number



To: Mandan City Commission  
Fr: Vern Cermak Musicians Association  
Del Wetsch Mandan Progress Organization  
Re: Street Requests Grill Fest

The Mandan Progress Organization and the Musicians Association request the following assistance from the city of Mandan in conjunction with the “Wild Grill Fest” to be held in Mandan on August 16 and 17.

The blocking off of Main Street on August 17<sup>th</sup> in the 400 block of West Main for the hours of 12:00 pm to 6:00 pm. for pony and covered wagon hay rides.

The Musicians’ Association and the Mandan Progress Organization would like to thank the police department, city shop, and city commission for all the assistance and help in bringing these events to the community.

Sincerely,

Vern Cermak  
Musicians Association

Del Wetsch  
Mandan Progress Organization

# CITY OF MANDAN

1. Type of license being applied for:

Street Dance: \_\_\_\_\_  
Beer Gardens: \_\_\_\_\_  
Both: X

2. Applicant:

Name: MANDAN PROGRESS ORGANIZATION Oktoberfest Committee  
Address: 411 WEST MAIN  
MANDAN ND  
Date of Birth: \_\_\_\_\_  
Social Security or Drivers License: \_\_\_\_\_

3. Name of individual or individuals who will manage or conduct the event:

Name: <u>DeB Wetsch</u>	Name: _____
Address: <u>411 WEST MAIN ST.</u>	Address: _____
Date of Birth: _____	Date of Birth: _____
S.S. or D.L.: _____	S.S. or D.L.: _____

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

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

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

7. List the place, date and hours of the proposed event (special note, all applications must be received 30 days in advance of the proposed event). DYKSHOEN PARK Sept. 28-29  
Sept 28 11:00AM to 11:00PM.  
Sept 29 12:00NOON to 5:00PM.

8. Site Plan: See attached sheets.

- A. Beer Gardens
- B. Street Dance

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

Maximum Capacity 3000  
Expected Attendance 2000

10. Is there going to be advance ticket sales? Yes \_\_\_\_\_ No X

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

11. What plans are there to limit attendance if there are no advance ticket sales, Security - committee,  
event gated off Admission charge

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

Number of toilet facilities 12 1 Hdcp 2 sinks

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

Yes \_\_\_\_\_ No X

14. Fencing & Barricades should be supplied on site plan.

15. List below a description of the signing which is proposed to control pedestrian and vehicular traffic, parking and notices to the persons in attendance. located in Dyckon Park, crosswalks  
parking signs all in place

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

Private X City Police \_\_\_\_\_

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

Private 3 City Police \_\_\_\_\_

18. Street Dances & Concerts: Have you enclosed fees for the charges for city police officers? List the amount 2000.

Dale Ditch  
Signature of applicant

April 8 2013  
Date

\_\_\_\_\_  
Telephone number



To: Mandan City Commission  
Fr: Del Wetsch Mandan Progress Organization  
Re: Street Requests Oktoberfest

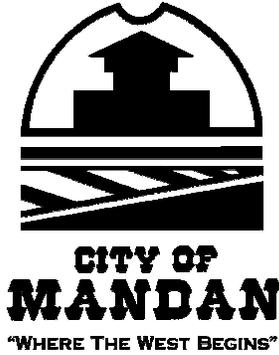
The Mandan Progress Organization requests the following assistance from the city of Mandan in conjunction with the “Oktoberfest” to be held in Mandan on September 28 and 29, 2013

The blocking off of Main Street on September 28th in the 400 block of West Main for the hours of 8:00 a.m. to 6:00 pm. for various activities and games being held for the Oktoberfest..

The Mandan Progress Organization would like to thank the police department, city shop, and city commission for all the assistance and help in bringing these events to the community.

Sincerely,

Del Wetsch  
Mandan Progress Organization



Consent No. 13

## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 7, 2013  
**PREPARATION DATE:** May 2, 2013  
**SUBMITTING DEPARTMENT:** City Administrator  
**DEPARTMENT DIRECTOR:** Jim Neubauer, City Administrator  
**PRESENTER:** Jim Neubauer, City Administrator  
**SUBJECT:** Beer Garden – Street Dance Application for Silver Dollar

---

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

BACKGROUND/ALTERNATIVES: We received a Street Dance Beer Garden application for the Silver Dollar Bar for June 7 – 8 and July 2 – 3. Everything is in proper order.

ATTACHMENTS: Applications

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

LEGAL REVIEW: n/a

RECOMMENDATION: Recommend approval of these Beer Garden Street Dances, as all departments have signed off on their approval.

SUGGESTED MOTION: I move to approve the applications.

# CITY OF MANDAN

1. Type of license being applied for:

Street Dance:   
Beer Gardens:   
Both:  (\$10.00 per day per event)

2. Applicant:

Name: Silver Dollar DBA Silver Dollar Bar  
Address: 200 EAST MAIN MANDAN ND  
Date of Birth: \_\_\_\_\_  
Social Security or Drivers License: \_\_\_\_\_

3. Name of individual or individuals who will manage or conduct the event:

Name: Silver Dollar Name: \_\_\_\_\_  
Address: 200 East Main Mandan Address: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
S.S. or D.L.: \_\_\_\_\_ S.S. or D.L.: \_\_\_\_\_

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

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

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

7. List the place, date and hours of the proposed event (special note, all applications must be received 30 days in advance of the proposed event).

JUNE 7-8-  
JULY 2-3

8. Site Plan: See attached sheets.

- A. Beer Gardens
- B. Street Dance

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

Maximum Capacity 600  
Expected Attendance 900

10. Is there going to be advance ticket sales? Yes \_\_\_\_\_ No X

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

11. What plans are there to limit attendance if there are no advance ticket sales, \_\_\_\_\_

PRIVATE SECURITY  
\_\_\_\_\_  
\_\_\_\_\_

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

Number of toilet facilities 5

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

Yes \_\_\_\_\_ No X

14. Fencing & Barricades should be supplied on site plan.

15. List below a description of the signing which is proposed to control pedestrian and vehicular traffic, parking and notices to the persons in attendance.

ROAD CLOSED BARRICADES  
\_\_\_\_\_  
\_\_\_\_\_

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

Private X City Police \_\_\_\_\_

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

Private 4 City Police \_\_\_\_\_

18. Street Dances & Concerts: Have you enclosed fees for the charges for city police officers? List the amount \_\_\_\_\_.

Laura Belych  
\_\_\_\_\_  
Signature of applicant

4-22-13  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Telephone number

Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: Beer Garden – Street Dance Application for Silver Dollar

Page 4 of 7

---

A. SITE PLAN FOR BEER GARDEN APPLICATION:

Please provide a site plan which details the exact placement of the beer garden, lighting and other electrical equipment, public seating, toilet facilities, fencing or other barricades, parking, marked fire lanes, and the proximity of public roadway.

Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: Beer Garden – Street Dance Application for Silver Dollar

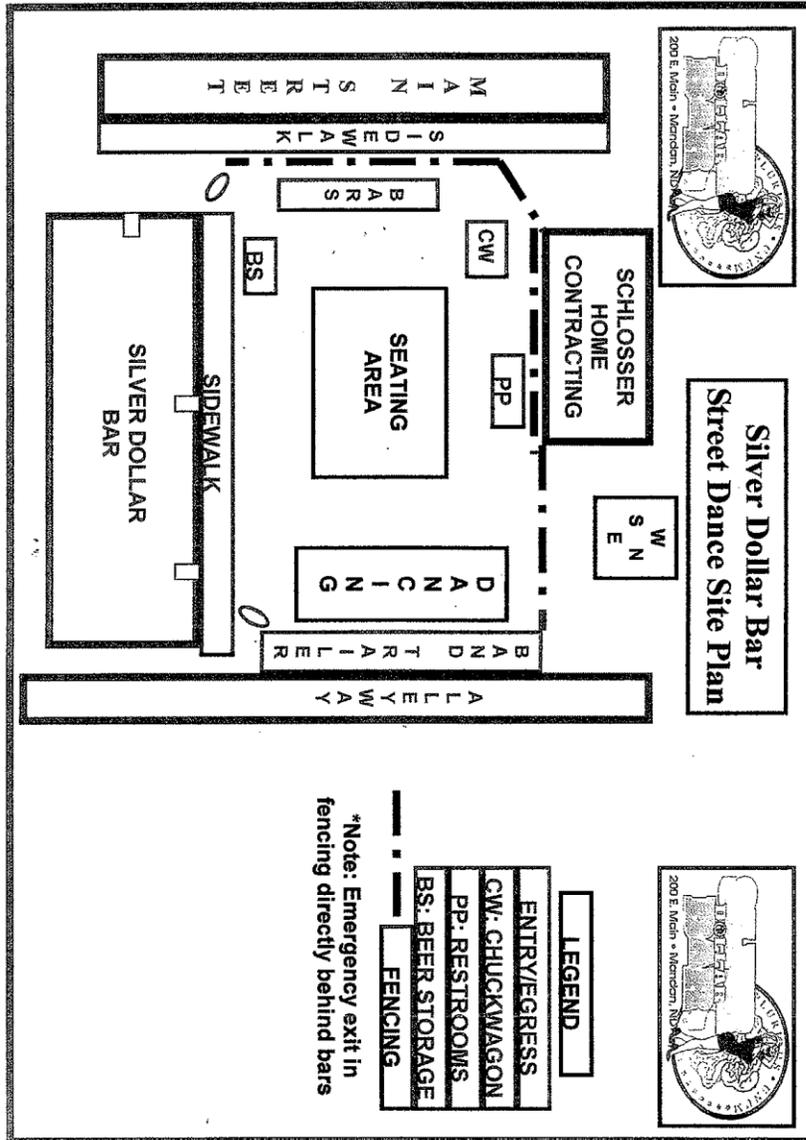
Page 5 of 7

---

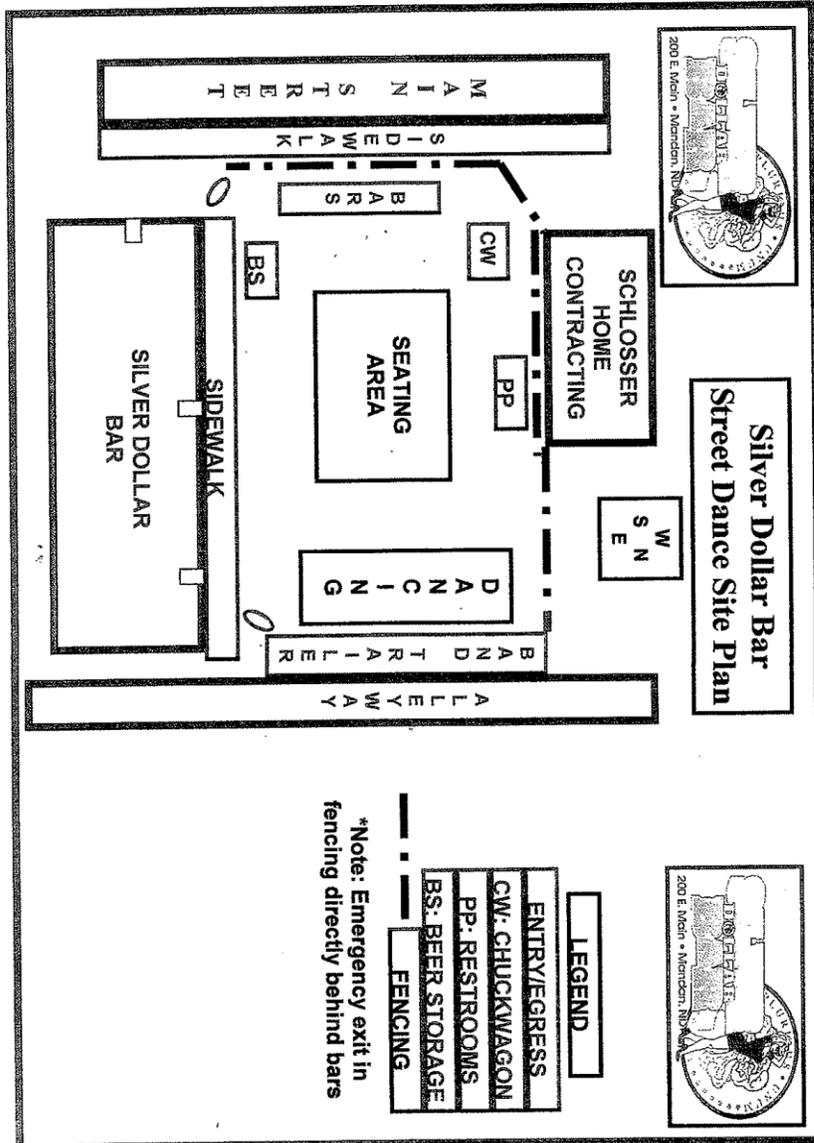
B. SITE PLAN FOR STREET DANCE APPLICATION:

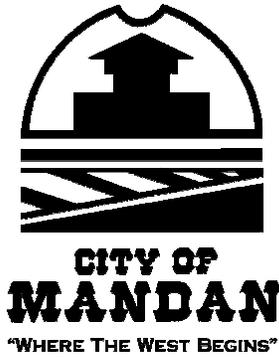
Please provide a site plan which details the exact placement of the stage, lighting and other electrical equipment, audience seating, toilet facilities, fencing or other barricades, parking, marked fire lanes, and the proximity of public roadways. The site plan submitted by the applicant shall be reviewed by the city engineer who shall submit his recommendations to the board of City Commissioners.

A



B





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 7, 2013  
**PREPARATION DATE:** May 2, 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 Street Improvement District 176, Project 2012-20 (Lakewood 6<sup>th</sup> and 7<sup>th</sup>).

---

**STATEMENT/PURPOSE:** To consider approving the Amended Engineer's Report and authorize the call for bids for Street Improvement District 176, Project 2012-20 (Lakewood 6<sup>th</sup> and 7<sup>th</sup>).

**BACKGROUND/ALTERNATIVES:** This project was started back in November of 2012. With the time frame from then till now it was determined that an amended engineers report was needed before we advertised for bids to be more in line with the current costs.

**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.

**SUGGESTED MOTION:** I move to approve the Amended Engineer's Report and authorize the call for bids for Street Improvement District 176, Project 2012-20 (Lakewood 6<sup>th</sup> and 7<sup>th</sup>).

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 Street Improvement District 176, Project 2012-20 (Lakewood 6<sup>th</sup> and 7<sup>th</sup>).

Page 2 of 6

---

**RESOLUTION APPROVING AMENDED ENGINEER'S REPORT FOR THE  
CONSTRUCTION OF THE  
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 176**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 176 (Project # 2012-20), 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:	\$1,422,246.00
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:	\$355,561.50
c. Total estimated costs of the improvement:	\$1,777,807.50

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

Dated this 7<sup>th</sup> day of May, 2013.

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

ATTEST:

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

	<b>Engineer's Opinion of Cost</b> 4/11/2013 McKenzie Drive SE, 34th Ave SE & Genoa Court SE Street & Storm Sewer Improvements District No. 176 (Project 2012-20) 1412113																																																																																																																																																																																																					
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Item No.</th> <th rowspan="2">Description</th> <th rowspan="2">Unit</th> <th rowspan="2">Quantity</th> <th colspan="2">Engineer's Opinion</th> </tr> <tr> <th>Unit Price</th> <th>Total</th> </tr> </thead> <tbody> <tr><td>1</td><td>Mobilization</td><td>LS</td><td>1</td><td>\$ 50,000.00</td><td>\$ 50,000.00</td></tr> <tr><td>2</td><td>Contract Bond</td><td>LS</td><td>1</td><td>\$ 4,500.00</td><td>\$ 4,500.00</td></tr> <tr><td>3</td><td>Clearing and Grubbing</td><td>LS</td><td>1</td><td>\$ 6,000.00</td><td>\$ 6,000.00</td></tr> <tr><td>4</td><td>Unclassified Excavation</td><td>CY</td><td>2,000</td><td>\$ 8.00</td><td>\$ 16,000.00</td></tr> <tr><td>5</td><td>Subgrade Preparation (1 Foot Deep)</td><td>SY</td><td>16,429</td><td>\$ 3.00</td><td>\$ 49,287.00</td></tr> <tr><td>6</td><td>Silt Fence</td><td>LF</td><td>100</td><td>\$ 10.00</td><td>\$ 1,000.00</td></tr> <tr><td>7</td><td>Weighted Fiber Roll</td><td>LF</td><td>220</td><td>\$ 15.00</td><td>\$ 3,300.00</td></tr> <tr><td>8</td><td>Stabilized Gravel Base - Class 5</td><td>TON</td><td>5,136</td><td>\$ 25.00</td><td>\$ 128,400.00</td></tr> <tr><td>9</td><td>AC Stabilized Base (Class A)</td><td>TON</td><td>776</td><td>\$ 80.00</td><td>\$ 62,080.00</td></tr> <tr><td>10</td><td>AC Stabilized Base (Class B)</td><td>TON</td><td>1,223</td><td>\$ 80.00</td><td>\$ 97,840.00</td></tr> <tr><td>11</td><td>AC Surfacing Course (Class A)</td><td>TON</td><td>621</td><td>\$ 80.00</td><td>\$ 49,680.00</td></tr> <tr><td>12</td><td>AC Surfacing Course (Class B)</td><td>TON</td><td>979</td><td>\$ 80.00</td><td>\$ 78,320.00</td></tr> <tr><td>13</td><td>Asphalt Cement</td><td>TON</td><td>217</td><td>\$ 700.00</td><td>\$ 151,900.00</td></tr> <tr><td>14</td><td>Bituminous Tack Coat</td><td>GAL</td><td>720</td><td>\$ 4.00</td><td>\$ 2,880.00</td></tr> <tr><td>15</td><td>4-Inch Concrete Sidewalk</td><td>SF</td><td>1,396</td><td>\$ 10.00</td><td>\$ 13,960.00</td></tr> <tr><td>16</td><td>ADA Curb Ramps</td><td>SF</td><td>252</td><td>\$ 90.00</td><td>\$ 22,680.00</td></tr> <tr><td>17</td><td>Standard Curb and Gutter</td><td>LF</td><td>6,113</td><td>\$ 22.00</td><td>\$ 134,486.00</td></tr> <tr><td>18</td><td>Subcut Gravel</td><td>TON</td><td>300</td><td>\$ 30.00</td><td>\$ 9,000.00</td></tr> <tr><td>19</td><td>15" RCP Storm Sewer</td><td>LF</td><td>2,203</td><td>\$ 60.00</td><td>\$ 132,180.00</td></tr> <tr><td>20</td><td>18" RCP Storm Sewer</td><td>LF</td><td>658</td><td>\$ 65.00</td><td>\$ 42,770.00</td></tr> <tr><td>21</td><td>24" RCP Storm Sewer</td><td>LF</td><td>116</td><td>\$ 68.00</td><td>\$ 7,888.00</td></tr> <tr><td>22</td><td>24" RCP Flared End Section</td><td>EA</td><td>1</td><td>\$ 2,500.00</td><td>\$ 2,500.00</td></tr> <tr><td>23</td><td>Rip Rap (Type L)</td><td>TON</td><td>141</td><td>\$ 125.00</td><td>\$ 17,625.00</td></tr> <tr><td>24</td><td>2 Inch Conduit - PVC Laid in Trench</td><td>LF</td><td>354</td><td>\$ 2.50</td><td>\$ 885.00</td></tr> <tr><td>25</td><td>Type BR1 Light Unit</td><td>EA</td><td>28</td><td>\$ 4,500.00</td><td>\$ 126,000.00</td></tr> <tr><td>26</td><td>Type B2 Light Unit</td><td>EA</td><td>13</td><td>\$ 4,750.00</td><td>\$ 61,750.00</td></tr> <tr><td>27</td><td>#6 AWG RHW/USE-2</td><td>LF</td><td>762</td><td>\$ 3.00</td><td>\$ 2,286.00</td></tr> <tr><td>28</td><td>#6 AWG THW Ground</td><td>LF</td><td>3,836</td><td>\$ 2.75</td><td>\$ 10,549.00</td></tr> <tr><td>29</td><td>Concrete Manhole</td><td>EA</td><td>15</td><td>\$ 3,500.00</td><td>\$ 52,500.00</td></tr> <tr><td>30</td><td>Type 36" Inlet</td><td>EA</td><td>27</td><td>\$ 3,000.00</td><td>\$ 81,000.00</td></tr> <tr><td>31</td><td>Traffic Control</td><td>LS</td><td>1</td><td>\$ 3,000.00</td><td>\$ 3,000.00</td></tr> </tbody> </table>					Item No.	Description	Unit	Quantity	Engineer's Opinion		Unit Price	Total	1	Mobilization	LS	1	\$ 50,000.00	\$ 50,000.00	2	Contract Bond	LS	1	\$ 4,500.00	\$ 4,500.00	3	Clearing and Grubbing	LS	1	\$ 6,000.00	\$ 6,000.00	4	Unclassified Excavation	CY	2,000	\$ 8.00	\$ 16,000.00	5	Subgrade Preparation (1 Foot Deep)	SY	16,429	\$ 3.00	\$ 49,287.00	6	Silt Fence	LF	100	\$ 10.00	\$ 1,000.00	7	Weighted Fiber Roll	LF	220	\$ 15.00	\$ 3,300.00	8	Stabilized Gravel Base - Class 5	TON	5,136	\$ 25.00	\$ 128,400.00	9	AC Stabilized Base (Class A)	TON	776	\$ 80.00	\$ 62,080.00	10	AC Stabilized Base (Class B)	TON	1,223	\$ 80.00	\$ 97,840.00	11	AC Surfacing Course (Class A)	TON	621	\$ 80.00	\$ 49,680.00	12	AC Surfacing Course (Class B)	TON	979	\$ 80.00	\$ 78,320.00	13	Asphalt Cement	TON	217	\$ 700.00	\$ 151,900.00	14	Bituminous Tack Coat	GAL	720	\$ 4.00	\$ 2,880.00	15	4-Inch Concrete Sidewalk	SF	1,396	\$ 10.00	\$ 13,960.00	16	ADA Curb Ramps	SF	252	\$ 90.00	\$ 22,680.00	17	Standard Curb and Gutter	LF	6,113	\$ 22.00	\$ 134,486.00	18	Subcut Gravel	TON	300	\$ 30.00	\$ 9,000.00	19	15" RCP Storm Sewer	LF	2,203	\$ 60.00	\$ 132,180.00	20	18" RCP Storm Sewer	LF	658	\$ 65.00	\$ 42,770.00	21	24" RCP Storm Sewer	LF	116	\$ 68.00	\$ 7,888.00	22	24" RCP Flared End Section	EA	1	\$ 2,500.00	\$ 2,500.00	23	Rip Rap (Type L)	TON	141	\$ 125.00	\$ 17,625.00	24	2 Inch Conduit - PVC Laid in Trench	LF	354	\$ 2.50	\$ 885.00	25	Type BR1 Light Unit	EA	28	\$ 4,500.00	\$ 126,000.00	26	Type B2 Light Unit	EA	13	\$ 4,750.00	\$ 61,750.00	27	#6 AWG RHW/USE-2	LF	762	\$ 3.00	\$ 2,286.00	28	#6 AWG THW Ground	LF	3,836	\$ 2.75	\$ 10,549.00	29	Concrete Manhole	EA	15	\$ 3,500.00	\$ 52,500.00	30	Type 36" Inlet	EA	27	\$ 3,000.00	\$ 81,000.00	31	Traffic Control	LS	1	\$ 3,000.00
Item No.	Description	Unit	Quantity	Engineer's Opinion																																																																																																																																																																																																		
				Unit Price	Total																																																																																																																																																																																																	
1	Mobilization	LS	1	\$ 50,000.00	\$ 50,000.00																																																																																																																																																																																																	
2	Contract Bond	LS	1	\$ 4,500.00	\$ 4,500.00																																																																																																																																																																																																	
3	Clearing and Grubbing	LS	1	\$ 6,000.00	\$ 6,000.00																																																																																																																																																																																																	
4	Unclassified Excavation	CY	2,000	\$ 8.00	\$ 16,000.00																																																																																																																																																																																																	
5	Subgrade Preparation (1 Foot Deep)	SY	16,429	\$ 3.00	\$ 49,287.00																																																																																																																																																																																																	
6	Silt Fence	LF	100	\$ 10.00	\$ 1,000.00																																																																																																																																																																																																	
7	Weighted Fiber Roll	LF	220	\$ 15.00	\$ 3,300.00																																																																																																																																																																																																	
8	Stabilized Gravel Base - Class 5	TON	5,136	\$ 25.00	\$ 128,400.00																																																																																																																																																																																																	
9	AC Stabilized Base (Class A)	TON	776	\$ 80.00	\$ 62,080.00																																																																																																																																																																																																	
10	AC Stabilized Base (Class B)	TON	1,223	\$ 80.00	\$ 97,840.00																																																																																																																																																																																																	
11	AC Surfacing Course (Class A)	TON	621	\$ 80.00	\$ 49,680.00																																																																																																																																																																																																	
12	AC Surfacing Course (Class B)	TON	979	\$ 80.00	\$ 78,320.00																																																																																																																																																																																																	
13	Asphalt Cement	TON	217	\$ 700.00	\$ 151,900.00																																																																																																																																																																																																	
14	Bituminous Tack Coat	GAL	720	\$ 4.00	\$ 2,880.00																																																																																																																																																																																																	
15	4-Inch Concrete Sidewalk	SF	1,396	\$ 10.00	\$ 13,960.00																																																																																																																																																																																																	
16	ADA Curb Ramps	SF	252	\$ 90.00	\$ 22,680.00																																																																																																																																																																																																	
17	Standard Curb and Gutter	LF	6,113	\$ 22.00	\$ 134,486.00																																																																																																																																																																																																	
18	Subcut Gravel	TON	300	\$ 30.00	\$ 9,000.00																																																																																																																																																																																																	
19	15" RCP Storm Sewer	LF	2,203	\$ 60.00	\$ 132,180.00																																																																																																																																																																																																	
20	18" RCP Storm Sewer	LF	658	\$ 65.00	\$ 42,770.00																																																																																																																																																																																																	
21	24" RCP Storm Sewer	LF	116	\$ 68.00	\$ 7,888.00																																																																																																																																																																																																	
22	24" RCP Flared End Section	EA	1	\$ 2,500.00	\$ 2,500.00																																																																																																																																																																																																	
23	Rip Rap (Type L)	TON	141	\$ 125.00	\$ 17,625.00																																																																																																																																																																																																	
24	2 Inch Conduit - PVC Laid in Trench	LF	354	\$ 2.50	\$ 885.00																																																																																																																																																																																																	
25	Type BR1 Light Unit	EA	28	\$ 4,500.00	\$ 126,000.00																																																																																																																																																																																																	
26	Type B2 Light Unit	EA	13	\$ 4,750.00	\$ 61,750.00																																																																																																																																																																																																	
27	#6 AWG RHW/USE-2	LF	762	\$ 3.00	\$ 2,286.00																																																																																																																																																																																																	
28	#6 AWG THW Ground	LF	3,836	\$ 2.75	\$ 10,549.00																																																																																																																																																																																																	
29	Concrete Manhole	EA	15	\$ 3,500.00	\$ 52,500.00																																																																																																																																																																																																	
30	Type 36" Inlet	EA	27	\$ 3,000.00	\$ 81,000.00																																																																																																																																																																																																	
31	Traffic Control	LS	1	\$ 3,000.00	\$ 3,000.00																																																																																																																																																																																																	
				Labor and Materials Estimate	\$ 1,422,246.00																																																																																																																																																																																																	
				Contingency (10%)	\$ 142,224.60																																																																																																																																																																																																	
				Design, Surveying, & Construction Observation (15%)	\$ 213,336.90																																																																																																																																																																																																	
				<b>Estimated Total Cost</b>	<b>\$ 1,777,807.50</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 Street Improvement District 176, Project 2012-20 (Lakewood 6<sup>th</sup> and 7<sup>th</sup>).

Page 4 of 6

---

**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS  
FOR STREET IMPROVEMENT DISTRICT NO. 176**

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

1. The City Administrator, Deputy Auditor and City Engineer shall meet at the time and place specified in the notice authorized in paragraph 2 hereof, for the purpose of opening sealed bids for the work and material needed for the improvement project to be made in Street Improvement District No. 176 (Project # 2012-20) 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  
STREET IMPROVEMENT DISTRICT NO. 176  
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 May 28, at 10:00 a.m., local time for the purpose of furnishing of materials, labor and skill needed for the new construction of storm sewer mains, asphalt streets, concrete curb and gutter and street lights and related work in accordance with the plans and specifications for Street Improvement District No. 176 (Project # 2012-20), for the City of Mandan. The Work consists of all labor, skill, and materials required to properly construct the improvement.

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

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 Street Improvement District 176, Project 2012-20 (Lakewood 6<sup>th</sup> and 7<sup>th</sup>).

Page 5 of 6

---

The bid proposals must be submitted to the City Administrator by 10:00 a.m., local time, May 28, 2013 and shall be sealed and endorsed "Proposal for Street Improvement District No 176. 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 May 28, 2013. All bidders are invited to be present at the public opening of the Bids.

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

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

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

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

All construction work on Project #2012-20 is to be completed no later than August 30, 2013.

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

Should the contractor fail to complete all of the work in a District according to the above date, or within such additional time as may have been granted by formal extensions of time approved by the City Engineer, there shall be deducted from any money due the contractor, the above mentioned sum for each calendar day the completion of the Work is delayed, for each District. Liquidated damages will continue to accumulate until the City Engineer determines winter weather prevents

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 Street Improvement District 176, Project 2012-20 (Lakewood 6<sup>th</sup> and 7<sup>th</sup>).

Page 6 of 6

---

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, June 4, 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, on eligible areas, by a responsible and responsive Bidder deemed most favorable to the City's interest.

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

Dated this 7<sup>th</sup> day of May, 2013.

City of Mandan, North Dakota  
BY: James Neubauer  
City Administrator"

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

4. The Board of City Commissioners shall meet on Tuesday, June 4<sup>th</sup>, 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.

---

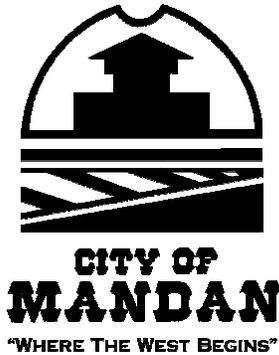
President, Board of City Commissioners

ATTEST:

---

City Administrator

Passed: May 7, 2013



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 7, 2013  
**PREPARATION DATE:** April 30, 2013  
**SUBMITTING DEPARTMENT:** Assessing/Bldg Inspections  
**DEPARTMENT DIRECTOR:** Doug Lalim  
**PRESENTER:** Doug Lalim  
**SUBJECT:** Street Appraisal - Reduction in market value for Chad Dewitz/Richard & Lynn Dewitz

---

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

BACKGROUND/ALTERNATIVES: This parcel is also known as Parcel #4845, Lots 3 & 4, Block 5, N.P. 2nd Addition.

Reason for abatement: To lower the structure value for the 2012 year from \$74,200 to \$26,200. After the final walk through of Dewitz's property to determine accuracy of our data and conducting a market analysis, I have arrived at a true and full value of \$39,000 for the 2012 year rather than \$87,000, a difference in true and full value of \$48,000.

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

FISCAL IMPACT: Approximately \$853.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend a motion to approve to lower the true and full value for the 2012 year to \$39,000 for Dewitz's property.

SUGGESTED MOTION: A motion to approve a reduction for Dewitz's property in the 2012 year with a true and full value to \$39,000.

Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: Street Appraisal - Reduction in market value for Chad Dewitz/Richard & Lynn Dewitz

Page 2 of 5

Application For Abatement And Settlement Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

County of Morton

Name DEWITZ CHAD A / Richard + Lynn Dewitz

Property ID Number

City 4845

Address 202 8 AVE SW

County 65-3662000

Legal Description of the property involved in this application  
LOTS 3 & 4

Block: 005

N.P. 2ND

Total true and full value of the property described above for the year 2012 is:		Total true and full value of the property described above for the year 2012 should be:	
Land	\$12,800	Land	\$12,800
Improvements	\$74,200	Improvements	\$26,200
Total (1)	\$87,000	Total (2)	\$39,000

The difference of \$48,000 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) THIS WAS A STREET APPRAISAL.

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

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

The Applicant asks that HE BE ABATED FOR 2012, AS HE HAD A COMPLETE REASSESSMENT DONE ON 4/25/2013, THIS HAD BEEN DONE AS A STREET APPRAISAL.

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 Chad Dewitz Date 4-30-12

Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: Street Appraisal - Reduction in market value for Chad Dewitz/Richard & Lynn Dewitz

Page 3 of 5

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: May 7, 2013

Subject: Street Appraisal - Reduction in market value for Chad Dewitz/Richard & Lynn Dewitz

Page 4 of 5

4/30/13  
AS1057

Mandan Assessing Dept  
Property Data Sheet

Page 1

DEWITZ CHAD A  
202 8 AVE SW  
MANDAN ND 58554

City Parcel No. 04845  
County No. 65-003662000  
Assessment Year 2012

Property Address: 202 8 AVE SW

Property Type: RESIDENTIAL

Legal Description  
LOTS 3 & 4

Lot Block 005 Addition 0020 N.P. 2ND

**Total Property - Land**

Area Factor 20 RESIDENTIAL  
Zoning RM  
Lot Width 50 Ft  
Lot Depth 140 Ft  
Lot Sq Ft 7000 SqFt  
Irregular Shape No  
Alley Yes  
Cul-De-Sac No  
Corner No  
Utilities Yes  
Underground Util No  
Street Hard Surface  
Sidewalk Yes  
Location Inland  
Flood Plain Degree  
Acres .16  
Lot Sale Price 0  
Lot Sale Date

Interior Walls Plaster  
Interior Finish Painted  
Fireplace No  
Floors Softwood  
Floor Covering Carpet  
Apartment None

**Garage**

None 0 Stall with 0 SqFt  
Quality None

**Additional Data**

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

**Additional Area**

Porch 96 SqFt

**Building Data**

Year Built 1910  
Effective Year 1935  
Basement Walls Poured Concrete  
Condition Fair  
Quality Fair  
Construction Type 2x4 Construction  
Stories One +  
Roof Cover Asphalt/Compound  
Roof Type Gable  
Heating Fuel Gas  
Heating Type Forced Air  
Air Conditioning None  
Flr Tot Rms Bed Bath  
02 1 1 1.00 390 SqFt  
01 4 1 1.00 988 SqFt  
BF 0 0 .00 988/0 SqFt  
Quality None  
Tot Finished Area 1378 SqFt  
Exterior Walls Wood Siding  
Basement Full  
Dining Room Area Dining Area  
Kitchen Cabinets Softwood  
Built-Ins No

**Other Area**

Listing Date 03/12/1997  
Listing Price 44900  
Review Date 08/30/2011 GEORGER  
Final App. Date 04/25/2013 SHIRLEYS

2012 Mrkt Value 87000 Land 12800  
Bldg 74200

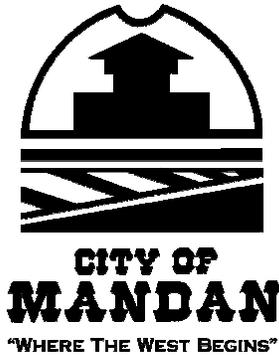
2011 Mrkt Value 59600 Land 12000  
Bldg 47600

2012 Est Tax Amount 1544.31

Selling Price Includes Special Assessments  
Current Sale Price 42400  
Current Sale Date 05/24/1997

Previous Sale Price 0  
Previous Sale Date  
Data Sheet Printed By: RACHELH





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 7, 2013  
**PREPARATION DATE:** April 24, 2013  
**SUBMITTING DEPARTMENT:** Assessing/Bldg Inspections  
**DEPARTMENT DIRECTOR:** Doug Lalim  
**PRESENTER:** Doug Lalim  
**SUBJECT:** Street Appraisal - Reduction in market value for Ryan Wentz

---

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

BACKGROUND/ALTERNATIVES: This parcel is also known as Parcel #9255, Lot 5, Block 2, Borden Harbor 1st.

Reason for abatement: To lower the structure value for the 2012 year from \$267,700 to \$245,100. After the final walk through of Mr. Wentz's property to determine accuracy of our data and conducting a market analysis, I have arrived at a true and full value of \$301,800 for the 2012 year rather than \$279,200, a difference in true and full value of \$22,600.

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

FISCAL IMPACT: Approximately \$402.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend a motion to approve to lower the true and full value for the 2012 year to \$279,200 for Mr. Wentz's property.

SUGGESTED MOTION: A motion to approve a reduction for Mr. Wentz's property in the 2012 year with a true and full value to \$279,200.

Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: Street Appraisal - Reduction in market value for Ryan Wentz

Page 2 of 5

Application For Abatement And Settlement Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

County of Morton

Name WENTZ RYAN L & MARY J

Address 4805 HARBOR TRL SE

Legal Description of the property involved in this application

Lot: 5

Block: 2

BORDEN HARBOR 1ST

Property ID Number

City 9255

County 65-171740

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

Land \$34,100
Improvements \$267,700
Total (1) \$301,800

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

Land \$34,100
Improvements \$245,100
Total (2) \$279,200

The difference of \$22,600 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)
X 10. Other (Explain) THIS WAS A STREET APPRAISAL.

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: \$ 268,700 Date of Purchase: 2/17/2011
Terms: Cash X Contract Trade Other (explain)
Was there personal property involved in the purchase price? NO Estimated value: \$
2. Has the property been offered for sale on the open market? NO If yes, how long?
Asking price: \$ Terms of sale:
3. The property was independently appraised: NO Purpose of appraisal:
Market value estimate: \$ Apr 2012 Reassessment \$256K
Appraisal was made by whom? Ryan Wentz (See Email Evidence)
4. The applicant's estimate of market value of the property involved in this application is \$ \$256K
5. The estimated agricultural productive value of this property is excessive because of the following condition(s):

The Applicant asks that THAT HE BE ABATED DUE TO HAVING AN ACCURATE ASSESSMENT COMPLETED ON 4/12/2013.

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

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

Signature of Preparer (if other than applicant)

Date

Signature of Applicant

Date

Handwritten signature of Ryan Wentz and date 23 April 2013

Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: Street Appraisal - Reduction in market value for Ryan Wentz

Page 3 of 5

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.

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: May 7, 2013

Subject: Street Appraisal - Reduction in market value for Ryan Wentz

Page 4 of 5

4/18/13  
ASI057

Mandan Assessing Dept  
Property Data Sheet

Page 1

WENTZ RYAN L & MARY J  
4805 HARBOR TRL SE  
MANDAN ND 58554

City Parcel No. 09255  
County No. 65-000171740  
Assessment Year 2013

Property Address: 4805 HARBOR TRL SE

Property Type: RESIDENTIAL

Legal Description

Lot 5 Block 2 Addition 0161 BORDEN HARBOR 1ST

**Total Property - Land**

Area Factor	130 >	\$300,000-WATER AREAS
Zoning	R7	
Lot Width	90 Ft	
Lot Depth	135 Ft	
Lot Sq Ft	12150	SqFt
Irregular Shape	No	
Alley	No	
Cul-De-Sac	No	
Corner	No	
Utilities	Yes	
Underground Util	Yes	
Street	Hard Surface	
Sidewalk	Yes	
Location	Water Area	
Flood Plain Degree		
Acres	.28	
Lot Sale Price	28800	
Lot Sale Date	07/10/2002	

Fireplace	1 Gas Inserts
	Quality: Average/Good
Floors	Plywood
Floor Covering	Linoleum
	Ceramic
	Carpet
	Hardwood
Apartment	None

**Garage**

Attached 3 Stall with 1025 SqFt	
Quality	Good

**Additional Data**

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

**Building Data**

Year Built	2002
Effective Year	2002
Basement Walls	Poured Concrete
Condition	Average/Good
Quality	Good
Construction Type	2x6 Construction
Stories	Two Story
Roof Cover	Asphalt/Compound
Roof Type	Gable
Heating Fuel	Gas
Heating Type	Forced Air
Air Conditioning	Central
Flr Tot Rms	Bath
02 4 4	2.00 1329 SqFt
01 4 0	.50 1174 SqFt
BF 2 1	1.00 1141/826 SqFt
Quality	Average/Good
Tot Finished Area	3329 SqFt
Exterior Walls	Brick Veneer/Vinyl
Basement	Full
Dining Room Area	Dining Area
Kitchen Cabinets	Custom Hardwood
Built-Ins	Yes
Interior Walls	Sheetrock
Interior Finish	Painted

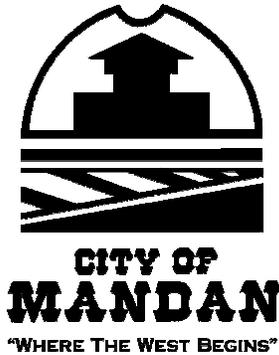
**Additional Area**

Deck 150 SqFt
Patio 192 SqFt

**Other Area**

Listing Date	01/02/2011	
Listing Price	274900	
Review Date	11/17/2011 JONB	
Final App. Date	04/12/2013 RLB	
2013 Mrkt Value	278600 Land	34100
	Bldg	244500
2012 Mrkt Value	301800 Land	34100
	Bldg	267700
2013 Est Tax Amount		4945.35
Selling Price Includes	Special Assessments	
Current Sale Price	271900	
Current Sale Date	02/17/2011	
Previous Sale Price	266400	
Previous Sale Date	07/21/2008	
Data Sheet Printed By:	Shirley Shaw	





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 7, 2013  
**PREPARATION DATE:** April 30, 2013  
**SUBMITTING DEPARTMENT:** Assessing/Bldg Inspections  
**DEPARTMENT DIRECTOR:** Doug Lalim  
**PRESENTER:** Doug Lalim  
**SUBJECT:** Flood Discount - Abatement for Alan Reid

---

STATEMENT/PURPOSE: Ms. Reid has requested to lower his 2012 true and full value from \$424,900 to \$385,600 due to the discount that should have been given for flood damage.

BACKGROUND/ALTERNATIVES: This property is also known as Parcel 9680, on Lot 13, Block 2, Lakewood Harbor 1st Addition. Our city computer shows the discount given for flood; however, the county tax statement does not reflect this discount.

ATTACHMENTS: Abatement application.

FISCAL IMPACT: Approximately \$700.00

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend a motion to approve reducing Mr. Reid's 2012 true and full value from \$424,900 to \$385,600 due to flood discount of home structure.

SUGGESTED MOTION: A motion to approve a reduction for Mr. Reid from \$424,900 to \$385,600 for the year 2012.

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 REID ALAN C & DIANA M

Address 4801 INLET BAY DR SE

Legal Description of the property involved in this application

Lot: 13

Block: 2

LAKEWOOD HARBOR 1ST

Property ID Number

City 9680

County 65-1806225

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

Land \$85,300  
 Improvements \$339,600  
 Total (1) \$424,900

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

Land \$85,300  
 Improvements \$300,300  
 Total (2) \$385,600

The difference of \$39,300 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) MISSOURI RIVER FLOOD 2011; PROPERTY RECEIVED

DISCOUNT FOR FLOOD, COUNTY DID NOT APPLY THE FLOOD DISCOUNT

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 HE BE ABATED AS HE STILL HAD FLOOD DAMAGE IN 2012 AND TAX STATEMENT DID NOT REFLECT DISCOUNT.

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.

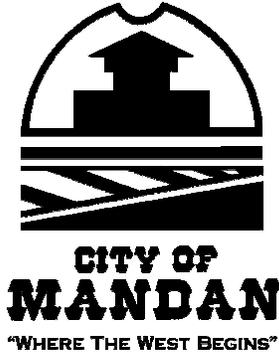
Signature of Preparer (if other than applicant) \_\_\_\_\_

Date \_\_\_\_\_

Signature of Applicant Alan C. Reid

Date 4-26-13





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 7<sup>th</sup>, 2013  
**PREPARATION DATE:** April 22, 2013  
**SUBMITTING DEPARTMENT:** Mandan Progress Organization  
**DEPARTMENT DIRECTOR:** Del Wetsch  
**PRESENTER:** Del Wetsch  
**SUBJECT:** City of Mandan Grant Funding – MPO  
Funding Committee

---

STATEMENT/PURPOSE: To consider funding from the city of Mandan's advertising budget. Applications reviewed by a subcommittee of the MPO for recommendation to the city commission.

BACKGROUND/ALTERNATIVES: Organizations must provide statements of where money awarded to them was spent. Funding should add to the economic and well being of the community and increase quality of life in the community.

ATTACHMENTS: MPO funding committee letter of support for submitting organizations  
Funding applications are available on request

FISCAL IMPACT: Provides groups and organizations the ability to get new events and keep established events growing for the betterment of the community. This will provide a basis for the economic impact on the community by bringing people to an event and having them eat, shop, and play in Mandan thus increasing the quality of life. The grants are awarded with 50% in Mandan Bucks and 50% in cash and are limited to \$5000

STAFF IMPACT: 4 hours of prep work and meetings

LEGAL REVIEW: Applications are approved by Mandan Progress Organization Board of Directors after the reviewing process by the Funding Committee of the MPO

RECOMMENDATION: Accept Mandan Progress Organization Board of Directors approval for city funding submitted by MPO subcommittee.

SUGGESTED MOTION: Approve the funding recommendations by the subcommittee of the MPO and reviewed and accepted by the MPO Board of Directors at their April 17<sup>th</sup> board meeting.

To: Mandan Progress Organization Board of Directors  
Fr: Del Wetsch Executive Director  
Re: City of Mandan Funding Requests

The Mandan Progress Organization, a sub committee for the City of Mandan met on April 9<sup>th</sup> to review 17 applications submitted by groups or organizations requesting city monies that are available for granting out to groups which work for the betterment of the community.

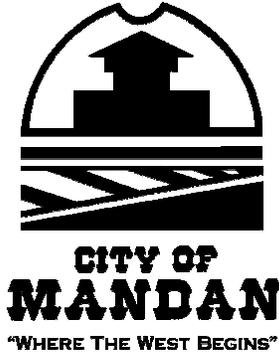
The funding recommendations are base upon information supplied from applications provided by the Mandan Progress Organization and the city of Mandan. A point system is used to grade each event submitted by groups or organizations.

Each year the city provides \$20,000 from the advertising budget to help organizations promote events in the community. Points are awarded based upon the quality of the event, number of spectators, value of the event to the business community and if the event is new or number of times it has applied for funding. Half of the monies are awarded in Mandan bucks and half in a check to each group or organization that is funded.

I would recommend approval from the Board of Directors of the MPO for the distribution of funds to the following organizations approved by the MPO subcommittee.

Event:	Total Points	Funding
Wild West Grill Fest	84	\$2750
Oktoberfest	82	\$2150
Mandan Rodeo	79	\$2800
Art in the Park Committee	79	\$1250
Mandan Parade Committee	75	\$1500
The Event Committee Huff Hills	73	\$500
Heritage Plaza Foundation	66	\$1000
Horse and Saddle Club	63	\$1250
Musicians Association	62	\$2000
July 4 <sup>th</sup> Road Race committee	61	\$500
Stockcar Association	60	\$1500
Cowboy Action Performers	59	\$500
West River Winds Band	53	\$400
Railroad Museum of ND	51	\$500
Ft. Lincoln Foundation	51	\$600
Friends of Fort Lincoln	47	\$300
Old Red Old 10 Committee	46	\$500
Total Awarded		\$20,000 50% Mandan Bucks 50% Cash

Del Wetsch Executive Director



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** May 7, 2013  
**PREPARATION DATE:** May 2, 2013  
**SUBMITTING DEPARTMENT:** Business Development & Communications  
**DEPARTMENT DIRECTOR:** Ellen Huber, Business Development & Communications Director  
**PRESENTER:** Business Development & Communications Director Ellen Huber and/or a MGF Member  
**SUBJECT:** Growth Fund Committee Recommendation on an application for commercial property tax exemption

---

**STATEMENT/PURPOSE:** To consider a recommendation from the Mandan Growth Fund Committee regarding an application for property tax exemption for a new business.

**BACKGROUND/ALTERNATIVES:** The Mandan Growth Fund Committee at a meeting held April 24, 2013, reviewed and considered an application by Prairie View Properties, LLC for 310 6<sup>th</sup> Avenue SE. The applicant's request is for a tier 2 exemption of 100% in years 1-2, 75% in year 3, 50% in year 4 and 25% in year 5. The new building is to be 3,650 sf for a Little Caesar's Pizza franchise. Construction cost is estimated at \$600,000.

It appears the project will meet requirements in the property tax exemption policy for a tier 2 exemption based on two different qualifying criteria:

- Jobs creation — The project is to create 3 full-time and 17 part-time jobs in its first year. Most part-time workers will be putting in 25 to 37 hours weekly. The tier 2 minimum requirement is 3 FTEs plus an additional FTE for each \$100,000 in structural value subject to exemption. With a \$600,000 project, the minimum needed FTEs is 9 (3 + 6). The estimated FTE equivalent for the project is at least 11.5.
- Sales tax generation — Estimated annual sales are \$800,000, which should generate \$16,000 for the Visitors Fund via the 2% local restaurant and lodging tax. Projects generating \$10,000 to \$100,000 in local use taxes are to be considered for a tier 2 exemption.

Other criteria:

- Filling a market gap — This is for projects where validated market demand exceeds supply. Randy Rhone of Prairie View Properties is also the local

franchisee for Little Caesars Pizza, which provides hot and ready take-out food including chicken wings. Nielsen Claritas estimates 2013 Morton County demand (consumer expenditures) for limited service eating places at \$19.1 million and supply (retail sales) at only \$7.1 million, meaning there is an opportunity gap or leakage from Morton County of nearly \$12 million in expenditures annually.

- Annual sales — Estimated annual sales are \$800,000. Projects filling a gap that generate \$500,000 to \$1 million in annual sales meet Tier 1 criteria.
- Targeted business — a fast food restaurant (counter or drive-up service) is at the tier 1 level for the first to build since the policy became effective in 2013.

In summary, the project meets two of the tier 2 criteria as well as a tier 1 criteria.

The franchise fast food or limited service restaurant to open in Mandan and remain open is Papa Murphy's Pizza, which has been open roughly 10 years. As a Mandan resident, Rhone indicates possibilities for locating staff in Mandan to provide bookkeeping or other services for all of his franchise locations.

ATTACHMENTS: See application provided for Public Hearing.

FISCAL IMPACT: With a proposed building cost of \$600,000, the estimated annual property taxes are \$11,820. This is tax revenue that the city currently does not receive as the building does not exist today. The land, which remains taxed, will increase in taxable value once developed.

The total value of the exemption rate as recommended by the MGF (100%, 100%, 75%, 50%, 25%) is \$29,550 over the course of five years.

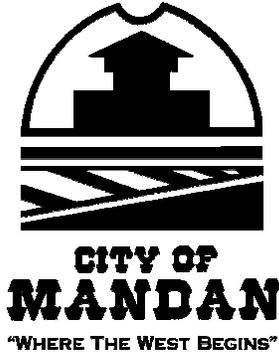
STAFF IMPACT: Minimal.

LEGAL REVIEW: Attorney Brown has reviewed all information.

RECOMMENDATION: The MGF voted to recommend approval of a property tax exemption for Prairie View Properties at 310 6<sup>th</sup> Avenue SE for years 1-2 at 100% and years 3, 4 and 5 at 75%, 50% and 25%, respectively.

The exemption would be subject to a clawback or business incentive agreement requiring fulfillment of at least one of the tier 2 criteria by the first anniversary of occupancy. If a tier 2 criteria is not met, but the project meets a tier 1 criteria, the exemption could be scaled back accordingly.

SUGGESTED MOTION: I move to approve a property tax exemption for Prairie View Properties at 310 6<sup>th</sup> Avenue SE for years 1-2 at 100% and years 3, 4 and 5 at 75%, 50% and 25%, respectively, with the exemption being subject to a clawback agreement.



## Board of City Commissioners

### Agenda Documentation

MEETING DATE: May 7, 2013  
PREPARATION DATE: May 2, 2013  
SUBMITTING DEPARTMENT: Public Works  
DEPARTMENT DIRECTOR: Jeff Wright, Public Works Director  
PRESENTER: Jeff Wright  
SUBJECT: Consider entering into contract with Wenck Associates for a detailed Engineering Study for 8<sup>th</sup> Ave NW.

---

**STATEMENT/PURPOSE:** The proposed contract with Wenck Associates would include a detailed engineering study for the extension of 8<sup>th</sup> Ave NW from Old Red Trail to the north where new development is proposed.

The purpose of the study is to identify conflicts with existing utilities and provide an alignment and profile of 8<sup>th</sup> Ave NW as it continues north of 27<sup>th</sup> St NW as defined in Option 2 of the proposal. Actual hourly cost will be billed, not to exceed \$25,426.

**BACKGROUND/ALTERNATIVES:** Mandan Middle School and Walmart have increased interest in development of north Mandan. They have also spurred concerns about how 8<sup>th</sup> Ave NW will be utilized for traffic flow in the area between Sunset Dr. and Highway 1806. The North Mandan Subarea Study has been concentrating on Sunset Dr. and the issues and concerns with increased traffic, also Highway 1806, but we feel that 8<sup>th</sup> Ave NW can become a vital part in the traffic flow in this area for years to come. This study will help us prepare for future development along 8<sup>th</sup> Ave NW by defining construction and right-of-way limits, street widths required to move traffic and identifying any existing utility issues along 8<sup>th</sup> Ave NW.

**ATTACHMENTS:** Copy of the proposed contract showing scope of work and options.

**FISCAL IMPACT:** Per discussion with Finance Director Welch, the funding for this Study will need to come from the City's General Fund Reserves, since 8<sup>th</sup> Avenue NW is not currently a main arterial street or classified as an urban road by the NDDOT and therefore would not be eligible for assistance from the City's Sales Tax Fund at this time.

Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: Consider entering into contract with Wenck Associates for a detailed Engineering Study for 8th Ave NW.

Page 2 of 5

---

**STAFF IMPACT:** City staff will assist in providing existing plat drawings, utility drawings and any records on hand.

**LEGAL REVIEW:** Attorney Brown has reviewed the document.

**RECOMMENDATION:** Recommend entering into contract with Wenck Associates for a detailed Engineering Study for 8th Ave NW, Option 2 not to exceed \$25,426.

**SUGGESTED MOTION:** Move to enter into contract with Wenck Associates for a detailed Engineering Study for 8th Ave NW, Option 2 not to exceed \$25,426.



Wenck Associates, Inc.  
301 1<sup>st</sup> Street NE  
Suite 202  
Mandan, ND 58554

(701) 751-3370  
Fax (701) 751-3372  
E-mail: kmagstadt@wenck.com

April 26, 2013

Jeff Wright  
Public Works Director  
City of Mandan  
205 2<sup>nd</sup> Avenue NW  
Mandan, ND 58554

Re: Proposal for Detailed Engineering Study for 8<sup>th</sup> Ave NW

Dear Mr. Wright

After our discussion this week, I put together a two option proposal for the City of Mandan to consider to provide a Detailed Engineering Study to the City of Mandan (City) for expansion of the 8<sup>th</sup> Avenue project in north Mandan.

Wenck Associates Inc. (Wenck) prides itself on being a "one-stop shop" for its clients. Offering a variety of engineering, scientific and technical services, our team can lend expertise on a broad range of issues. All team members are readily available, with the majority of tasks to be performed by our Mandan office.

Wenck proposes to perform a Detailed Engineers Study for 8<sup>th</sup> Ave NW, for the segment bounded by Old Red Trail to the future road termination on the north.

**Option 1:**

The Scope of Work for the Detailed Engineering Study will include:

Transportation Planning

- Obtain existing traffic count data and forecasts as well as projected pedestrian counts from the Bismarck-Mandan Metropolitan Planning Organization (MPO) for the surrounding area, primarily Sunset Drive and Collins Avenue. Use this information as a base to project traffic demands for 8<sup>th</sup> Avenue, which will presumably become a major corridor in the near future.
- Refine MPO data based on currently projected land uses. Define local trip generation data based on future uses. Model and determine design trip and turning movements.
- Determine typical roadway geometric information including:
  - Typical roadway lane and width requirements.
  - Preferred property access locations and widths
  - Intersection and access turning lanes requirements

- Signalization requirements, if any.

- Determine typical pedestrian sidewalk/trail requirements

#### Transportation Preliminary Design

- Survey 8<sup>th</sup> Avenue NW from Old Red Trail going north, establishing existing roadway, utilities, property corners, ROW, etc. Also obtain existing topography of proposed roadway going through undeveloped area north of 27<sup>th</sup> Street up to future 8<sup>th</sup> Ave NW termination.
- Obtain existing soils information from City and property owners to be utilized in general pavement design. Design typical pavement section to accommodate projected traffic loads.
- Propose a general new road profile north of 27<sup>th</sup> Street to serve future subdivisions.
- Prepare a limited plan set showing proposed layout of new roadway.
- Identify additional ROW needed to accommodate proposed road and pedestrian sidewalks/trails.

#### Storm Water Design

- Perform a topographical survey of entire study region, utilizing LIDAR.
- Analyze and model the existing and proposed study area storm water flow.
- Prepare a preliminary storm sewer facility design.

#### Preliminary Utility Design

- Work with City to identify existing sewer and water utility service points. Verify current infrastructure capacity.
- Identify future capacity requirements based on projected land uses.
- Work with property owners to identify utility profiles for their planned developments along 8<sup>th</sup> Avenue.
- Complete preliminary plan and profile of sanitary sewer and water main and services to properties along 8<sup>th</sup> Avenue.
- Identify existing utilities that will need to be relocated or upgraded based on projected developments.

#### Other Preliminary Design

- Identify other foreseeable problem areas which may require additional design work.
- Prepare a construction cost estimate.

Board of City Commissioners

Agenda Documentation

Meeting Date: May 7, 2013

Subject: Consider entering into contract with Wenck Associates for a detailed Engineering Study for 8th Ave NW.

Page 5 of 5

---

Wenck's estimated cost to complete the above mentioned scope of services for **Option 1** for the Detailed Engineering Study is **\$41,800**. Being this proposal has some extensive pre-project design involved, Wenck will provide a **\$20,000** credit toward the final design fees, if Wenck is selected by the City to perform the Final design services. In an effort to minimize cost, Wenck will utilize the most responsible sub-consultant for any soil borings/investigations or materials testing, and have the City billed directly. Wenck also asks that the City provide all existing records, plans and existing plats relative to the study area. Wenck will bill our actual costs monthly, but not to exceed the estimate without prior written authorization from the City.

**Option 2:**

This is similar to option 1 but with limited Stormwater requirement review, less time spent on roadway requirement issues (more information taken from the Bismarck-Mandan MPO-North Mandan Subarea Study) and concentration on roadway demographics and utility coordination.

Wenck's estimated cost to complete the above mentioned scope of services for **Option 2** for the Detailed Engineering Study is **\$25,426**. In an effort to minimize cost, Wenck will utilize the most responsible sub-consultant for any soil borings/investigations or materials testing, and have the City billed directly. Wenck also asks that the City provide all existing records, plans and existing plats relative to the study area. Wenck will bill our actual costs monthly, but not to exceed the estimate without prior written authorization from the City.

On behalf of all the employee-owners of Wenck, we thank you for the opportunity to earn your business and show you why we consider excellent client service our differentiator.

Please don't hesitate to call me at 701-751-3370 if you have questions.

Sincerely,

WENCK ASSOCIATES, INC.



Kevin J. Magstadt, PE  
Associate/Regional Manager

## **ORDINANCE NO. 1146**

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

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

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

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

### CHAPTER 21-13. PLANNED UNIT DEVELOPMENTS.

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

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

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

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

d. The ordinance establishing the new PUD District shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ATTEST:

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

First Consideration: April 16, 2013

Second Consideration  
and Final Passage: May 7, 2013

**ORDINANCE NO. 1145**

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

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

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

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

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

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

Attest:

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

First Consideration: April 16, 2013  
Second Consideration  
and Final Passage: May 7, 2013

## **PROMOTION POLICY**

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

Approval Date: 5/7/13

**ORDINANCE NO. 1147**

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

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

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

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

A tract of land being a part of Government Lot 1 and the SE ¼ of the NE ¼ of Section 3, Township 138N, Range 81W of the Fifth Principal Meridian, Morton County, North Dakota (proposed Lincoln Ridge Estates 6<sup>th</sup> Addition) that lies within the following described traverse:

Beginning at the southwest corner of Government Lot 1 of Section 3, Township 138N, Range 81W; thence north 00° 10' 21" west along the west boundary line of said Government Lot 1 for 1253.26 feet to a point on the south right-of-way line of 19<sup>th</sup> Street SW; thence along said south right-of-way line for the following five (5) courses; thence north 89° 33' 39" east for 140.60 feet; thence south 00° 26' 21" east for 20.00 feet; thence north 89° 33' 39" east for 200.00 feet; thence south 00° 26' 21" east for 20.00 feet; thence north 89° 33' 39" east for 21.27 feet to the northwest corner of School District 3<sup>rd</sup> Addition of the City of Mandan, Morton County, North Dakota; thence south 00° 26' 30" east along the west boundary line of said School District 3<sup>rd</sup> Addition for 779.43 feet to a point on the westerly boundary line of the Replat of Lots 7 & 8, Block 2, Lincoln Ridge Estates and Auditor's Lot "A" of said Government Lot 1; thence south 89° 34' 24" west along the westerly boundary line of said replat for 110.00 feet; thence south 15° 05' 01" west continuing along said westerly boundary line for 149.44 feet to the northwest corner of Auditor's Lot "B" of said Government Lot 1; thence south 22° 14' 26" east along the west boundary line of said Auditor's Lot "B" for 107.71 feet to the southwest corner of said Auditor's Lot "B"; thence north 89° 34' 28" east along the south boundary line of said Auditor's Lot "B" for 110.00 feet to the southeast corner of said Auditor's Lot "B", said point also being on the westerly boundary line of Lincoln Ridge Estates of the City of Mandan, Morton County, North Dakota; thence along said westerly boundary line the following three (3) courses; thence south 00° 26' 30" east for 100.00 feet; thence south 37° 20' 31" east for 191.53 feet; thence south 00° 44' 24" east for 119.87 feet; thence south 43° 38' 15" west for 66.00 feet to a point on the westerly boundary line of Lincoln Ridge Estates 2<sup>nd</sup> Addition of the City of Mandan, Morton County, North Dakota; thence along said westerly boundary line of said Lincoln Ridge Estates 2<sup>nd</sup> Addition the following three (3) courses; thence north 46° 21' 45" west for 160.98 feet; thence south 17° 58' 09" west for 175.24 feet; thence north 86° 28' 21" west for 119.52 feet; thence north 62° 09' 46" west for 168.02 feet to a point on the west boundary line of the SE ¼ of the NE ¼ of said Section 3; thence north 00° 10' 51" west along said west boundary line for 157.05 feet to the point of beginning. Said tract of land containing 11.97 acres, more or less.

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

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

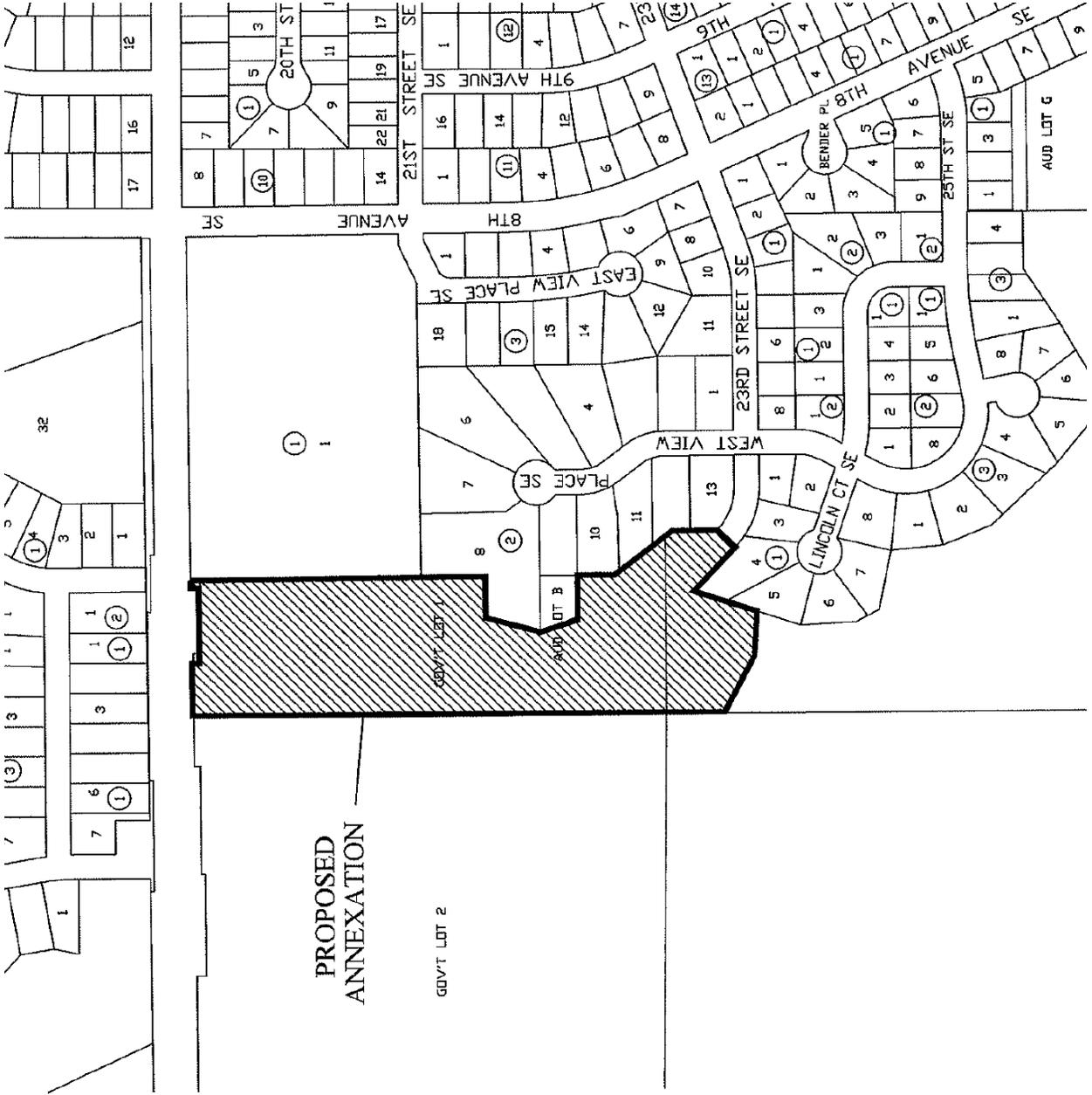
Attest

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

First Consideration: May 7, 2013

Second Consideration  
and Final Passage: May 21, 2013

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



PROPOSED  
ANNEXATION

GOV'T LOT 2

GOV'T LOT 1

AUD LOT G

**ORDINANCE NO. 1148**

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

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

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

The following described property located within the City of Mandan shall be excluded from the A (Agricultural) zoning and shall be included in the R7 (Single-Family Residential) for Lots 22-30, Block 1 and R3.2 (Two-Family Residential) for Lots 1-21, Block 1, all of namely,

Lincoln Ridge Estates 6<sup>th</sup> Addition in Section 3, Township 138N, Range 81W  
(proposed Lincoln Ridge Estates 6<sup>th</sup> Addition plat)

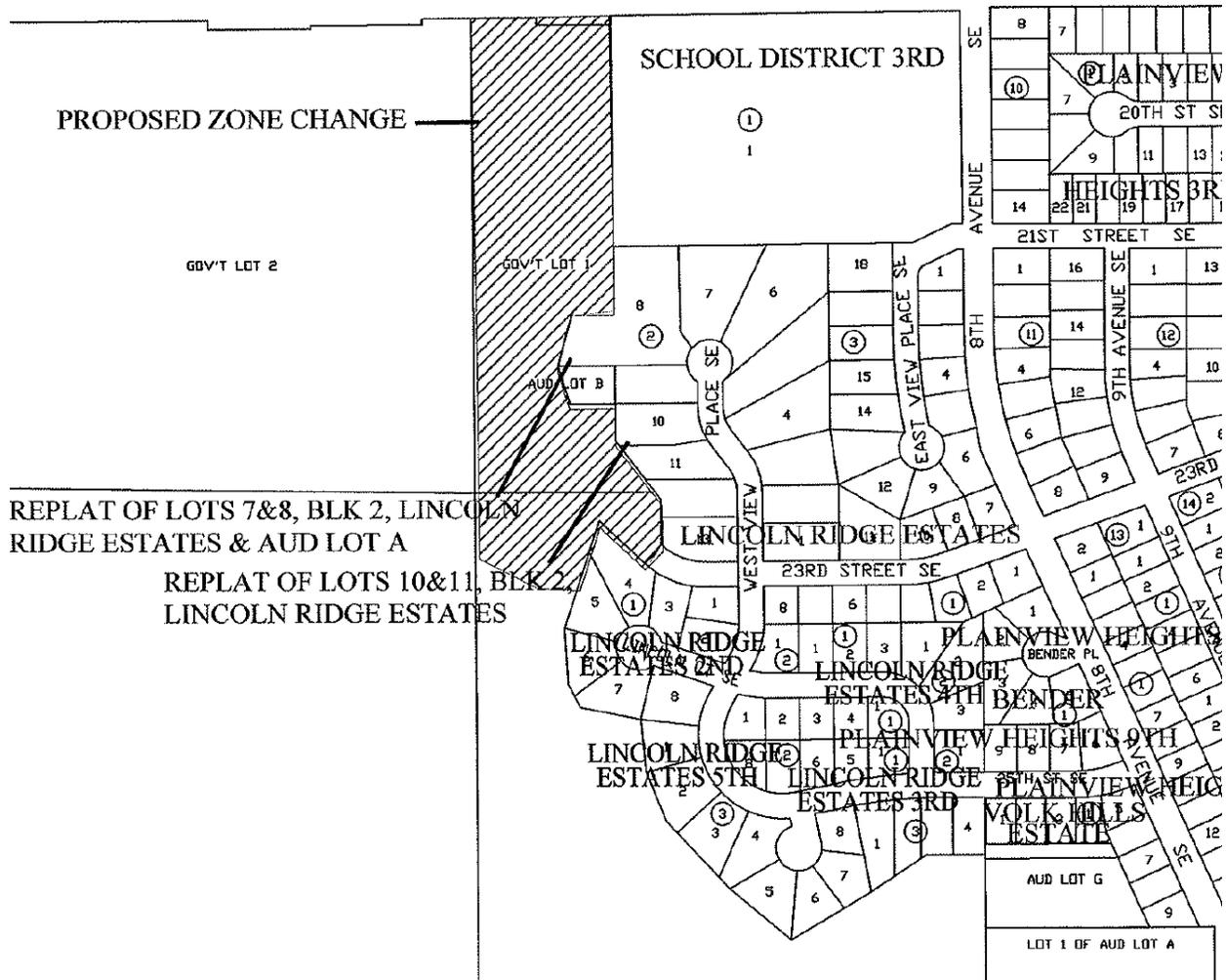
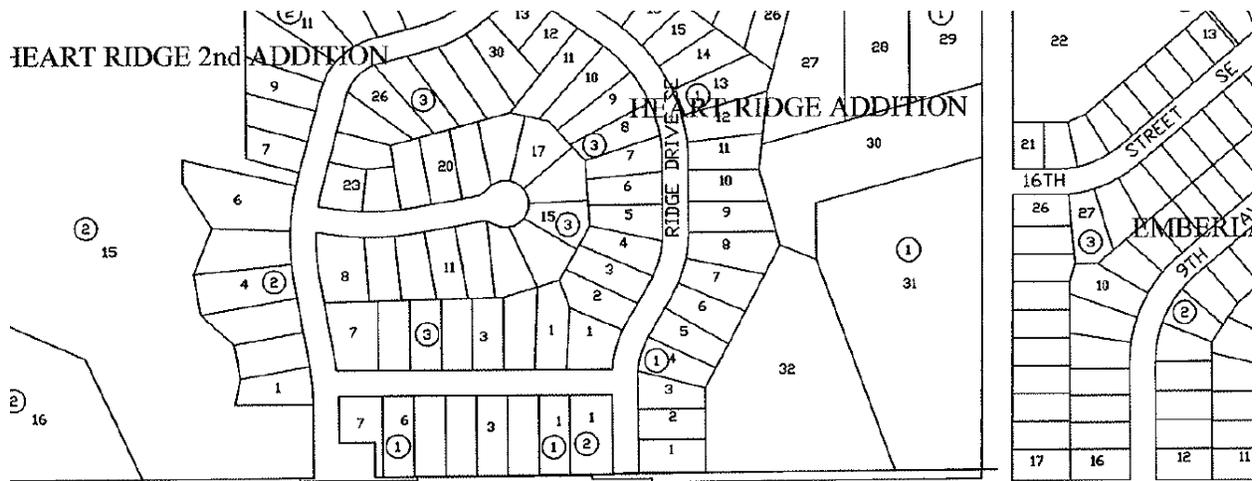
and as so amended said section is hereby reenacted. The city administrator is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

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

Attest:

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

Public Hearing:	<u>March 25, 2013</u>
First Consideration:	<u>May 7, 2013</u>
Second Consideration and Final Reading:	<u>May 21, 2013</u>
Publication Date:	_____
Recording Date:	_____



**ORDINANCE NO. 1149**

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

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

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

The following described property located within the City of Mandan shall be excluded from the A (Agricultural) zoning and shall be included in the R3.2 (Two-Family Residential) for Macedonia Hills 1<sup>st</sup> Addition and RM (Multi-Family Residential) for remaining Government Lot 2, less Outlot A. The RM (Multi-Family Residential) would be restricted to no more than a four-plex per lot and no more than two-stories tall, namely,

Macedonia Hills 1<sup>st</sup> Addition and Government Lot 2, less Outlot A in the NW ¼ of the NE ¼ of Section 3, Township 138N, Range 81W.

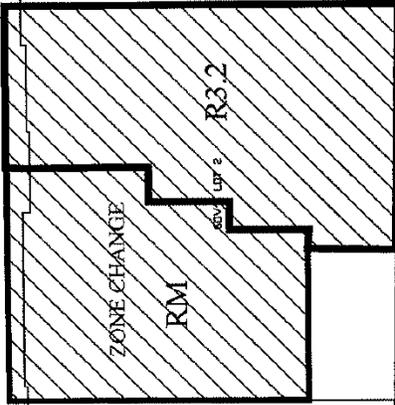
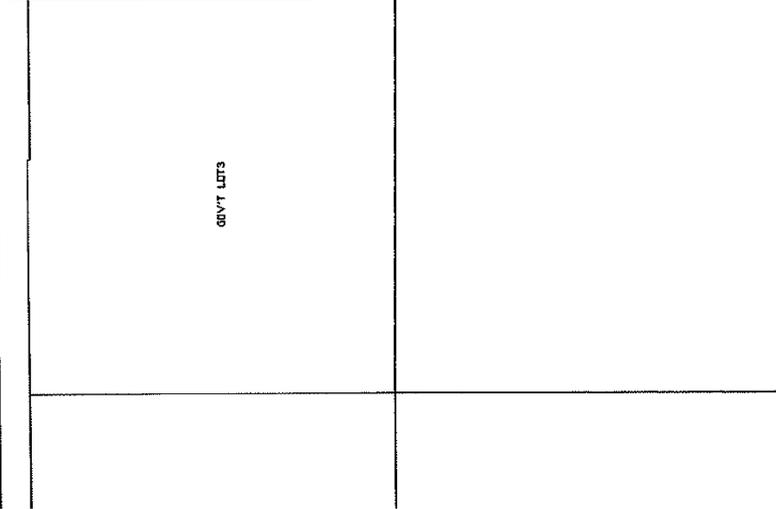
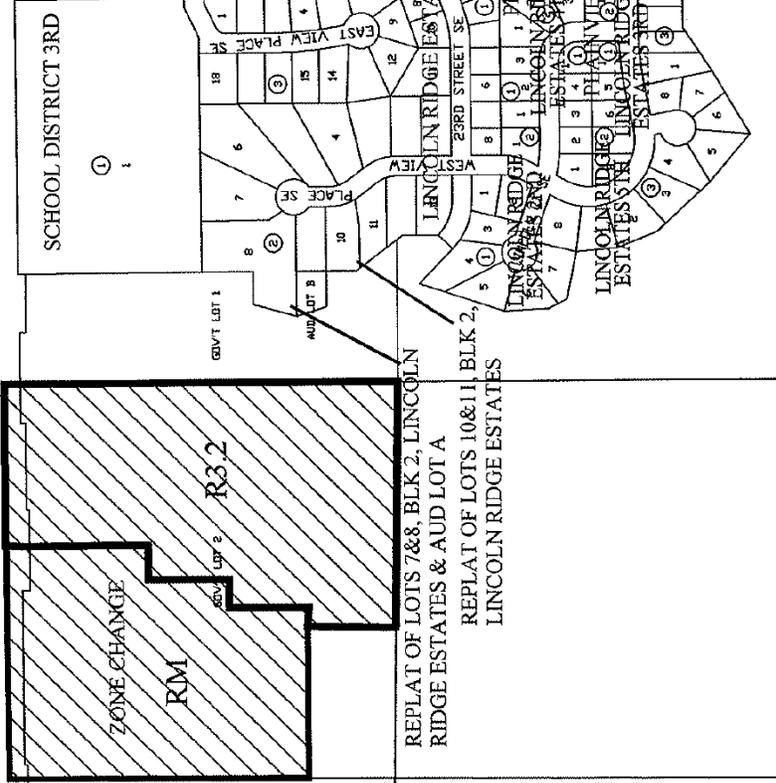
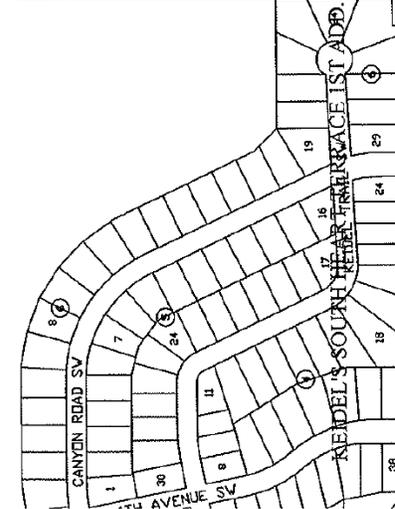
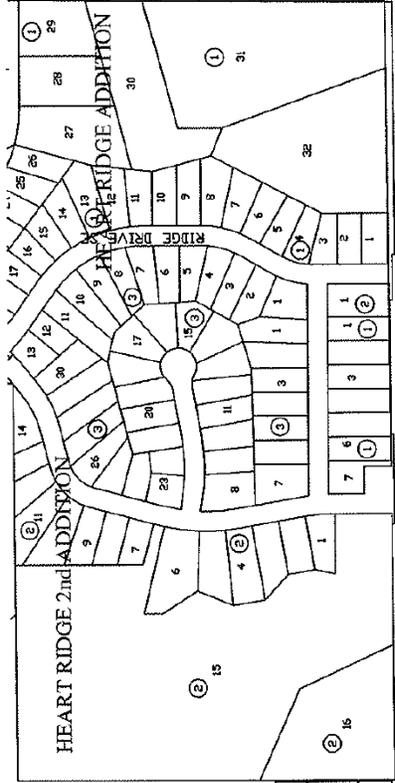
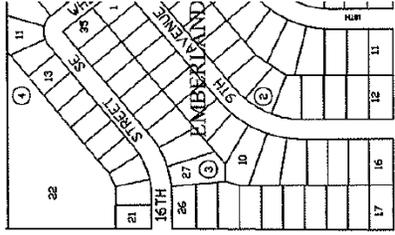
and as so amended said section is hereby reenacted. The city administrator is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

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

Attest:

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

Public Hearing:	<u>March 25, 2013</u>
First Consideration:	<u>May 7, 2013</u>
Second Consideration and Final Reading:	<u>May 21, 2013</u>
Publication Date:	_____
Recording Date:	_____



REPLAT OF LOTS 7&8, BLK 2, LINCOLN RIDGE ESTATES & AUD LOT A  
 REPLAT OF LOTS 10&11, BLK 2, LINCOLN RIDGE ESTATES

SCHOOL DISTRICT 3RD

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

57

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

73

74

75

76

77

78

79

80

81

82

83

84

85

86

87

88

89

90

91

92

93

94

95

96

97

98

99

100

101

102

103

104

105

106

107

108

109

110

111

112

113

114

115

116

117

118

119

120

121

122

123

124

125

126

127

128

129

130

131

132

133

134

135

136

137

138

139

140

141

142

143

144

145

146

147

148

149

150

151

152

153

154

155

156

157

158

159

160

161

162

163

164

165

166

167

168

169

170

171

172

173

174

175

176

177

178

179

180

181

182

183

184

185

186

187

188

189

190

191

192

193

194

195

196

197

198

199

200

201

202

203

204

205

206

207

208

209

210

211

212

213

214

215

216

217

218

219

220

221

222

223

224

225

226

227

228

229

230

231

232

233

234

235

236

237

238

239

240

241

242

243

244

245

246

247

248</

RESOLUTION OF CONCURRENCE TO AWARD PROJECT TEU-1-988(035)046, PCN  
19984 – MANDAN MILLENIUM TRAIL TO THE LOW BIDDER

BE IT RESOLVED By the Board of City Commissioners of the City of Mandan, North Dakota, that the governing body of the City of Mandan, concurs with the North Dakota Department of Transportation in recommending the award of the above referenced project to the low bidder.

This resolution shall become effective upon the date of its adoption.

Dated and adopted this 7th day of May, 2013.

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

Attest:

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

**RESOLUTION APPROVING AMENDED ENGINEER'S REPORT FOR THE  
CONSTRUCTION OF THE  
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 176**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 176 (Project # 2012-20), 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:	\$1,422,246.00
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:	\$355,561.50
c. Total estimated costs of the improvement:	\$1,777,807.50

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

Dated this 7<sup>th</sup> day of May, 2013.

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

ATTEST:

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

**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS  
FOR STREET IMPROVEMENT DISTRICT NO. 176**

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

1. The City Administrator, Deputy Auditor and City Engineer shall meet at the time and place specified in the notice authorized in paragraph 2 hereof, for the purpose of opening sealed bids for the work and material needed for the improvement project to be made in Street Improvement District No. 176 (Project # 2012-20) 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  
STREET IMPROVEMENT DISTRICT NO. 176  
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 May 28, at 10:00 a.m., local time for the purpose of furnishing of materials, labor and skill needed for the new construction of storm sewer mains, asphalt streets, concrete curb and gutter and street lights and related work in accordance with the plans and specifications for Street Improvement District No. 176 (Project # 2012-20), for the City of Mandan. The Work consists of all labor, skill, and materials required to properly construct the improvement.

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

The bid proposals must be submitted to the City Administrator by 10:00 a.m., local time, May 28, 2013 and shall be sealed and endorsed “Proposal for Street Improvement District No 176. 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 May 28, 2013. All bidders are invited to be present at the public opening of the Bids.

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

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

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

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

All construction work on Project #2012-20 is to be completed no later than August 30, 2013.

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

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

The Board of City Commissioners will meet on Tuesday, June 4, 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, on eligible areas, by a responsible and responsive Bidder deemed most favorable to the City's interest.

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

Dated this 7<sup>th</sup> day of May, 2013.

City of Mandan, North Dakota  
BY: James Neubauer  
City Administrator"

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

4. The Board of City Commissioners shall meet on Tuesday, June 4<sup>th</sup>, 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: May 7, 2013