

AGENDA
MANDAN CITY COMMISSION
NOVEMBER 5, 2013
ED “BOSH” FROEHLICH MEETING ROOM,
MANDAN CITY HALL
***4:00 P.M. (SPECIAL TIME)**
www.cityofmandan.com

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- A. ROLL CALL:
1. Roll call of all City Commissioners and Department Heads.
 2. Employee service awards.
- B. APPROVAL OF AGENDA:
- C. PUBLIC COMMUNICATIONS:
- D. MINUTES:
1. Consider approval of the following minutes:
 - i. October 15, 2013 – Regular Board Meeting
 - ii. October 29, 2013 – Special Working Session
- E. PUBLIC HEARING:
- F. BIDS:
1. Consider approval of bid for Project: S-TNU-1-810(023)000 – ND 810 from Memorial Bridge Interchange to the Expressway Bridge (Landscape Enhancements).
- G. CONSENT AGENDA:
1. Consider for approval the final Re-plat of Lot 1, Block 3, Sunset Commercial Park.
 2. Consider for approval the final Plat of Christianson’s First Addition.
 3. Consider for approval the final Re-plat of Lot 1, Block 2, Meadow Ridge 3rd Addition.
 4. Consider approval of Sunday Openings for Mandan Eagles Club for December 1, 2013 and December 8, 2013.
 5. Consider approval of 2 liquor license transfers for Captain Jack’s Mandan and Bill’s Liquor to Coborn’s Inc.
 6. Consider approval of new Class D liquor license for Bayside LLC. at 2721 46th Ave SE.
 7. Consider proclaiming Myron Schulz Day in Mandan, ND.
 8. Consider the following Homestead Credit Exemptions:
 - i. Dorothy Faas (2011)
 - ii. Dorothy Faas (2012)
 9. Consider charitable raffle permit for Ty Breuer NFR Sendoff Party at Seven Seas for November 16, 2013.

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10. Consider Proclaiming November 30, 2013 Small Business Saturday in Mandan.
11. Consider closing Administrative offices day after Thanksgiving.
12. Consider approval of Contract Documents for Mandan Water Treatment Plant, Phase II Optimization Project.

H. OLD BUSINESS:

I. NEW BUSINESS:

1. Update of Sunset Drive reconstruction project.
2. Update on Street Improvement District Projects that have yet to be completed.
3. Consider approval of Owner and Engineer Agreement for Mandan Water Treatment Plant new intake study.
4. Consider making city-owned property west of library available for sale and development.

J. RESOLUTIONS AND ORDINANCES:

1. Second consideration and final passage of Ordinance No. 1165, An Ordinance to Amend and Re-enact Section 16-03-12 of the Mandan Code of Ordinances Relating to Unlicensed Dogs and Cats.
2. Second consideration and final passage of Ordinance No. 1166, An Ordinance to Amend and Re-enact Chapter 20-15 of the Mandan Code of Ordinances Relating to All-Terrain Vehicles.
3. Second Consideration and final passage of Ordinance No. 1167 Zone Change for Auditor's Lot A, less the east 34' thereof and Lot E in the SE ¼ in Section 4 Township 139 North Range 81 West (east of 1806 and north of County 37th Street North) – An ordinance to amend and reenact section 21-13-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.
4. Introduction and first consideration of Ordinance No. 1172, An Ordinance to Amend and Re-enact Chapter 7-01 of the Mandan Code of Ordinances Relating to Fire Code.
5. Introduction and first consideration of Ordinance 1173, An Ordinance to Amend and Re-enact Section 12-02-11 of the Mandan Code of Ordinances Relating to Alcoholic Beverage License Expiration.
6. Introduction and first consideration of Ordinance 1174, An Ordinance to Create a New Section 12-02-08(4) of the Mandan Code of Ordinances Relating to Transfers of Licenses Limited.
7. Introduction and first consideration of Ordinance 1175, An Ordinance to Amend and Re-enact Section 4-06-10 of the Mandan Code of Ordinances Relating to Administration of Salary Plan.
8. Introduction and first consideration of Ordinance 1176, An Ordinance to Amend and Re-enact Section 4-09-05 of the Mandan Code of Ordinances Relating to Pension Contributions of the City.

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9. Resolution Approving Contract Documents for Mandan Water Treatment Plan, Phase II Optimization
 10. Resolution Approving Contract Documents for Mandan Water Treatment Plant Intake Study and Report
- K. OTHER BUSINESS:
- L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:
1. November 19, 2013
 2. December 3, 2013
 3. December 17, 2013
- M. ADJOURN

Public Communication

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

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

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TO: City Employees—**Service Recognition**

FROM: Diane I Leingang

DATE: October 8, 2013

SUBJ: **SERVICE CERTIFICATE AND APPRECIATION GIFT FROM THE BOARD OF COMMISSIONERS**

The Board would like to extend to you a personal invitation to be present at their Tuesday, November 05, 2013, 4:00 p.m. City Commission Meeting. They would like the opportunity to extend their appreciation to each of you for your years of service and dedication to the City by personally presenting you with your years of service certificate plus a gift certificate (\$1.00 for each year of service awarded in five year increments) to the new Montana Mike's restaurant. The Best Western Seven Seas Hotel & Waterpark with Montana Mike's graciously matches the City's gift.

Listed below are the eligible employee names and years of service.

40 YEARS OF SERVICE: \$80

Dennis Bullinger	Chief of Police	07/16/73
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35 YEARS OF SERVICE: \$70

Darlene Forderer	Utility Billing Coordinator	02/06/78
Roger Arenz	Firefighter	07/27/78
Richard Zander	Assistant Fire Chief	10/01/79
Gregory Moos	Police Officer	07/01/78
Gerald Bernhardt	Equipment Operator II	12/21/78
Randy Frohlich	Utility Operator II	03/27/78

25 YEARS OF SERVICE: \$50

Jim Lawler	Airport Manager	01/04/88
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20 YEARS OF SERVICE: \$40

David Mills	Police Sergeant	11/22/93
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15 YEARS OF SERVICE: \$30

Diane Leingang	Senior Accounting Technician	09/08/98
Steven Nardello	Fire Chief	07/06/98
Brad Braun	Firefighter	11/25/98
Kasey Burt	Firefighter	11/25/98
Wayne Friesz	Fire Captain	09/23/98
Dan Miller	Firefighter	01/28/98
Dave Walth	Fire Captain	05/26/98
Barry Kiemele	City Forester	03/30/98

10 YEARS OF SERVICE: \$20

Sandra Tibke	City Commissioner	04/01/03
George Railsback	Appraiser/Inspector	02/05/03
Jonathan Benzinger	Firefighter	09/01/03
Lori Stack	Car Marker (Parking Authority)	12/01/03 Resigned

RESIGNED SEPT 25 2013

5 YEARS OF SERVICE: \$10

Chad Boehm	Equipment Operator I	06/17/08
Devon Beehler	Firefighter	05/14/08
Jared Hopkins	Firefighter	06/05/08
Jordon Sivertson	Firefighter	04/01/08
Jason Neuberger	Field Training Officer	03/10/08
Dean Schmidt	Utility Operator I	01/03/08
Erick Schantz	Water Plant Lab Tech I	01/28/08

If you have any questions or note any changes, please give me a call at 667-3271.

Cc: Jim Neubauer, City Administrator
City Commission (5)
Employees Listed and Their Department Heads

The Mandan City Commission met in regular session at 5:30 p.m. on October 15, 2013 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota.

Commissioners present were Van Beek, Tibke, Rohr, Frank, and Braun. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Fire Chief Nardello, Business Development and Communications Director Huber, Planning & Engineering Director Froseth, Planner Decker, Engineering Project Manager Fettig, and Assessor/Building Official Lalim. Absent: Director of Public Works Wright.

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

C. PUBLIC COMMUNICATIONS: No one came forward. This portion of the public communications was closed.

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission regular meeting held on October 1, 2013 and Special Working Session held on September 10, 2013 and October 8, 2013, Special Joint Meeting w/Planning and Zoning Commission.* Commissioner Braun moved to approve the minutes as presented. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

E. PUBLIC HEARING:

1. *Consider proposed changes to the Mandan Renaissance Zone available credits and exemptions (see New Business No. 2).* Business Development and Communications Director Huber reviewed with the Board a recommendation from the Mandan Renaissance Zone Committee. She stated that there are two changes as a result of legislation passed by the 2013 Legislative Assembly HB1166. Those changes are a limitation on the maximum amount of income that a taxpayer may exempt for a Renaissance Zone project for a business project. The cap is at \$500,000 for the amount of income per year that a taxpayer may exempt for business or investment locations. There was also change for projects involving the expansion of an existing building, that the exemption be limited to the percentage by which the building was expanded. Huber stated that for the application submitted to the Department of Commerce, Division of Community Services, for the project at Collins and Main, the Commission had placed limits on the amount and duration of the exemption for that project. The apartment portion of the project was limited to 2 years and the commercial portion had a claw back provision in which if the commercial portion is not leased within one year of completion of the building, the Renaissance Zone benefit would be reduced to 50%; and if not completed within two years it would be zeroed out. The Division of Community Services indicated when reviewing the matter, the Mandan Renaissance Zone Development Plan needs to outline provisions for limitations on the amount or duration

of an exemption to provide less than the five years at 100% currently indicated in the plan. The recommendation is for the City of Mandan to reserve the right to limit the amount or duration of the local property tax exemption for projects receiving other local incentives as well as for applications from recipients that have not produced desired results with past projects. Those are the three key changes and the state requires a public hearing if any changes are made to the Renaissance Zone Development Plan. Huber stated that the notice of this public hearing has been published twice in the Mandan News.

Mayor Van Beek announced this is a public hearing and invited anyone to come forward to speak for or against the proposed changes to the Mandan Renaissance Zone available credits and exemptions. A second announcement was made to come forward. Hearing none this portion of the public hearing was closed.

Commissioner Tibke moved to approve the proposed changes to the Mandan Renaissance Zone Program available credits and exemptions. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider approval of a zone change for a part of the SE ¼ in Section 4, Township 139N, Range 81 West, Auditor's Lot A, less the east 34' thereof and Lot E. North of County 37th Street North and east of Hwy 1806 (First consideration of Ordinance #1167)(See Ordinances No. 10).* Engineering Project Manager Fettig reviewed with the Board a situation wherein there is county industrial zoning at this parcel which is located along 1806 to the north side of the County 37th Street, (referencing map). There is existing industrial right to the north side of it which is the storage units that are currently in the location. The developer is requesting to construct condo shops in the existing area with future storage buildings on the property. Fettig stated that the recommendation is to change to an MA (Light Non-Nuisance Industrial / Heavy Commercial) in order to meet the requirements for this property.

Mayor Van Beek announced this is a public hearing and invited anyone to come forward to speak for or against the proposed changes to the zone change for a part of the SE ¼ in Section 4, Township 139N, Range 81 West, Auditor's Lot A, less the east 34' thereof and Lot E. North of County 37th Street North and east of Hwy 1806. A second announcement was made to come forward. Hearing none this portion of the public hearing was closed.

Commissioner Tibke moved to approve a zone change for a part of the SE ¼ in Section 4, Township 139N, Range 81 West, Auditor's Lot A, less the east 34' thereof and Lot E. North of County 37th Street North and east of Hwy 1806. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

F. BIDS:

1. *Consider award of low bids for Mandan Water Treatment Plant, Phase II Optimization Project.* Planning & Engineering Director Froseth stated that City staff has secured a State Revolving Fund Loan to make improvements to the City's Water Treatment Plant. The scopes of the improvements are varied. Some of the improvements include the pre-treatment basin and a full remodeling of the pre-treatment area. Froseth reviewed other improvements within the project plan. Five bids were received on 10/10/13. The low bids for general construction and the electrical construction were all accepted with a total construction cost of \$1,081,220. Adding in the engineer and inspective services at 30% brings the total project cost to \$1,405,600.

Commissioner Braun moved to award the bid as stated. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

G. CONSENT AGENDA

1. *Consider approval of monthly bills.*
2. *Consider for approval the special assessments for Weed Cutting of 2013, Sidewalks of 2013 and, Health and Safety of 2013.*
3. *Consider for approval the assessment of delinquent accounts for 2013.*
4. *Consider for approval confirmation of special assessments for Street Improvement Districts #167, #168, #169, #170, #171, #173 and Water & Sewer Improvement District #60.*
5. *Consider authorizing a work change order on Street Improvement District No. 161, Project No. 2010-03 (Diane's).*
6. *Consider appointment of JoAnn Opp to the Morton Mandan Public Library (MMPL) Board of Trustees.*
7. *Consider assignment, assumption and consent agreement for 101 E Main and portions of 103 E Main.*
8. *Consider the following abatements: (i) Homestead Credit Exemption – Betty Taghon (ii) Complete Reassessment – Reduction in Market Value – Deborah Miller.*
9. *Consider allowing a Sole Source Provider for Purchase of Vanguard Assessing Program and conversion.*
10. *Consider transferring Capital Outlay funds from the 2014 Building Inspection Department Budget to purchase Department vehicle in 2013.*

Commissioner Tibke moved to approve the Consent Agenda as presented. Commissioner Braun seconded the motion. Commissioner Tibke noted that on the Consent Agenda an appointment is being made to serve on the Library Board. She encouraged the public to call the City of Mandan to inquire of any committee/board openings should anyone be interested in applying for any openings as they occur. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

H. OLD BUSINESS:

I. NEW BUSINESS:

1. *Update on Remediation Project.* Scott Radig, Director for the State Health Department, (Division of Waste Management), presented in the absence of Dave Glatt who is the State Health Department member of the Mandan Remediation Trust. Radig provided a summary going back to the beginning of the project in 2004 indicating that the plan now is to start shutting down some of the systems. He reported that there is currently only one well left with 1.28 ft. of fuel floating on the water table and that the majority of the downtown area is free of any fuel floating on the water table. Radig summarized that cumulatively since this project went into place there has been 353,962 gallons of hydrocarbon products recovered and over 117,019 lbs. of methane have been recovered. Prior to this part of the project Burlington Northern recovered over 600,000 gallons of product indicating that almost a million gallons of fuel have been cleaned up from underneath downtown Mandan. Radig stated that the areas that will be shut down are the depot and all the area by 1st Street.

The Health Department has set closure criteria goals. The recommendation is to shut down all wells in the manifold and abandon all the wells except 3109 and 3111 which are along the rail yard boundary and to keep those two wells for long term monitoring. Then to abandon & remove the entire manifold building and all the surface piping in that area. The recommendation for this area is to shut down all wells and abandon remote manifold buildings for remote manifold 1-2, 1-4, 2-2 and 2-3. Abandon all the wells in remote manifold 1-3 except 1309 or 1310 and use that as a vacuum source. He indicated that right now they are looking at approximately 1-3 years before they believe the system can be completely shut down. Radig encouraged public comments on this recommendation to start shutting down parts of the remediation system. The next Remediation Trust meeting is set for November 5, 2013. Commissioner Tibke and Mayor Van Beek extended a thank you to the State Department of Health for their assistance in this project.

2. *Consider Mandan Renaissance Zone Committee Recommendations:* Business Development and Communications Director Huber reviewed the following with the Board:

(i) *Changes to available credits and exemptions.* Referenced the action/ approval under Public Hearing No. 1 above.

(ii) *Committee term:* The Renaissance Zone Committee voted to recommend terms be limited to two, 3-year terms with the option of reapplying thereafter for consideration with any other interested persons. Commissioner Frank recommended that after a 3-year term served by any member that that position be opened up, allowing any other Mandan citizen interested in serving to have an opportunity to do so. Commissioner Tibke concurred with Commissioner Frank that when each 3-year term is up, it should be opened to the public wherein an incumbent would have to reapply for each term. Commissioner Braun asked if this arrangement would apply to all other committees as well. He mentioned he was part of the decision making regarding the recommendation for the two, 3-year terms indicating that during discussions it seemed to be a reasonable recommendation. Huber stated that the Renaissance Zone Committee meets on an as-needed basis to review new applications. This recommendation before the Board is the

same process that comes through the various other committees such as the Architectural Review Committee and the Growth Fund Committee.

(iii) *Committee re-appointments:* Three members who are up for reappointment are just completing their first, 3-year term and all have expressed interest in continuing to serve on the RZ Committee. The RZ Committee recommended all three be reappointed: Darren Haugen, David Leingang and Bob Vayda for the term of 2014 thru 2016.

Commissioner Frank moved to approve the Renaissance Zone Committee being limited to two, 3-year terms with the option of reapplying thereafter simultaneously opening the position up at the term expiration to the public to apply. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider Mandan Growth Fund Committee recommendation for Storefront Improvement Program revisions.* Business Development and Communications Director Huber stated that the Mandan Growth Fund (MGF) recently met to review projects. She stated that this program was first introduced in Mandan in 2006 and that it has provided up to \$10,000 in matching funds to cover up to 50% of the exterior improvements to street building façade fronts. There have been 29 projects completed to date. She summarized the plans Bismarck has put in place revising their program. To remain competitive Huber stated the MGF voted to recommend an equal level of funding for the Mandan program. The applicant is responsible for all bills and expenses and a reimbursement funding mechanism is used. Huber stated that the fiscal impact funding for this program comes from the Economic Development Project category within the Growth Fund which is generated by sales tax dollars. That fund is allocated \$250,000 annually in sales tax dollars. Huber indicated that the intent of the program was to make significant differences in the downtown buildings and that it is a one-time opportunity for the property owner. Huber provided information related to other options and requirements for storefront improvement projects. Huber stated that since the initiated measure was passed requiring automatic doors, the requests for this program have dropped in comparison to the requests before the measure went into effect. Construction costs have also climbed significantly.

Commissioner Braun moved to approve the recommendations from the Mandan Growth Fund Committee for Storefront Improvement Program revisions as presented.

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

4. *Consider approving the plans and specifications and authorizing the execution of a 3-way agreement for the installation of water & sewer in Macedonia Hills 1st Addition, Project 2013-21. (See Resolution No. 9).* Engineering Project Manager Fettig reviewed with the Board a request for approving the plans and specifications and authorizing the execution of a 3-way agreement for the installation of water & sewer in Macedonia Hills

1st Addition. This project is located to the west of Ft. Lincoln Elementary School and south of 19th Street SW. All the information has been reviewed by the City Engineering Office and meets all the requirements and she recommends approval.

Commissioner Braun moved to approve the plans and specifications and authorizing the execution of a 3-way agreement for the installation of water & sewer in Macedonia Hills 1st Addition, Project 2013-21. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

J. RESOLUTIONS AND ORDINANCES:

1. *Second consideration and final passage of Ordinance No. 1168, An Ordinance to Amend and Re-enact Portions of Section 12-02-04 and Section 12-02-06 of the Mandan Code of Ordinances Relating to Alcoholic Beverage Licenses.* City Administrator Neubauer presented the second consideration and final passage of Ordinance No. 1168 stating that the limits are being taken off the Class A, Class D and Class D-1 licenses and establishing an issuance fee for those licenses and also require that a Class A license requires retail on and off sale premise license requires a minimum of 30 seats per each of those licenses. Commissioner Frank moved to approve the Second consideration and final passage of Ordinance No. 1168, An Ordinance to Amend and Re-enact Portions of Section 12-02-04 and Section 12-02-06 of the Mandan Code of Ordinances Relating to Alcoholic Beverage Licenses. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider Resolution establishing license fees for the sale of alcoholic beverages.* City Administrator Neubauer stated that as the limits have been taken off the Class A, Class D and Class D-1 licenses there has been an established issuance fee for a General Class A retail on and off sale beer and liquor license of a fee of \$60,000 per license; Class D for off sale liquor and beer of \$80,000; and Class D-1 exclusive off sale beer and wine licenses of \$40,000. Commissioner Frank moved to approve the Resolution establishing license fees for the sale of alcoholic beverages. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Second consideration and final passage of Ordinance No. 1169 Zone Change for Eagle Ridge 1st Addition – An ordinance to amend and reenact section 21-13-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.* Commissioner Tibke moved to approve the Second consideration and final passage of Ordinance No. 1169 Zone Change for Eagle Ridge 1st Addition – An ordinance to amend and reenact section 21-13-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Second consideration and final passage of Ordinance No. 1170 Zone Change for Sylvesters Industrial Park 3rd Addition Lot 1, Block 1 – An ordinance to amend and reenact section 21-13-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.* Commissioner Tibke moved to approve the Second consideration and final passage of Ordinance No. 1170 Zone Change for Sylvesters Industrial Park 3rd Addition Lot 1, Block 1 – An ordinance to amend and reenact section 21-13-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

5. *Second consideration and final passage of Ordinance No. 1171 Zone Change for Midway 14th Addition Lots 1-3 & 6, Block 1 – An ordinance to amend and reenact section 21-13-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.* Commissioner Rohr moved to approve the Second consideration and final passage of Ordinance No. 1171 Zone Change for Midway 14th Addition Lots 1-3 & 6, Block 1 – An ordinance to amend and reenact section 21-13-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

6. *Second consideration and final passage of Ordinance No. 1158, An Ordinance to Amend and Re-enact Section 21-03-10(1)(a) of the Mandan Code of Ordinances relating to automobile parking.* Commissioner Braun moved to approve the Second consideration and final passage of Ordinance No. 1158, An Ordinance to Amend and Re-enact Section 21-03-10(1)(a) of the Mandan Code of Ordinances relating to automobile parking. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

7. *Introduction and first consideration of Ordinance No. 1165, An Ordinance to Amend and Re-enact Section 16-03-12 of the Mandan Code of Ordinances Relating to Unlicensed Dogs and Cats.* City Attorney Brown stated that the State law was amended to change the time frame from when an animal must be redeemed from 3 days to 5 days. The proposed revision is to bring Ordinance 1165 in compliance with State law. Police Chief Bullinger stated that today's practice allows for 7-10 days. Commissioner Tibke moved to approve the Introduction and first consideration of Ordinance No. 1165, An Ordinance to Amend and Re-enact Section 16-03-12 of the Mandan Code of Ordinances Relating to Unlicensed Dogs and Cats. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

8. *Introduction and first consideration of Ordinance No. 1166, An Ordinance to Amend and Re-enact Chapter 20-15 of the Mandan Code of Ordinances Relating to All-Terrain Vehicles.* City Attorney Brown stated that in 2009 the State law was changed to

delete reference to “all-terrain” vehicles and they were now called “off-highway” vehicles. This was brought to the City’s attention by Chief Bullinger who recommended changing the ordinance to comply with State law. Commissioner Braun moved to approve the Introduction and first consideration of Ordinance No. 1166, An Ordinance to Amend and Re-enact Chapter 20-15 of the Mandan Code of Ordinances Relating to All-Terrain Vehicles. Commissioner Rohr seconded the motion. Chief Bullinger added that under Section 20-15-06 use of these vehicles on streets are still prohibited from being used on City streets even though State law has permitted licensing of these vehicles so they can be used on certain roadways. Chief Bullinger stated that there is an exception under the emergency clause in the case of threatening weather or if a permit is issued by this Board for a special event. The “recreational vehicles” are not permitted to be driven on the streets or roadways in the City of Mandan. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

9. *Consider Resolution approving plans and specifications and authorizing execution of 3-way agreement for water and sewer Improvement Project 2013-21. (Macedonia Hills 1st Addition).* Commissioner Rohr moved to approve the Resolution approving plans and specifications and authorizing execution of 3-way agreement for water and sewer Improvement Project 2013-21. (Macedonia Hills 1st Addition). Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

10. *First consideration of Ordinance No. 1167 Zone Change for Auditor’s Lot A, less the east 34’ thereof and Lot E in the SE ¼ in Section 4 Township 139 North Range 81 West – An ordinance to amend and reenact section 21-13-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.* Commissioner Tibke moved to approve the First consideration of Ordinance No. 1167 Zone Change for Auditor’s Lot A, less the east 34’ thereof and Lot E in the SE ¼ in Section 4 Township 139 North Range 81 West – An ordinance to amend and reenact section 21-13-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

11. *Consider Resolution approving Notice of Award and Contractor’s Bonds for Mandan Water Treatment Plant, Phase II Optimization Project.* Commissioner Frank moved to approve the Resolution approving Notice of Award and Contractor’s Bonds for Mandan Water Treatment Plant, Phase II Optimization Project. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS

1. Remediation Project: Commissioner Rohr commented that with the Remediation Project coming to an end, the initial problem was discovered by Chief Bullinger and himself in the basement of the Police Department. City Administrator Neubauer commented that it went back even further to 1985 when Francis Schwindt was chief of the Environmental Health Section of the ND Health Department. The diesel was found when they were digging the pit for the elevator shaft in the LEC building. He extended a thank-you to the ND Dept. of Health and Francis Schwindt who was instrumental in getting the Remediation project started. Commissioner Rohr extended a thank-you to Administrator Neubauer for his years of efforts dedicated to this project, more so at the beginning of the project than over the few several years. Commissioner Tibke mentioned the critical part of the success of this project was picking the right engineering firm that actually had the patent on this system.

2. Ben Moore, a Mandan resident came forward and expressed a thank you to Mayor Van Beek for all the good things happening in Mandan. He stated he would like to see another park.

There being no further actions to come before the Board of City Commissioners, Commissioner Tibke moved to adjourn the meeting at 6:47 p.m. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

James Neubauer,
City Administrator

Arlyn Van Beek,
President, Board of City
Commissioners

The Mandan City Commission met in a working session at 5:30 p.m. on October 29, 2013 in the Ed “Bosh” Froehlich Meeting Room at City Hall, 205 2nd Ave NW, Mandan, ND. Commissioners present were Van Beek, Tibke, Rohr, Frank and Braun. Department Heads present were: City Attorney Brown, City Administrator Neubauer, Planning & Engineering Director Froseth, Engineering Project Manager Fettig, Public Works Director Wright, Planner Decker, Finance Director Welch and Building Official Lalim. In addition the following individuals were present: Barb Bakken, Cam Bachmeier, Katie Moch, Barb Aasen, Susie Kocourek, Joe Sheehan, Greg Larson, Duane Bentz, Pat Vannett, R.J. Fischer, Roxy Jacobson, Brian Ritter, Mike Manstrom, Vance Vetter, Eric Brenden, Nancy Deichert, Tammy Skogen, Kelvin Hullet, Corey Kost, Kevin Magstadt, Tricia Schlosser, Ken Knodel, Natalie Friesz, Kathy Maier, Dennis Kraft, Minda Lloyd, Greg Zenker, Amy Hullet and Todd Porter.

NEW BUSINESS:

1. Introductory Remarks – Mayor Van Beek

Mayor Van Beek thanked the of following organizations for their attendance, Bismarck Mandan Chamber, Bismarck Mandan Development Association, Bismarck Mandan Homebuilders Association and the Bismarck Mandan Board of Realtors. Mayor Van Beek asked the sign-up sheet be passed around and that participants utilize the microphones. Participants introduced themselves. Mayor Van Beek stated that due to this being a special meeting of the City Commission, discussion would be limited to the item on the agenda and that the City Commission would not be taking any action this evening but will take comments into consideration as the discussion progresses forward. In addition, Commissioners and staff will not be participating in the online polling.

2. *Discussion and receive input regarding the use of special assessments for financing in new developments.*

Mayor Van Beek provided background information related to special assessment debt and in turn lead the group through a series of questions that attendees were asked to provide their comments on. Information and results of the questions are below:

The Commission has become increasingly concerned about the rising cost of infrastructure which in turn leads to higher special assessments being placed on residential and commercial lots and an increasing debt load for the City of Mandan.

Standard and Poor’s (a bond rating agency) has a “Debt per Capita” range. That range is as follows: low (<\$1,000), Moderate (\$1,000 - \$2,500), and High (>\$2,500).

Looking at special assessment projects that will be completed in 2013 and those we anticipate in 2014 our special assessment Debt per Capita will approximately be \$2,400, which is very near the high end. Comparatively, the City of Bismarck’s Debt per Capita is approximately \$1,200 as of October 2013.

Some of Board’s concerns are:

The level of Debt per Capita and how it may negatively affect our ability to borrow money and the corresponding interest rate.

Special assessments are generally placed on a property a year after the improvements are completed, therefore, the buyer may not have included them in their financing at the time of purchase.

Lack of competitive bids for public improvements (infrastructure costs to be assessed, by state law, must go through the public bid process)

Citizens expressed desire to reduce property taxes (many feel special assessments are property taxes)

1. How concerned are you about Mandan's debt per capita?
 - a. Very concerned - 9
 - b. Somewhat concerned - 12
 - c. Not concerned
 - d. Unsure

Eliminating the use of special assessments as a way to finance new infrastructure will have an effect on all parties.

2. What benefits do you see to having developers assume responsibility for above-ground infrastructure costs? (multiple responses permitted)
 - a. More timely completion of infrastructure - 6
 - b. Lower infrastructure costs
 - c. Buyer will know upfront costs through lot or home price - 18
 - d. Buyer can mortgage cost over 30 years instead of 15 years - 13
 - e. Other
 - f. None
3. What negatives do you see to having the developer assume responsibility for above-ground infrastructure costs? (multiple responses permitted)
 - a. Developers may face financing obstacles - 18
 - b. Buyers may face financing obstacles - 3
 - c. It could reduce the number of developers active in Mandan - 10
 - d. It could slow development in Mandan - 4
 - e. Increased lot or new home costs could deter buyers - 5
 - f. Other
 - g. None

We have amortized our special assessment debt repayments through the year 2028. If the Board were to pursue a goal of bringing our Debt per Capita ratio to \$1,000 by the year 2028 the City would be limited to issuing new special assessment debt of \$3,400,000 per year. The \$3.4M would include new development and street maintenance debt. As you might expect, that amount of borrowing doesn't get many projects completed.

4. If the City were to limit its special assessment debt exposure, what would be the best approach?
 - a. City should not special assess any infrastructure costs
 - b. Annual cap allocated first-come, first served - 3

- c. Place a limit per lot - 9
 - d. Place a limit on a percentage basis - 4
 - e. Limit according to type of above-ground infrastructure - 4
 - f. Other
5. If the city were to cap special assessments debt for new developments to \$1.7M per year, should it be allocated on a first-come, first-served basis?
- a. Yes – 3
 - b. No – 12
 - c. Unsure - 4
6. If the City were to limit its special assessment debt per lot, where should the limit be? Note: Above ground infrastructure cost estimates have ranged from \$18,000 to \$30,000 per lot in 2013.
- a. \$25,000 maximum - 3
 - b. \$20,000 maximum - 4
 - c. \$15,000 maximum - 10
 - d. Other – 3

In general, infrastructure placed below ground (water and sewer lines etc.) is paid for by the developer and infrastructure installed above ground (curb, streets, street lights, etc.) are special assessed.

7. What share of above ground infrastructure costs should be the developer's responsibility?
- a. 100% - 8
 - b. 75% - 2
 - c. 50% - 8
 - d. 25% - 1
 - e. 0% - all should be special assessed – 2
8. What above-ground infrastructure costs should be the responsibility of the developer? (multiple responses allowed)
- a. Street - 7
 - b. Sidewalk Curb & Gutter - 2
 - c. Storm Sewer - 4
 - d. Street Lights - 1
 - e. All of the above – 7
 - f. None of the above – 5

26% of Mandan's tax base is commercial.
36% of Bismarck's tax base is commercial.

One of our goals has been to increase the % of Mandan's commercial tax base, which we feel would assist in reducing property taxes.

9. If special assessment policy should changes, should commercial development be treated the same as residential?
- a. Yes - 9
 - b. No - 9

c. Unsure – 2

The use of special assessments as a financing mechanism certainly has many aspects. Bismarck and Mandan are considered one community too many, however, the two cities finances vary considerably.

10. If Mandan’s assessment policies were more restrictive than Bismarck’s, would Mandan be viewed negatively?

- a. Yes - 9
- b. No
- c. Unsure - 8

A summary of comments received: If special assessments are known upfront it puts everyone on the same page; land values are now lower than Bismarck; financing the improvement would be better if included up front; long term people will purchase what they can afford; ND is unique in special assessments, most other states do not utilize this tool; do not believe having developers pay for infrastructure costs would deter development; if the commission is contemplating eliminating special assessments on new development, now would be the time (referring to the state of the economy); West Fargo has started extending special assessment debt from 15 to 25 years; in the end the user pays the bill whether it be in the lot and home price or special assessments, if the city were to eliminate specials it may be an advantage to the buyer as they could finance those specials over a 30 year mortgage than the 15 year term that is normal; elimination of special assessments may reduce the number of developers due to financing issues; customers or buyers are mostly concerned about the monthly payment, when specials come a year or two later, they may not be able to absorb those costs; it is about the “now” what is my payment now?; specials are not necessarily recognized dollar for dollar in an appraisal, thereby issues may arise in financing.

3. Closing Remarks

Mayor Van Beek thanked all those for attending and participating. The commission will continue its discussion on this important topic over the next several months.

ADJOURN

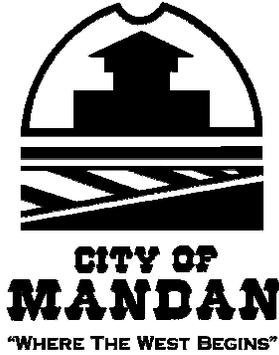
There being no further actions to come before the Board, Commissioner Frank moved to adjourn the meeting. Commissioner Rohr seconded the motion. The motion received unanimous approval of the Board members present and the meeting adjourned at 6:53 p.m.

/s/ James Neubauer

James Neubauer,
City Administrator

/s/ Arlyn Van Beek

Arlyn Van Beek
President, Board of City
Commissioners



BID No. 1

Board of City Commissioners

Agenda Documentation

MEETING DATE: November 5, 2013
PREPARATION DATE: October 31, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin J. Froseth
PRESENTER: Kim Fettig, Project Manager
SUBJECT: Consider for approval the bid with the DOT for Project: S-TNU-1-810(023)000 – ND 810 FROM MEMORIAL BRIDGE INTERCHANGE TO THE EXPRESSWAY BRIDGE (Landscape Enhancements).

STATEMENT/PURPOSE: To consider approving the bid with the DOT for Project: S-TNU-1-810(023)000 – ND 810 FROM MEMORIAL BRIDGE INTERCHANGE TO THE EXPRESSWAY BRIDGE.

BACKGROUND/ALTERNATIVES: There are three major parts of the project:

- 1) From the Crown Point Road/Red Trail area east to the Sunset Drive Interchange trees will be installed along the north side of I-94. This project provides screening from I-94 for the residential area and enhances from the roadway of the industrial area. 566 trees are planned to be installed. The NDDOT will pay all the costs of this portion of the project.
- 2) The median area between Exits 155 and 156. This project involves replacing trees that were lost due to the 2011 flood, installing additional trees, and providing screening along Twin City Drive. 207 trees are planned to be installed. The NDDOT will pay all the costs of this portion of the project.
- 3) Memorial Bridge to the Missouri River. This project involves screening for the residents along Marina Road, the residential area on the west side of 810, and filling in some gaps along the east side of 810 from McKenzie Drive to the river. In this area it is planned to install 109 trees. The City of Mandan is responsible for the matching funds for this portion of the project.

August 6th the City Commission approved entering into a Cost Participation and Maintenance Agreement with the DOT.

Board of City Commissioners

Agenda Documentation

Meeting Date: November 5, 2013

Subject: Consider for approval the bid with the DOT for Project: S-TNU-1-810(023)000 – ND 810 FROM MEMORIAL BRIDGE INTERCHANGE TO THE EXPRESSWAY BRIDGE.

Page 2 of 6

The low bid for the Landscape Enhancements was submitted by Hoffman & McNamara Company of Hastings, MN in the amount of \$380,831.98. According to the agreement the City's share of this project is estimated to be \$11,243.29.

ATTACHMENTS:

1. Letter from Department of Transportation

FISCAL IMPACT: City's share of this project is estimated to be \$11,243.29 to be paid with City sales tax.

STAFF IMPACT: Minimal

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

RECOMMENDATION: Approve the bid with the Department of Transportation for Project: S-TNU-1-810(023)000 – ND 810 FROM MEMORIAL BRIDGE INTERCHANGE TO THE EXPRESSWAY BRIDGE to Hoffman & McNamara.

SUGGESTED MOTION

I move to approve the bid with the DOT for Project: S-TNU-1-810(023)000 – ND 810 FROM MEMORIAL BRIDGE INTERCHANGE TO THE EXPRESSWAY BRIDGE to Hoffman & McNamara.

Board of City Commissioners

Agenda Documentation

Meeting Date: November 5, 2013

Subject: Consider for approval the bid with the DOT for Project: S-TNU-1-810(023)000
– ND 810 FROM MEMORIAL BRIDGE INTERCHANGE TO THE EXPRESSWAY
BRIDGE.

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North Dakota Department of Transportation

Grant Levi, P.E.
Director

Jack Dalrymple
Governor

October 28, 2013

Mr. James Neubauer
City Administrator
205 2nd Avenue NW
Mandan, ND 58554

PROJECT: S-TNU-1-810(023)000 – ND 810 FROM MEMORIAL BRIDGE INTERCHANGE
TO THE EXPRESSWAY BRIDGE

Bids for the construction on the above noted project and two tied state projects were taken at our bid opening of October 25, 2013. Copies of the Contract Detail Estimate and Abstract of Bids are enclosed.

The low bid for Landscape Enhancements was submitted by Hoffman & McNamara Company of Hastings, MN in the amount of \$380,831.98. According to the agreement with the City of Mandan, the City's share of project S-TNU-1-810(023)000 is estimated to be \$11,243.29. The City is not responsible for any costs on tied projects STI-1-194(005)000 and STI-1-094(150)149.

Before we can award to the low bidder, Hoffman & McNamara Company, we need the City of Mandan to **concur**, in writing, in the estimated amount by November 12, 2013, if possible.

Questions should be addressed to the Construction Services Division at (701)328-2566.

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

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

80/cjg/lp
Enclosure

Board of City Commissioners

Agenda Documentation

Meeting Date: November 5, 2013

Subject: Consider for approval the bid with the DOT for Project: S-TNU-1-810(023)000 – ND 810 FROM MEMORIAL BRIDGE INTERCHANGE TO THE EXPRESSWAY BRIDGE.

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10/25/2013

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
CONTRACT DETAIL ESTIMATE UPON WHICH PROJECT AGREEMENT IS TO BE BASED

Page 1 of 2

North Dakota FEDERAL AID

Bid Opening Date: 10/25/2013

Project Number: S-TNU-1-810(023)000

PCN: 17272

Job Number: 5

English/Metric: ENGLISH

Contract with HOFFMAN & MCNAMARA COMPANY HASTINGS, MN

Signed Date:

County(s):

Location: ALONG ND 810 FROM THE MEMORIAL BRIDGE INTERCHANGE TO THE EXPRESSWAY BRIDGE

Roadway: URBAN

FROM THE MEMORIAL BRIDGE INTERCHANGE TO THE EXPRESSWAY BRIDGE

Type: LANDSCAPE ENHANCEMENTS

Participating: Y

Spec Code	Item Description	Quantity	Unit	Unit Price	Amount
103 0100	CONTRACT BOND	0.150	L SUM	\$2,400.00	\$360.00
702 0100	MOBILIZATION	0.150	L SUM	\$38,000.00	\$5,700.00
970 0008	LANDSCAPE PREPARATION	1,661.000	SY	\$0.50	\$830.50
970 0075	WOOD MULCH	14,952.000	SF	\$0.38	\$5,681.76
970 2194	RED SPLENDOR CRABAPPLE	8.000	EA	\$349.00	\$2,792.00
970 2202	SPRING SNOW CRABAPPLE	7.000	EA	\$355.00	\$2,485.00
970 2205	THUNDERCHILD CRABAPPLE	25.000	EA	\$349.00	\$8,725.00
970 2215	PRINCESS KAY PLUM	18.000	EA	\$356.00	\$6,408.00
970 2526	ARNOLD HAWTHORN	14.000	EA	\$356.00	\$4,984.00
970 3600	BLACK HILLS SPRUCE	33.000	EA	\$405.00	\$13,365.00
970 3605	COLORADO BLUE SPRUCE	4.000	EA	\$419.00	\$1,676.00
Subtotal					\$53,007.26
Eng and Contg					\$5,300.73
Total					\$58,307.99

Length 0.8200 Miles

Estimated Cost	Construction
	\$58,307.99
FEDERAL FUNDS	80.93% \$47,188.66
CITY OF MANDAN FUNDS	19.07% \$11,119.33

Type: SPECIAL ITEMS

Item Description	Amount
ESTIMATED COST OF REPAIR AND RESTORATION OF HAUL ROADS	\$650.00
Funding Splits:	
FEDERAL FUNDS	80.93% \$526.04
CITY OF MANDAN FUNDS	19.07% \$123.96

Board of City Commissioners

Agenda Documentation

Meeting Date: November 5, 2013

Subject: Consider for approval the bid with the DOT for Project: S-TNU-1-810(023)000
– ND 810 FROM MEMORIAL BRIDGE INTERCHANGE TO THE EXPRESSWAY
BRIDGE.

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10/25/2013

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
CONTRACT DETAIL ESTIMATE UPON WHICH PROJECT AGREEMENT IS TO BE BASED

Page 2 of 2

North Dakota **FEDERAL AID**

Bid Opening Date: **10/25/2013**

Project Number: **S-TNU-1-810(023)000**

PCN: **17272**

Job Number: **5**

English/Metric: **ENGLISH**

Type: **SPECIAL ITEMS**

Item Description				Amount
PRELIMINARY ENGINEERING				\$15,000.00
Funding Splits:	FEDERAL FUNDS	80.93%	\$12,139.50	
	NDDOT FUNDS	19.07%	\$2,860.50	

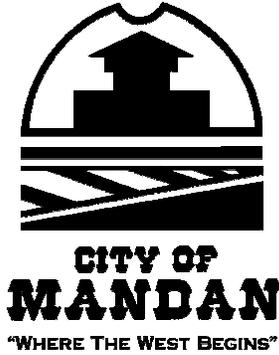
Summary for Project

Length **0.8200 Miles**

Estimated Total Construction Cost: **\$53,007.26**

Estimated Total Eng and Contg: **\$5,300.73**

	<u>Construction</u>	<u>Special Items</u>	<u>Total</u>
Estimated Cost	\$58,307.99	\$15,650.00	\$73,957.99
FEDERAL FUNDS	\$47,188.66	\$12,665.54	\$59,854.20
CITY OF MANDAN FUNDS	\$11,119.33	\$123.96	\$11,243.29
NDDOT FUNDS	\$0.00	\$2,860.50	\$2,860.50



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 5, 2013
PREPARATION DATE: October 29, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin J. Froseth
PRESENTER: Robert Decker, Principal Planner
SUBJECT: Consider for approval the final Re-plat of Lot 1-3, Block 3, Sunset Commercial Park

STATEMENT/PURPOSE: To consider for approval the final Re-plat of Lot 1-3, Block 3, Sunset Commercial Park. Plat is located along the west side of Sunset Drive NW between Old Red Trail and 27th St NW.

BACKGROUND/ALTERNATIVES: Request is to adjust location of access easements between lots and addition of no access line along Sunset Drive NW.

The Planning and Zoning Commission voted unanimously at their October 28, 2013 meeting to recommend approval of this proposed replat.

ATTACHMENTS:

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

FISCAL IMPACT: Minimal

STAFF IMPACT: Minimal

LEGAL REVIEW: All P&Z Commission data has been forwarded to the City Attorney for his review.

RECOMMENDATION: Approve the replat as presented.

SUGGESTED MOTION: Based on the unanimous recommendation of the Planning and Zoning Commission and hearing no objections, I move to approve the final Re-plat of Lot 1-3, Block 3, Sunset Commercial Park.

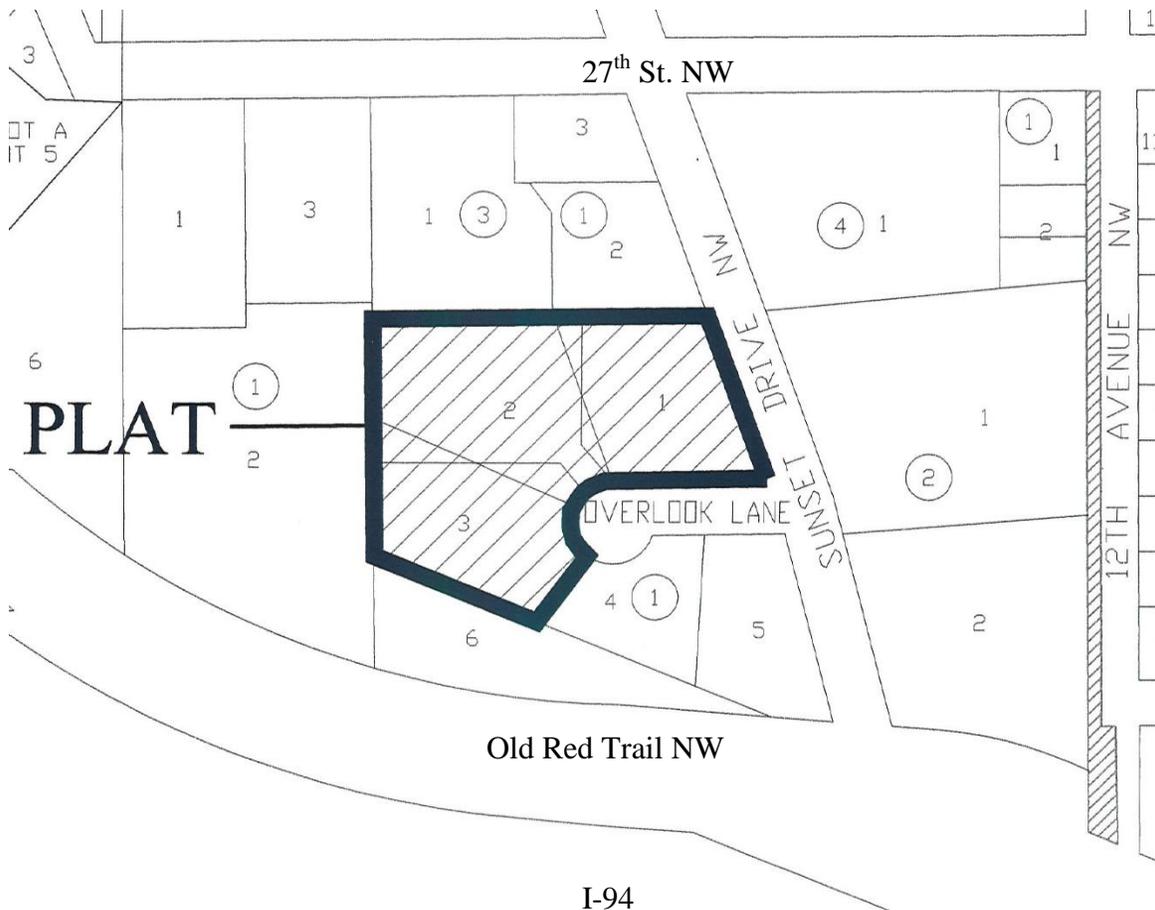
Board of City Commissioners

Agenda Documentation

Meeting Date: November 5, 2013

Subject: Consider for approval the final Re-plat of Lot 1-3, Block 3, Sunset Commercial Park

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Board of City Commissioners

Agenda Documentation

Meeting Date: November 5, 2013

Subject: Consider for approval the final Re-plat of Lot 1-3, Block 3, Sunset Commercial Park

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Mandan Planning and Zoning Commission Agenda Item
 For Meeting on October 28, 2013
 Mandan Engineering and Planning Office Report
Sunset Commercial Park Replat

Applicant Toman		Owner Century Amoco, LLC		Requested Action Re-subdivision to adjust lot lines and add access easements	
Subdivision Sunset Commercial Park		Legal Description Sunset Commercial Park, Lots 1-3, Block 3		Location Sunset Drive NW & Overlook Lane NW	
Parcel Size 3.86 acres		Existing Land Use vacant		Proposed Land Use commercial	
Adjacent Land Uses commercial		Current Zoning CB	Proposed Zoning CB	Adjacent Zoning CB & CC	
Fees \$250	Date Paid 10/3/2013	Adjacent Property Notification Sent 10/14/2013		Legal Notices Published 10/18/2013 & 10/25/2013	
Agency & Staff Comments					
USPS No Comments			NDDOT No Comments		
Morton County Assessor/Recorder/Auditor Fix description			Morton County Emergency Management No Comments		
Morton County Engineer No Comments			Morton County Planning No Comments		
Mor-gran-sou No Comments			Montana Dakota Utilities Electric & gas ok		
Mandan Public School District No Comments			Park District No Comments		
MPO No Comments			Fire Department No Comments		
Building & Assessing Provide vicinity map			Police Department No Comments		
Water No Comments			Wastewater No Comments		
Streets No access easement along Sunset			Solid Waste No Comments		
Engineering & Planning Bearings and distances don't match previous plat due to different methods of field measurement					
Engineering & Planning Recommendation E&P recommends approval since all staff and agency comment have been addressed					
Proposed Motion Since all staff and agency comments have been addressed, move to recommend approval of replat of Sunset Commercial Park, Lots 1-3, Block 3					



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 5, 2013
PREPARATION DATE: October 29, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin J. Froseth
PRESENTER: Robert G. Decker, Principal Planner
SUBJECT: Consider for approval the final Plat of Christianson's First Addition

STATEMENT/PURPOSE

To consider for approval the final Plat of Christianson's First Addition. Plat is located west of Sunset Park from I-94 to south of Division St. NW.

BACKGROUND/ALTERNATIVES

Request is to approve plat of first phase of multi-zoned new development. The developer's intent is to begin at the northeast corner along Boundary Road and develop south and west in stages.

Several issues need to be addressed during preparation of construction plans including extension of Division Street through the park and impacts on the existing pipelines through the property.

Negotiations with the park district are ongoing. The park district has provided the developer with the requirements for accomplishing a land swap required for construction of a road through the park. The creation of the road right-of-way will require a separate plat.

All construction plans will be submitted to WBI Energy for review and approval. The developer has indicated that he will replace the pipe if required by WBI due to changes in topography or installation of roads over the pipe.

The Planning and Zoning Commission voted 7 aye to 2 no at their October 28, 2013 meeting to recommend approval of this proposed plat.

ATTACHMENTS:

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

Board of City Commissioners

Agenda Documentation

Meeting Date: November 5, 2013

Subject: Consider for approval the final Plat of Christianson's First Addition

Page 2 of 10

FISCAL IMPACT

Significant. This development will require utility and road improvements beyond the limits of the development and will impact future long range transportation improvements.

STAFF IMPACT

Significant. Staff will need to work closely with the engineer and developer as construction plans are prepared.

LEGAL REVIEW

All P&Z Commission data has been forwarded to the City Attorney for his review.

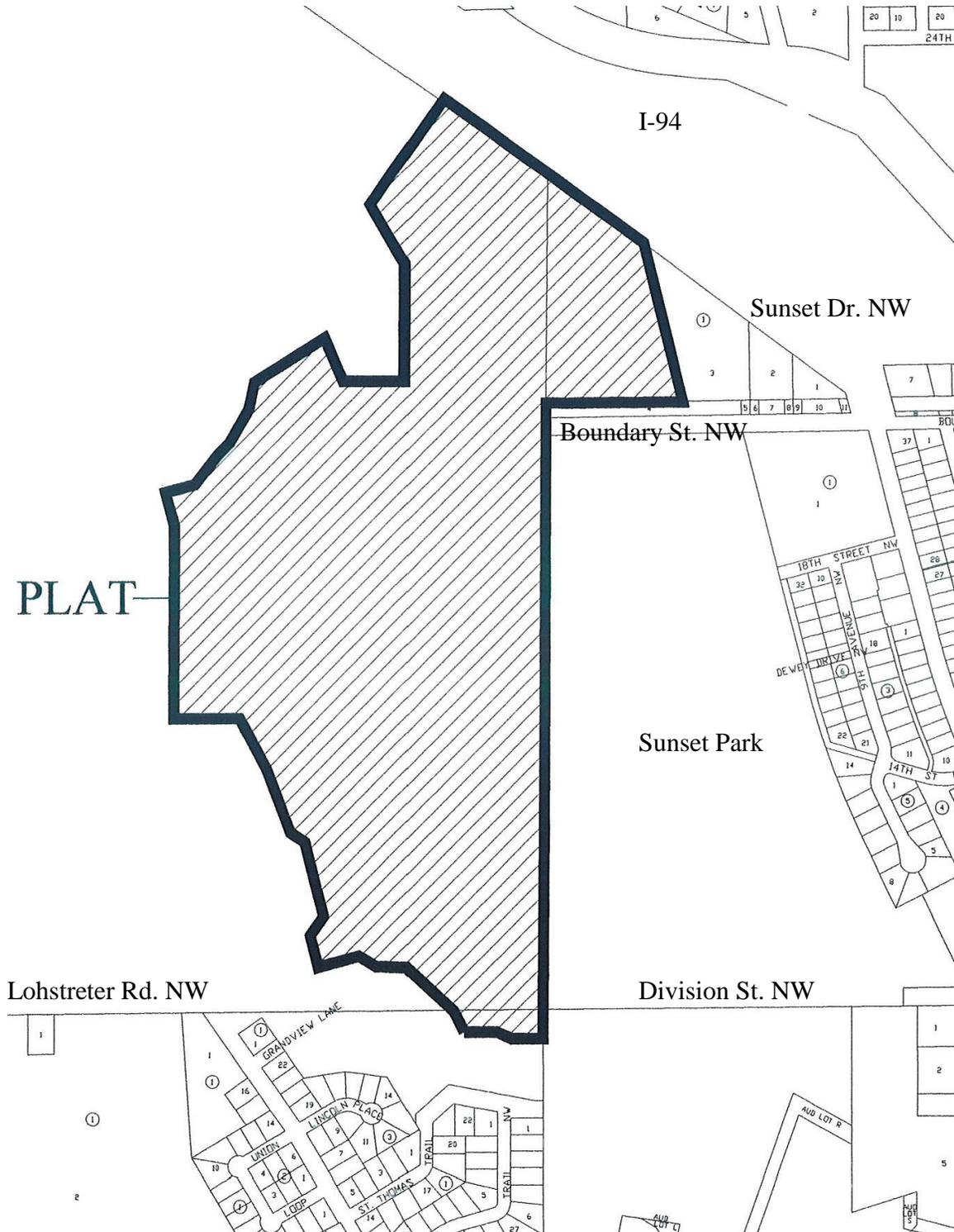
RECOMMENDATION

Approve plat as presented

SUGGESTED MOTION

Based on the recommendation of the Planning and Zoning Commission and hearing no objections, I move to approve the final Plat of Christianson's First Addition with the following stipulations:

1. Common areas are numbered lots with undivided interest by all lots unless developer and park district agree to land swap;
2. Street names must meet Master Plan and Emergency Management requirements; and



<p>Mandan Planning and Zoning Commission Agenda Item For Meeting on October 28, 2013 Mandan Engineering and Planning Office Report Christianson Master Plan & Plat</p>
--

Applicant KLJ	Owner Christianson		Requested Action Rezoning based on Master Plan and plat
Subdivision Christianson's First Addition	Legal Description Lot A of Lot 3, Block 1, Boutrous Addition plus NE Quarter, Portion of SE Quarter, SW Quarter & NW Quarter, Section 21 plus Portion of NW Quarter, Section 28 in T139N, R81W of the 5 th Principal Meridian, Morton County, North Dakota		Location I-94 south to approximately the Division Street alignment west of Sunset Park
Parcel Size 118.135 acres	Existing Land Use agriculture		Proposed Land Use Single family, duplex, multi-family & commercial
Adjacent Land Uses Agriculture, I-94, commercial, park, residential	Current Zoning A	Proposed Zoning R7, R3.2, RM & CA	Adjacent Zoning A, R7, CC
Fees \$250	Date Paid 7/1/2013	Adjacent Property Notification Sent 10/14/2013	Legal Notices Published 10/18/2013 & 10/25/2013
Agency & Staff Comments			
USPS Developer needs to determine where rural neighborhood mailboxes will be placed. Developer pays for them.		NDDOT Proposed development complies with scenic easement requirements. Arterial and collector streets need to conform to transportation plans.	
Morton County Assessor/Recorder/Auditor Fix description		Morton County Emergency Management Adjust street names to match criteria.	
Morton County Engineer No Comments		Morton County Planning Will provide flood plain information north	
Mor-gran-sou No Comments		Montana Dakota Utilities Increase easements from 5' to 7' on each lot, total 14'.	

Board of City Commissioners

Agenda Documentation

Meeting Date: November 5, 2013

Subject: Consider for approval the final Plat of Christianson's First Addition

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<p>WBI Energy</p> <ol style="list-style-type: none"> 1. Cover over pipeline on easements. Any proposed grading or ground disturbance within 25 ft. of the pipeline facilities on our easements must have prior approval by WBI Energy. Compensation for cost to cure if cuts or fills exceed WBI standards.(no less than 3 ft. and no more than 5 ft. of cover). No disturbance on Deeded property 2. Load weights of equipment crossing the pipelines during and after construction. 3. No retention water over pipeline right of way. 4. Four roads crossing the pipeline in approximately 1600 ft. are too many. Would like to minimize. 5. No fencing, trees or shrubs shall be allowed within 25 feet of pipeline facilities 6. No utility or other parallel encroachments are allowed within 25 ft. of pipeline facilities. 7. No structures, either permanent or temporary are allowed within 25 ft. of pipeline facilities. 8. How the development will affect the existing WBI fee property(Lot 4 Block 1 Boutrous Addition) <p>Additional requirements may be necessary. WBI must approve design of anything crossing our easements</p>	<p>MPO</p> <p>No direct lot access to Boundary Road</p>
<p>Mandan Public School District</p> <p>No Comments</p>	<p>Park District</p> <p>No agreement has been reached on alignment of Division nor transfer of land.</p>
<p>Building & Assessing</p> <p>Label primary roads outside the development</p>	<p>Fire Department</p> <p>Only 1 point of access is not ideal. (revised phase 1 boundary adds 2nd access to south)</p>
<p>Streets</p> <p>Extend 1st phase to what was originally proposed that included building Division west to Lohstreter and Lohstreter south of Division so there is a 2nd point of access.</p>	<p>Police Department</p> <p>No Comments</p>
<p>Water</p> <p>No Comments</p>	<p>Wastewater</p> <p>No Comments</p>

Board of City Commissioners

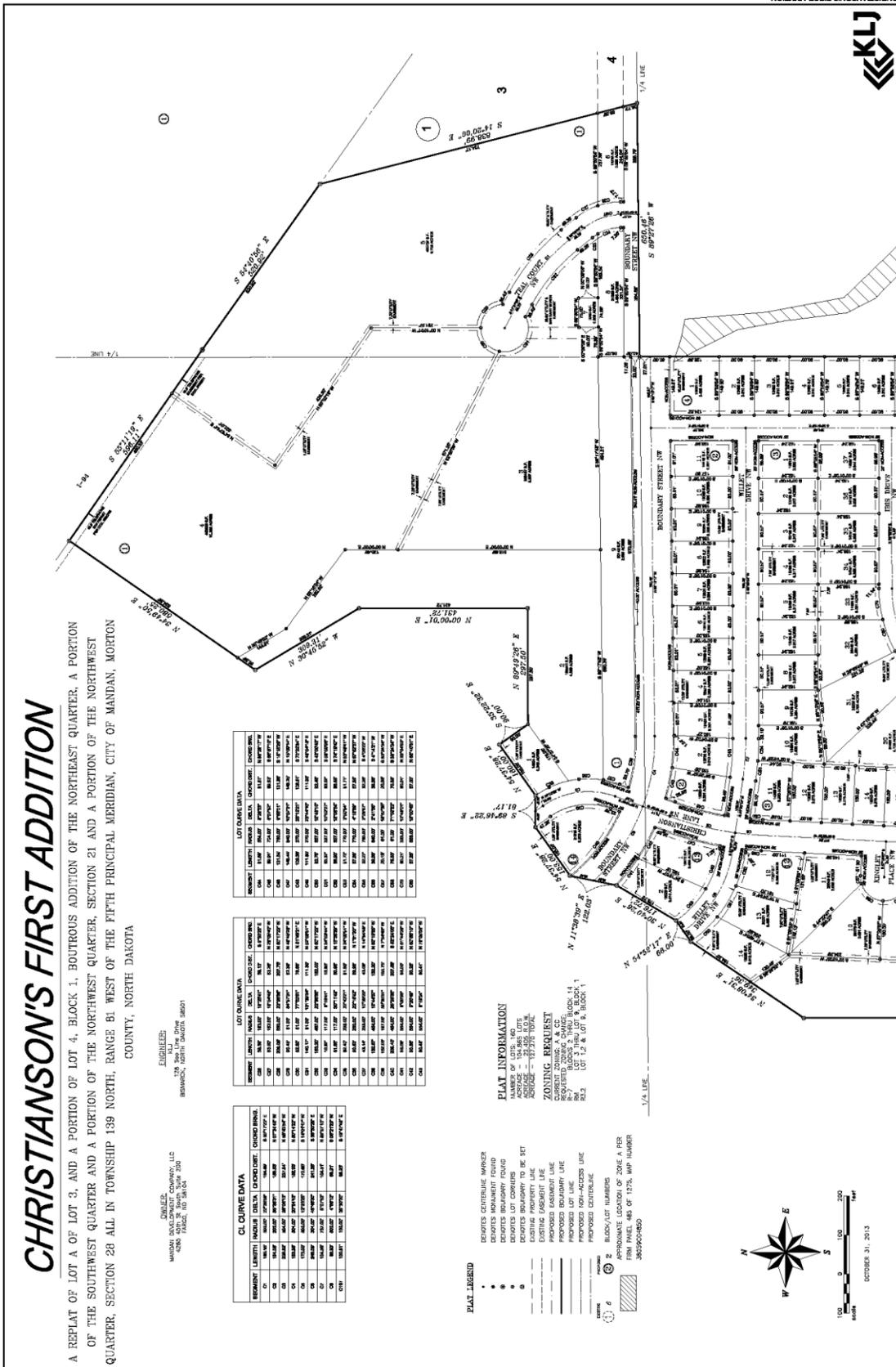
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Subject: Consider for approval the final Plat of Christianson's First Addition

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Engineering & Planning Comments Summary	Solid Waste No Comments
<p>This is a large multi-zone area. They plan to develop in phases. Issues of concern include size of proposed phase 1 when taking weather into consideration, future extension of arterial and collector streets, location of proposed commercial area, multi-family instead of commercial along Boundary Road, lack of agreement with park district for extension of Division St., issues related to existing pipeline, and ownership and maintenance of common areas. Engineer has responded to pipeline issues and has modified the street alignment to reduce pipeline crossings. Common areas will be the responsibility of a homeowners association with the expectation that these areas will be used as informal, undeveloped secondary trail locations for pedestrian access.</p>	
<p>Engineering & Planning Recommendation Due to the issues still to be resolved, we recommend allowing development of the upper portion of Phase 1 with the lower portion only allowed to proceed once outstanding issues are resolved regarding the extension of Division Street. This will be addressed by the Board during review of the street improvement plans. Common lots will be shown as undivided interest numbered lots.</p>	
<p>Proposed Motion Move to recommend approval of Christianson's First Addition Plat with the stipulations that:</p> <ol style="list-style-type: none">1. Common areas are numbered lots with undivided interest by all lots;2. Street names must meet Master Plan and Emergency Management requirements; and3. Initial development be limited to those lots tributary to pump stations 1 & 2 until an agreement has been reached on the alignment of Division Street.	



CHRISTIANSON'S FIRST ADDITION

A REPLAT OF LOT A OF LOT 3, AND A PORTION OF LOT 4, BLOCK 1, BOUTROUS ADDITION OF THE NORTHEAST QUARTER, A PORTION OF THE SOUTHWEST QUARTER AND A PORTION OF THE NORTHWEST QUARTER, SECTION 21 AND A PORTION OF THE NORTHWEST QUARTER, SECTION 28 ALL IN TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA

ENGINEER:
 1378 29th Line Drive
 BISMARCK, NORTH DAKOTA 58501

OWNER:
 MANDAN SOUTH COUNTY LLC
 1000 S. 10th Street
 MANDAN, ND 58540

LOT CURVE DATA

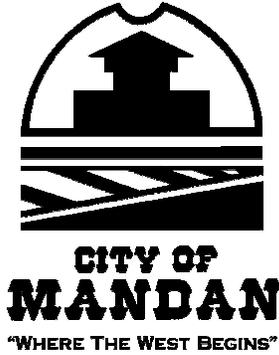
SEGMENT	LENGTH	ANGLE	DELTA	CHORD DIST.	CHORD BEING	CONTRIBUTOR	CONTRIBUTOR
1	10.00	90.00	14.14	14.14	14.14	14.14	14.14
2	10.00	90.00	14.14	14.14	14.14	14.14	14.14
3	10.00	90.00	14.14	14.14	14.14	14.14	14.14
4	10.00	90.00	14.14	14.14	14.14	14.14	14.14
5	10.00	90.00	14.14	14.14	14.14	14.14	14.14
6	10.00	90.00	14.14	14.14	14.14	14.14	14.14
7	10.00	90.00	14.14	14.14	14.14	14.14	14.14
8	10.00	90.00	14.14	14.14	14.14	14.14	14.14
9	10.00	90.00	14.14	14.14	14.14	14.14	14.14
10	10.00	90.00	14.14	14.14	14.14	14.14	14.14
11	10.00	90.00	14.14	14.14	14.14	14.14	14.14
12	10.00	90.00	14.14	14.14	14.14	14.14	14.14
13	10.00	90.00	14.14	14.14	14.14	14.14	14.14
14	10.00	90.00	14.14	14.14	14.14	14.14	14.14

LOT CURVE DATA

SEGMENT	LENGTH	ANGLE	DELTA	CHORD DIST.	CHORD BEING	CONTRIBUTOR	CONTRIBUTOR
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22	10.00	90.00	14.14	14.14	14.14	14.14	14.14
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32	10.00	90.00	14.14	14.14	14.14	14.14	14.14
33	10.00	90.00	14.14	14.14	14.14	14.14	14.14
34	10.00	90.00	14.14	14.14	14.14	14.14	14.14
35	10.00	90.00	14.14	14.14	14.14	14.14	14.14
36	10.00	90.00	14.14	14.14	14.14	14.14	14.14
37	10.00	90.00	14.14	14.14	14.14	14.14	14.14
38	10.00	90.00	14.14	14.14	14.14	14.14	14.14
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43	10.00	90.00	14.14	14.14	14.14	14.14	14.14
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100	10.00	90.00	14.14	14.14	14.14	14.14	14.14

CL CURVE DATA

SEGMENT	LENGTH	ANGLE	DELTA	CHORD DIST.	CHORD BEING	CONTRIBUTOR	CONTRIBUTOR
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113	10.00	90.00	14.14	14.14	14.14	14.14	14.14
114	10.00	90.00	14.14	14.14	14.14	14.14	14.14
115	10.00	90.00	14.14	14.14	14.14	14.14	14.14
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117	10.00	90.00	14.14	14.14	14.14	14.14	14.14
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120	10.00	90.00	14.14	14.14	14.14	14.14	14.14
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122	10.00	90.00	14.14	14.14	14.14	14.14	14.14
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125	10.00	90.00	14.14	14.14	14.14	14.14	14.14
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127	10.00	90.00	14.14	14.14	14.14	14.14	14.14
128	10.00	90.00	14.14	14.14	14.14	14.14	14.14
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131	10.00	90.00	14.14	14.14	14.14	14.14	14.14
132	10.00	90.00	14.14	14.14	14.14	14.14	14.14
133	10.00	90.00	14.14	14.14	14.14	14.14	14.14
134	10.00	90.00	14.14	14.14	14.14	14.14	14.14
135	10.00	90.00	14.14	14.14	14.14	14.14	14.14
136	10.00	90.00	14.14	14.14	14.14	14.14	14.14
137	10.00	90.00					



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 5, 2013
PREPARATION DATE: October 29, 2013
SUBMITTING DEPARTMENT: Engineering & Planning
DEPARTMENT DIRECTOR: Justin J. Froseth
PRESENTER: Robert G. Decker, Principal Planner
SUBJECT: Consider for approval the final Re-plat of Lot 1, Block 2, Meadow Ridge 3rd Addition

STATEMENT/PURPOSE: To consider for approval the final Re-plat of Lot 1, Block 2, Meadow Ridge 3rd Addition. Plat is located west of 6th Ave. NW between 24th St. NW and 27th St. NW

BACKGROUND/ALTERNATIVES: Request is to replat lot to allow construction of two 4 unit buildings. The Planning and Zoning Commission voted unanimously at their October 28, 2013 meeting to recommend approval of this proposed replat.

ATTACHMENTS:

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

FISCAL IMPACT: Minimal

STAFF IMPACT: Minimal

LEGAL REVIEW: All P&Z Commission data has been forwarded to the City Attorney for his review.

RECOMMENDATION: Approve replat as presented.

SUGGESTED MOTION

Based on the unanimous recommendation of the Planning and Zoning Commission and hearing no objections, I move to approve the final Re-plat of Lot 1, Block 2, Meadow Ridge 3rd Addition.

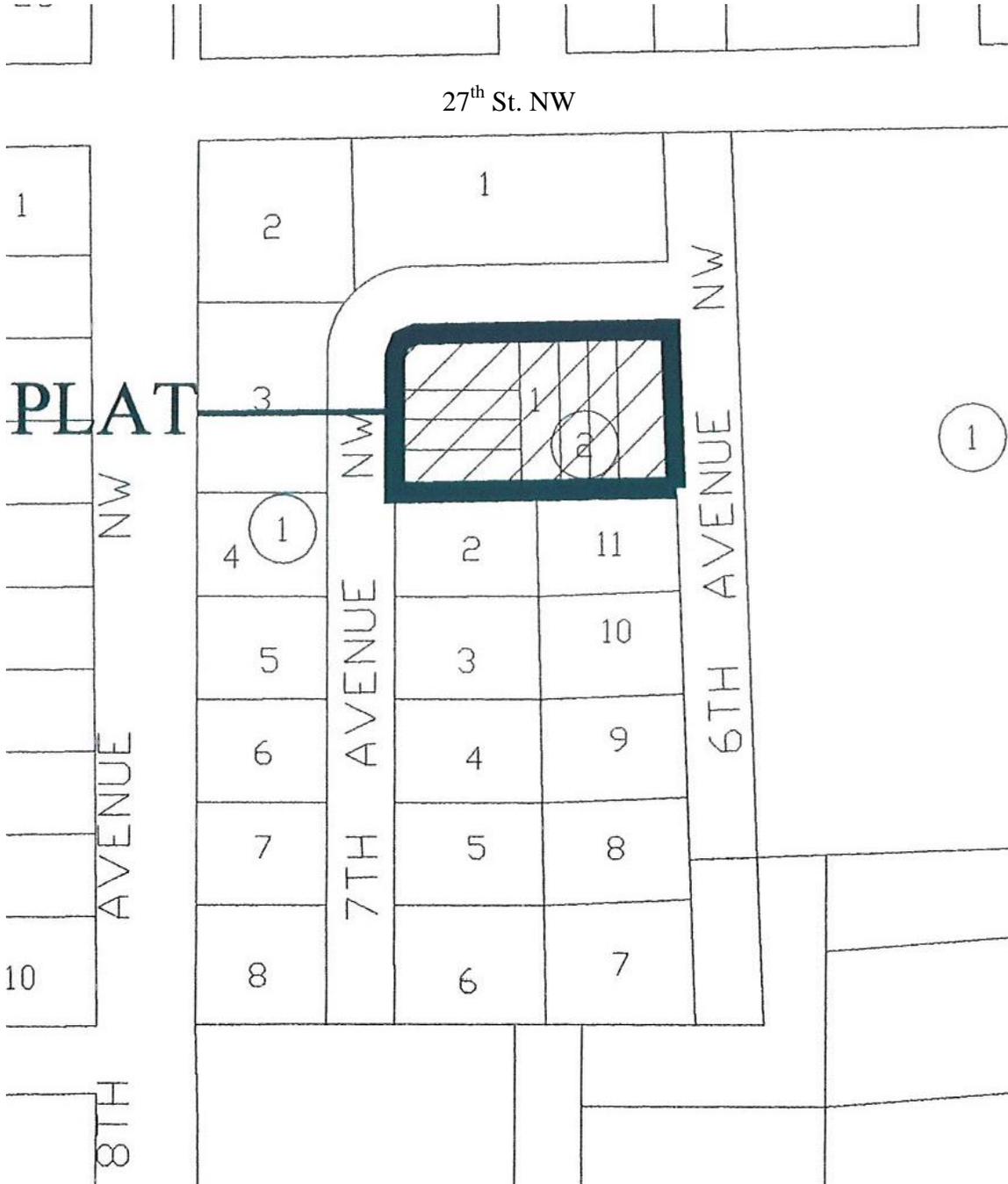
Board of City Commissioners

Agenda Documentation

Meeting Date: November 5, 2013

Subject: Consider for approval the final Re-plat of Lot 1, Block 2, Meadow Ridge 3rd Addition

Page 2 of 4



Board of City Commissioners

Agenda Documentation

Meeting Date: November 5, 2013

Subject: Consider for approval the final Re-plat of Lot 1, Block 2, Meadow Ridge 3rd Addition

Page 3 of 4

<p>Mandan Planning and Zoning Commission Agenda Item For Meeting on October 28, 2013 Mandan Engineering and Planning Office Report Meadow Ridge Replat</p>
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Applicant		Owner		Requested Action	
Toman		Steven & Kathleen Anderson		Re-subdivision of lot to allow construction of two 4 unit townhouses	
Subdivision		Legal Description		Location	
Meadow Ridge 3 rd Addition		Meadow Ridge 3 rd Addition, Lot 1, Block 2		7 th Avenue NW & 26 th Street NW	
Parcel Size		Existing Land Use		Proposed Land Use	
0.97 Acres		vacant		multi-family	
Adjacent Land Uses		Current Zoning	Proposed Zoning	Adjacent Zoning	
residential		RM	RM	R3.2, RM	
Fees	Date Paid	Adjacent Property Notification Sent		Legal Notices Published	
\$250	10/4/2013	10/14/2013		10/18/2013 & 10/25/2013	
Agency & Staff Comments					
USPS			NDDOT		
No Comments			No Comments		
Morton County Assessor/Recorder/Auditor			Morton County Emergency Management		
Description needs to be corrected			No Comments		
Morton County Engineer			Morton County Planning		
No Comments			No Comments		
Mor-gran-sou			Montana Dakota Utilities		
No Comments			10' easement required along west and north sides. Request by engineer to place easement along rear lot line was accepted.		
Mandan Public School District			Park District		
No Comments			No Comments		
MPO			Fire Department		
No Comments			No Comments		
Building & Assessing			Police Department		
Provide vicinity map			No Comments		
Water			Wastewater		
No Comments			No Comments		
Streets			Solid Waste		
No Comments			No Comments		
Engineering & Planning					
Plat revised based on comments at meeting					
Engineering & Planning Recommendation					
E&P recommends approval					
Proposed Motion					
Move to recommend approval of replat of Meadow Ridge 3 rd Addition, Lot 1, Block 2 since all staff and agency comments have been addressed.					

SUNDAY ALCOHOLIC BEVERAGE PERMIT

Date of Application: October 24, 2013

Name of Licensee: Mandan Eagles #2451

Address of Licensee: 1400 N. Collins Ave.

Address of public facility if used: 1400 N. Collins Ave.

State the purpose of organization: Fraternal Order of Eagles

Date(s) of requested Sunday(s): December 1, 2013

December 8, 2013

Time of day which the applicant desires the permit to be in effect: Noon till 10 pm -

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

Dance Hall / Bar Area

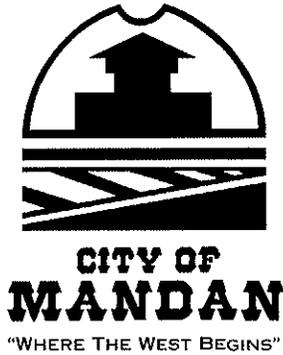
State whether the applicant requests permission to open to the general public, and if so an explanation of the reasons for the request:

our annual Galka
Fest, open to Public (Dec. 1st)
Christmas Show (Dec. 8th) with Lyle Zimmerman

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

I the applicant will abide to the following conditions:

- a. Alcoholic beverages may be distributed for consumption on the premises and Dancing may be permitted only in those rooms specifically reserved for event activities;
- b. Dancing and the dispensing of alcoholic beverages shall be permitted only between the hours of twelve noon on the date specified in the permit and one a.m. on the following Monday;
- c. Any conditions or circumstances delineated by the Board relating to the conduct of the event or to the admission of the general public to the event.



Consent #5

Board of City Commissioners

Agenda Documentation

MEETING DATE: November 5, 2013
PREPARATION DATE: October 29, 2013
SUBMITTING DEPARTMENT: City Administrator
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER:
SUBJECT: Transfer of Class D liquor License Application

STATEMENT/PURPOSE: All transfers of liquor licenses must be approved by the Board of City Commissioners at time of application.

BACKGROUND/ALTERNATIVES: Application and fees have been received and a background check has been run.

ATTACHMENTS: Liquor License application.

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

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

SUGGESTED MOTION: I would recommend the approval of the 2 Class D liquor licenses transfers for Captains Jack's Mandan and Bill's Liquor to Coborn's Incorporated. Contingent upon the establishment meeting all Fire Codes, Health & Safety Code, Building Inspection Codes and all property taxes and fees are paid.

APPLICATION TO TRANSFER LIQUOR LICENSE #16

Corporation Liquor License Application

1. Type of License:

Liquor On-Sale _____ Off-Sale Class: A B C **D** D1 E F WB MP DY
(Circle One)

Beer On-Sale _____ Off-Sale Class: A B C **D** D1 E F WB MP DY

2. Duration of License: Annual: (July 1, 2013 to June 30, 2014)
Part of Year from: _____, 20 To _____, 20 .

3. Name of Business Establishment at which license will be used: Ski's Liquor, Inc. dba Captain Jack's-Mandan

4. Corporate Identification Information: Please complete all of the following:

- a. Name of Corporation: Coborn's, Incorporated
- b. Date of Incorporation: 12/15/1958
- c. State of Incorporation: MN
- d. Amount of Authorized Capital Stock: 10,250,000
- e. Amount of Paid Capital: None except Company ESOP
- f. If, subsidiary, Name of Parent Corporation: _____
- g. Purpose of Incorporation: Retail grocery and liquor sales

5. Description of Licensed Premises: Address: 101 6th Avenue NE, Mandan, ND 58554-3529

Legal Description: (Lot & Block): Lots 4, 5, 6, 7, 8 Mandan Proper
(Also Submit on an attached page a Diagram of the physical layout of the licenses premises including, A minimum: doors, storage areas, & areas where liquor/beer is purchased and consumed.)

6. List Names, Current Addresses, and Dates of Birth, ages & citizenship of all the Officers, Directors, Managers, Agents, and all Persons Holding 1% or more of the Capital Stock in the Corporation. (Note: Separate Notarized List of each individual's Name, Social Security Number and Addresses for last 5 years is required, the Privacy of which will be maintained by City but is required for Background Check: see attached list)

7. List Names, Current Addresses, Dates of Birth, ages & citizenship of All Persons Who will have charge, management or control of the establishment for which the license is requested. (Note: Separate Notarized List of each individual's Name, Social Security Number and Addresses for last 5 years is Required, the Privacy of which will be maintained by City but is required for Background Check: see store manager information below)

8. Name of Individual who is to be in Charge of the Day-to-Day Operations and management of the licensed premises: and will be responsible for complying with the municipal ordinances and state laws covering the operation of the premises:

Name: Jordan C. Hauck Address: 444 Piccadilly Circle

City: Bismarck State: ND Age: _____ DOB: _____ Citizenship: _____

If naturalized, give date and Place of Naturalization: _____

List all Other Places of Residence within last 5 Years: _____

9. List the occupations and employers of each of the individuals listed in answer to questions 6, 7 and 8 during the last 5 years. (Use a separate page to answer this question). see attached list

10. Ownership/Lease: If licensed premises is owned by Applicant, provide date of purchase. N/A
(If licensed premises is leased, attach copy of executed and dated Lease.)

11. Does Applicant certify that all property taxes have been paid to date on the licenses premises?
Yes x No _____

12. Have any of the individuals identified in answer to Questions 6, 7, and 8 ever engaged in the sale or distribution of alcoholic beverages (as an owner, manager, or employee) at a location other than in the City of Mandan at any time prior to this application. Yes: _____ No: x (If yes, explain in detail on a separate page location, type of business and dates of license or employment).

13. Have any of the individuals identified in answer to Questions 6, 7 and 8 ever had a license of any kind (including alcoholic beverage license, other business licenses or motor vehicle license) suspended, revoked or non-renewed by any political subdivision, state or federal agency. Yes: _____ No: x (If yes, explain in detail on a separate page)

14. Have any of the individuals identified in answer to Questions 6, 7 and 8 ever been convicted of a violation of any law of the United States, or of any state or political subdivision, other than minor traffic violations, (but including reckless driving or driving under the influence). Yes _____ No x
(If yes, explain the violation in detail on a separate page.)

15. Do any of the individuals named in answer to questions 5, 6 or 7 have any interest whatsoever in any other liquor establishment, either at wholesale or retail, within or without the state of North Dakota. (The interest which must disclose also includes a right of inheritance by law or by will). Yes x No _____
If, yes please explain in detail on a separate page. see attached list of stores

16. Does anyone other than the Corporation applying for this alcoholic beverage license or the business owning the premises have any right, estate, or interest in the lease hold, building, or furniture, fixtures or equipment, in the premises for which the license is requested. Yes _____ No _____ (If yes, explain in detail on a separate page).

17. Does the Corporation applying for this alcoholic beverage license have any agreement, contract, understanding or intention to have any agreement, contract or understanding, with any person, partnership, or corporation to obtain for any other person, partnership or corporation, or to transfer to any other person, partnership or corporation the license for which this applications is made or to obtain for any other person, partnership or corporation, for any other purpose other than for the specified use of the applicant. Yes _____ No x (If yes, explain in detail on a separate page).

thereto, as well as all applicable laws of the State of North Dakota, and the United States Government and that said Corporation, its officers, directors and employees will not permit the violation of any law, rule or regulation on the premises at which the license is authorized. I further certify that the corporation, its officers and directors acknowledge that this license will only authorize the retail sale of liquor, including beer, wine and other spirits as defined by the North Dakota Century Code, at the premises designated in this application and depicted on the attached diagram.

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

I do further certify and affirm that the applicant corporation, its officers and directors understand and acknowledge that any license granted under this application confers no property right to the applicant or licensee, and that said license will not be transferable except by specific authority of the Mandan Board of City Commissioners.

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

Dated at ~~Mandan, North Dakota~~, on this 21st day of October, 2013
St. Cloud, Minnesota

By: Christopher M. Coborn
Its: CEO/President, Christopher M. Coborn

Attest:

By: Naelli Haklan
Its: Executive Assistant
Minnesota

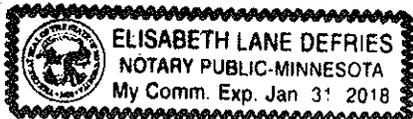
STATE OF NORTH DAKOTA)
 Benton) ss.
COUNTY OF MORTON)

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

Subscribed and sworn to before me on this 21st day of October, 2013.

(Notary Seal)

Elisabeth Lane Defries





**FOREIGN CORPORATION
ANNUAL REPORT**
SECRETARY OF STATE
SFN 17156 (1-2013)

2013



FOR OFFICE USE ONLY

ID Number	2,900,300
WO Number	1016872
Filed	5/29/13

(Corporate Name, Commercial or Noncommercial Registered Agent Name and Address)

REPORT DUE MAY 15, 2013

By law, the envelope containing the report must be postmarked on or before May 15, 2013 to be considered timely filed.

RECEIVED

APR 26 2013

SEC. OF STATE

1. FILING FEES:

- \$25.00 If postmarked on or before May 15, 2013
- \$45.00 If postmarked after May 15, 2013 and on or before August 15, 2013
- \$85.00 If postmarked after August 15, 2013 and on or before May 15, 2014

COBORN'S INCORPORATED

DARRELL TORGERSON
1401 33RD ST S
FARGO, ND 58103-3413

2. State or Country of Origin
Minnesota

TYPE OR PRINT LEGIBLY - SEE INSTRUCTIONS FOR FEES, FILING AND MAILING INFORMATION

Provisions regarding annual reports are found in North Dakota Century Code Section 10-19.1-146.

3. Business Activities Actually Engaged In (be specific) GROCERY RESALE	4. Telephone Number (320) 252-4222	5. Federal ID Number
--	---------------------------------------	----------------------

6. Address of Corporation's Principal Executive Office as Previously Reported (Street/RR, PO Box, City, State, ZIP+4) If incorrect, cross out and correct as necessary. Address cannot only be a post office box.
1445 E HWY 23 PO BOX 6146 SAINT CLOUD, MN 56302-6146

7. OFFICERS AND DIRECTORS OF THE CORPORATION						
OFFICE	NAME	Check box if Officer also serves as Director	COMPLETE MAILING ADDRESS			
			Street/RR	PO Box	City	State ZIP+4
PRESIDENT	Christopher M. Coborn	<input checked="" type="checkbox"/>	1445 E. Hwy 23, St. Cloud, MN 56304			
VICE PRESIDENT	Mark K. Coborn	<input checked="" type="checkbox"/>	1445 E. Hwy 23, St. Cloud, MN 56304			
SECRETARY		<input type="checkbox"/>				
TREASURER	Pamela K. Osborn	<input checked="" type="checkbox"/>	1445 E. Hwy 23, St. Cloud, MN 56304			
DIRECTOR	Daniel G. Coborn		1445 E. Hwy 23, St. Cloud, MN 56304			
DIRECTOR	Robert L. Thueringer		1445 E. Hwy 23, St. Cloud, MN 56304			
DIRECTOR	Don R. Wetter		1445 E. Hwy 23, St. Cloud, MN 56304			
DIRECTOR	William E. Drake		1445 E. Hwy 23, St. Cloud, MN 56304			
Define						
Define						
Define						
Define						
Define						
Define						

8. Additional Information that affects the Corporation's Authority to Transact Business in North Dakota or this Annual Report

9. "The undersigned has read the foregoing annual report, knows the contents, and believes the information provided is correct. I understand that if I make a false statement in this document, I may be subject to criminal penalties."

Signature <i>Pamela K Osborn</i>	Date 04-22-2013
10. Name of Person to Contact about this Report <i>Pam Osborn</i>	Email Address <i>pam.osborn@cobornsinc.com</i>
	Daytime Telephone Number and Extension, if any 320-252-4222

COBORN'S, INCORPORATED LIQUOR STORES

#2002 (6036) COBORN'S LIQUOR
141 GLEN STREET
FOLEY, MN 56329

#2006 (6033) COBORN'S LIQUOR
1113 FIRST AVENUE N.E.
LITTLE FALLS, MN 56345

#2008 (6034) COBORN'S LIQUOR
715 COUNTY ROAD 75
CLEARWATER, MN 55320

#2024 COBORN'S LIQUOR
2150 DAKOTA AVE SOUTH
HURON, SD 57350

#2025 COBORN'S LIQUOR
1800 NORTH MAIN
MITCHELL, SD 57301

#2029 (6038) COBORN'S LIQUOR
5698 LaCENTRE AVENUE N.E.
ALBERTVILLE, MN 55301

#2032 (6035) COBORN'S LIQUOR
1729 PINE CONE ROAD SOUTH
SARTELL, MN 56377

#2033 (6039) COBORN'S LIQUOR
7880 SUNWOOD DRIVE N.W.
RAMSEY, MN 55303

#2035 (6030) COBORN'S LIQUOR
890 COPPER AVENUE SOUTH
ST. CLOUD, MN 56301

#2037 (6040) COBORN'S LIQUOR
225 33RD STREET WEST
HASTINGS, MN 55033

#2038 (6041) COBORN'S LIQUOR
202 ALTON AVENUE S.E.
NEW PRAGUE, MN 56071

#2039 (6042) COBORN'S LIQUOR
1500 ELM STREET EAST #2
ST. JOSEPH, MN 56374

#2042 (6043) COBORN'S LIQUOR
1014 EAST ENTERPRISE DRIVE
BELLE PLAINE, MN 56011

#2043 (6044) COBORN'S LIQUOR
111 EAST MAIN STREET
MELROSE, MN 56352

#2045 COBORN'S LIQUOR
410 TENTH STREET S.E.
JAMESTOWN, ND 58401

#3004 (7032) CASH WISE LIQUOR
1305 SOUTH FIRST STREET
WILLMAR, MN 56201

#3009 (7031) CASH WISE LIQUOR
113 WAITE AVENUE SOUTH
WAITE PARK, MN 56387

#3013 (7040) NEW ULM LIQUOR
1216 WESTRIDGE ROAD
NEW ULM, MN 56073

#3014 (7037) CASH WISE LIQUOR
495 W NORTH STREET
OWATONNA, MN 55060

#3015 (7038) CASH WISE LIQUOR
3310 HIGHWAY 10 EAST
MOORHEAD, MN 56560

#3020 (7041) CASH WISE LIQUOR
1144 BISMARCK EXPRESSWAY
BISMARCK, ND 58504

#7036 CASH WISE LIQUOR
14092 EDGEWOOD DRIVE
BAXTER, MN 56425

#7039 BRAINERD LIQUOR
513 "B" STREET N.E.
BRAINERD, MN 56401

#7042 CASH WISE LIQUOR
STONERIDGE SHOPPING MALL
625 WEST CENTRAL ENTRANCE
DULUTH, MN 55811

#7043 CASH WISE LIQUOR
310 CENTRAL AVENUE EAST
ST MICHAEL, MN 55376

#7044 CASH WISE LIQUOR
801 N. NOKOMIS STREET N.E.
ALEXANDRIA, MN 56308

#7045 CASH WISE LIQUOR
4101 13TH AVENUE S.W.
FARGO, ND 58103

#9997 Pay Less Liquor
3316 West Division Street Suite 200
ST. CLOUD, MN 56301

#3042 CASH WISE LIQUOR
113 6th Avenue SE, Suite #5100
Watford City ND 58854

8. Name of Individual who is to be in Charge of the Day-to-Day Operations and management of the licensed premises: and will be responsible for complying with the municipal ordinances and state laws covering the operation of the premises:

Name: Michelle L. Singer Address: 311 - 12th Ave. NE

City: Mandan State: ND Age: _____ DOB: _____ Citizenship: ND

If naturalized, give date and Place of Naturalization: _____

List all Other Places of Residence within last 5 Years: _____

9. List the occupations and employers of each of the individuals listed in answer to questions 6, 7 and 8 during the last 5 years. (Use a separate page to answer this question). see attached list

10. Ownership/Lease: If licensed premises is owned by Applicant, provide date of purchase. N/A
(If licensed premises is leased, attach copy of executed and dated Lease.)

11. Does Applicant certify that all property taxes have been paid to date on the licenses premises?
Yes No _____

12. Have any of the individuals identified in answer to Questions 6, 7, and 8 ever engaged in the sale or distribution of alcoholic beverages (as an owner, manager, or employee) at a location other than in the City of Mandan at any time prior to this application. Yes: _____ No: (If yes, explain in detail on a separate page location, type of business and dates of license or employment).

13. Have any of the individuals identified in answer to Questions 6, 7 and 8 ever had a license of any kind (including alcoholic beverage license, other business licenses or motor vehicle license) suspended, revoked or non-renewed by any political subdivision, state or federal agency. Yes: _____ No: (If yes, explain in detail on a separate page)

14. Have any of the individuals identified in answer to Questions 6, 7 and 8 ever been convicted of a violation of any law of the United States, or of any state or political subdivision, other than minor traffic violations, (but including reckless driving or driving under the influence). Yes _____ No
(If yes, explain the violation in detail on a separate page.)

15. Do any of the individuals named in answer to questions 5, 6 or 7 have any interest whatsoever in any other liquor establishment, either at wholesale or retail, within or without the state of North Dakota. (The interest which must disclose also includes a right of inheritance by law or by will). Yes No _____
If, yes please explain in detail on a separate page. see attached list of stores

16. Does anyone other than the Corporation applying for this alcoholic beverage license or the business owning the premises have any right, estate, or interest in the lease hold, building, or furniture, fixtures or equipment, in the premises for which the license is requested. Yes _____ No _____ (If yes, explain in detail on a separate page).

17. Does the Corporation applying for this alcoholic beverage license have any agreement, contract, understanding or intention to have any agreement, contract or understanding, with any person, partnership, or corporation to obtain for any other person, partnership or corporation, or to transfer to any other person, partnership or corporation the license for which this applications is made or to obtain for any other person, partnership or corporation, for any other purpose other than for the specified use of the applicant. Yes _____ No (If yes, explain in detail on a separate page).

18. Does the Corporation applying for this license or the person, partnership or corporation owing the premises named herein, engage in any business other than that for which the license is sought or intending to engage in any business other than for the sale of alcoholic beverages under the license for which this application is made. Yes: No: x (If yes, explain, in detail on a separate page giving the type of business and identification of any and all owners.)

19. List the names and addresses of all officers, directors, and stockholders of the Corporation who are engaged or employed in a capacity in the conduct or operation of the business at which the alcoholic beverage license is to be used. _____

20. The corporation must have a valid Certificate of authority issued by the North Dakota Secretary of state and a valid Alcoholic Beverage License issued by the ND Attorney General's Office. (A copy of the Certificate of Authority and ND Alcoholic Beverage License must be attached hereto.) see attached copies

21. List the names, addresses of at least 3 business references. see attached list of references

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

23. List all the names of individuals who are authorized to make purchases for the business at which the license is to be used and located. _____

see attached store manager information

above

(Note: These individuals must submit their names, current address and social security numbers on the forms which will protect their rights of privacy, but allow the appropriate police department background checks to be done. If not attached, the application will be deemed incomplete.)

24. List the names of all individuals who are authorized to sign checks used to pay the payroll and expense bills of the business at which the license is to be used. _____

Daniel Coborn, see information on attached list.

minnesota
STATE OF ~~NORTH DAKOTA~~) Affidavit of Application Completeness and Accuracy,
Benron) ss. Sworn Statement of Conditions of Licensure,
COUNTY OF ~~MORTON~~) and Agreement to Right of Entry of City Personnel

I, Chris Coborn having been sworn and under oath, state that I am a duly authorized officer or director, namely CEO, of the above named corporation which hereby applies for the above referenced alcoholic beverage license in the City of Mandan, and I do hereby certify that the above information is true and correct to the best of my knowledge and beliefs.

I do further certify that said corporation and its officers, directors and employees will abide by the provisions of Chapter 12-01, 12-02 and 12-03 of the Mandan Code of Ordinances and any amendments

thereto, as well as al applicable laws of the State of North Dakota, and the United States Government and that said Corporation, its officers, directors and employees will not permit the violation of any law, rule or regulation on the premises at which the license is authorized. I further certify that the corporation, its officers and directors acknowledge that this license will only authorize the retail sale of liquor, including beer, wine and other spirits as defined by the North Dakota Century Code, at the premises designated in this application and depicted on the attached diagram.

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

I do further certify and affirm that the applicant corporation, its officers and directors understand and acknowledge that any license granted under this application confers no property right to the applicant or licensee, and that said license will not be transferable except by specific authority o f the Mandan Board of City Commissioners.

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

Dated at ~~Mandan, North Dakota~~ on this 21st day of October, 2013
St. Cloud, Minnesota

By: Christopher M. Coborn
Its: Christopher M. Coborn, CEO/President

Attest:

By: Heidi Mahlen
Its: Executive Assistant
Minnesota

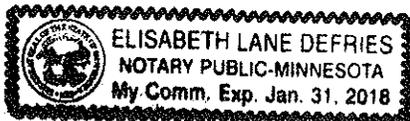
STATE OF NORTH DAKOTA)
 Benton) ss.
COUNTY OF ~~MORTON~~)

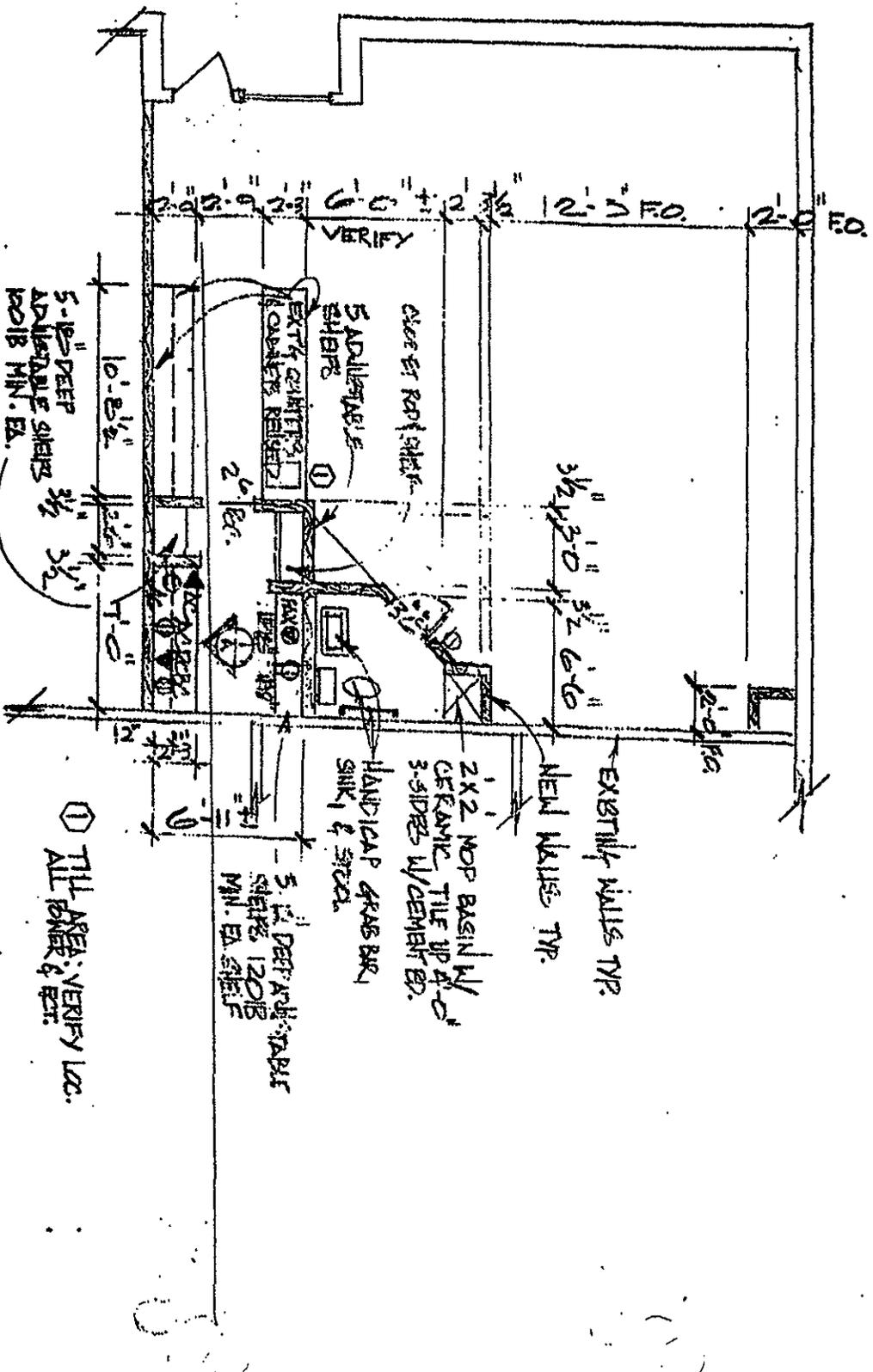
I Libby Defries, being first duly sworn, deposes and says that he/she is the individual who executed the foregoing and above affidavit of application completeness and accuracy, sworn statement of licensure conditions and agreement of right to entry by city personnel, that he/she has read each question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

Subscribed and sworn to before me on this 21st day of October, 2013.

(Notary Seal)

Elisabeth Lane Defries





1
B
EXISTING / NEW FLOOR PLAN
1/8" = 1'-0"

① TILE AREA: VERIFY LOC.
ALL CORNER & ECF.

5'-0" DEEP ADJUSTABLE SHEETS, 1201B MIN. EA. SHELF

HANDICAP GRAB BAR SINK & STOOL

2' X 2' MOP BASIN W/ CERAMIC TILE UP 4'-0" 3-SIDES W/ CEMENT BD.

NEW WALLS TYP.

EXISTING WALLS TYP.

5' ADJUSTABLE SHELF

EXTRA COUNTER, 1201B MIN. EA.

5'-0" DEEP ADJUSTABLE SHEETS, 1201B MIN. EA.

10'-8 1/2"

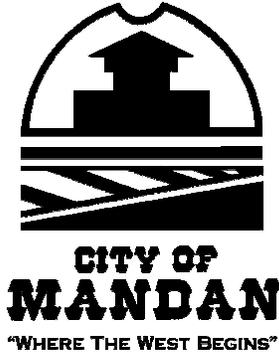
12'-0"

12'-5" FO.

12'-0" FO.

VERIFY

EXISTING ROOF SHEET



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 5, 2013
PREPARATION DATE: October 29, 2013
SUBMITTING DEPARTMENT: City Administrator
DEPARTMENT DIRECTOR: Jim Neubauer
PRESENTER:
SUBJECT: New Corporation liquor License Application

STATEMENT/PURPOSE: New Class D liquor licenses must be approved by the Board of City Commissioners at time of new application.

BACKGROUND/ALTERNATIVES: The application and fees have been received and background checks have been run.

ATTACHMENTS: Letter stating they are requesting Class D liquor license in place of the Class A they originally were going to apply for and liquor license application.

FISCAL IMPACT: \$80,000.00

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

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

SUGGESTED MOTION: I would ask to move to approve the Liquor License application for Bayside, LLC at 2721 46th Ave SE. Contingent upon the establishment meeting all Fire Codes, Health & Safety Code, Building Inspection Codes and all property taxes and fees are paid.



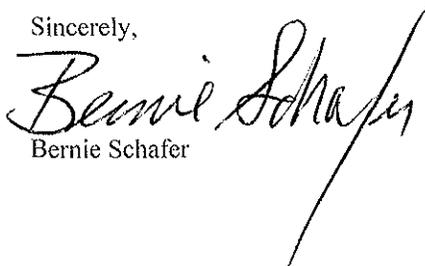
October 30, 2013

Mandan City Commission
Mandan, ND 58554

Mayor Van Beek and Commissioners,

I am Bernie Schafer the General Manager of the Bayside Tesoro located at 2701 46th Ave SE, Mandan, ND.
I am requesting to change my retail alcohol license application from Class A to Class D. I am enclosing the required application fee also. If you have questions I can be reached at 701-391-7745.

Sincerely,


Bernie Schafer

RECEIVED

AUG 27 2013

City of Mandan

Corporation Liquor License Application

I. Type of License:

Liquor On-Sale Off-Sale Class: ~~(A)~~ B C (D) D1 E F WB MP DY
(Circle One)

Beer On-Sale Off-Sale Class: ~~(A)~~ B C (D) D1 E F WB MP DY

2. Duration of License: Annual: (July 1, _____ to June 30, _____)
Part of Year from: _____, 20 _____ To _____, 20 _____

3. Name of Business Establishment at which license will be used: Bayside, LLC

4. Corporate Identification Information: Please complete all of the following:

a. Name of Corporation: Bayside, LLC

b. Date of Incorporation: 4/3/2013

c. State of Incorporation: North Dakota

d. Amount of Authorized Capital Stock: _____

e. Amount of Paid Capital: _____

f. If, subsidiary, Name of Parent Corporation: _____

g. Purpose of Incorporation: To start a Gas Station, Convenience Store, Liquor Store & Car Wash

5. Description of Licensed Premises: Address: 2721 46th Ave SE, Mandan, ND 58554

Legal Description: (Lot & Block): Lot 1 Block 1 Lakewood 1st Addition (Less W 24' + S 150' of E 200')
(Also Submit on an attached page a Diagram of the physical layout of the licenses premises including, A minimum: doors, storage areas, & areas where liquor/beer is purchased and consumed.)

6. List Names, Current Addresses, and Dates of Birth, ages & citizenship of all the Officers, Directors, Managers, Agents, and all Persons Holding 1% or more of the Capital Stock in the Corporation. (Note: Separate Notarized List of each individual's Name, Social Security Number and Addresses for last 5 years is required, the Privacy of which will be maintained by City but is required for Background Check:

See Attachment

7. List Names, Current Addresses, Dates of Birth, ages & citizenship of All Persons Who will have charge, management or control of the establishment for which the license is requested. (Note: Separate Notarized List of each individual's Name, Social Security Number and Addresses for last 5 years is Required, the Privacy of which will be maintained by City but is required for Background Check:

See Attachment

8. Name of Individual who is to be in Charge of the Day-to-Day Operations and management of the licensed premises: and will be responsible for complying with the municipal ordinances and state laws covering the operation of the premises:

Name: Mike Staudinger Address: _____

City: Dickinson State: ND Age: _____ DOB: _____ Citizenship: U.S.

If naturalized, give date and Place of Naturalization: _____

List all Other Places of Residence within last 5 Years: _____

9. List the occupations and employers of each of the individuals listed in answer to questions 6, 7 and 8 during the last 5 years. (Use a separate page to answer this question). See Attachment

10. Ownership/Lease: If licensed premises is owned by Applicant, provide date of purchase. _____ (If licensed premises is leased, attach copy of executed and dated Lease.)

11. Does Applicant certify that all property taxes have been paid to date on the licenses premises?
Yes No _____

12. Have any of the individuals identified in answer to Questions 6, 7, and 8 ever engaged in the sale or distribution of alcoholic beverages (as an owner, manager, or employee) at a location other than in the City of Mandan at any time prior to this application. Yes: No: _____ (If yes, explain in detail on a separate page location, type of business and dates of license or employment). See Attachment *

13. Have any of the individuals identified in answer to Questions 6, 7 and 8 ever had a license of any kind (including alcoholic beverage license, other business licenses or motor vehicle license) suspended, revoked or non-renewed by any political subdivision, state or federal agency. Yes: _____ No: (If yes, explain in detail on a separate page)

14. Have any of the individuals identified in answer to Questions 6, 7 and 8 ever been convicted of a violation of any law of the United States, or of any state or political subdivision, other than minor traffic violations, (but including reckless driving or driving under the influence). Yes _____ No (If yes, explain the violation in detail on a separate page.)

15. Do any of the individuals named in answer to questions 5, 6 or 7 have any interest whatsoever in any other liquor establishment, either at wholesale or retail, within or without the state of North Dakota. (The interest which must disclose also includes a right of inheritance by law or by will). Yes No _____ If, yes please explain in detail on a separate page. See Attachment *

16. Does anyone other than the Corporation applying for this alcoholic beverage license or the business owning the premises have any right, estate, or interest in the lease hold, building, or furniture, fixtures or equipment, in the premises for which the license is requested. Yes _____ No (If yes, explain in detail on a separate page).

17. Does the Corporation applying for this alcoholic beverage license have any agreement, contract, understanding or intention to have any agreement, contract or understanding, with any person, partnership, or corporation to obtain for any other person, partnership or corporation, or to transfer to any other person, partnership or corporation the license for which this applications is made or to obtain for any other person, partnership or corporation, for any other purpose other than for the specified use of the applicant. Yes _____ No (If yes, explain in detail on a separate page).

thereto, as well as all applicable laws of the State of North Dakota, and the United States Government and that said Corporation, its officers, directors and employees will not permit the violation of any law, rule or regulation on the premises at which the license is authorized. I further certify that the corporation, its officers and directors acknowledge that this license will only authorize the retail sale of liquor, including beer, wine and other spirits as defined by the North Dakota Century Code, at the premises designated in this application and depicted on the attached diagram.

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

I do further certify and affirm that the applicant corporation, its officers and directors understand and acknowledge that any license granted under this application confers no property right to the applicant or licensee, and that said license will not be transferable except by specific authority of the Mandan Board of City Commissioners.

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

Dated at Mandan, North Dakota, on this 23rd day of August, 2013

By: [Signature]
Its: Organizer

Attest:

By: [Signature]
Its:

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

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

Subscribed and sworn to before me on this 23rd day of August, 2013.

(Notary Seal) TAMMY HURT
NOTARY PUBLIC, STATE OF NORTH DAKOTA
MY COMMISSION EXPIRES JAN 6, 2016

[Signature]

State of North Dakota

SECRETARY OF STATE



CERTIFICATE OF ORGANIZATION OF

BAYSIDE, LLC
Secretary of State ID#: 33,957,000

The undersigned, as Secretary of State of the State of North Dakota, hereby certifies that Articles of Organization for

BAYSIDE, LLC
duly signed and executed pursuant to the provisions governing a North Dakota Limited Liability Company, have been received in this office and are found to conform to law.

ACCORDINGLY the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Organization to

BAYSIDE, LLC

Effective date of organization: April 3, 2013

Issued: April 3, 2013

A handwritten signature in cursive script, reading "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State



BAYSIDE CONVENIENCE STORE

PROJECT AND LOCATION:
2701 46TH AVE SE
MANDALAY, ND. 58554

DESIGNED: ENW
DRAWN: ENW
CREATED: 3/20/2015

REVISED: 5/10/15
5/20/15 5/30/15
6/6/15 6/10/2015
SHEET DESCRIPTION:
Floor Plan, Door and Window
Schedule and Types

DRAWING SCALE:

2"11" = 1'-0"11"

SHEET #

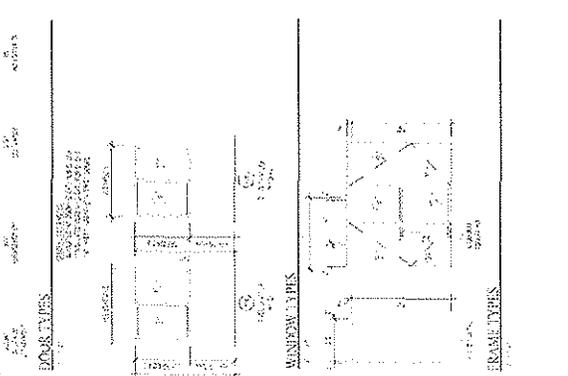
A100

DOOR AND FRAME SCHEDULE

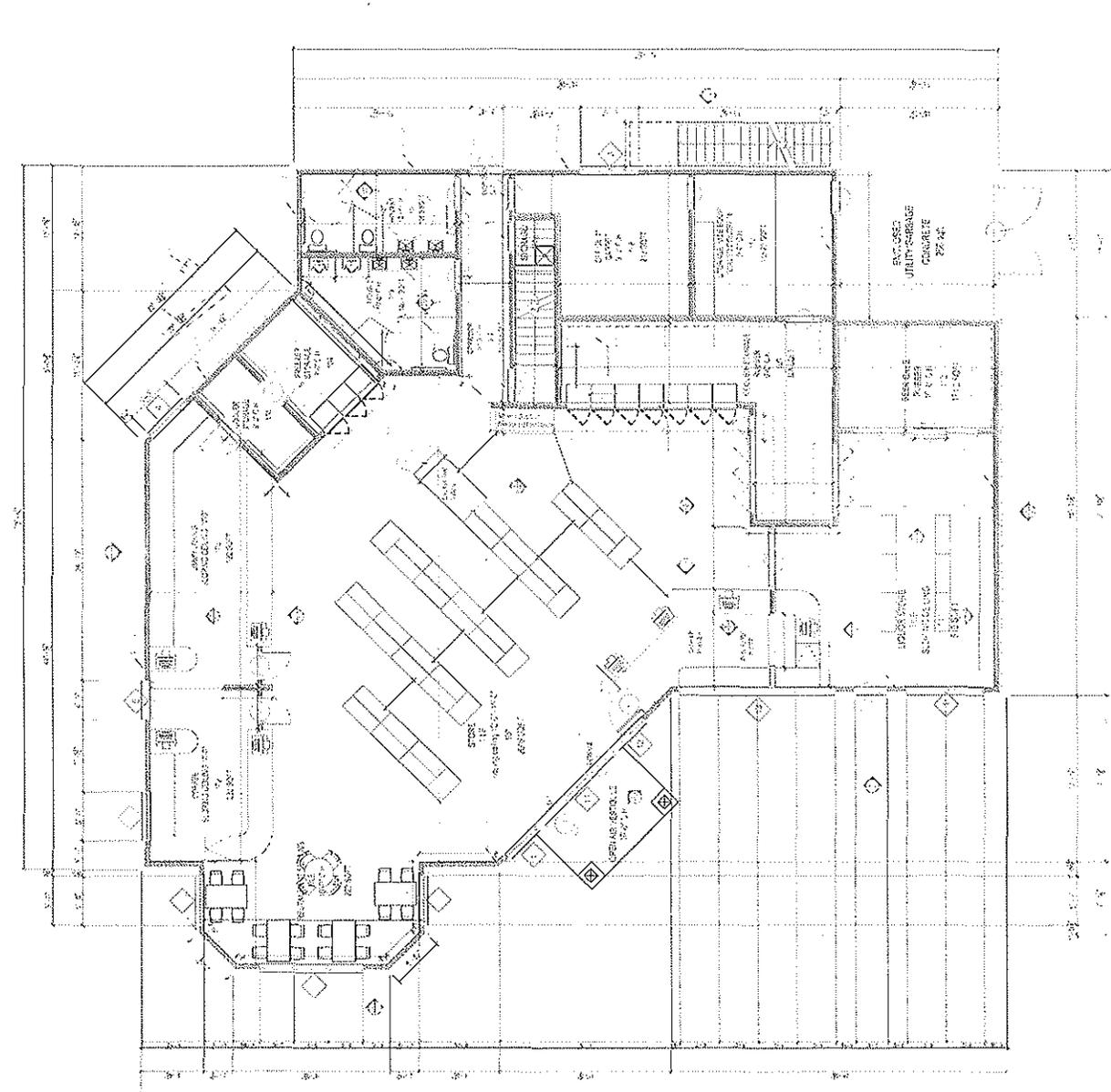
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WINDOW SCHEDULE

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THESE DRAWINGS AND DESIGNS ARE PROPERTY OF BOUNDARY ENGINEERING. ANY UNAUTHORIZED USE OR SHARING OF THE OVERALL DESIGNS AND DETAILS PRESENTED IS STRICTLY PROHIBITED.



BASELINE INTERIOR FINISHES: WALLS - 1/2" GYPSUM BOARD, CEILING - 5/8" GYPSUM BOARD, FLOOR - POLISHED CONCRETE. SEE SPECIFICATIONS FOR FINISHES.

FIRST FLOOR PLAN

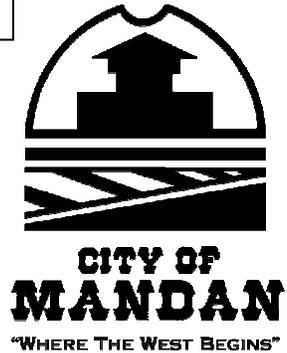
DATE: 5/10/15
DRAWN BY: ENW
CHECKED BY: ENW
PROJECT: BAYSIDE CONVENIENCE STORE
SHEET: A100

Name	Address	Social Security Number	Date of Birth	Age	Citizenship	Occupation/Employer
Terry Keithley	2038 4th St W, Dickinson, ND 58601			51	U.S Citizen	Wellsite Leasing - Owner, LTR - Regional Manager
Tracy Tooz	1925 4th St W, Dickinson, ND 58601			41	U.S Citizen	Tooz Construction Inc. - Owner
Todd Tooz	11338 35th St SW, Dickinson, ND 58601			43	U.S Citizen	Total Control Inc - Owner
Steve Ludwig	1318 Sims, Dickinson, ND 58601			53	U.S Citizen	Wellsite Leasing - Owner, LTR - District Manager
	2288 2nd St W, Dickinson, ND 58601					
Tim Lantz	681 5th Ave SW, Dickinson, ND 58601			51	U.S Citizen	Consolidated - Sales Rep, Wellsite Leasing - Dispatach, LTR - Office Manager
Tory Otto	3021 Bayshore Bend SE, Mandan, ND 58554			40	U.S Citizen	Great River Energy - Operations Techniciain, Red Door Homes - VP of Construction, OM Contracting - Owner/Business Manager

*Tracy Tooz - owner of Liquor Warehouse and Southvlew Liquors, Dickinson, ND. Aqlrad first liquor license in 2002. Both stores are offsale liquor stores.



City Administration



One Score and three years as head coach of the University of Mary football team, the citizens of Bismarck and Mandan brought forth upon this community, Myron Schulz, the winningness coach conceived in University of Mary Marauder Football history and dedicated to the proposition that coaching football is very rewarding. Now, as Myron Schulz opens a new life chapter, let us bring to mind a few of the infinite number of contributions and lives Myron has impacted.

In 1999, Myron's debut as head coach led the squad to an 11-2 mark; a conference crown; an NAIA final four appearance (equaling the school's best season); and NDCAC Coach of the Year honors. Impressive.

Myron also directed the Marauders to nine straight winning seasons; six straight NAIA playoff appearances; and four conference crowns in six attempts. The Marauders also posted the Nation's top defense in 2003 for allowing just 225.2 yards per game. Impressive.

With the NCAA Division II transition in 2005 and playing its first year in the Northern Sun schedule in 2007, Myron led his team to a respectable second place finish in the league with a 7-2 record. Impressive.

But in a larger scheme of things, with Myron's leadership and mentoring skills, Myron coached 19 all-Americans, 96 all-conference players, along with 74 NSIC all-academics, and 23 NAIA all-academic performers. Impressive.

In addition, Myron's mentoring efforts showcase time with his student athletes by introducing them and engaging them into our community's heart and soul. Now that's priceless.

NOW, THEREFORE, Mayors John Warford and Arlyn Van Beek, jointly have the pleasure of honoring Myron for his passion, personal leadership, and commitment to our community.

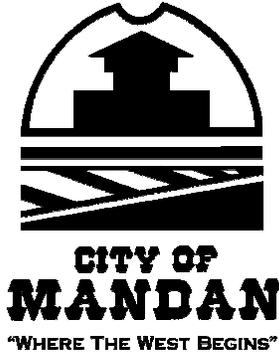
The price of success is hard work, dedication to the job at hand, and the determination that whether we win or lose, we have applied the best of ourselves to the task at hand.

--Vince Lombardi

IN WITNESS WHEREOF, we have hereunto set our hands and seals of the City of Bismarck and City of Mandan this 15th day of November, 2013.

John Warford
Mayor of Bismarck

Arlyn Van Beek
Mayor of Mandan



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 5, 2013
PREPARATION DATE: October 25, 2013
SUBMITTING DEPARTMENT: Assessing Dept
DEPARTMENT DIRECTOR: Doug Lalim/Building Official/Assessor
PRESENTER: Doug Lalim/Building Official/Assessor
SUBJECT: Homestead Credit Exemption for Dorothy Faas

STATEMENT/PURPOSE: To consider a 100% Homestead Credit exemption for the year 2011 due to meeting all criteria.

BACKGROUND/ALTERNATIVES: Ms. Faas meets all qualifications according to the guidelines established by the State for a 100% exemption through the Homestead Credit program. Warranty deed shows she was the sole owner of this property as of February 1, 2011.

This parcel is also known as N ½ Lot 14, Block 1, Bridgeview Bay 2nd Addition at 2304 Marina Road SE on Parcel #10650.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$1775. Please note that this amount is reimbursed by the State and the City is not actually losing any revenue.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval of the requested 100% Homestead Credit exemption for the year 2011.

SUGGESTED MOTION: I recommend a motion to approve the request by Ms. Faas to receive a 100% Homestead Credit exemption for the year 2011 due to meeting all criteria according to the guidelines established through the State.

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 FAAS DOROTHY M

Address 2304 MARINA RD SE

Legal Description of the property involved in this application
 N 1/2 LOT 14

Property ID Number

City 10650

County 65-6104135

Block: 1
 BRIDGEVIEW BAY 2ND

Total true and full value of the property described above for the year 2011 is:

Land \$36,300
 Improvements \$164,800
 Total (1) \$201,100

Total true and full value of the property described above for the year 2011 should be:

Land 36,300
 Improvements 164,800
 Total (2) 201,100

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

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C. § 57-02-27.2
- 2. Residential or commercial property's true and full value exceeds the market value
- 3. Error in property description, entering the description, or extending the tax
- 4. Nonexisting improvement assessed
- 5. Complainant or property is exempt from taxation (Attach a copy of Application for Property Tax Exemption)
- 6. Duplicate assessment
- 7. Property improvement was 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) _____

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 QUALIFIES FOR 100% HOMESTEAD CREDIT.

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 Dorothy Faas

Date 11-25-13

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of Mandan City Commissioners

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

Dated this _____ day of _____, _____

 City Auditor or Township Clerk

Action by the Board of County Commissioners

Application was _____ by action of _____ County Board of Commissioners.

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: November 5, 2013

Subject: Homestead Credit Exemption for Dorothy Faas - 2011

Page 4 of 6

HOMESTEAD CREDIT APPLICATION FOR SENIOR CITIZENS & DISABLED PERSONS
OFFICE OF STATE TAX COMMISSIONER
24242 (5/12/09)

Use 2010 Income

For the Year of 2011

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

To: (Assessor)	Shirley Shaw
City or Town:	City of Mandan
County:	Morton County

Applicant Information				City Seq No:	10650	
Name:	FAAS DOROTHY M			Date of Birth:		
Address:	2304 MARINA RD SE			Phone No:		
Legal Description of Applicant's Property:	N 1/2 LOT 14			County No:	65-6104135	
Totals:	Blocks:	1	Additions:	0300	City:	MANDAN
1. Which of the following would best describe the type of ownership of the homestead property (check only one): A. Is recorded in your (and spouse's) name as owner <input checked="" type="checkbox"/> D. Is held under a life estate in property <input type="checkbox"/> B. Is being purchased by you under a contract for deed <input type="checkbox"/> E. Is held in a revocable trust <input type="checkbox"/> C. Is held in joint tenancy with one other than spouse <input type="checkbox"/>						
2. Is the above-described property exempt as a farm residence? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>						
3. Do you have assets in excess of \$500,000 including the value of any assets gifted or otherwise divested within the last three years, and including the market value of your homestead? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>						
Complete Schedule A						

To Be Completed By The Assessor	
Application is:	Approved <input checked="" type="checkbox"/> Denied <input type="checkbox"/> <u>100</u> % reduction allowed this applicant or a maximum of \$ _____
Reason for Denial:	
Date:	<u>10-25-13</u> Signature of Assessor: <i>Shirley Shaw</i>

Schedule A	
The Following is an Accurate Account of Total Income for the Preceding Calendar Year	
4. Applicant's and spouse's income from Social Security benefits (excluding Medicare):	\$ _____
5. Applicant's and spouse's income from salary and wages:	\$ _____
6. Applicant's and spouse's income from interest:	\$ _____
7. Applicant's and spouse's income from other sources:	\$ _____
8. Dependents' total income from all sources:	\$ _____
9. Total income from all sources (add lines 4, 5, 6, 7 and 8):	\$ _____
Medical expenses actually paid during the year and not paid for by insurance:	
Total amount of health and hospital insurance premiums (exclude Medicare):	\$ _____
Medicine and drugs:	\$ _____
Doctor, dentist and hospital costs:	\$ _____
Hearing aids, eyeglasses, dentures, etc.:	\$ _____
Transportation costs for medical care: (51 cents per mile through April 16, 2012 and 55.5 cents per mile beginning April 17, 2012)	\$ _____
Nursing home care costs and/or home nursing care costs:	\$ _____
10. Total medical expenses:	\$ _____
11. Income from all sources excluding medical expenses (line 9 less line 10):	\$ _____

Applicant Signature	
I declare that this application, including Schedule A, has been examined by me and to the best of my knowledge and belief is a true and correct application. I am willing to furnish proof of age, income, and assets if requested to do so by someone authorized to administer this assessment credit. I reside on the property described in this application and I hereby claim the Homestead Credit on this property as provided for in N.D.C.F. SS 57-02-08.1.	
Date:	<u>10-25-13</u> Signature of Applicant: <i>Dorothy Faas</i>

Return to:
BISMARCK TITLE
421 N 4TH ST
BISMARCK ND 58501

County Recorder **428107**
Morton County
Mandan ND 58554
Page 1 of 2

WARRANTY DEED

THIS INDENTURE, Made this 19 day of May, 2010,
between Red Door Homes of Bismarck LLC, a North Dakota limited liability company, grantor,
and Dorothy M. Faas, grantees, whose post office address is 2304 Mandan Rd. SE
Mandan ND 58554

WITNESSETH, for and in consideration of the sum of Ten Dollars (\$10.00), grantor does hereby GRANT to the grantee, all of the following real property lying and being in the County of Morton, State of North Dakota, and described as follows, to-wit:

THE NORTH HALF OF LOT 14, BLOCK 1, BRIDGEVIEW BAY SECOND
ADDITION TO THE CITY OF MANDAN, MORTON COUNTY, NORTH
DAKOTA.
65-6104135

Subject to easements, rights-of-way, restrictive covenants, and mineral conveyances and reservations of record.

And the grantor for itself, its successors and assigns, does covenant with the grantee that it is well seized in fee of the land and premises aforesaid and has good right to sell and convey the same in manner and form aforesaid; that the same are free from all incumbrance, except installments of special assessments or assessments for special improvements which have not been certified to the County Auditor for collection, and the above granted lands and premises in the quiet and peaceable possession of the grantee, against all persons lawfully claiming or to claim the whole or any part thereof, the said grantor will warrant and defend.

IN TESTIMONY WHEREOF, the grantor has caused these presents to be executed in its company name by its President/Chief Manager.

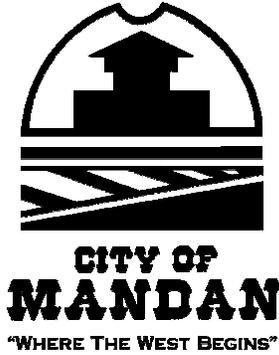
Auditor's Office, Morton Co., N.D.
Delinquent Taxes and Special Assessments or Instruments of Special Assessments, Paid and Transfer Accepted
5-21-10
PAUL E. TRAUGER, County Auditor
By [Signature] Deputy

Red Door Homes of Bismarck LLC



By: Arthur W. Goldammer III
Its: President/Chief Manager

See acknowledgement on next page.



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 5, 2013
PREPARATION DATE: October 25, 2013
SUBMITTING DEPARTMENT: Assessing Dept
DEPARTMENT DIRECTOR: Doug Lalim/Building Official/Assessor
PRESENTER: Doug Lalim/Building Official/Assessor
SUBJECT: Homestead Credit Exemption for Dorothy Faas

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

BACKGROUND/ALTERNATIVES: Ms. Faas meets all qualifications according to the guidelines established by the State for a 100% exemption through the Homestead Credit program. Warranty deed shows she was the sole owner of this property as of February 1, 2012.

This parcel is also known as N ½ Lot 14, Block 1, Bridgeview Bay 2nd Addition at 2304 Marina Road SE on Parcel #10650.

ATTACHMENTS: Application.

FISCAL IMPACT: Approximately \$1775. Please note that this amount is reimbursed by the State and the City is not actually losing any revenue.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

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

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

HOMESTEAD CREDIT APPLICATION FOR SENIOR CITIZENS & DISABLED PERSONS
 OFFICE OF STATE TAX COMMISSIONER
 24752 (5/2009)

Use 2011 Income
 For the Year of 2012

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

To: (Assessor)	Shirley Shaw
City or Town:	City of Mandan
County:	Morton County

Applicant Information		City Seq No:	10650
Name:	FAAS DOROTHY M		Date of Birth:
Address:	2304 MARINA RD SE		Phone No:
Legal Description of Applicant's Property:	N 1/2 LOT 14		County No: 65-6104135
Lot:	Block:	1	City: MANDAN
Addition:		0300	
1. Which of the following would best describe the type of ownership of the homestead property (check only one): A. Is recorded in your (and spouse's) name as owner <input checked="" type="checkbox"/> B. Is held under a life estate in property <input type="checkbox"/> C. Is being purchased by you under a contract for deed <input type="checkbox"/> E. Is held in a revocable trust <input type="checkbox"/> D. Is held in joint tenancy with one other than spouse <input type="checkbox"/>			
2. Is the above-described property exempt as a farm residence? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
3. Do you have assets in excess of \$500,000 including the value of any assets gifted or otherwise divested within the last three years, and including the market value of your homestead? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
			Complete Schedule A
To Be Completed By The Assessor			
Application is: Approved <input checked="" type="checkbox"/> Denied <input type="checkbox"/> <u>100</u> % reduction allowed this applicant or a maximum of \$ _____			
Reason for Denial:			
Date:	Signature of Assessor:		
	<u>10-25-13</u>		
	<i>[Signature]</i>		
Schedule A			
The Following is an Accurate Account of Total Income for the Preceding Calendar Year			
4. Applicant's and spouse's income from Social Security benefits (excluding Medicare):	\$		
5. Applicant's and spouse's income from salary and wages:	\$		
6. Applicant's and spouse's income from interest:	\$		
7. Applicant's and spouse's income from other sources:	\$		
8. Dependents' total income from all sources:	\$		
9. Total income from all sources (add lines 4, 5, 6, 7 and 8):	\$		
Medical expenses actually paid during the year and not paid for by insurance:			
Total amount of health and hospital insurance premiums (exclude Medicare):	\$		
Medicine and drugs:	\$		
Doctor, dentist and hospital costs:	\$		
Hearing aids, eyeglasses, dentures, etc.:	\$		
Transportation costs for medical care: (51 cents per mile through April 16, 2012 and 55.5 cents per mile beginning April 17, 2012)	\$		
Nursing home care costs and/or home nursing care costs:	\$		
10. Total medical expenses:	\$		
11. Income from all sources excluding medical expenses (line 9 less line 10):	\$		
Applicant Signature			
I declare that this application, including Schedule A, has been examined by me and to the best of my knowledge and belief is a true and correct application. I am willing to furnish proof of age, income, and assets if requested to do so by someone authorized to administer this assessment credit. I reside on the property described in this application and I hereby claim the Homestead Credit on this property as provided for in N.D.C.E. 55-27-02-001.			
Date:	Signature of Applicant:		
	<u>10-25-13</u>		
	<i>[Signature]</i>		

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of Mandan City Commissioners

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

Dated this _____ day of _____, _____

 City Auditor or Township Clerk

Action by the Board of County Commissioners

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

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

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

Dated _____, _____

 County Auditor

 Chairperson

Certification of County Auditor

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

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

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

Year	Reduction in Taxable Valuation	Reduction in Taxes

 County Auditor

 Date

Application For Abatement
 And Settlement Of Taxes

 Name of Applicant

 County Auditor's File No.

 Date Application Was Filed
 With The County Auditor

Application For 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 FAAS DOROTHY M

Address 2304 MARINA RD SE

Legal Description of the property involved in this application
 N 1/2 LOT 14

Property ID Number

City 10650

County 65-6104135

Block: 1

BRIDGEVIEW BAY 2ND

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

Land \$37,300
 Improvements \$164,800
 Total (1) \$202,100

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

Land 37,300
 Improvements 164,800
 Total (2) 202,100

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

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C § 57-02-27.2
- 2. Residential or commercial property's true and full value exceeds the market value
- 3. Error in property description, entering the description, or extending the tax
- 4. Nonexisting improvement assessed
- 5. Complainant or property is exempt from taxation (Attach a copy of Application for Property Tax Exemption)
- 6. Duplicate assessment
- 7. Property improvement was 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) _____

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 QUALIFIES FOR 100% OF 50% OWNERSHIP

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 _____

Dorothy Faas
 Signature of Applicant _____ Date 10/27/13



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

Consent No. 9

Type: Local Permit * Charity Local Permit

Permit Number
2013-58

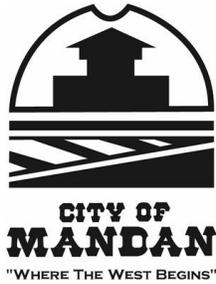
Name of Organization Ty Breuer Nfr Sendoff Party		Date(s) Authorized (Read instruction 2)		
Contact Person Penny Breuer	Business Phone Number (701) 445-7330	11/16/2013 Beginning	to	11/16/2013 Ending
Mailing Address 5355 34 1/2 Avenue Mandan	City Mandan	State ND	Zip Code 58554-0000	
Site Name Seven Seas	Site Address 2611 Old Red Trail			
City Mandan	State ND	ZIP Code 58554-0000	County Morton	
Check the Game(s) Authorized: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.				
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker* <input type="checkbox"/> Twenty-one* <input type="checkbox"/> Paddlewheels*				
Restriction:				
Requirement: For a "Charity Local Permit," the organization must file a "Report on a Charity Local Permit" with the city or county auditor <u>and</u> Office of Attorney General within 30 days of the event.				
Date 10/31/2013	Signature of: <input checked="" type="checkbox"/> City Auditor <input type="checkbox"/> County Auditor	Printed Name of City or County Auditor Jay Gruebele		Auditor Telephone Number (701) 667-3250

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

 cut along this line

INFORMATION REQUIRED TO BE PREPRINTED ON A STANDARD RAFFLE TICKET:

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



WHEREAS, the government of the City of Mandan, North Dakota, celebrates our local small businesses and the contribution they make to our local economy and community; and

Whereas 89 percent of consumers in the United States agree that small businesses contribute positively to the local community by supplying jobs and generating tax revenue; and

Whereas 86 percent of consumers in the United States have small businesses in their community that the consumers would miss if the small businesses closed; and

Whereas 93 percent of consumers in the United States agree that it is important for people to support the small businesses that they value in their community; and

Whereas 90 percent of consumers in the United States are willing to pledge support for a “buy local” movement; and

Whereas, Mandan, North Dakota supports our local businesses that create jobs, boost our local economy and preserve our neighborhoods; and

Whereas, advocacy groups and public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday; and

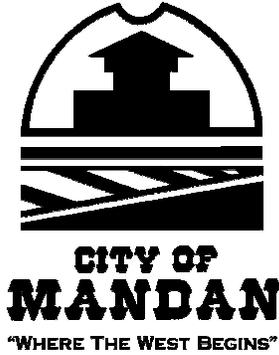
Whereas, the Mandan Progress Organization is holding Santa’s Arrival and launching on this day its Holiday Shop Hop, featuring discounts by local businesses;

NOW, THEREFORE, I, Mayor Arlyn Van Beek, Mayor of Mandan, North Dakota, do hereby proclaim, November 30, 2013, as:

SMALL BUSINESS SATURDAY

And urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

Arlyn Van Beek
Mayor of Mandan



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 5, 2013
PREPARATION DATE: October 28, 2013
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Day after Thanksgiving

STATEMENT/PURPOSE: Allow the Administrative Offices to close the day after Thanksgiving.

BACKGROUND/ALTERNATIVES: Long standing tradition has been to have Administrative Offices closed to the public the day after Thanksgiving. Employees take vacation, personal leave or comp time if they wish to do so, otherwise, they must receive permission to work from their respective department head.

ATTACHMENTS: N/A

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: - I recommend the Administrative Offices be closed the day after Thanksgiving.

SUGGESTED MOTION: - I move the Administrative Offices be closed the day after Thanksgiving.



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 5, 2013
PREPARATION DATE: November 1, 2013
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth
SUBJECT: Mandan Water Treatment Plant, Phase II
Optimization Project Contract Documents

STATEMENT/PURPOSE: Consider approval of Contract Documents for Mandan Water Treatment Plant, Phase II Optimization Project

BACKGROUND/ALTERNATIVES: City staff was able to secure a state revolving fund loan to make improvements to the city's Water Treatment Plant. The scope of the improvements are varied and listed in the attached opinion of probable cost furnished by AE2S. 5 bids were received on October 10th for the construction of this project. The bids ranged between \$1,081,220 to \$1,608,885 when considering all work; general, alternate, and electrical. Total of bids came in at 30% lower than engineers estimate, again when considering all work. The Notice of Award was signed and accepted at the October 15th City Commission Meeting.

ATTACHMENTS:

- Summary letter from AE2S outlining Contract Documents for General Construction.
- Summary letter from AE2S outlining Contract Documents for Electrical Construction.

FISCAL IMPACT: A DWSRF loan is in place for \$1,200,000 of the project. The finance office has indicated that the utility fund could be used for some cost over the \$1,200,000 covered by the loan. If the low bids for the General Construction, the Alternate, and the Electrical Construction were all accepted, the total construction cost would be \$1,081,220. Add 30% for engineering design and inspection services, and the total project cost comes to approximately \$1,405,600.

STAFF IMPACT: Minimal

Board of City Commissioners

Agenda Documentation

Meeting Date: November 5, 2013

Subject: Mandan Water Treatment Plant, Phase II Optimization Project Contract

Documents

Page 2 of 2

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

RECOMMENDATION: To approve the contract documents for Contract #1, General Construction, with PKG Contracting, Inc., and Contract #2, Electrical Construction, with Edling Electric, Inc.

SUGGESTED MOTION: I move to approve the contract documents for Contract #1, General Construction, with PKG Contracting, Inc., and Contract #2, Electrical Construction, with Edling Electric, Inc.



November 1, 2013

Mr. Justin Froseth, Engineering and Planning Director
Engineering and Planning Department
City Hall
205 Second Ave NW
Mandan ND 58554

**Re: Mandan WTP Phase II Optimization Improvements Project
Contract 1 – General Construction**

Dear Justin:

Enclosed herewith please find four (4) copies each of the Construction Agreement and the Notice To Proceed for the Contract for the referenced project. Please note that the Notices of Award have been fully executed and the Agreements have been executed by the Contractor and require final review and execution by the City. Attached to each of the Agreements is the required Contract Documentation consisting of the following:

- ◆ Performance Bond
- ◆ Payment Bond
- ◆ Power of Attorney (Bonds)
- ◆ WSI Certificate of Premium Payment
- ◆ ND Tax Clearance Certificate
- ◆ Certificate of Insurance

Please request a review of the Contract Documents by the City Attorney, and if in order, forward them for signatures and dates (Agreements and Notices To Proceed in the spaces marked). Return all copies of the Contract Documents to this office for final execution and distribution. Upon the Contractor's acknowledgement of the Notice To Proceed, we will deliver to you a complete Contract Document package for City records.

We appreciate the continued opportunity to provide professional engineering services to the City of Mandan and look forward to working with you and the staff on completing this important project. Should you have any questions or concerns, please do not hesitate to contact us.

Sincerely,

AE2S

Laith D. Hintz, PE
Project Engineer



November 1, 2013

Mr. Justin Froseth, Engineering and Planning Director
Engineering and Planning Department
City Hall
205 Second Ave NW
Mandan ND 58554

**Re: Mandan WTP Phase II Optimization Improvements Project
Contract 2 – Electrical Construction**

Dear Justin:

Enclosed herewith please find four (4) copies each of the Electrical Agreement and the Notice To Proceed for the Contract for the referenced project. Please note that the Notices of Award have been fully executed and the Agreements have been executed by the Contractor and require final review and execution by the City. Attached to each of the Agreements is the required Contract Documentation consisting of the following:

- ◆ Performance Bond
- ◆ Payment Bond
- ◆ Power of Attorney (Bonds)
- ◆ WSI Certificate of Premium Payment
- ◆ ND Tax Clearance Certificate
- ◆ Certificate of Insurance

Please request a review of the Contract Documents by the City Attorney, and if in order, forward them for signatures and dates (Agreements and Notices To Proceed in the spaces marked). Return all copies of the Contract Documents to this office for final execution and distribution. Upon the Contractor's acknowledgement of the Notice To Proceed, we will deliver to you a complete Contract Document package for City records.

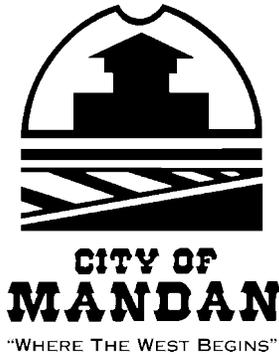
We appreciate the continued opportunity to provide professional engineering services to the City of Mandan and look forward to working with you and the staff on completing this important project. Should you have any questions or concerns, please do not hesitate to contact us.

Sincerely,

AE2S

Laith D. Hintz, PE
Project Engineer

L:\City of Mandan\P00510-2010-03 Mandan WTP Phase II Optimization\050 Bidding_Negotiations\Award\Owner Contract ltr (Edling Electric).doc



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 5, 2013
PREPARATION DATE: November 1, 2013
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth
SUBJECT: Sunset Drive Reconstruction

STATEMENT/PURPOSE: Update on the Sunset Drive Reconstruction Project

BACKGROUND/ALTERNATIVES: The Sunset Drive Reconstruction project is wrapping up. The roadway was fully opened up on November 1st, following the project completion date of October 31st. City staff will perform an on-site review with the project engineer, Houston Engineering, as well as the contractor, Knife River Construction, and possibly the NDDOT within the next couple weeks to ensure that all was built according to plans and specifications and to schedule all items that need to be resolved for final close-out of project. Some minor work will need to be finished in the spring. Work such as permanent striping, some seeding, and possibly correcting deficiencies as a result of review. This work should not necessitate any more intersection or roadway closures and should be of minor disruption.

ATTACHMENTS:

- None

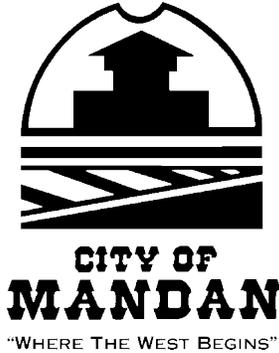
FISCAL IMPACT: None

STAFF IMPACT: None

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

RECOMMENDATION: None. Item for information and discussion.

SUGGESTED MOTION: None. Item for Information and discussion.



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 5, 2013
PREPARATION DATE: November 1, 2013
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth
SUBJECT: Incomplete Street Improvement District Projects

STATEMENT/PURPOSE: Update on Street Improvement District Projects that have yet to be completed and are past completion date.

BACKGROUND/ALTERNATIVES: This construction season has been challenging with the amount of precipitation and the untimely late season precipitation. As a result, there are many Street Improvement District Projects that are yet to be paved and completed. At this point in the construction season it is very much in doubt that many of these street projects can be finished because of temperature and moisture requirements for paving. Last week the Engineering Department received a letter from Northern Improvement Co., the contractor for six (6) of these Street Improvement Projects requesting a time extension in to 2014. The Engineering Department has had conversations and will continue to have conversations with the projects' developers, engineers, contractor, and other entities to find a path forward that can work for all. Part of these discussions have been to consider temporary aggregate roads in order to allow building to be done in developments.

ATTACHMENTS:

- Letter from Northern Improvement Co. regarding delays due to precipitation
- Street Improvement Districts' Project summary

FISCAL IMPACT: Delay in projects' completion results in delay in recovering assessments and property taxes upon completion of buildings. No direct project cost increase.

STAFF IMPACT: Some increase in project administration time and effort.

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: November 5, 2013

Subject: Incomplete Street Improvement District Projects

Page 2 of 2

RECOMMENDATION: None. Item for information and discussion.

SUGGESTED MOTION: None. Item for Information and discussion.



Home Office
 Fargo, North Dakota
 4000-12th Avenue North
 58102-2810
 PO Box 2846
 58108-2846
 Phone 701-277-1225
 Fax 701-277-1516

Office
 Bismarck, North Dakota
 PO Box 1254
 58502-1254
 Phone 701-223-6695
 Fax 701-224-0937

Office
 Dickinson, North Dakota
 PO Box 1035
 58602-1035
 Phone 701-225-5197
 Fax 701-225-0207

IMPROVEMENT COMPANY

Thomas M^CCormick, President/CEO
 Steve M^CCormick, Executive Vice-President

October 28, 2013

Ms. Kim Fettig
 City of Mandan
 205 2nd Ave NW
 Mandan, ND 58554

RE: Time Extension
 SID # 176, 177, 178, 180, 181, 185

Dear Ms. Fettig,

We are requesting a time extension on the above reference projects. As of today, October 24, 2013, we've had over 25.5" of moisture in 2013, with much of the moisture coming over a six week time frame this spring just as the construction season was starting, and now this fall with nearly 5" of moisture in October. The moisture on either end of the construction season compressed the useable time immensely. This scenario effected not only our work, but the work of earthwork and underground contractors as well, causing a domino effect. Needless to say, much of our work planned for 2013 will not be done until 2014.

As always, we will endeavor to construct the street improvement districts as they become available to us and weather permits. At this time it is difficult to determine when the various projects will be available to us. We are asking for your understanding and cooperation to allow a reasonable amount of time to complete the various street improvement districts in 2014. Thank you for your positive consideration.

Very Truly Yours,

NORTHERN IMPROVEMENT COMPANY
 Bradley A. Ballweber
 VP/Treasurer

- cc: Jim Neubauer, City Adm., City of Mandan
- Jeff Wright, Public Works Director, City of Mandan
- Andrew Werder, KLJ
- Jason Petryszn, Swenson, Hagen & Co.
- Dave Thompson, Toman Engineering Co.
- Bruce Thompson, VP/Est./Asst Mgr., NIC
- Jason Irey, Project Mgr. /Est., NIC
- Bryce Wuori, Project Mgr. /Est., NIC
- Gary Richter, General Supt., NIC

www.nicnd.com

Highway - Heavy - Municipal Contractor

We are an Equal Opportunity Employer

RECEIVED
 10-30-13



Contracts Requiring Time Extensions Due to Weather Delays

Project SID #	Dist.	Subd.	Engineer	Base Course in Plans	AC Base course	Street Lights	AC Surface Course	Chip Seal & Final	Contract Completion Date	Contract Liquidated Damages	Contr.	Project Status	Time Extension Request Received
2012-22	177	Blocks 1-4 of Meadows 6th Addition	KLJ, Andrew Werder	6" aggregate class 5	10/31/13	5/30/14	6/28/14	7/31/14	7/31/14	\$100/day	NIC	ready for curb and gutter	10/29/13
2012-20	176	Lakewood 6th & 7th Additions	KLJ, Andrew Werder	6" aggregate class 5	10/31/13				9/30/2013 (6/30/14)	\$100/day	NIC	ready for curb and gutter	10/29/13
2013-04	178	Keidel's South Heart Terrace Phase IV	Toman, Dave Thompson	Compacted base	10/31/13				6/15/2014	\$100/day	NIC	ready for curb and gutter	10/29/13
2013-12	180	Plainview Heights 14th Addition	KLJ, Andrew Werder	6" aggregate class 5	10/31/13	11/29/13	6/28/14	7/31/14	7/31/2014	\$100/day	NIC	AC base course in place. Note; has met contract dates thus far.	10/29/13
2013-15	181	Meadows 7th Addition	KLJ, Andrew Werder	6" aggregate class 5	10/31/13	11/29/13	6/28/14	7/31/14	7/31/2014	\$100/day	NIC	ready for curb and gutter	10/29/13
2013-19	185	Heart Ridge 2nd addition	Swenson & Hagen, Jason Petryzyn	Compacted base	9/17/2013 (9/30/13)	10/25/13	6/30/14	6/30/14	6/30/2014	\$100/day	NIC	ready for curb and gutter	10/29/13



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 5, 2013
PREPARATION DATE: November 1, 2013
SUBMITTING DEPARTMENT: Engineering
DEPARTMENT DIRECTOR: Justin Froseth
PRESENTER: Justin Froseth
SUBJECT: Mandan Water Treatment New Intake Study

STATEMENT/PURPOSE: Consider approval of Owner and Engineer Agreement for pre-design study and report of Mandan Water Treatment Plant New Intake.

BACKGROUND/ALTERNATIVES: In 2008 AE2S completed a preliminary investigation into the potential location for a new conventional intake. The investigation suggested locating a new intake about 2 miles south of the WTP within a self-cleaning portion of the river channel. The preliminary investigation has been the basis for requesting funding assistance from both the Drinking Water Revolving Fund and the State Water Commission Water Program.

The City of Mandan has asked AE2S to study the potential intake improvements. The study will address intake siting, transmission line routing, intake cost sharing, identification of environmental, permitting and regulatory challenges associated with the proposed improvements. Timeline for the study is expected to run from mid November 2013 through the end of March 2014. Fees are hourly capped at \$250,000, including subconsultants and expenses.

ATTACHMENTS:

- STANDARD FORM OF AGREEMENT BETWEEN OWNER AND ENGINEER FOR STUDY AND REPORT PHASE PROFESSIONAL SERVICES.

FISCAL IMPACT: This study and report shall be funded by the following, which are currently in place for this project.

- State Water Commission Grant (50%)
- State Revolving Fund Loan (50%)

STAFF IMPACT: Minimal

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

RECOMMENDATION: To approve the STANDARD FORM OF AGREEMENT BETWEEN OWNER AND ENGINEER FOR STUDY AND REPORT PHASE PROFESSIONAL SERVICES.

SUGGESTED MOTION: I move to approve the STANDARD FORM OF AGREEMENT BETWEEN OWNER AND ENGINEER FOR STUDY AND REPORT PHASE PROFESSIONAL SERVICES.

**STANDARD FORM OF AGREEMENT
BETWEEN
OWNER AND ENGINEER
FOR
STUDY AND REPORT PHASE
PROFESSIONAL SERVICES**

THIS IS AN AGREEMENT effective as of November 5, 2013 ("Effective Date") between City of Mandan, 205 2nd Avenue NW, Mandan, ND 58554-3125 ("OWNER") and Advanced Engineering and Environmental Services, Inc., 1815 Schafer Street, Suite 301, Bismarck, ND 58501 ("ENGINEER").

OWNER retains ENGINEER to perform professional services, in connection with Mandan Raw Water Intake ("Project") for the City of Mandan, as further described in ("Assignment").

OWNER and ENGINEER, in consideration of their mutual covenants as set forth herein, agree as follows:

ARTICLE 1--ENGINEER'S SERVICES

1.01 Scope

A. ENGINEER shall provide the services set forth in Exhibit SR-A.

B. Upon this Agreement becoming effective, ENGINEER is authorized to begin services as set forth in Exhibit SR-A.

C. If authorized in writing by OWNER, and agreed to by ENGINEER, services beyond the scope of this Agreement will be performed by ENGINEER for additional compensation.

ARTICLE 2--OWNER'S RESPONSIBILITIES

2.01 General

A. OWNER shall have the responsibilities set forth herein and in Exhibit SR-A.

ARTICLE 3--TIMES FOR RENDERING SERVICES

3.01 ENGINEER's services will be performed within the time period or by the date stated in Exhibit SR-A.

3.02 If ENGINEER's services are delayed or suspended in whole or in part by OWNER, ENGINEER shall be entitled to equitable adjustment of the time for performance and rates and amounts of compensation provided for elsewhere in this Agreement to reflect reasonable costs incurred by ENGINEER in connection with, among other things, such delay or suspension and reactivation and the fact that the time for performance under this Agreement has been revised.

ARTICLE 4--PAYMENTS TO ENGINEER

4.01 Methods of Payment for Services of ENGINEER.

A. OWNER shall pay ENGINEER for services rendered under this Agreement as follows:

1. An amount equal to the cumulative hours charged to the Assignment by each class of ENGINEER's employees times Standard Hourly Rates for each applicable billing class for all services performed on the Assignment, plus Reimbursable Expenses, estimated to be \$2,500 and ENGINEER's Consultants' charges, if any, estimated to be \$18,000. The total compensation under paragraph 4.01.A.1 is not to exceed \$250,000.

2. ENGINEER's Reimbursable Expenses Schedule and Standard Hourly Rate Schedule are attached to this Agreement as Exhibits SR-C and SR-D, respectively.

3. The amounts billed for ENGINEER's services will be based on the cumulative hours charged to the Assignment during the billing period by each class of ENGINEER's employees times Standard Hourly Rates for each applicable billing class, plus Reimbursable Expenses and ENGINEER's Consultants' charges, if any, incurred during the billing period.

4.02 Other Provisions Concerning Payment

A. Adjustments

1. ENGINEER's compensation is conditioned on time to complete the Assignment not exceeding the time identified in Exhibit SR-A. Should the time to complete the Assignment be extended beyond this period due to reasons not the fault of and beyond the control of ENGINEER, the total compensation to ENGINEER shall be appropriately adjusted.

B. *Reimbursable Expenses.* Reimbursable Expenses means the actual expenses incurred by ENGINEER or ENGINEER's Consultants directly in connection with the Assignment, including the categories and items listed in Exhibit SR-C, and if authorized in advance by OWNER, overtime work requiring higher than regular rates.

C. *For Additional Services.* OWNER shall pay ENGINEER for all services not included in the scope of this Agreement on the basis agreed to in writing by the parties at the time such services are authorized by OWNER.

ARTICLE 5--DESIGNATED REPRESENTATIVES

5.01 Contemporaneous with the execution of this Agreement, ENGINEER and OWNER shall each designate specific individuals as ENGINEER's and OWNER's representatives with respect to the services to be performed or furnished by ENGINEER and responsibilities of OWNER under this Agreement. Such individuals shall have authority to transmit instructions, receive information, and render decisions relative to the Assignment on behalf of their respective party.

ARTICLE 6--CONTENT OF AGREEMENT

6.01 The following Exhibits are incorporated herein by reference:

A. Exhibit SR-A, "Further Description of Services, Responsibilities, Time, and Related Matters," consisting of two pages.

B. Exhibit SR-B, "Standard Terms and Conditions," consisting of four pages.

C. Exhibit SR-C, "Reimbursable Expenses Schedule," consisting of one page.

D. Exhibit SR-D, "Standard Hourly Rates," consisting of one page.

6.02 Total Agreement

A. This Agreement (consisting of pages one to four, inclusive, together with the Exhibits identified in paragraph 6.01) constitutes the entire agreement between OWNER and ENGINEER and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the Effective Date of which is indicated on page 1.

OWNER:
Jim Neubauer (City of Mandan)

ENGINEER:
Russell Sorenson PE

By: _____

By: Russell Sorenson

Title: City Administrator

Title: Western ND Regional Manager

Date Signed: _____

Date Signed: 10-25-13

ATTEST: _____

ATTEST: _____

Name: _____

Name: Kenneth J. Weber, PE

Title: _____

Title: Project Manager

Address for giving notices:

Address for giving notices:

City of Mandan

Advanced Engineering and Environmental Services, Inc.

205 2nd Avenue NW

1815 Schafer Street, Suite 301

Mandan, ND 58554-3125

Bismarck, ND 58501

Designated Representative (paragraph 6.02.A):

Designated Representative (paragraph 6.02.A):

Justin Froseth

Kenneth J. Weber, PE

Title: City Engineer

Title: Project Manager

Phone Number: (701) 667-3227

Phone Number: (701) 221-0530

Facsimile Number: _____

Facsimile Number: (701) 221-0531

E-Mail Address: jfroseth@cityofmandan.com

E-Mail Address: ken.weber@ae2s.com

This is **EXHIBIT SR-A**, consisting of 2 pages, referred to in and part of the **Agreement between OWNER and ENGINEER for Study and Report Phase Professional Services** dated November 5, 2013.

Further Description of Services, Responsibilities, Time, and Related Matters

Specific articles of the Agreement are amended and supplemented to include the following agreement of the parties:

A.1.01 ENGINEER's Services

A. ENGINEER shall:

1. Consult with OWNER to define and clarify OWNER's requirements for the Assignment and available data.
2. Advise OWNER as to the necessity of OWNER providing data or services which are not part of ENGINEER's services, and assist OWNER in obtaining such data and services.
3. Provide the following Planning and Study tasks:
 - a. Review 2007 Intake Recommendations.
 - b. Evaluate fate or future role of the existing surface water intake.
 - c. Identify potential intake sites and watermain routes.
 - d. Collect land ownership and property information..
 - e. Collect contour information..
 - f. Collect topographic information.
 - g. Conduct field investigations.
4. Identify potential physical restrictions and/or potential permit requirements at selected site(s) and routes and make a determination as to the impact of the identified potential restrictions and permit requirements.
 - a. Collect subsurface hydrology information.
 - b. Collect surface soils conditions information.
 - c. Evaluate property accessibility and acquisition potential.
 - d. Collect existing easements and right of ways information.
 - e. Timing implications for intake design and construction.
 - f. Construction considerations (project phasing, etc.).
 - g. Floodplain considerations.
 - h. Evaluate access requirements.
 - i. Prepare exhibits showing potential routes and sites.
 - j. Prepare Preliminary Cost Estimate.
5. Initiate request/solicitations for input from state, federal and local agencies. Requested information will be evaluated for potential environmental assessment impacts. Agencies include:
 - a. ACOE – permit requirements and use restrictions
 - b. NDDOT – Conservation district requirements and restrictions
 - c. SWC – Sovereign Land use requirements and restrictions
 - d. ND Game and Fish - review and input
 - e. ND Parks - review and input
 - f. Bureau of Reclamation - review and input

- g. US Fish and Wildlife - review and input
 - h. Indian Affairs - review and input
 - i. US Geological Survey - review and input
 - j. ND Geological Survey - review and input
 - k. ND State Historical Society - review and input
 - l. NFIP program review
 - m. Morton County - review and input
6. Engineer will conduct a meeting to review draft report with the Owner and Tesoro.
7. Engineer will deliver a report in the form of a Technical Memorandum summarizing testing, conclusions and recommendations. Report will include the above collected information including:
- a. Existing conditions and restrictions;
 - b. Property right of way and easement conditions and restrictions;
 - c. Physical conditions and restrictions;
 - d. Environmental conditions and restrictions;
 - e. Land/easement conditions and restrictions;
 - f. Overview of permitting requirements;
 - g. Identifications and summary of project challenges;
 - h. Discussion of potential solutions;
 - i. Project timeline for implementation;
 - j. Preliminary cost estimate; and
 - k. Recommended plan of action to move forward;
8. Conduct a meeting to present report to the Owner and Tesoro.

A.2.01 OWNER's Responsibilities

A. OWNER shall do the following in a timely manner, so as not to delay the services of ENGINEER:

1. Provide all criteria and full information as to OWNER's requirements for the Assignment.

2. Furnish to ENGINEER all existing studies, reports and other available data pertinent to the Assignment, obtain or authorize ENGINEER to obtain or provide additional reports and data as required, and furnish to ENGINEER services of others as required for the performance of ENGINEER's services.

B. ENGINEER shall be entitled to use and rely upon all such information and services provided by OWNER or others in performing ENGINEER's services under this Agreement.

C. OWNER shall bear all costs incident to compliance with its responsibilities pursuant to this paragraph A.2.01.

A.3.01 Times for Rendering Services

A. The time period for the performance of ENGINEER's services shall be three months with milestones established as follows:

Technical Memorandum April 1, 2014.

B. ENGINEER's services under this Agreement will be considered complete when all deliverables set forth in Exhibit SR-A are submitted to OWNER.

Standard Terms and Conditions

Article 6 of the Agreement is amended and supplemented to include the following agreement of the parties:

B.6.01.B Standard Terms and Conditions

1. Standard of Care

The standard of care for all professional services performed or furnished by ENGINEER under this Agreement will be the care and skill ordinarily used by members of ENGINEER's profession practicing under similar circumstances at the same time and in the same locality. ENGINEER makes no warranties, express or implied, under this Agreement or otherwise, in connection with ENGINEER's services.

2. Independent Contractor –Not Used

3. Payments to ENGINEER

Invoices will be prepared in accordance with ENGINEER's standard invoicing practices and will be submitted to OWNER by ENGINEER monthly, unless otherwise agreed. Invoices are due and payable within 30 days of receipt. If OWNER fails to make any payment due ENGINEER for services and expenses within 30 days after receipt of ENGINEER's invoice therefor, the amounts due ENGINEER will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day. In addition, ENGINEER may, after giving seven days written notice to OWNER, suspend services under this Agreement until ENGINEER has been paid in full all amounts due for services, expenses, and other related charges.

4. Insurance

ENGINEER will maintain insurance coverage for Workers' Compensation, General Liability, and Automobile Liability and will provide certificates of insurance to OWNER upon request.

5. Indemnification and Allocation of Risk

a. To the fullest extent permitted by law, ENGINEER shall indemnify and hold harmless OWNER, OWNER's officers, directors, partners, and employees from and against costs, losses, and damages (including but not limited to reasonable fees and charges of engineers, architects, attorneys, and other professionals, and reasonable court or arbitration or other dispute resolution costs) caused solely by the negligent acts or omissions of ENGINEER or ENGINEER's officers, directors, partners, employees, and consultants in the performance of ENGINEER's services under this Agreement.

b. To the fullest extent permitted by law, OWNER shall indemnify and hold harmless ENGINEER, ENGINEER's officers, directors, partners, employees, and consultants from and against costs, losses, and damages (including but not limited to reasonable fees and charges of engineers, architects, attorneys, and other professionals, and reasonable court or arbitration or other dispute resolution costs) caused solely by the negligent acts or omissions of OWNER or OWNER's officers, directors, partners, employees, and consultants with respect to this Agreement.

c. To the fullest extent permitted by law, ENGINEER's total liability to OWNER and anyone claiming by, through, or under OWNER for any injuries, losses, damages and expenses caused in part by the negligence of ENGINEER and in part by the negligence of OWNER or any other negligent entity or individual, shall not exceed the percentage share that ENGINEER's negligence bears to the total negligence of OWNER, ENGINEER, and all other negligent entities and individuals.

d. In addition to the indemnity provided under paragraph B.6.01.B.5.b. of this Exhibit, and to the fullest extent permitted by law, OWNER shall indemnify and hold harmless ENGINEER and ENGINEER's officers, directors, partners, employees, and consultants from and against injuries, losses, damages and expenses

(including but not limited to all fees and charges of engineers, architects, attorneys, and other professionals, and all court or arbitration or other disputes resolution costs) caused by, arising out of, or resulting from Hazardous Environmental Condition, provided that (i) any such injuries, losses, damages and expenses are attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property, including the loss of use resulting there from, and (ii) nothing in this paragraph B.6.01.B.5.d shall obligate OWNER to indemnify any individual or entity to the extent of that individual or entity's own negligence or willful misconduct.

6. Dispute Resolution – Not Used

7. Termination of Contract

Either party may at any time, upon seven days prior written notice to the other party, terminate this Agreement. Upon such termination, OWNER shall pay to ENGINEER all amounts owing to ENGINEER under this Agreement, for all work performed up to the effective date of termination, plus reasonable termination costs.

8. Access

OWNER shall arrange for safe access to and make all provisions for ENGINEER and ENGINEER's Consultants to enter upon public and private property as required for ENGINEER to perform services under this Agreement.

9. Hazardous Environmental Conditions

It is acknowledged by both parties that ENGINEER's scope of services does not include any services related to a "Hazardous Environmental Condition," i.e. the presence at the site of asbestos, PCBs, petroleum, hazardous waste, or radioactive materials in such quantities or circumstances that may present a substantial danger to persons or property exposed thereto in connection with the Assignment. In the event ENGINEER or any other party encounters a Hazardous Environmental Condition, ENGINEER may, at its option and without liability for consequential or any other damages, suspend performance of services on the portion of the Assignment affected thereby until OWNER: (i) retains appropriate specialist consultant(s) or contractor(s) to identify and, as appropriate, abate, remediate, or remove the Hazardous Environmental Condition; and (ii) warrants that the site is in full compliance with applicable laws and regulations. OWNER acknowledges that ENGINEER is performing professional services for OWNER and that ENGINEER is not and shall not be required to become an "arranger," "operator," "generator," or "transporter" of hazardous substances, as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1990 (CERCLA), which are or may be encountered at or near the site in connection with ENGINEER's activities under this Agreement.

10. Patents –Not Used

11. Ownership and Reuse of Documents

All documents prepared or furnished by ENGINEER pursuant to this Agreement are instruments of service, and ENGINEER shall retain an ownership and property interest therein. Reuse of any such documents by OWNER shall be at OWNER's sole risk; and OWNER agrees to indemnify, and hold ENGINEER harmless from all claims, damages, and expenses including attorney's fees arising out of such reuse of documents by OWNER or by others acting through OWNER.

12. Use of Electronic Media

a. Copies of Documents that may be relied upon by OWNER are limited to the printed copies (also known as hard copies) that are signed or sealed by the ENGINEER. Files in electronic media format of text, data, graphics, or of other types that are furnished by ENGINEER to OWNER are only for convenience of OWNER. Any conclusion or information obtained or derived from such electronic files will be at the user's sole risk.

b. When transferring documents in electronic media format, ENGINEER makes no representations as to long-term compatibility, usability, or readability of documents resulting from the use of software application packages, operating systems, or computer hardware differing from those used by ENGINEER at the beginning of this Assignment.

c. If there is a discrepancy between the electronic files and the hard copies, the hard copies govern.

d. Because data stored in electronic media format can deteriorate or be modified inadvertently or otherwise without authorization of the data's creator, the party receiving electronic files agrees that it will perform acceptance tests or procedures within 60 days, after which the receiving party shall be deemed to have accepted

the data thus transferred. Any errors detected within the 60-day acceptance period will be corrected by the party delivering the electronic files. ENGINEER shall not be responsible to maintain documents stored in electronic media format after acceptance by OWNER.

13 Opinions of Probable Construction Cost

ENGINEER's opinions of probable Construction Cost provided for herein are to be made on the basis of ENGINEER's experience and qualifications and represent ENGINEER's best judgment as an experienced and qualified professional generally familiar with the industry. However, since ENGINEER has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor's methods of determining prices, or over competitive bidding or market conditions, ENGINEER cannot and does not guarantee that proposals, bids, or actual Construction Cost will not vary from opinions of probable Construction Cost prepared by ENGINEER. If OWNER wishes greater assurance as to probable Construction Cost, OWNER shall employ an independent cost estimator.

14. Opinions of Total Project Costs

ENGINEER assumes no responsibility for the accuracy of opinions of Total Project Costs.

15 Force Majeure

ENGINEER shall not be liable for any loss or damage due to failure or delay in rendering any service called for under this Agreement resulting from any cause beyond ENGINEER's reasonable control.

16. Assignment

Neither party shall assign its rights, interests or obligations under this Agreement without the express written consent of the other party.

17 Binding Effect

This Agreement shall bind, and the benefits thereof shall inure to the respective parties hereto, their legal representatives, executors, administrators, successors, and assigns.

18. Severability and Waiver of Provisions

Any provision or part of the Agreement held to be void or unenforceable under any laws or regulations shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon OWNER and ENGINEER, who agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision. Non-enforcement of any provision by either party shall not constitute a waiver of that provision, nor shall it affect the enforceability of that provision or of the remainder of this Agreement.

19. Survival – Not Used

20. Headings

The headings used in this Agreement are for general reference only and do not have special significance.

21. Controlling Law

This Agreement is to be governed by the laws of the state of North Dakota.

22. Notices

Any notice required under this Agreement will be in writing, addressed to the appropriate party at its address on the signature page and given personally, or by registered or certified mail postage prepaid, or by a commercial courier service. All notices shall be effective upon the date of receipt.

Reimbursable Expenses Schedule

Reimbursable Expense Rates

Transportation	\$0.65/mile
Survey Vehicle	\$0.70/mile
Service Vehicle - 1 Ton	\$1.00/mile
Air Transportation	\$1,600/hour
Photocopies 8½" x11"	\$0.10/copy
Plots – Color Bond	\$1.25/s.f.
Plots – Monochrome Bond/Vellum	\$0.75/s.f.
Plots – Film/Photo High Gloss	\$2.00/s.f.
Digital Imaging	\$10.00/day
Laser Printouts 8½" x11"	\$0.20/page
Color Laser Printouts/Copies 8½" x11"	\$0.68/page
Fax	\$0.40/page
Projector	\$25.00/hour
Total Station – Robotic	\$35.00/hour
Pro-XR GPS	\$15.00/hour
Fast Static/RTK GPS	\$50.00/hour
3D Laser Scanner	\$100.00/hour
Sonar Mite	\$50.00/day
Survey Monument	\$5.00/each
Fence Posts	\$8.00/each
Survey Lath	\$22.00/bundle
Survey Stakes/Hubs	\$13.00/bundle
All Terrain Vehicle/Boat	\$100.00/day
Hydrant Pressure Recorders	\$10.00/day
Telemetry Radio	\$10.00/day
Pressure Recorder	\$5.00/day
Pump Station Monitor	\$24.00/day
Area Velocity Module	\$30.00/day
Rain Gauge	\$12.00/day
I&C Supplies	\$10.00/unit
Lab Testing Equipment	\$500.00/day
Thermal Imaging Camera	\$300.00/day
Power Quality Analyzer	\$500.00/week
Process Calibration Instrument	\$200.00/day
Portable Oscilloscope	\$125.00/day
Antenna Watt-Meter	\$50.00/day
In-house Lodging	\$150.00/day
Outside Services**	cost *1.15
Out of Pocket Expenses***	cost*1.15
Rental Car	cost*1.20

* Position titles are for labor rate grade purposes only.

** Includes laboratory testing, architectural and engineering consultants, surveying, etc.

*** Includes toll telephone, shipping, postage, subsistence, technical literature, equipment rental, etc.

These rates are subject to adjustment each year on January 1.

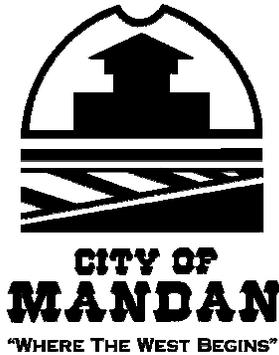
This is **EXHIBIT SR-D**, consisting of 1 pages, referred to in and part of the **Agreement between OWNER and ENGINEER for Study and Report Phase Professional Services** dated November 5, 2013

2013 Hourly Rate and Reimbursable Expense Schedule

Labor Rates*			
Engineer I	\$94.00	Marketing Consultant III	\$108.00
Engineer II	\$108.00	Marketing Consultant IV	\$124.00
Engineer III	\$132.00	Marketing Consultant V	\$140.00
Engineer IV	\$150.00		
Engineer V	\$165.00	Senior Consultant	\$180.00
Engineer VI	\$188.00	Corporate Legal Counsel	\$186.00
Engineer VII	\$198.00		
Engineer VIII	\$206.00	Communications Specialist I	\$76.00
		Communications Specialist II	\$88.00
Program Coordinator	\$150.00	Communications Specialist III	\$100.00
Project Manager I	\$156.00	Communications Specialist IV	\$120.00
Project Manager II	\$180.00	Communications Specialist V	\$132.00
Technical Expert I	\$215.00		
Technical Expert II	\$230.00	IT I	\$86.00
Technical Expert III	Negotiable	IT II	\$105.00
		IT III	\$120.00
I&C Technician I	\$86.00	IT IV	\$136.00
I&C Technician II	\$96.00	IT Manager	\$154.00
I&C Technician III	\$110.00		
I&C Technician IV	\$120.00	Financial Analyst I	\$74.00
I&C Technician V	\$132.00	Financial Analyst II	\$88.00
I&C Technician VI	\$140.00	Financial Analyst III	\$104.00
I&C Technician VII	\$148.00	Financial Analyst IV	\$116.00
Land Surveyor I	\$87.00		
Land Surveyor II	\$102.00	Financial Analyst V	\$132.00
Land Surveyor III	\$112.00	Financial Analyst VI	\$150.00
Land Surveyor IV	\$126.00	Financial Analyst VII	\$164.00
Land Surveyor V	\$138.00	Financial Analyst VIII	\$180.00
Land Surveyor VI	\$160.00		
Engineering Technician I	\$56.00	Administrative I	\$50.00
Engineering Technician II	\$72.00	Administrative II	\$62.00
Engineering Technician III	\$86.00	Administrative III	\$72.00
Engineering Technician IV	\$100.00	Administrative IV	\$84.00
Engineering Technician V	\$114.00	Administrative V	\$92.00
Engineering Technician VI	\$128.00		
Engineering Technician VII	\$140.00	Intern I	\$42.00
		Intern II	\$48.00
GIS Specialist I	\$72.00	Intern III	\$52.00
GIS Specialist II	\$90.00	Intern IV	\$58.00
GIS Specialist III	\$106.00	Intern V	\$68.00
GIS Specialist IV	\$120.00		
GIS Specialist V	\$138.00		
GIS Specialist VI	\$156.00		
Project Coordinator I	\$90.00		
Project Coordinator II	\$105.00		
Project Coordinator III	\$118.00		
Project Coordinator IV	\$130.00		
Marketing Consultant I	\$72.00		
Marketing Consultant II	\$90.00		

* Position titles are for labor rate grade purposes only.
 ** Includes laboratory testing, architectural and engineering consultants, surveying, etc.
 *** Includes toll telephone, shipping, postage, subsistence, technical literature, equipment rental, etc.

These rates are subject to adjustment each year on January 1.



Board of City Commissioners

Agenda Documentation

MEETING DATE: Nov. 5, 2013
PREPARATION DATE: Nov. 1, 2013
SUBMITTING DEPARTMENT: Business Development & Communications
DEPARTMENT DIRECTOR: Ellen Huber, Business Development & Communications Director
PRESENTER: Ellen Huber, Business Development & Communications Director
SUBJECT: Consider making property at 611 W Main available for sale & development

STATEMENT/PURPOSE: To consider making available for sale and development the city-owned land parcel at 611 W Main Street, immediately west of the library.

BACKGROUND/ALTERNATIVES: The City of Mandan Business Development and Communications Office has received an expression of interest in city-owned property on Main Street for purpose of a retail store that meets a targeted community need. The retailer has examined many other properties in Mandan and has found no others that meet its site criteria and budget parameters. The interested entity indicates plans for a building of approximate 9,000 sf building on the 25,798 sf site. This would allow room for approximately 22 to 25 parking spots, with 22-23 being the minimum needed for a 9,000 sf retail building (based on at least 1 per 400 sf).

The City received the subject property in 2004 as part of a settlement with Burlington Northern regarding the downtown diesel fuel spill. It is outside of the affected area. The site is typically used only a few days a year for public parking during community events, in particular for Art in the Park on July 3-4. I have contacted the Mandan Progress Organization, which assists with Art in the Park, about the possibility of the site becoming privatized for retail use. The MPO executive director is willing to help Art in the Park find alternative parking locations for its vendors and their merchandise trailers.

I have also contacted Morton Mandan Public Library Interim Director Mary Henderson to talk about the possibility. The library has no current plans for the site to the west. The bookmobile is currently housed at the Morton County Highway building and the library has the ability to expand within its current building.

This property has not previously been offered on the public market. For a purchase and development proposal to be formally considered, the property needs to be offered through one of these options:

1. By public auction or a request for sealed bids,
2. Listed with a real estate agent for inclusion on the multiple listing service
3. By request for development proposals

There are pros and cons to each alternative. The bidding process may not prompt much information beyond the price being offered such as the planned scope of a redevelopment project, level of investment, use, site and building plans, and other public benefits. Listing the property with a real estate agent could result in additional assistance with marketing but there would also be a commission fee, likely 6% of the gross selling price. An RFP process brings forth more information for the Commission to consider but generally requires more time and investment in plans from potentially interested parties.

ATTACHMENTS: Draft property information document for use in make property available with dates and deadlines to be added upon approval.

FISCAL IMPACT: To be determined.

STAFF IMPACT: To be determined.

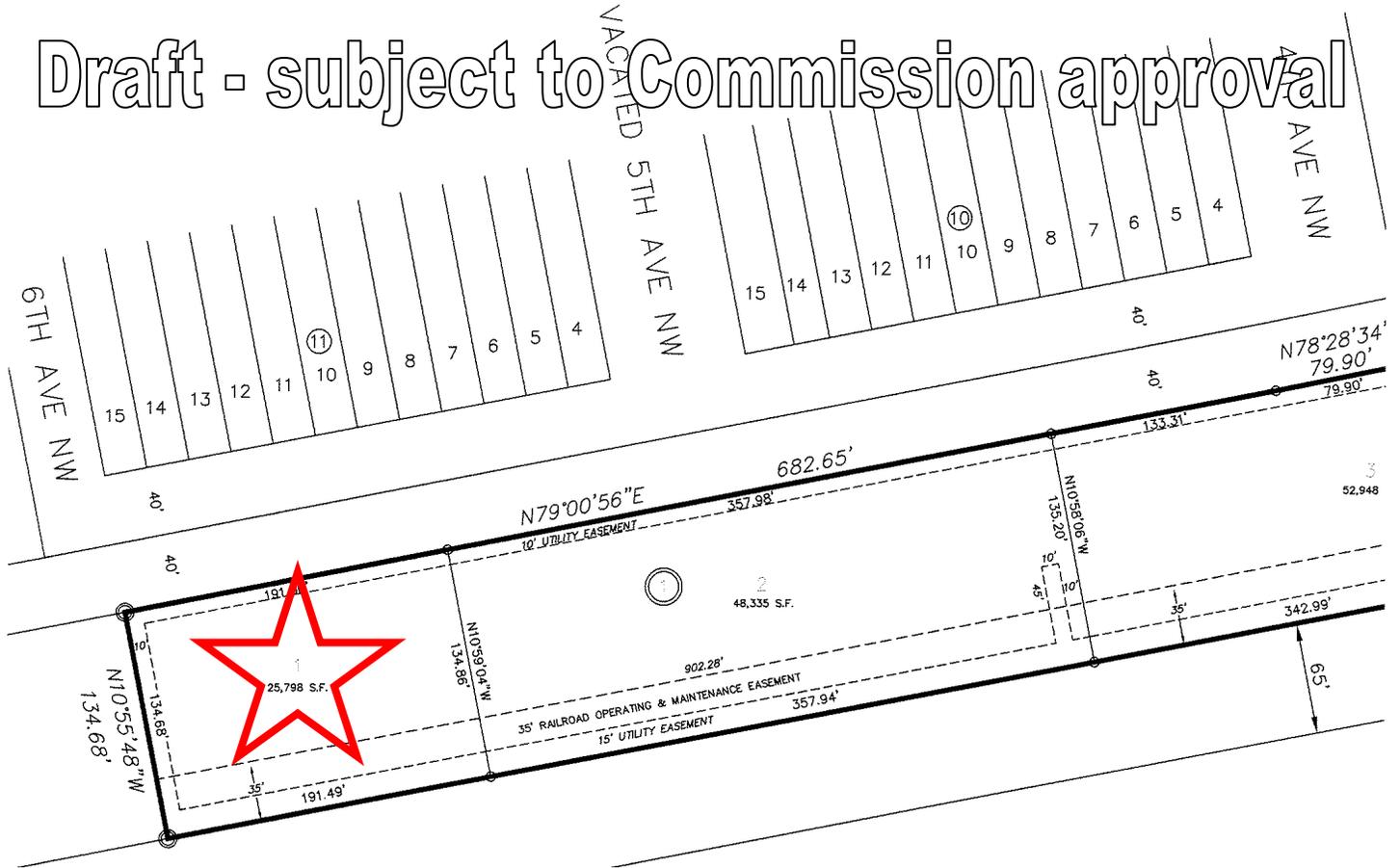
LEGAL REVIEW: Information has been submitted to Attorney Brown for review.

RECOMMENDATION: I recommend the City issue a Request for Proposals for the purchase and development of the lot west of the library with a 45-day deadline for responses.

SUGGESTED MOTION: I move the City issue a Request for Proposals for the purchase and development of the lot west of the library with a 45-day deadline for responses.

Map of Main Street Development Site

Draft - subject to Commission approval



PROPERTY INFORMATION
For parties interested in Acquisition & Development
of Downtown Site in Mandan, North Dakota
City-owned parcel at 611 West Main Street



City of Mandan
205 Second Avenue NW
Mandan, North Dakota 58554
Phone: 701-667-3215
www.cityofmandan.com

Seeking Buyers Interested in Development of Prime Downtown Parcel

The City of Mandan is seeking a buyer interested in development and construction of a retail facility on a prime city-owned property located at 611 W Main Street, between the Morton Mandan Public Library and the KEMPS facility (dba Cass Clay). The parcel is 191 by 135 feet (25,798 sf).

The property is offers a unique opportunity in downtown revitalization. It is located next to a grocery store, pharmacy/variety store, bank, gas station and public library. The successful purchase proposal will complement these entities with investment in a building and operation of a retail business that draws customers to the location.

Submit proposals included offered price to:

City of Mandan
Business Development & Communications Office
Ellen Huber
205 Second Avenue NW
Mandan, ND 58554
Phone: 701-667-3485, Email: ehuber@cityofmandan.com

REQUIREMENTS

Approximate market value — BNSF is asking \$3.75 per square foot for adjacent property.

Deposit — A deposit equal to 50 percent of the purchase price or no less than \$5,000 will be required to be made upon entering into a purchase and development agreement, to be applied toward the total purchase price due at closing.

Minimum preferred investment in construction on parcel (combined) — \$500,000

Timeline for development —The City Commission reserves the right at its sole discretion to extend the timeline if warranted.

Start of construction..... Within 6 months to 1 year of closing
(Property reverts back to City of Mandan if deadline is not met and deposit retained.)

Building substantially complete by Within 2 years of closing
(Deposit returned to buyer)

All proposals are subject to review and consideration by the Mandan City Commission. The City reserves the right to: 1) conduct interviews with some or all parties who submit proposals, 2) reject any and all proposals or offers or portions thereof, 2) waive any informality or irregularity, 3) hold all proposals or offers or responses for a period of thirty (30) days after receipt to allow for scheduling of City Commission meetings, 4) negotiate modifications of project descriptions to a lesser or greater magnitude than described in the response, 5) accept the response(s) deemed most favorable to the best interest of the City of Mandan, and 6) advertise for new offers/responses as may be deemed necessary.

Be advised as per North Dakota open records law that responses may be released to the public if requested except for portions subject to NDCC 44-04-18.4 pertaining to confidentiality of trade secret, proprietary, commercial, and financial information.

This property information document summarizes many additional project considerations and requirements:

<u>Section</u>	<u>Page</u>
Downtown Vision	4
Project Considerations	
• Downtown Overview	4
• Site Profile	4
• Potential Site Layouts	5
• Other Site Facts	6
○ Site Control	
○ Property Tax Estimate	
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○ Zoning	
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○ Ingress/egress	
○ Parking	
○ Historic District	
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○ Site background	
• Development Incentives	8
• Contact Information & Resources	9

DOWNTOWN VISION

A Redevelopment Plan for Downtown Mandan adopted by the City Commission in 2003 offers the following vision for downtown Mandan:

To establish downtown Mandan as a place where residents and visitors can work, live, shop and play in a pedestrian-friendly and safe environment.

The redevelopment plan calls for mixed uses including new offices and professional services, dense housing, niche retail and casual/family dining. Goals are as follows:

- ✓ Improve overall street character and image through investment, beautification and heritage.
- ✓ Fill gaps in the community’s retail, restaurant and service sectors.
- ✓ Create and maintain critical mass to support these businesses through vertical mixed-uses including office and residential spaces above the ground level.
- ✓ Ensure safe circulation and adequate parking and improve the image and attractiveness of surface parking areas.

The City of Mandan is seeking purchase and development proposals for the Collins and Main site that are consistent with these goals.

More information is available at the city website: www.cityofmandan.com. To download the URS Market Study and Redevelopment Plan, see the City Departments section and the Business Development sub-section.

PROJECT CONSIDERATIONS

Downtown Overview

Downtown Mandan is revitalizing. Nearly 20 years after discovery of an underground fuel spill in an approximate six-block area, the city reached a settlement in 2004 with Burlington Northern Santa Fe Railway for \$30.25 million, which included \$1.2 million in property and buildings and \$29 million held in trust for remediation and redevelopment. Construction and installation of a comprehensive remediation system was completed in 2007. The system has been effective in removing the contaminants. With state law enacted to relieve property owners and private lenders of liability concerns, the area of impact is steadily redeveloping.

Downtown Mandan is the center for city and county governments. Spin-off services in the district include a number of legal firms and financial institutions. Downtown Mandan is home to a supermarket; two pharmacies; many chiropractic, dental and eye clinics; two popular fitness centers, numerous professional offices, several niche retail businesses and eateries.

Main and First Streets as well as the north-south arterials of Sixth Avenue NW and Collins Avenue were recently reconstructed. The city has renovated its historic fire station, a historic freight house building now home to the public library, and the former train depot now used for a visitor's center and retail.

Site and building design standards were elevated in 2006-07 for downtown core and fringe districts. Renaissance Zone tax incentives, storefront improvement and low interest loan programs are successfully enticing commercial property owners to show pride in their businesses and back it with investment.

- Since the Renaissance Zone and Storefront Improvement programs were established in 2005 and 2006, 42 commercial properties have been or are in the process of being newly constructed, expanded or rehabilitated. The commitment to private investment is at nearly \$16 million.

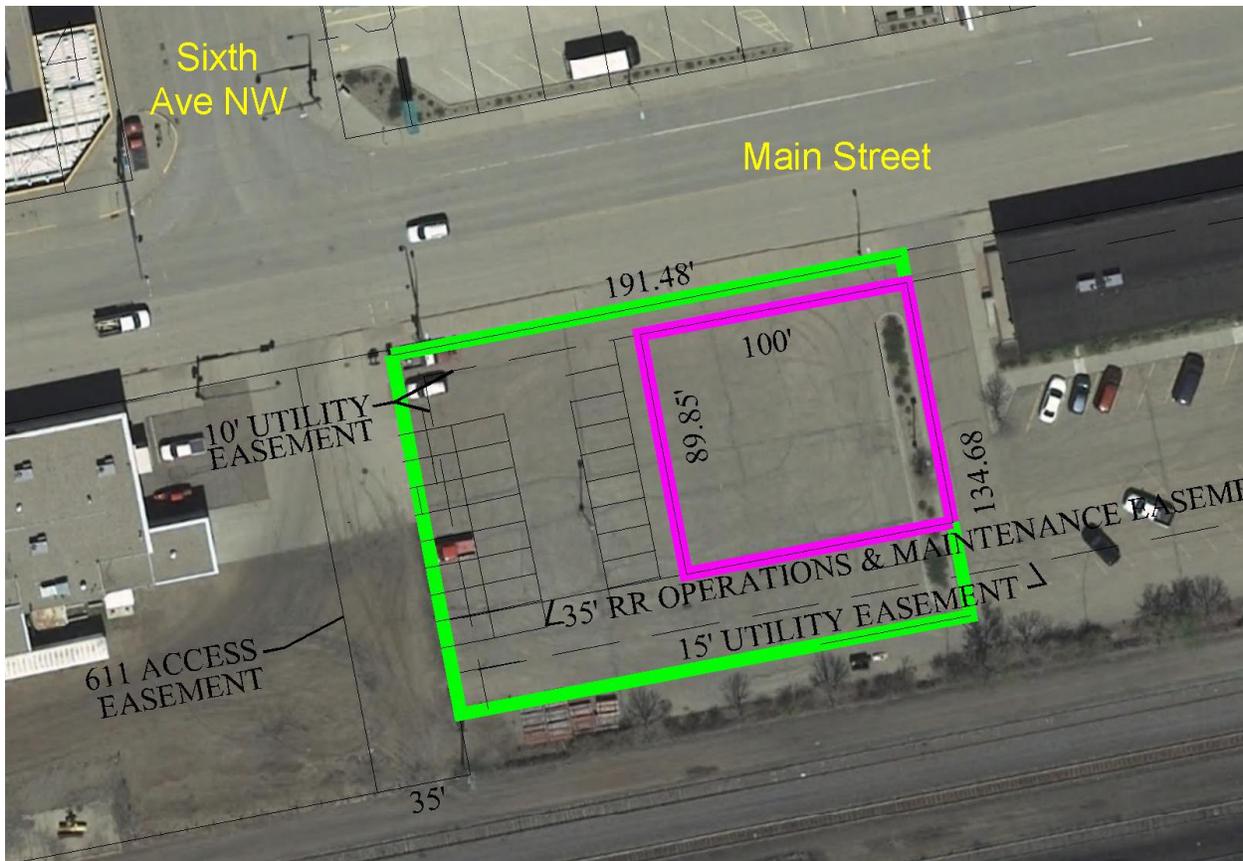
Site Profile

Average daily traffic volume in a N.D. Department of Transportation 2012 count was at 8,410 vehicles on Main Street and about 5,900 on Sixth Avenue NW.

- 611 West Main Street — Lot 1, Block 1, BNSF Commercial Park 3rd Addition
- 25,798 ft² (191' X 135')



Potential Site Layouts



Other Site Facts

Site control

The City of Mandan owns the parcel.

Property Tax Estimates (2013 levy of 330 mills equal to 1.65% of value

Full and true value followed by annual property tax payment

- Land — using an approximate value of \$3.75 psf, \$96,743 total; about \$1,596 annually
- Building — based on a scenario with a \$500,000 building; \$8,250 annually

Special Assessments

There is a zero balance.

Zoning

The sites are in an area zoned CB, which is commercial permitting a variety of commercial and retail uses.

Architectural standards

The property is subject to the Downtown Fringe District zoning overlay ordinance (Mandan Municipal Code, 21-04-17). Key requirements include:

- Front Yard Setback. There is no minimum front yard setback, unless the property is immediately adjacent to a residentially zoned property, in which case the minimum front yard setback shall be 15 feet. In no case shall a setback greater than 25 feet be allowed, and this area must be landscaped and/or incorporate streetscape elements.
- Height. The maximum height is 75 feet.
- Lot Coverage. The maximum lot coverage is 100.
- Building Materials. All walls visible from the street shall be primarily faced with brick, stone, architectural or pre-cast concrete, EFIS, stucco, or an equivalent or better. The use of plain surface concrete or block shall be prohibited (i.e. the surface must be dimensional). Non-transparent glass shall be prohibited from covering more than 40 percent of the exterior walls.
- Alignment. The setbacks and alignment of a new building should be similar to any buildings on adjoining parcels.
- Rooftop Equipment. Rooftop equipment shall be screened from ground level views with parapet walls or enclosures similar in form, material and detail to the primary structure.
- Landscaping and Screening. Landscaping and Screening shall meet the approval of and guidelines set forth by the Mandan Architectural Review Commission. Development within the Downtown Core District, including the development of parking areas, shall be subject to the requirements of Section 21-03-10. If decorative fencing or any other streetscape elements are used, they shall be consistent with or complementary to the designated downtown streetscape elements.

Site plan and building design subject to application for consideration by Mandan Architectural Review Commission.

Ingress/egress

Main Street is a business loop for I-94. As such, requests for ingress and egress, along with a site plan, need to be submitted to the City of Mandan Engineering and Planning Department. Staff will, in turn, consult with the N.D. Department of Transportation.

Parking

Off-street parking is required in accordance with Mandan Municipal Code 21-03-10, which for retail in a CB district is one space for each 400 sf of floor area on the ground floor. For example, a 9,000 sf retail store would be required to have a minimum of 22-23 parking spots.

A public parking area is located close by in the lot of the Morton Mandan Public Library.

Historic district

The property is located in the vicinity of a historic building. The preferred development will be sensitive to the adjacent use.

Utilities

Site maps with utility easement agreements and maps with locations for sewer and water service lines and mains are available for reference.

Site background

The City received the property in 2004 as part of a settlement with Burlington Northern railroad regarding clean-up of a downtown diesel fuel spill. It is outside of the affected area. The site has been typically used only a few days a year for public parking during community events, in particular for Art in the Park. Organizers are being contacted to encourage alternative arrangements for parking of vendor vehicles and trailers.

Development Incentives

The City of Mandan offers several tools to assist with business start-ups and expansions. Programs for development projects and businesses locating downtown include the Renaissance Zone, which provides up to 100% five-year property and state income tax exemptions for qualified projects. Other options the Retail and Restaurant Incentive Program for businesses that fill a gap in the community, interest buy down through Bank of North Dakota programs, and loan programs through the Lewis and Clark Regional Development Council. These incentives are subject to application, review and approval by the appropriate decision-making bodies.

City Resource Contact Information

<u>Title</u>	<u>Name</u>	<u>Phone</u>
City Administrator	Jim Neubauer	701-667-3215
Business Development Director	Ellen Huber	701-667-3485
Engineering and Planning		701-667-3225
Director	Justin Froseth	
Project Manager	Kim Fettig	
Planner	Robert Decker	
Building Inspection and Assessing	Doug Lalim	701-667-3230
Finance Director	Greg Welch	701-667-3213
Public Works	Jeff Wright	701-667-3240
Fire Chief	Steve Nardello	701-667-3288

For additional information visit www.cityofmandan.com. If you have other questions not answered here, please contact Ellen Huber, City of Mandan Business Development & Communications Director at 701-667-3485 or ehuber@cityofmandan.com.

ORDINANCE NO. 1165

An Ordinance to Amend and Re-enact
Section 16-03-12 of the Mandan Code of Ordinances
Relating to Unlicensed Dogs and Cats

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

Section 16-03-12 of the Mandan Code of Ordinances is hereby amended and re-enacted to read as follows:

Section 16-03-12. Disposition of unredeemed unlicensed dogs and cats.

1. Should the owner of any unlicensed dog or cat impounded under this chapter fail to redeem such animal within ~~three~~ five days after such impoundment, any other person may, upon complying with the provisions of this chapter, redeem such animal from the pound and be the lawful owner of such animal thereafter.

2. All unlicensed dogs and cats impounded under this chapter which have not been redeemed or purchased as authorized by this section within ~~three~~ five days of such impoundment, may be disposed of in a humane manner by the pound master or authorized agent of the city.

By: _____
President, Board of City Commissioners

Attest:

City Administrator

First Consideration: October 15, 2013
Second Consideration
and Final Passage: November 5, 2013
Publication Date: November 29, 2013

ORDINANCE NO. 1166

An Ordinance to Amend and Re-enact
Chapter 20-15 of the Mandan Code of Ordinances
Relating to All-Terrain Vehicles

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

Chapter 20-15 of the Mandan Code of Ordinances is hereby amended and re-enacted to read as follows:

Chapter 20-15 ~~ALL-TERRAIN VEHICLES~~ OFF-HIGHWAY VEHICLES

Section 20-15-01 Definitions

The provisions of NDCC Chapter 39-21 and all subsequent amendments ~~must~~ shall be incorporated by reference in this chapter.

As used in this chapter, unless the context otherwise requires:

~~“All terrain vehicle” means any motorized off highway vehicle fifty inches or less in width, having a dry weight of six hundred pounds or less, traveling on three or more low pressure tires, designed for operator use only with no passengers, having a seat or saddle designed to be straddled by the operator, and handlebars for steering control.~~
“Off-highway vehicle” means any motorized vehicle not designed for use on a highway and capable of cross-country travel on land, snow, ice, marsh, swampland, or other natural terrain. An off-highway vehicle must be classified into one of the following categories:

- a. Class I off-highway vehicle is a vehicle that does not qualify as road capable under NDCC Chapter 39-21 and 39-27, has a seat or a saddle designed to be straddled by the operator, and has handlebars for steering control of two wheels.
- b. Class II off-highway vehicle is fifty inches [1270.00 millimeters] or less in width, weighs one thousand two hundred pounds [544.31 kilograms] or less, and travels on three or more non-highway tires; or is sixty-five inches [1651 millimeters] or less in width, weighs two thousand pounds [907.19 kilograms] or less, and travels on four or more non-highway tires.
- c. Class III off-highway vehicle weighs less than eight thousand pounds [3628.74 kilograms]; travels on skis, runners, tracks, or four or more tires; has a seat; has a wheel, handlebars, or steering for steering control; and is designated for or capable of cross-country on or over land, water, sand, snow, ice, marsh, swampland, or other natural terrain, but does not include a vehicle registered by the department under NDCC Chapters 39-04 or 39-24.

~~“Dealer” means any person engaged in the business of buying, selling or exchanging all terrain vehicles~~ off-highway vehicles or who advertises, or holds out to

the public as engaged in the buying, selling or exchanging ~~all-terrain~~ off-highway vehicles, or who engages in the buying of ~~all-terrain-~~ off-highway vehicles for resale.

“Operate” means to ride in or on and control the operation of an ~~all-terrain~~ off-highway vehicle.

“Operator” means a person who operates or is in actual physical control of an ~~all-terrain~~ off-highway vehicle.

“Owner” means a person, other than a lienholder, having the property in or title to an ~~all-terrain~~ off-highway vehicle and entitled to its use or possession.

“Register” means the act of assigning a registration number to an ~~all-terrain~~ off-highway vehicle.

Section 20-15-02 ~~All-terrain~~ Off-highway vehicle registration.

The provisions of NDCC § 39-29-02 and all subsequent amendments ~~must~~ shall be incorporated by reference in this chapter.

Except as provided in this chapter, a person may not operate an ~~all-terrain~~ off-highway vehicle unless it has been registered in accordance with this chapter. Violation of this section is an infraction for which a fee of twenty-five dollars ~~must~~ shall be assessed.

Section 20-15-03 Exemption from registration-Exemption from fees.

The provisions of NDCC § 39-29-04 and all subsequent amendments ~~must~~ shall be incorporated by reference in this chapter.

1. Registration and payment of fees is not required of:
 - a. ~~All-terrain~~ Off-highway vehicles owned by and used by United States, the State of North Dakota, its political subdivisions, or another state or its political subdivisions;
 - b. ~~All-terrain~~ Off-highway vehicles registered in a foreign country and temporarily used in this state;
 - c. ~~All-terrain~~ Off-highway vehicles validly licensed in another state and which have not been within this state for more than thirty consecutive days;
 - d. ~~All-terrain~~ Off-highway vehicles used exclusively for work on private agricultural lands or on industrial jobsites on private land; and
 - e. ~~All-terrain~~ Off-highway vehicles used exclusively in organized track racing events.

Section 20-15-04 Operation of ~~all-terrain~~ off-highway vehicles.

The provisions of NDCC § 39-29-09 and all subsequent amendments ~~must~~ shall be incorporated by reference in this chapter.

1. A person may not operate an ~~all-terrain~~ off-highway vehicle on the roadway, shoulder, or inside bank or slope of any road, street or highway except as provided in this chapter. Except in emergencies, a person may not operate an ~~all-terrain~~ off-highway vehicle within the right-of-way of any controlled access highway.

2. The operator an ~~all-terrain~~ off-highway vehicle may make a direct crossing of a street or highway only if:

- a. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.
- b. The ~~all-terrain~~ off-highway vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway.
- c. The operator yields the right-of-way to all oncoming traffic which constitutes an immediate hazard; and
- d. In crossing a divided highway, the crossing is made only at an intersection of the highway with another public street or highway.

3. A person may not operate an ~~all-terrain~~ off-highway vehicle unless it is equipped with at least one head lamp, one tail lamp and brakes, all in working order, which conform to standards prescribed by rule of the highway commissioner.

4. The emergency conditions under which an ~~all-terrain~~ off-highway vehicle may be operated other than as provided by this chapter are only those that render the use of an automobile impractical under the conditions and at the time and location in question.

5. A person may not operate an ~~all-terrain~~ off-highway vehicle in the following ways, which are declared to be unsafe and a public nuisance:

- a. At a rate of speed greater than reasonable or proper under all the surrounding circumstances;
- b. In a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage to such person or property;
- c. While under the influence of intoxicating liquor or a controlled substance;
- d. Without a lighted head lamp and tail lamp;
- e. In any tree nursery or planting in a manner which damages growing stock;
- f. Without a manufacturer-installed or equivalent muffler in good working order and connected to the ~~all-terrain~~ off-highway vehicle's exhaust system;
- g. On any private land where the private land is posted prohibiting trespassing. The name and address of the person posting the land and the date of posting must appear on each sign in legible characters. The posted signs must be readable from outside the land and be placed conspicuously at a distance of not more than eight hundred yards apart. Land entirely enclosed by a fence or other enclosure is sufficiently posted by posting of such signs, at or on all gates through the fence or enclosure.

6. Except as provided in NDCC § 39-29-10, a person may not operate an ~~all-terrain~~ off-highway vehicle without having in possession a valid driver's license or permit.

7. When an ~~all-terrain~~ off-highway vehicle is operated within the right-of-way of any road, street or highway, during times or conditions that warrant the use of lights by other motor vehicles, the ~~all-terrain~~ off-highway vehicle must be operated in the same direction as the direction of other motor vehicles traveling on the side of the roadway immediately adjacent to the side of the right-of-way traveled by the ~~all-terrain~~ off-highway vehicle.

8. A person may not operate an ~~all-terrain~~ off-highway vehicle within the right-of-way of any highway while towing a sled, skid, or other vehicle, unless the object towed is connected to the ~~all-terrain~~ off-highway vehicle by a hinged swivel and secure hitch.

9. **Helmet Required.** No person under the age of eighteen may operate, ride, or otherwise be propelled on an ~~all-terrain~~ off-highway vehicle unless the person wears a safety helmet meeting United States department of transportation standards.

10. ~~Passenger Restrictions. No operator of an all-terrain vehicle may carry a passenger while operating.~~ An operator an off-highway vehicle may not carry a passenger while operating the vehicle unless the off-highway vehicle is equipped and recommended by the manufacturer to carry a passenger and the passenger is carried as recommended by the manufacturer.

Section 20-15-05 Additional rules for operation of ~~all-terrain~~ off-highway vehicles.

It is unlawful for any person to operate any ~~all-terrain~~ off-highway vehicle in the following ways or under the following circumstances, which are declared to be unsafe and a public nuisance:

1. In violation of any rule or regulation promulgated for the regulations of the use of ~~all-terrain~~ off-highway vehicles by the commissioner where applicable within the geographical limits of the city;

2. At a speed in excess of ten miles per hour at any time upon any street, alley, highway, or other public ground or place in the city, unless otherwise posted by the proper authorities.

3. Passing another ~~all-terrain~~ off-highway vehicle while such ~~all-terrain~~ off-highway vehicle is in operation and underway on any street, alley, highway, or other public ground or place in the city;

4. Abreast of another ~~all-terrain~~ off-highway vehicle upon any street, alley, highway, or other public ground or place in the city;

5. Between the hours of ten-thirty p.m., and seven-thirty a.m., except on Friday and Saturday the beginning hour is changed from ten-thirty p.m., to eleven p.m., with the further limitation that ~~all-terrain~~ off-highway vehicles entering the city are not limited by time as long as they meet with the provisions of this chapter;

6. Upon private property, other than that of the ~~all-terrain~~ off-highway vehicle's owner, or operator, without the express permission of the owner;

7. While carrying a strung bow or loaded firearm;

8. Leaving or allowing the ~~all-terrain~~ off-highway vehicle to be or remain unattended on public property, streets, highway or other public grounds or places where the

motor is running or with the keys to start the same in the ignition switch;

9. Without observing all traffic signs, signals, rules and regulations applying to motor vehicles when also applicable to ~~all-terrain~~ off-highway vehicles;

10. In any municipal park or recreation area except when posted as “open” to ~~all-terrain~~ off-highway vehicles, and within the hours permitted.

Section 20-15-06 Use of street-Restricted.

No person shall operate an ~~all-terrain~~ off-highway vehicle upon any road, street or highway, in this city kept open for vehicular traffic, except:

1. During a period of emergency when travel by other vehicles is not possible;
2. For a special ~~all-terrain~~ off-highway vehicle event of limited duration when conducted on a pre-arranged schedule under permits from the board of city commissioners;
3. In crossing a street as provided in Section 20-15-04.

Section 20-15-07 Operation by persons under age sixteen.

The provisions of NDCC § 39-29-10 and all subsequent amendments ~~must~~ shall be incorporated by reference in this chapter.

Except as otherwise provided in this section, a person under sixteen years of age who is not in possession of a valid operator’s license or permit to operate an ~~all-terrain~~ off-highway vehicle may not, except upon the lands of the person’s parent or guardian, operate an ~~all-terrain~~ off-highway vehicle. A person at least twelve years of age may operate an ~~all-terrain~~ off-highway vehicle if the person has completed an ~~all-terrain~~ off-highway vehicle safety ~~trailing~~ training course prescribed by the director of the State Parks and Recreation Department and has received the appropriate ~~all-terrain~~ off-highway vehicle safety certificate issued by the commissioner. The failure of an operator to exhibit an ~~all-terrain~~ off-highway safety certificate on demand to any official authorized to enforce this chapter is presumptive evidence that person does not hold such a certificate. ~~Fees collected from each person receiving certification must be deposited in the all-terrain vehicle trail tax fund for all-terrain vehicle safety education and training programs.~~

Section 20-15-08 Enforcement.

The provisions of NDCC §39-29-11 and all subsequent amendments ~~must~~ shall be incorporated by reference in this chapter.

Only peace officers of this state and their respective duly authorized representatives may enforce this chapter.

Section 20-15-09 Violation-Penalty.

The provisions of NDCC §39-29-12 and all subsequent amendments ~~must~~ shall be incorporated by reference in this chapter.

Violation of subdivision b, c or g of subsection 5 of NDCC §39-29-09 is a Class B misdemeanor. Violation of any other provision of NDCC §39-29-09 is an infraction for which a fee of twenty dollars ~~must~~ shall be assessed. Violation of NDCC §39-29-02 (Section 20-15-02 of this chapter) is an infraction, for which a fee of twenty-five dollars

~~must~~ shall be assessed; however, if the violation occurs on land owned, leased or managed by the parks and recreation department a fee of fifty dollars ~~must~~ shall be assessed. If the person provides proof of registration ~~since~~ subsequent to the violation, the fee may be reduced by one-half. Violation of any other provision of this chapter is an infraction, for which a fee of ten dollars ~~must~~ shall be assessed.

By: _____
President, Board of City Commissioners

Attest:

City Administrator

First Consideration:	<u>October 15, 2013</u>
Second Consideration and Final Passage:	<u>November 5, 2013</u>
Publication Date:	<u>November 29, 2013</u>

ORDINANCE NO. 1167

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

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

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

The following described property located within the City of Mandan, Morton County, North Dakota shall be excluded from County Industrial and shall be included in the City of Mandan's MA (Light Non-Nuisance/Heavy Commercial) zoning namely,

Auditor's Lot A less the east 34' thereof, in the SE ¼ and Lot E in the SE ¼ of the SE ¼ of Section 4, Township 139N, Range 81W

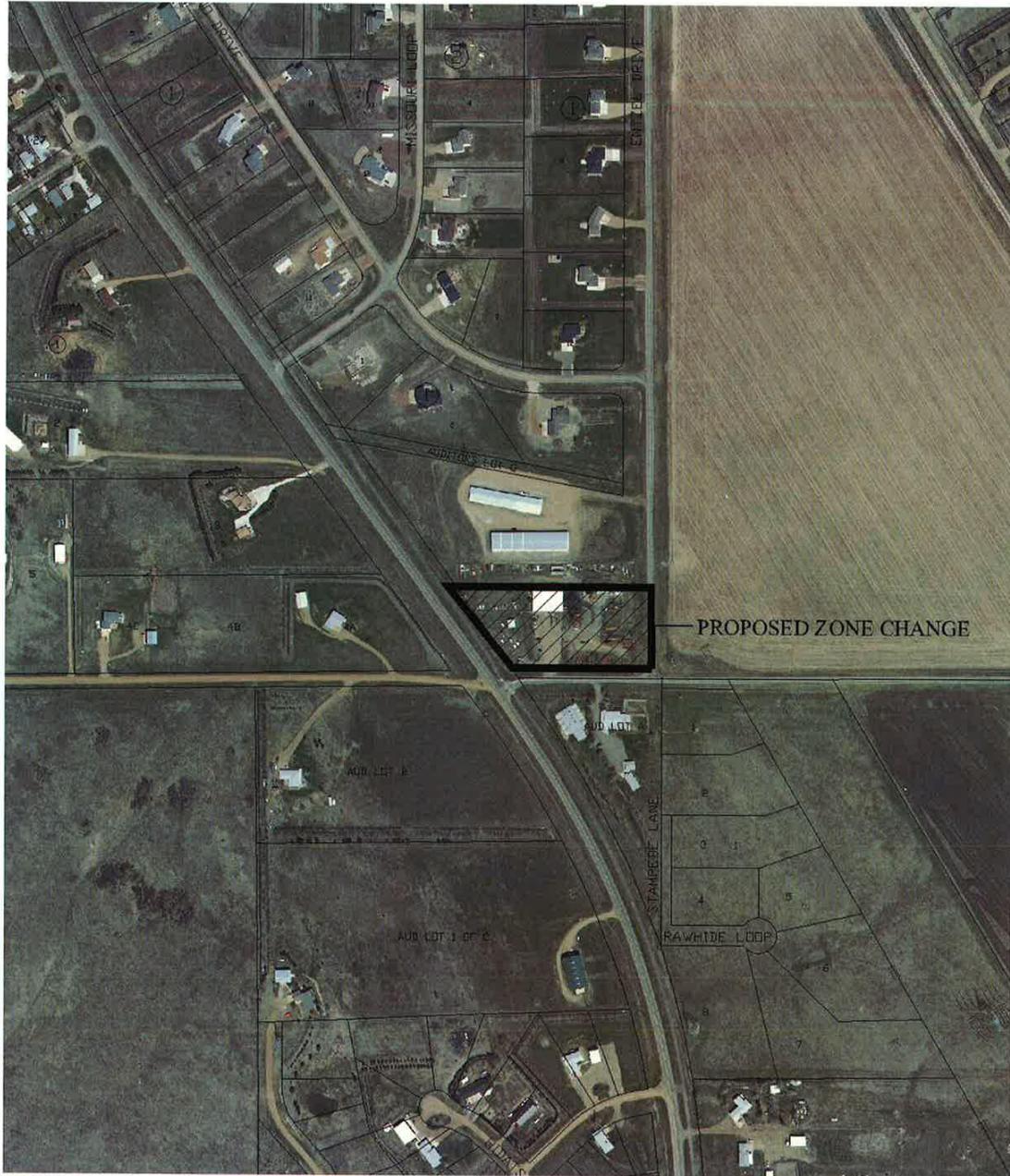
and as so amended said section is hereby reenacted. The city administrator is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

President, Board of City Commissioners

Attest:

City Administrator

Public Hearing:	<u>September 23, 2013</u>
First Consideration:	<u>October 15, 2013</u>
Second Consideration and Final Reading:	<u>November 5, 2013</u>
Publication Date:	_____
Recording Date:	_____



ORDINANCE NO. 1172

An Ordinance to Amend and Re-enact Chapter 7-01 of the Mandan Code of Ordinances Relating to Fire Code

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

Section 7-01-01 of the Mandan Code of Ordinances is hereby amended and re-enacted to read as follows:

Section 7-01-01 Adoption of code.

That a certain document, at least one copy of which is on file in the office of the city administrator of the City of Mandan, being marked and designated as the *International Fire Code*, including Appendix Chapters A, B, C, and D, and ~~E~~, as published by the International Code Council, be and is hereby adopted as the code of the City of Mandan for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City and providing for the issuance of permits for hazardous uses or operations; and each and all of the regulations, provisions, conditions and terms of such *International Fire Code*, ~~2000~~ 2012 edition, published by the International Code Council, on file in the offices of the city administrator and fire chief are hereby referred to, adopted and made a part hereof as if fully set out in this chapter. The International Fire Code as adopted and amended by the board of city commissioners of the city and the provisions of Chapters 7-01, 7-02 and 7-03 shall be known as the Fire Prevention Code.

Section 7-01-07 Amendments to International Fire Code.

The ~~2000~~ 2012 edition of the International Fire Code adopted by the provisions of this chapter and all subsequent editions adopted by resolution of the Board are amended, changed and altered as follows:

1. **307.1 Bonfires and Outdoor Open Burning and Rubbish Fires Prohibited – Variances.** No person may kindle, maintain or assist in maintaining any bonfire, open burning or rubbish fires within the city limits of the city. Rubbish includes trees, grass, leaves, vegetation, other combustible materials and waste material from the construction or demolition of buildings. The board may grant a variance to this prohibition provided special circumstances exist which necessitate open burning and the person conducting the burning conforms to any requirements set by the fire chief or his designee, which may include the posting of an appropriate bond. Any person violating the provisions of this section is guilty of a Class B misdemeanor.

~~1. 2.—307.5~~ **308.1.4 Open-flame devices.** Charcoal burners and other open-flame cooking, heating or decorative devices shall not be operated on combustible balconies or decks or within 10 feet (3048 mm) of combustible construction.

Exceptions:

LP-gas cooking devices having LP-gas container with a water capacity not greater than 20 pounds.

~~3. **307.5.1 Liquefied petroleum gas fueled cooking devices.**—LP gas burners having a LP gas container with a water capacity greater than a nominal 20 pounds (9 kg) LP gas capacity shall not be located on combustible balconies or decks or within 10 feet (3048 mm) of combustible construction.~~

~~4. **503.2 Specifications.**—Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.7. When installation or arrangement of fire apparatus access roads is impractical or unwarranted, temporary or permanent fire lanes may be designated as the need arises in accordance with Section 503.2.8. If a permanent fire lane is intended, appropriate signs and striping must be installed to provide appropriate notice of the designation.~~

503.2.84 Fire LanesObstruction of fire apparatus access roads. The code official or his designated representative is authorized to designate fire lanes on public streets, alleys and parking lots and on private property, devoted to public use. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in section 503.2.1 shall be maintained at all times. Parking of motor vehicles or otherwise obstructing a designated fire lane apparatus access road shall be prohibited and enforcement of such prohibition may be accomplished in the same manner as provided in Section 20-14-26 of the Mandan Code of Ordinances. A violation of this section is a Class B misdemeanor.

~~2. 5. **3301.1.3 5601.1.13 Fireworks.** The possession, manufacture, storage, sale, handling and use of fireworks are prohibited within the city limits.~~

Exceptions:

1. Storage and handling of fireworks as ~~permitted~~ allowed in Section ~~3304~~ 5605 shall not qualify as an exception to the prohibition of storage and handling of fireworks within the city limits.
2. Manufacture, assembly and testing of fireworks as permitted in Section ~~3305~~ 5605 shall not qualify as an exception to the prohibition of manufacture, assembly and testing of fireworks within the city limits.
3. The use of fireworks for display as permitted in Section 3308 5608 is an exception to the prohibition of use of fireworks in the city, provided the requirements of sections ~~3301.2.3~~ 5601.2.3 and ~~3301.2.4~~ 5601.2.4 are met. The possession, use, discharge, or explosion of fireworks, as defined by § 23-15-01, N.D.C.C., not including bottle rockets, is permitted between the hours of 12:00 p.m. and 12:00 a.m. on July 2 and 3, ~~and~~ from the hours of 12:00 p.m. on July 4 to 2:00 a.m. on July 5 of each year, and from the hours of 5:00 p.m. on December 31 to 1:00 a.m. on January 1.

By: _____
President, Board of City Commissioners

Attest:

City Administrator

First Consideration:	<u>November 5, 2013</u>
Second Consideration and Final Passage:	<u>November 19, 2013</u>
Publication Date:	<u>December 13, 2013</u>

ORDINANCE NO. 1173

An Ordinance to Amend and Re-enact
Section 12-02-11 of the
Mandan Code of Ordinances
Relating to Alcoholic Beverage License Expiration

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

Section 12-02-11 of the Mandan Code of Ordinances is hereby amended and re-enacted to read as follows:

Section 12-02-11. Expiration.

Licenses issued under the provisions of this title shall end on June 30th following the date of their issuance unless revoked or ~~canceled~~ suspended as hereinafter described. Any license issued hereunder shall be used by the operations of a facility within six months of its issuance. Failure to use said license within said period of time shall be cause for revocation. In the event of revocation there shall be no refund of any issuance fee or license fee.

By: _____
President, Board of City Commissioners

Attest:

City Administrator

First Consideration: November 5, 2013
Second Consideration
and Final Passage: November 19, 2013
Publication Date: December 13, 2013

ORDINANCE NO. 1174

An Ordinance to Create a New
Section 12-02-08(4) of the Mandan Code of Ordinances
Relating to Transfers of Licenses Limited

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

A new section to Section 12-02-08 of the Mandan Code of Ordinances, Transfers of licenses limited, is hereby created to read as follows:

Section 12-02-08. Transfers of licenses limited.

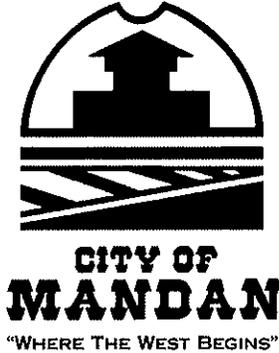
4. The holder of a Class A, D, or D-1 license as of October 15, 2013, shall be permitted to request a transfer of said license on a one-time basis. No further transfers of said license shall be permitted.

By: _____
President, Board of City Commissioners

Attest:

City Administrator

First Consideration: November 5, 2013
Second Consideration
and Final Passage: November 19, 2013
Publication Date: December 13, 2013



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 5, 2013
PREPARATION DATE: October 23, 2013
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Greg Welch
SUBJECT: Administration of Salary Plan

STATEMENT/PURPOSE:

Consider an Ordinance to Amend and Re-enact Section 4-06-10 of the Mandan Code of Ordinances Relating to Administration of Salary Plan.

BACKGROUND/ALTERNATIVES:

The purpose for the changes in Section 4-06-10 is to coincide with the City's practices and procedures in the administration of the salary plan:

- Performance increases replaces step increases due to the City's adoption of a new salary structure, effective July 1, 2013. For the 2013 and 2014 Budgets, the percentage for performance increases is the same as for step increases. Therefore, the only change is in the term.
- Human Resources replaces Commission (Civil Service) since the Commission does not perform the day to day administration of the salary increases. The City's human resource provider (CBI) performs these duties and functions on behalf of the City and forwards the recommendations for employee performance increases from the City's Department Managers to the Personnel Director (City Administrator) for final approval.
- Personnel Director (City Administrator) replaces Board (City Commission) for the final approval of the employee performance increases since the Board does not perform the day to day administration of the salary increases. The Board, however, does approve the City's annual salary Budget, new positions, employee promotions and transfers, etc... The City Administrator is responsible for carrying out and overseeing these functions on behalf of the Board.

These changes have been discussed, reviewed, and approved by the City's Department Managers, Human Resources, and the City Administrator.

ATTACHMENT:

Ordinance No. 1175

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

Ordinance was prepared by Malcolm Brown, City Attorney.

RECOMMENDATION:

To approve the introduction and first consideration of Ordinance 1175, An Ordinance to Amend and Re-enact Section 4-06-10 of the Mandan Code of Ordinances Relating to Administration of Salary Plan.

SUGGESTED MOTION:

Move to approve the introduction and first consideration of Ordinance 1175, An Ordinance to Amend and Re-enact Section 4-06-10 of the Mandan Code of Ordinances Relating to Administration of Salary Plan.

ORDINANCE NO. 1175

An Ordinance to Amend and Re-enact
Section 4-06-10 of the
Mandan Code of Ordinances
Relating to Administration of Salary Plan

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

Section 4-06-10 of the Mandan Code of Ordinances is hereby amended and re-enacted to read as follows:

Section 4-06-10. Administration of salary plan.

4. Salary Increases. Subject to the level of municipal appropriations, and the approval of the board, step performance increases will be granted based upon a merit system. Appraisers will recommend, to ~~the commission~~ Human Resources, employees for a step performance increase. ~~The commission~~ Human Resources will in turn forward its list of employees recommended for step performance increases to the ~~board~~ personnel director for final approval. Salary increases approved by the ~~board~~ personnel director must meet the following criteria:

- a. No salary advancement shall be given an employee until the employee has successfully completed the probationary period with the exception of probationary employees who were laterally transferred.
- ~~b. A two step increase may be granted to an employee for exceptional performance.~~
- ~~c. Increases shall be more difficult to obtain the higher the step an employee is in the classification grade.~~
- ~~d. b.~~ Employees who have been promoted or demoted shall not be eligible for a merit increase until six months after the action was taken.
- ~~e. Employees in steps one or two of a classification, who meet performance expectations, are annually eligible to receive a salary increase.~~
- ~~f. Salary increases beyond step 3 must be justified with performance that exceeds expectations and are classified as merit increases.~~

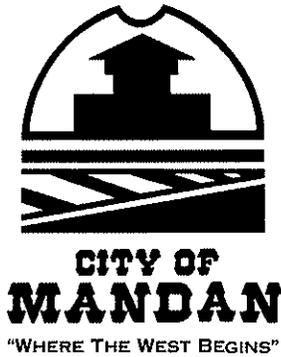
By: _____
President, Board of City Commissioners

Attest:

City Administrator

First Consideration: _____
Second Consideration
and Final Passage: _____

(Ordinance No. 1175)



Board of City Commissioners

Agenda Documentation

MEETING DATE: November 5, 2013
PREPARATION DATE: October 30, 2013
SUBMITTING DEPARTMENT: Finance
DEPARTMENT DIRECTOR: Greg Welch
PRESENTER: Greg Welch
SUBJECT: Pension Contributions of the City

STATEMENT/PURPOSE:

Consider an Ordinance to Amend and Re-enact Section 4-09-05 of the Mandan Code of Ordinances Relating to Pension Contributions of the City.

BACKGROUND/ALTERNATIVES:

The purpose for the change in Section 4-09-05 is to update the City's contribution percentage to the employee pension plan.

Currently, the City contributes eight percent of the compensation for eligible employees to the pension plan while the employees are required to contribute two percent.

This Section was not updated when the City approved, on September 3, 2002, the contribution increase from six percent to seven percent to the pension plan, effective January 1, 2003. Nor was this Section updated when the Board of City Commissioners approved, on June 18, 2013, to increase the contribution from seven percent to eight percent, effective July 1, 2013.

ATTACHMENT:

Ordinance No. 1176

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

Ordinance was prepared by Malcolm Brown, City Attorney.

RECOMMENDATION:

To approve the introduction and first consideration of Ordinance 1176, An Ordinance to Amend and Re-enact Section 4-09-05 of the Mandan Code of Ordinances Relating to Contributions of City.

SUGGESTED MOTION:

Move to approve the introduction and first consideration of Ordinance 1176, An Ordinance to Amend and Re-enact Section 4-09-05 of the Mandan Code of Ordinances Relating to Pension Contributions of the City.

ORDINANCE NO. 1176

An Ordinance to Amend and Re-enact
Section 4-09-05 of the
Mandan Code of Ordinances
Relating to Contributions of City

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

Section 4-09-05 of the Mandan Code of Ordinances is hereby amended and re-enacted to read as follows:

Section 4-09-05. Contributions of city.

The city shall each year pay to the trustee an amount for allocation, which amount shall be ~~six~~ eight percent of the compensation of the employees.

By: _____
President, Board of City Commissioners

Attest:

City Administrator

First Consideration: _____
Second Consideration
and Final Passage: _____

**RESOLUTION
APPROVING CONTRACT DOCUMENTS FOR
Mandan Water Treatment Plant, Phase II Optimization**

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

1. It is hereby found and determined that this Board has heretofore caused Notice for Advertisement for Bids to be made for the Mandan Water Treatment Plant, Phase II Optimization project of said City, and has duly and publicly opened and considered said bids received pursuant to said Notice.
2. Said improvements are hereby ordered to be constructed in accordance with the plans and specifications therefore as heretofore adopted by this Board pursuant to a resolution duly adopted by this Board.
3. It is hereby found and determined that contract with PKG Contracting Inc. for General Construction with Alternate #1 be entered in to at an amount of \$1,038,900.00.
4. It is hereby found and determined that contract with Edling Electric Inc. for Electrical Construction be entered in to at an amount of \$42,320.00.
5. It is hereby found and determined that both contractors are known reputable contractors capable of completing these projects for the City of Mandan.
6. The President of the Board of City Commissioners of the City of Mandan and City Auditor are hereby authorized and directed to make and enter into contracts with said bidders on the part of the City, in the form prescribed by Sections 40-22-35 and 40-22-35, N.D.C.C. as amended, provided that said bidders shall within ten (10) days from this date execute said contract and a construction bond conditioned in accordance with the provisions of Sections 40-22-30 and 40-22-32 of said Code.

Dated this 5th day of November, 2013

Arlyn Van Beek, President of the
Board of City Commissioners

Attest:

James Neubauer,
City Administrator

**RESOLUTION
APPROVING CONTRACT DOCUMENTS FOR
Mandan Water Treatment Plant Intake Study and Report**

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

1. It is hereby found and determined that STANDARD FORM OF AGREEMENT BETWEEN OWNER AND ENGINEER FOR STUDY AND REPORT PHASE PROFESSIONAL SERVICES be entered in to with AE2S

Dated this 5th day of November, 2013

Arlyn Van Beek, President of the
Board of City Commissioners

Attest:

James Neubauer,
City Administrator