

**AGENDA**  
**MANDAN CITY COMMISSION**  
**NOVEMBER 6, 2012**  
**ED "BOSH" FROEHLICH MEETING ROOM,**  
**MANDAN CITY HALL**  
**\*4:00 P.M. \*(SPECIAL TIME)**  
**[www.cityofmandan.com](http://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. MINUTES:
1. Consider approval of the following minutes from the Board of City Commission meetings:
    - i. October 16, 2012 – Regular meeting
    - ii. October 31, 2012 – Special Meeting
- C. PUBLIC HEARING:
1. *(Scheduled for 4:30 p.m.)* Public Hearing to consider an Ad Valorem tax exemption for Mandan Hotel Group – Comfort Inn.
- D. BIDS:
- E. CONSENT AGENDA:
1. Approve the MOU with the Mandan School District for the School Resource Officer Program.
  2. Consider approval of a variance – Douglas Bohl
  3. Consider for approval the final plat of Titan Addition.
  4. Consider the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions).
  5. Consider the creation of, approval of the feasibility report for, approve the plans and specifications for and authorize a call for bids on Water & Sewer Improvement District No. 60, Project 2012-21 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions).
  6. Consider budget amendment to the 2012 Forestry Department Budget to replace old Chipper.
  7. Consider closing Administrative offices day after Thanksgiving.
  8. Consider games of chance for Bucks for Bales at the Broken Oar from November 6, 2012 through December 17, 2012.
  9. Consider transferring Capital Outlay funds from the 2013 Street Department Budget to purchase Front End Loaders and snow removal equipment in 2012.

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F. OLD BUSINESS:

1. Request to vacate resolutions approved September 18<sup>th</sup>, 2012, for Project # 2012-20 Street Improvement District 176 (Lakewood 6<sup>th</sup> & 7<sup>th</sup>) and Project # 2012-21 Water and Sewer District 60 (Lakewood 6<sup>th</sup> & 7<sup>th</sup>)

G. NEW BUSINESS:

1. Introduction of new Police Officers:
  - i. Jared Lemieux
  - ii. Joshua Pastir
2. Consider authorizing a work change order on Street Improvement District No. 174, Project No. 2012-16 (Plainview Heights 13<sup>th</sup> Addition).
3. ~~Reviewing addresses for Keidel South Terrace Development (Duplicate - see New Business No. 9.)~~
4. Consider approval of a Class F beer and wine liquor license for Cory Zimmer at 210 W. Main Street formerly known as Mysteria Theatre.
5. Consider Growth Fund Committee recommendation on a property tax incentive for a new business – Mandan Hotel Group at for construction adjacent to 27<sup>th</sup> Street NW
6. Consider the creation of, approve the feasibility report for, approve the plans and specifications for, and authorize the advertisement of the Resolution of Necessity for Street Improvement District No. 163 Project # 2012-01 (Sunset Drive NW).
7. Consider the creation of, approve the feasibility report for, approve the plans and specifications for Storm Sewer Improvement District No. 32 Project # 2012-23 (Sunset Drive NW).
8. Consider the creation of, approve the feasibility report for, approve the plans and specifications for Water & Sewer Improvement District No. 61 Project # 2012-24 (Sunset Drive NW).
9. Consider approval of residents requesting to re-establish their previous house number changes in the new Keidel's South Terrace development.

H. RESOLUTIONS AND ORDINANCES:

1. *Consider second consideration and final passage of Ordinance No. 1133 Zone Change for Meadows 6<sup>th</sup> Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.*
2. *Consider second consideration and final passage of Ordinance 1131, An ordinance annexing certain adjoining lands to the City of Mandan, North Dakota, and extending the corporate boundaries thereof (tract of land being a part of 2-138N-81W).*
3. *Consider introduction and first consideration of Ordinance No. 1132 - An Ordinance to Create and Enact Chapter 14-12 of the Mandan Code of Ordinances Relating to Prohibition Against Occupying a*

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Recreational Vehicle or Camper Vehicle for the Purpose of a Residence Within the City Limits of Mandan.

4. Consider Financing Resolution for Street Improvement District #161 (North Mandan Street Project). *(Note: Bond sale was approved by the Board on October 31, 2012)*
  5. Consider Resolution Authorizing Issuance of \$5,155,000 Refunding Improvement Bonds of 2012, Series B. *(Note: Relates to Agenda item H.4)*
- I. OTHER BUSINESS:
- J. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:
1. November 20, 2012
  2. December 4, 2012
  3. December 18, 2012
- K. ADJOURN

*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: September 28, 2012

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 06, 2012, 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**

Gary Schmidt	Water Plant Operator III	11/16/72
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**35 YEARS OF SERVICE: \$70**

Richard Barta	Assessor/Building Inspection Official	03/22/77
Lori Flaten	Police Lieutenant/CID	08/04/77

**30 YEARS OF SERVICE: \$60**

Dennis Braun	Firefighter	09/23/82
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**25 YEARS OF SERVICE: \$50**

Jon Benz	Senior Appraiser/Inspector	08/03/87
Terry Piper	Circulation/Technical Service Assistant	02/10/87
Chris Miller	Police Lieutenant/Information Technology	11/23/87
Ed Boehm	Equipment Operator II	04/27/87
Steve Himmelspach	Wastewater Plant Superintendent	11/02/87

**20 YEARS OF SERVICE: \$40**

Greg Welch	Finance Director	07/20/92
Bruce Beehler	Fire Captain	02/23/92
Ray Eckroth	Firefighter/Safety Officer	07/07/92

**15 YEARS OF SERVICE: \$30**

Steve Kilen	Fire Captain	01/29/97
Daniel Poppe	Police Field Training Officer	03/24/97
Gerald Getz	Equipment Operator II	01/24/97

**10 YEARS OF SERVICE: \$20**

Calvin Bullinger	Animal Control Officer	03/18/02
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**5 YEARS OF SERVICE: \$10**

Nancy Moser	Administrative Assistant	03/12/07
Deb Zodrow	Administrative Technician	01/08/07
Eddy Olson	Senior Building and Grounds Worker	01/29/07
Clayton Schaff	Firefighter/EMT	09/12/07
Linda Austin	Children's Program Coordinator	11/14/07
Patrick Haug	Police Sergeant	01/22/07
Peter Czapiewski	Police Detective	01/16/07
Robert McClure	Equipment Operator I	05/07/07

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

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The Mandan City Commission met in regular session at 5:30 p.m. on October 16, 2012 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Rohr, Frank, and Braun. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Fire Chief Nardello, Business Development and Communications Director Huber, Engineering Project Manager Kim Fettig and City Assessor Barta. Absent: Commissioner Tibke and Director of Public Works Wright.

MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission meetings: October 2, 2012 – Regular meeting and October 4, 2012 – Special Meeting.* Commissioner Frank moved to approve the minutes of the October 2, 2012 Regular meeting and the October 4, 2012 Special Meeting. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

PUBLIC HEARING:

BIDS:

CONSENT AGENDA:

1. *Consider approval of monthly bills.* The Board approved of the monthly bills.
2. *Consider for approval the special assessments for Weed Cutting of 2012, Sidewalks of 2012 and, Health and Safety of 2012.* The Board approved of the special assessments for Weed Cutting of 2012, Sidewalks of 2012; Health and Safety of 2012.
3. *Consider for approval the assessment of delinquent accounts for 2012.* The Board approved of the assessment of delinquent accounts for 2012.
4. *Consider appointment of Phyllis Hager as Special Assessment Analyst, a temporary part-time position in the Engineering Department.* Commissioner Rohr extended a thank-you to Phyllis Hager for assisting with the Special Assessment project. He stated that her expertise in City government from her past employment with the City will be very beneficial. The Board approved of the appointment of Phyllis Hager as a Special Assessment Analyst, a temporary part-time position in the Engineering Department.
5. *Consider for Approval Acceptance of a State Lottery Grant Program Funds for Calendar Year 2013.* The Board approved of the State Lottery Grant Program Funds for Calendar Year 2013.
6. *Consider approval of Meadows 6<sup>th</sup> Addition zone change. (First consideration of ordinance #1133).* The Board approved of Meadows 6<sup>th</sup> Addition zone change. (First consideration of ordinance #1133).
7. *Consider the annexation of Plainview Heights 13<sup>th</sup> Addition, in Section 2, Township 138N, Range 81W. (First consideration of ordinance #1131).* The Board approved of the annexation of Plainview Heights 13<sup>th</sup> Addition, in Section 2, Township 138N, Range 81W.
8. *Consider entering into a Cost Participation and Maintenance Agreement with the North Dakota Department of Transportation (NDDOT) for the Federal Aid Highway*

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*Program.* The Board approved of entering into a Cost Participation and Maintenance Agreement with the North Dakota Department of Transportation (NDDOT) for the Federal Aid Highway Program.

9. *Consider entering into a Cost Participation Agreement (CPM) with the NDDOT Memorial Highway Micro Surfacing Main St – 46<sup>th</sup> Ave.* The Board approved of entering into a Cost Participation Agreement (CPM) with the NDDOT Memorial Highway Micro Surfacing Main St – 46<sup>th</sup> Ave.

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

OLD BUSINESS:

NEW BUSINESS:

1. *Introduction of new employees:*

(i) *Police Department: Larrie Cherrey, Police Officer:* Police Chief Bullinger introduced new Police Officer Larrie Cherrey who recently joined the Police Department. Officer Cherrey worked for the Cass County Sheriff's Department from 2007 to 2009. From there he went to the Law Enforcement Academy in Devils Lake, ND. He completed that training and moved to Washington State where he obtained his Bachelor's degree in Criminal Justice at Ashford University. He has served with the ND National Guard since March 2006 to March 2012.

(ii) *Assessing & Building Inspections: (1) Roberta (Bobbie) Olson, Assessing and Inspection Technician:* City Assessor Barta introduced Bobbie Olson who was an abstractor with the Clay County Abstract Office and the Burleigh County Recorder's Office, and (2) *Rachel Hastings, Administrative Assistant:* City Assessor Barta introduced Rachel Hastings who previously worked at the Morton County Tax Director's office.

2. *Consider recommendations for appointments to the Mandan Youth Commission.*

City Administrator Neubauer reviewed with the Board applicants who came forward to serve on the Mandan Youth Commission. He stated that there were 18 applications received. The Liaison Group recommended appointments to the Youth Commission as follows: (5) Mandan Senior High students: Cole Garman, Colton Justice, Ashley Doll, Conner Leingang, Tayler Mikkelson; (3) Mandan Middle School students: Kiara Aman, Casey Beck, Kaycee Fry; and (3) At-Large 18-20 year old members: Hannah Fishbeck, Taylor Glass, Courtney Goetz. The next step will be to organize a meeting and discuss what the Youth Commission would like to see accomplished within the City.

Commissioner Frank moved to approve the appointment of Cole Garman, Colton Justice, Ashley Doll, Conner Leingang, Tayler Mikkelson, Kiara Aman, Casey Beck, Kaycee Fry; Hannah Fishbeck, Taylor Glass, Courtney Goetz to the Mandan Youth Commission. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Absent; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

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**RESOLUTIONS & ORDINANCES:**

1. *Consider a Resolution of Amendment Authorizing the Issuance of Water Improvement Interim Certificates of 2008, Series A and Water Improvement Revenue Bonds of 2008, Series A, and the State Revolving Fund Program Loan Agreement with the North Dakota Public Finance Authority for Optimization Improvements at the Water Treatment Plant.* Finance Director Welch stated the purpose for this amendment is to convert interim financing to permanent financing for the improvements of the Water Treatment Plant. This Board did a similar action for the Sanitary Sewer System recently. This is the same kind of resolution, different project.

Commissioner Frank moved to approve a Resolution of Amendment Authorizing the Issuance of Water Improvement Interim Certificates of 2008, Series A and Water Improvement Revenue Bonds of 2008, Series A, and the State Revolving Fund Program Loan Agreement with the North Dakota Public Finance Authority for Optimization Improvements at the Water Treatment Plant.

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

2. *Consider first consideration of Ordinance No.1133 Zone Change for Meadows 6<sup>th</sup> Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.* Commissioner Frank moved to approve the first consideration of Ordinance No.1133 Zone Change for Meadows 6<sup>th</sup> Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.

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

3. *Consider first consideration of Ordinance 1131, An ordinance annexing certain adjoining lands to the City of Mandan, North Dakota, and extending the corporate boundaries thereof (tract of land being a part of 2-138N-81W).* Commissioner Rohr moved to approve the first consideration of Ordinance 1131, An ordinance annexing certain adjoining lands to the City of Mandan, North Dakota, and extending the corporate boundaries thereof (tract of land being a part of 2-138N-81W).

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

**OTHER BUSINESS:**

1. A Special Meeting date of Wednesday, October 31, 2012, at 12 Noon was scheduled to review and approve a bond sale. Finance Director Welch will contact bond

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counsel to be present. City Administrator Neubauer will prepare the proper notices and provide reminders to Board members.

2. Mayor Van Beek will be addressing the accomplishments of the City of Mandan over the last year and what they propose to accomplish for the upcoming year at the annual State-of-the-City Address to be held in collaboration with the City of Bismarck on Tuesday, October 30, 2012, 7:30 a.m. at the Radisson Hotel. Register by calling 223-5660. This event is hosted by the Bismarck-Mandan Chamber of Commerce.

There being no further actions to come before the Board of City Commissioners, Commissioner Frank moved to adjourn the regular meeting at 5:47 p.m. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

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James Neubauer,  
City Administrator

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Arlyn Van Beek,  
President, Board of City  
Commissioners

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The Mandan City Commission met in special session at 12:00 p.m. on October 31, 2012 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, and Braun. Department Heads present were Finance Director Welch, City Attorney Brown, and City Administrator Neubauer. Absent: Commissioner Frank.

MINUTES:

PUBLIC HEARING:

BIDS:

CONSENT AGENDA:

1. *Consider to waive the competitive bidding requirement for the replacement of boilers at the Memorial Building (City Hall).* Commissioner Rohr asked for confirmation as to the whether the reason for waiving the requirement was the immediate need for repair/replacement of the boilers in City Hall. That was correct. The Board approved waiving the competitive bidding requirement for the replacement of boilers at the Memorial Building (City Hall).

2. *Consider games of chance for the following:*

*i. ND Simmental Association at Kist Livestock from October 23, 2012 through December 15, 2012.* The Board approved of the games of chance for ND Simmental Association at Kist Livestock from October 23, 2012 through December 15, 2012.

*ii. North Dakota Red Angus Association at Kist Livestock from November 1, 2012 through December 1, 2012.* The Board approved of the games of chance for North Dakota Red Angus Association at Kist Livestock from November 1, 2012 through December 1, 2012.

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

OLD BUSINESS:

NEW BUSINESS:

1. *Presentation by Mike Manstrom, Dougherty & Company LLC, regarding the sale of \$5,155,000 Refunding Improvement Bonds of 2012, Series B. (See Resolutions #1.)* Mike Manstrom reviewed the procedure for the sale of the bonds from their Bismarck office and handouts regarding the bids for them. He also indicated that Moody’s rating for Mandan is A1. He recommended moving forward with all this bond issue at this point.

Commissioner Rohr questioned whether these are all the bidders that are involved. Mike Manstrom indicated that the underwriters agree on what portion of maturity, etc. they wish to bid on.

Finance Director Welch mentioned that the Moody’s rating information report is included in the agenda packet documentation.

**RESOLUTIONS & ORDINANCES:**

1. *Consider Resolution Awarding Sale of Warrant and Bonds for Street Improvement District #161.*

Commissioner Rohr moved to approve a Resolution Awarding Sale of Warrant and Bonds for Street Improvement District #161. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Braun: Absent; Commissioner Frank: Yes; Commissioner Van Beek: Yes. The motion passed.

**OTHER BUSINESS:**

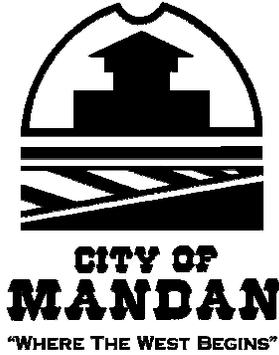
There being no further actions to come before the Board of City Commissioners, Commissioner Tibke moved to adjourn the regular meeting at 12:10 p.m. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

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James Neubauer,  
City Administrator

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Arlyn Van Beek,  
President, Board of City  
Commissioners



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** October 2, 2012  
**PREPARATION DATE:** September 27, 2012  
**SUBMITTING DEPARTMENT:** Assessing Dept.  
**DEPARTMENT DIRECTOR:** Richard Barta  
**PRESENTER:** Richard Barta  
**SUBJECT:** Property Tax Incentives for New or Expanding  
Businesses for Mandan Hotel Group

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STATEMENT/PURPOSE: To consider a five year tax exemption for the development of a new 86-unit hotel structure pursuant to North Dakota Century Code 40-57.1.

BACKGROUND/ALTERNATIVES: Don McGuire is asking for an exemption for the construction of a new hotel structure that will carry a Comfort Inn franchise. The Notice to Competitors was published in the October 5th and October 12<sup>th</sup> of the Mandan News and no competitors have submitted a written protest.

SHORT DESCRIPTION OF PROJECT: Mr. McGuire is proposing 45,000 SF 86-unit hotel building.

# OF JOBS TO BE CREATED:

This parcel is also known as Parcel #4240 at 2801 Sunset Dr. N.W

ATTACHMENTS: Application, addendum and hotel rendering.

FISCAL IMPACT: \$169,615 per year

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval of a Property Tax Incentive for New or Expanding Businesses for Mandan Hotel Group in accordance with the recommendation from the Mandan Growth Fund Committee with conditions of a 100% exemption for in years 1-2, 75% in year 3, 50% in year 4 and 25% in year five due to the number of jobs created

meeting all criteria under the City of Mandan's Commercial Property Tax Exemption Policy and Guidelines and also under State Statute.

SUGGESTED MOTION: A motion to approve a Property Tax Incentive for New or Expanding Businesses for Mandan Hotel Group in accordance with the recommendation from the Mandan Growth Fund Committee with the conditions of a 100% exemption in years 1-2, 75% in year 3, 50% in year 4 and 25% in year five due to the number of jobs created meeting all criteria under the City of Mandan's Commercial Property Tax Exemption Policy and Guidelines and also under State Statute.

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

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

Project Operator's Application To City of Mandan, ND  
City or County

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

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

**This application is a public record**

**Identification Of Project Operator**

1.	Name of project operator	<u>Mandan Hotel Group</u>	
2.	Address of project	<u>Property Hasn't Been Subdivided (see Item 11)</u>	
	City	<u>Mandan</u> County <u>Morton</u>	
3.	Mailing address of project operator	<u>1908 River Drive</u>	
	City	<u>Mandan</u> State <u>ND</u> Zip <u>58554</u>	
4.	Type of ownership of project		
	<input checked="" type="checkbox"/> Partnership	<input type="checkbox"/> Subchapter S corporation	<input type="checkbox"/> Individual proprietorship
	<input type="checkbox"/> Corporation	<input type="checkbox"/> Cooperative	<input type="checkbox"/> Limited liability company
5.	Federal Identification No. or Social Security No.	<u>Obtaining</u>	
6.	North Dakota Sales and Use Tax Permit No.	<u>Will Apply</u>	
7.	If a corporation, specify the state and date of incorporation	_____	
8.	Name and title of individual to contact	<u>Don McGuire</u>	
	Mailing address	<u>1908 River Drive</u>	
	City, State, Zip	<u>Mandan, ND 58554</u> Phone No. <u>701-220-0973</u>	

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

9.	Indicate the tax incentives applied for and terms. Be specific.	
	<input checked="" type="checkbox"/> <b>Property Tax Exemption</b>	<input type="checkbox"/> <b>Payments In Lieu of Taxes</b>
	<u>5</u> Number of years	_____ Beginning year _____ Ending year
	<u>100%</u> Percent of exemption	_____ Amount of annual payments (attach schedule if payments will vary)
10.	Which of the following would better describe the project for which this application is being made:	
	<input checked="" type="checkbox"/> New business project	<input type="checkbox"/> Expansion of a existing business project

Description of Project Property

11. Legal description of project real property See Attached - Mandan Section 16 Township 139N, Range 81 West 90,280 sqft of Auditor's Lot L SW 1/4 of SE 1/2	
12. Will the project property be owned or leased by the project operator? <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Leased  If the answer to 12 is leased, will the benefit of any incentive granted accrue to the project operator? <input type="checkbox"/> Yes <input type="checkbox"/> No  If the property will be leased, attach a copy of the lease or other agreement establishing the project operator's benefits.	
13. Will the project be located in a new structure or an existing facility? <input checked="" type="checkbox"/> New construction <input type="checkbox"/> Existing facility  If existing facility, when was it constructed? _____  If new construction, complete the following: a. Estimated date of commencement of construction of the project covered by this application <u>Fall 2012</u> b. Description of project to be constructed including size, type and quality of construction Motel 86 Units with Indoor Pool 47,724 sqft Building Wood Frame c. Projected number of construction employees during the project construction <u>Over 240 * Attachment</u>	
14. Approximate date of commencement of operations for this project <u>Summer 2013</u>	
15. Estimated market value of the property used for this project:  a. Land ..... \$ <u>90,300.00</u>  b. Existing buildings and structures for which an exemption is claimed ..... \$ _____  c. Newly constructed buildings and structures when completed ..... \$ <u>8,409,700.00</u>  d. Total ..... \$ <u>8,500,000.00</u>  e. Machinery and equipment ..... \$ _____	16. Estimate taxable valuation of the property eligible for exemption by multiplying the market values by 5 percent:  a. Land (not eligible) .....   b. Eligible existing buildings and structures ..... \$ <u>0</u>  c. Newly constructed buildings and structures when completed ..... \$ <u>420,485.00</u>  d. Total taxable valuation of property eligible for exemption (Add lines b and c) ..... \$ <u>420,485.00</u>  e. Enter the consolidated mill rate for the appropriate taxing district ..... <u>0.40</u>  f. Annual amount of the tax exemption (Line d multiplied by line e) ..... \$ <u>169,615.00</u>

**Description of Project Business**

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

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

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

86 Unit Motel

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

Pool Equipment  
 Make-Up Air Units  
 HVAC Equipment

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

Year	2014	2015	2016	2017	2018
Annual revenue	2,178,000	2,327,250	2,452,500	2,637,500	2,840,000
Annual expense	2,193,000*	2,211,000*	2,230,000*	2,249,000*	2,369,000*
Net income	-15,000	116,250	222,555	388,500	471,000

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

Year	2014	2015	2016	2017	2018
No. of Employees	(1) 17	18	19	20	20
	(2) 6	7	8	9	10
Estimated payroll	(1) 420,000	440,000	465,000	485,000	510,000
	(2) 90,000	92,500	95,000	97,500	100,000

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

**Previous Business Activity**

22. Is the project operator succeeding someone else in this or a similar business?  Yes  No
23. Has the project operator conducted this business at this or any other location either in or outside of the state?  
 Yes\*  No
24. Has the project operator or any officers of the project received any prior property tax incentives?  Yes\*  No
- If the answer to 22, 23, or 24 is yes, give details including locations, dates, and name of former business (attach additional sheets if necessary).

Bismarck, ND - Comfort Inn 1982; Comfort Suites 1997; Mainstay Suites 2011 \*

**Business Competition**

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

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

Seven Seas; North Country Inn; River Tree Inn; TP Motel; Ridge Motel; Colonial Motel;  
 Mandan, ND

**Property Tax Liability Disclosure Statement**

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

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

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

**Use Only When Reapplying**

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

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

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

- moved to a new location
- had a change in project operation or additional capital investment of more than twenty percent
- had a change in project operators

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

**Notice to Competitors of Hearing**

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

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

[Signature] PARTNER 10/11/12  
 Signature Title Date

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

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

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

Property Tax Exemption  Payments in lieu of taxes

\_\_\_\_\_ Number of years \_\_\_\_\_ Beginning year \_\_\_\_\_ Ending year

\_\_\_\_\_ Percent of exemption \_\_\_\_\_ Amount of annual payments (Attach schedule if payments will vary)

\_\_\_\_\_  
 Auditor

**Addendum to Application for Property Tax Incentives**

**New or Expanding Businesses**

**Mandan Hotel Group**

**October 1, 2012**

General Information

The project operator, Mandan Hotel Group, is submitting this application for tax incentives for the development of a new hotel in Mandan. The hotel will be an 86-unit structure and carry a Comfort Inn franchise. The hotel structure will have the capability to be expanded by 40 rooms in the future. The hotel will not be a convention center.

This hotel project will be the first investment in a new hotel in Mandan since 1997. There has not been any expansion or substantial remodeling of existing Mandan hotels since 2006. The City of Bismarck has recently, in 2011, granted a tax exemption for the remodel of Comfort Suites in Bismarck in the amount of \$65,000.00.

This tax incentive request is for a 100% exemption for 5 years. The resulting annual property tax exemption is estimated at \$169,000 based on the estimated value of the constructed building. Since the majority of Mandan hotel's competition will be in the Bismarck community, below are some Bismarck hotel's yearly property tax:

Proposed - 86 Room Mandan Hotel	\$169,615 (Projected)	\$1,972/Room
148 Room Comfort Inn	\$73,126	\$494/Room
60 Room Comfort Inn Suites	\$44,820	\$747/Room
88 Room Hampton Inn	\$57,319	\$615/Room
77 Room Holiday Inn Express	\$57,404	\$745/Room

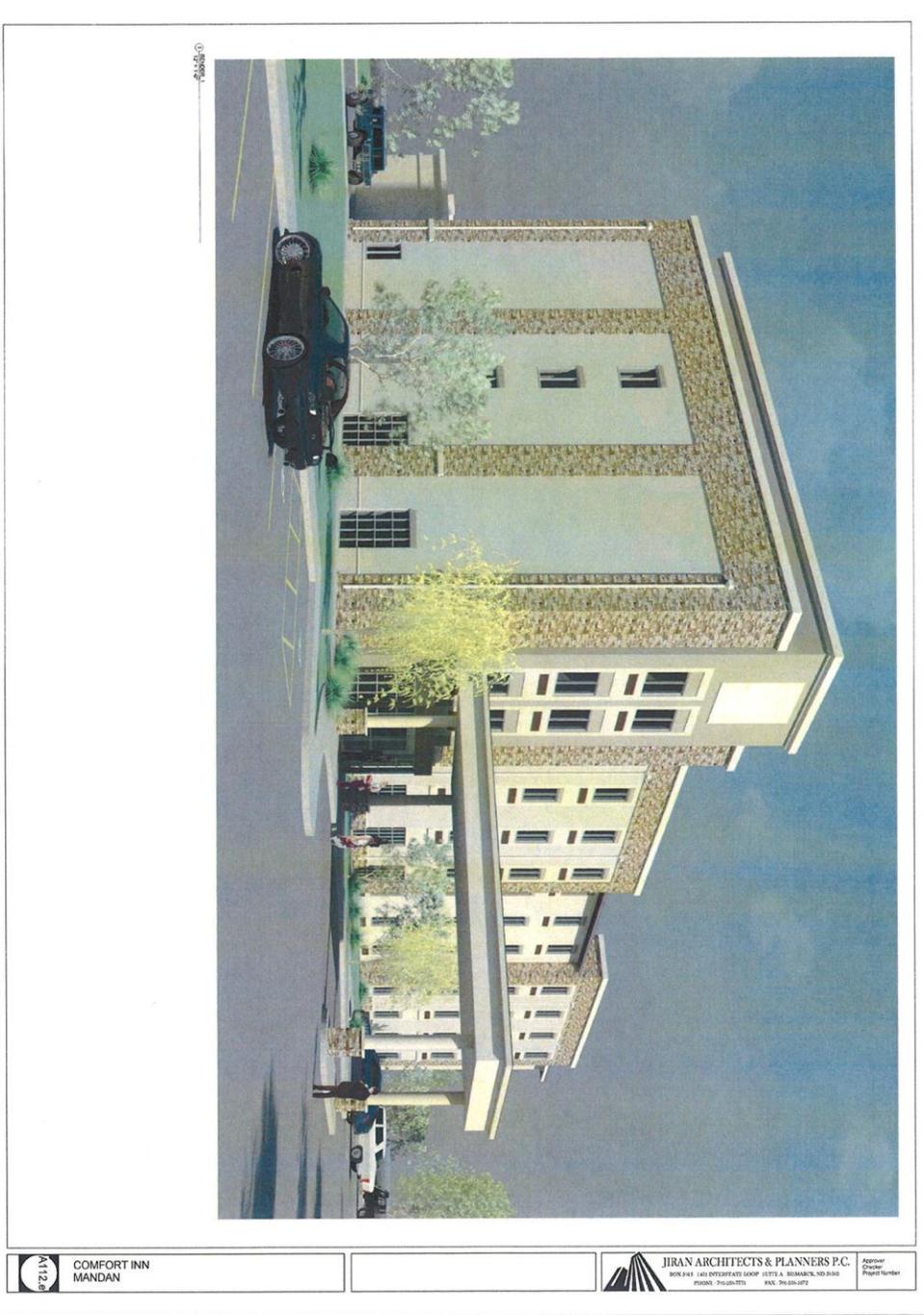
Benefits that will accrue to the City of Mandan in lieu of property taxes will include hotel occupancy and hospitality taxes estimated to be \$45,000.00 on an annual basis. During construction there will be a labor force that relies on services and products furnished by Mandan businesses. After the hotel is occupied there will be guests that will generate income for Mandan businesses. The CVB estimates this to be approximately \$5,000,000.00.

Clarifications to Application

- \* Item 13C During construction over 16 different trades will employ 10 to 15 employees for a total of over 240 employees during the construction duration.
- \* Item 20 Annual Expense – Includes property tax.
- \* Item 23 One partner is involved in a hotel in Bismarck and one partner is involved in hotels in Minot and Williston.
- \* Item 24 A partner received a Bismarck tax incentive.

Attachments

- 1) Hotel Rendering
- 2) Preliminary Hotel Plans





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** November 6, 2012  
**PREPARATION DATE:** October 17, 2012  
**SUBMITTING DEPARTMENT:** Police  
**DEPARTMENT DIRECTOR:** Chief Dennis A. Bullinger  
**PRESENTER:** Chief Dennis A. Bullinger  
**SUBJECT:** Approve and Accept the Memorandum of Understanding (MOU), With the Mandan Public School District, and City of Mandan Police Department, School Resource Officer Program.

**STATEMENT/PURPOSE:** This MOU establishes and delineates the mission of the Mandan Police Department School Resource Officer Program (SRO) as a joint cooperative effort. Additionally, the MOU formalizes relationships between the participating entities in order to foster an efficient and cohesive program that will build a positive relationship between police officers and the youth of our community. Further, the desired net effect is to reduce crime committed by juveniles and young adults.

**BACKGROUND/ALTERNATIVES:** The police department during the past several years assigned officers to the School Resource Officer Program. With increasing calls for services and not being able to retain full staffing levels, priorities moved us from a steady presence at schools to periodic accessibility with the program.

Both the Mandan Board of City Commission and the Mandan School Board approved the hiring of and placement of an officer into the program for 2013. The (MOU) is a contractual agreement between the two entities.

**ATTACHMENTS:** Copy of (MOU)

**FISCAL IMPACT:** Salary & Benefits for one officer, with a shared cost of 75% by the Mandan School District and 25% City of Mandan.

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Approve and Accept the Memorandum of Understanding (MOU), With the Mandan School District, and City of Mandan Police Department.

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STAFF IMPACT: N/A

LEGAL REVIEW: Yes, City Attorney

RECOMMENDATION: Move to approve.

SUGGESTED MOTION: Move to approve the Memorandum of Understanding with the Mandan School Board pertaining to the School Resource Officer Program for year 2013.

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Approve and Accept the Memorandum of Understanding (MOU), With the Mandan School District, and City of Mandan Police Department.

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**Memorandum of Understanding (MOU)**

This Memorandum of Understanding (MOU) is being executed by the below listed entities:

Mandan Public School District

City of Mandan Police Department

Nothing in this MOU should be construed as limiting or impeding the basis spirit of cooperation, which exists between the participating entities, listed above.

**I. Purpose**

This MOU establishes and delineates the mission of the Mandan Police Department School Resource Officer Program (SRO) as a joint cooperative effort. Additionally, the MOU formalizes relationships between the participating entities in order to foster an efficient and cohesive program that will build a positive relationship between police officers and the youth of our community. Further, the desired net effect is to reduce crime committed by juveniles and young adults.

**II. Mission**

The mission of the Mandan Police Department is to promote and support the organizational strategies necessary to address the causes and reduce the fear of crime and social disorder through problem-solving tactics and police-community partnerships. Through the SRO Program, the Department will enhance the services provided to those persons within the School District and the community with an emphasis in the reduction and prevention of school-related violence and crimes committed by juveniles and young adults. The SRO Program will accomplish this mission by creating and maintaining a safe, secure, and orderly learning environment for students, teachers and staff.

**III. Description of General Duties**

The SRO will serve in a variety of roles, including law enforcement officer, law-related educator, problem-solver, and community liaison. The SRO will address crime and disorder problems, gang and drug activities affecting or occurring in or around the School District. The SRO will teach or coordinate law-related education classes. The SRO will continue to build upon the respect and understanding between law enforcement and the school communities. The SRO will identify physical changes in the environment that could reduce crime in and around the School District. The SRO will help develop school policies that address criminal activity and school safety. The SRO will serve as a proactive role model to instill in students high moral standards, good judgment and discretion, respect for other students, and a sincere concern for the school community.

Board of City Commissioners

Agenda Documentation

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Subject: Approve and Accept the Memorandum of Understanding (MOU), With the Mandan School District, and City of Mandan Police Department.

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The SRO will promote citizen awareness to enable students to become better informed and effective citizens. The SRO will empower students with the knowledge of the law, the obligation regarding enforcement, and the consequences for violations.

**IV. Desired Outcomes**

The goals and objectives of the SRO Program are designed to develop and enhance the rapport between youth, police officers, school administrator, parents, and the community.

The goals of the SRO Program are:

1. Keep school campuses safe by providing a law enforcement presence at schools and designated school activities.
2. Reduce incidents of school violence.
3. Investigate juvenile related crimes perpetrated by juveniles, against juveniles, and against the schools.
4. Develop rapport with students, parents, faculty, staff, administrators, and other adults involved or affected by schools in their community.
5. Implement or expand programs which will benefit the students, school district, and the community.
6. Act as a resource for the student, their family and the school and act as a referral agent for matter beyond the scope of the SRO.
7. Act as a liaison between the schools and the police department.

**V. Parties Responsibilities**

The Mandan Police Department will provide:

1. The law enforcement related equipment and uniforms necessary for the SRO to fulfill their responsibility as a police officer.
2. Payment of overtime unless the overtime period is requested by the School District.
3. Payment of twenty-five percent (25%) of the cost of salary and benefits during the contact period.
4. Payment of costs associated with training, certification, and licensing relating to the SRO's law enforcement duties.
5. Payment of any expenses that are strictly police related.
6. Fuel and vehicle expenses.

The Mandan School District will provide:

1. Payment of seventy-five percent (75%) of the cost of salary and benefits during the contact period.
2. Payment of overtime requested by the School District.
3. Payment of costs associated with materials, supplies, office equipment, and other immediate costs associated with the SRO program.
4. Payment of any expenses that are strictly school related.

Board of City Commissioners

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Subject: Approve and Accept the Memorandum of Understanding (MOU), With the Mandan School District, and City of Mandan Police Department.

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VI. **Financial Reporting/Billing**

The Mandan Police Department will be responsible for submitting financial reports on a quarterly basis.

VII. **Information Sharing**

The Mandan School District will share student information with The SRO and other Mandan Police Department employees in compliance with 34 code of Federal Regulations (CFR) Part 99 Family Education Rights and Privacy Act (FERPA).

The SRO and other employees of the Mandan Police Department shall provide information to the District as required under:

1. North Dakota Century Code (NDCC) 15.1-24-05 Law Enforcement Agencies-Duty to Inform Team relating to violations of law pertaining to alcohol, tobacco, drugs, imitation drugs, drug paraphernalia, driving under the influence, and open container of alcohol.
2. NDCC 12.1-32-15 Offenders against Children and sexual offenders relating to those persons required by law to register as an offender.

The SRO and other employees of the Mandan Police Department may provide information to the District as provided under:

1. NDCC 27-20-51.1 Disclosure of Information Needed to Apprehend Juvenile relating to the apprehension of violent offenders.
2. NDCC 27-20-52 Law Enforcement and Correctional Facility Records relating to the inspection of files and records of juvenile adjudicated or alleged to be delinquent, unruly, or deprived.
3. NDCC 44-04-18.7 Criminal Intelligence Information relating to active investigations or intelligence gathering.

Information the District and the SRO compiled through the use of the Department of Justice School COP software records keeping and tracking system will be mutually available.

VIII. **Supervision Responsibility and Chain of Command for the SRO**

The SRO program will consist of a full time Police Officer sworn to duty by the Mandan Police Department and certified by the North Dakota Peace Officers Standards and Training Board. Further, the SRO shall meet all requirements as set forth by the City of Mandan Police Department's Policy Manual.

The day-to-day operation and administrative control of the SRO Program will be the responsibility of the Mandan Police Department. Responsibility for the conduct of the

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Approve and Accept the Memorandum of Understanding (MOU), With the Mandan School District, and City of Mandan Police Department.

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SRO, both personally and professionally, shall remain with the Department. The Chief of Police shall appoint supervisory personnel to oversee the program consistent with the current chain of command.

When a SRO position becomes available, notice will be given to all sworn employees through regular postings. Interested persons will adhere to Mandan Police Department selection criteria as approved by the Chief of Police. The selection process will include an interview board consisting of Department and School District personnel. The final selection decision will be made by the Chief of Police. The SRO assignment will be for a school year and subject to annual review.

Selection criteria may include but will not be limited to:

1. Oral presentation
2. Past performance report
3. Experience
4. Interpersonal skills
5. Education

The duties and responsibilities of the SRO will include but not be limited to:

1. Coordinate with the school administrator in charge of the SRO Program to address crime & disorder problems occurring in or around schools.
2. Act as a liaison between the school, the community, and local law enforcement.
3. Develop or expand crime-prevention efforts for students.
4. Monitor and assist troubled students through mentoring programs.
5. Educate likely school-age victims in crime prevention and safety.
6. Assist in the identification of physical changes in the environment that may reduce crime in or around schools.
7. Assist in developing school policy that addresses crime and recommend procedural changes.

The responsibilities of the Police Department's SRO supervisor will include but not be limited to:

1. Coordinate work assignments of the SRO with school administrators and the police department.
2. Coordinate scheduling and work hours between the police department, the school district, and the SRO to include vacations, sick leave, rescheduled time, and training periods.
3. Approve police reports generated by the SRO relating to criminal offenses occurring on or near the school campus and referrals made by the SRO to outside agencies.

Board of City Commissioners

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Subject: Approve and Accept the Memorandum of Understanding (MOU), With the Mandan School District, and City of Mandan Police Department.

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4. Ensure SRO remains in compliance of the Police Department Manual.

The responsibilities of the Mandan School District will be to provide the SRO the following materials and facilities which are deemed necessary to the performance of the SRO duties:

1. Access to climate controlled and properly lighted private office space which may be used for general business.
2. A filing cabinet for files and records with may be locked and secured.
3. A desk with drawers, chairs, worktable, and office supplies.
4. Access to a telephone, computer system and printer, fax, copier.

The Mandan School District will allow the SRO the following opportunities and access to the student, parents, facility, and staff which are deemed necessary to the performance of the SRO duties:

1. Opportunity for classroom participation and formal programs conducted by the SRO.
2. Opportunity to address students, parents, facility, and staff about the SRO Program's goals and objectives.
3. Opportunity to provide input regarding criminal justice problems relating to students.

**IX. Decision-Making Authority Regarding Enforcement of Applicable Law and Procedures by the SRO.**

Although the SRO has been placed into a formal educational environment, they are not relieved of the official duties as a law enforcement officer. Decisions to intervene normally will be made when it is necessary to prevent or terminate any criminal act. Citations should be issued, juvenile referrals made, and arrests executed when appropriate and in accordance with department policy.

The SRO Program shall utilize the SRO Triad Concept as set forth by the National Association of School Resource Officers (NASRO). The SRO Triad Concept generally means that the officer assigned to the program is a (1) law enforcement officer, (2) counselor, and (3) teacher. The SRO is first and foremost a law enforcement officer for the City of Mandan Police Department. The SRO shall be responsible for carrying out all the duties and responsibilities of a police officer and shall remain at all times under the control, through the established chain of command, of the Mandan Police Department. All acts of commission or omission shall conform to the guidelines of the Mandan Police Department Manual and be according to law. The SRO will report directly to the SRO supervisor in matters pertaining to teaching assignments and normal law enforcement duties.

Board of City Commissioners

Agenda Documentation

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Subject: Approve and Accept the Memorandum of Understanding (MOU), With the Mandan School District, and City of Mandan Police Department.

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SRO's must realize they are enforcement officers in regards to criminal matters only. SRO's will not enforce any "school or house rules". SRO's are not school disciplinarians and should not assume this role. SRO's will not involve themselves in administrative matters of the Mandan School district which are not criminal offenses.

SRO's are to be used as a resource to assist students, faculty, staff, and all persons involved with the school district.

X. **Term of Contract**

The term of this MOU shall be twelve months, beginning January 1, 2013, and ending December 31, 2013. The MOU may be renewed on an annual basis thereafter upon consent of all parties, provided that the MOU fee shall be adjusted annually to reflect merit or cost of living salary adjustments and/or other increase costs. Any party may cancel this MOU without cause, upon giving 90 days written notice to each party.

As agreed to and in Partnership with

Dennis Bullinger

Chief of Police

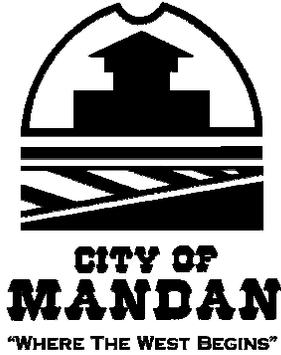
City of Mandan

Date

Superintendent of Schools

Mandan Public Schools District

Date



Consent No. 2

## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** November 6, 2012  
**PREPARATION DATE:** October 29, 2012  
**SUBMITTING DEPARTMENT:** Assessing Dept.  
**DEPARTMENT DIRECTOR:** Richard Barta  
**PRESENTER:** Richard Barta  
**SUBJECT:** Variance Request for Doug & Kristi Bohl at 1801 River Drive NE, Mandan, ND

---

STATEMENT/PURPOSE: To consider variance request to change front setback from 25' to 15' and back setback from 20' to 10'.

BACKGROUND/ALTERNATIVES: Due to the width of the lot, it will be necessary that an variance be granted to allow a structure to be built on this property.

ATTACHMENTS: Variance Request Application and Plat Map.

FISCAL IMPACT: \$0

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: Approval of the resident request to change the setbacks of Lot 1, Block 1, of Riverbend 2<sup>nd</sup> Addition.

**SUGGESTED MOTION:** I recommend the approval of the setbacks on the front to 15' rather than 25' and the back portion of the lot setback be 15' rather than 20'. These are the same setback requirements that are for RM zoning so they are still in compliance with residential zone lot.

**CITY OF MANDAN VARIANCE APPLICATION**

1. Type of Variance (Ordinance) \_\_\_\_\_
2. Brief Description of Request Change front setback from 25' to 15' and back setback from 20' to 10'.
3. Legal Description Lot 1, Block 1, Riverbend Second Addition
4. Property Address 1801 River Drive NE Mandan
4. Name of Owner(s) Doug + Kristi Bohl
- Mailing Address 6004 10<sup>th</sup> Ave NW Mandan ND 58554
- Phone(Home) 400-9358 (Business) 400-9358
5. Zoning District R-7
6. Comments Same set back for RM Setback 15' front

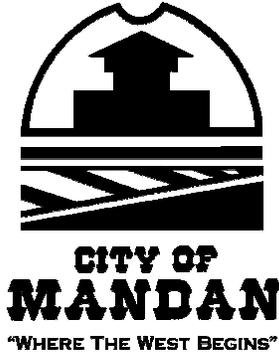
I understand the regulations of the Mandan Ordinance as they pertain to this request. \_\_\_\_\_

Doug Bohl \_\_\_\_\_ 10/22/12  
Signature of Applicant Date

\*\*\*\*\*  
**FOR OFFICE USE ONLY**  
\*\*\*\*\*

Date of Variance Hearing \_\_\_\_\_  
Denied \_\_\_\_\_ Approved \_\_\_\_\_ Approved Conditionally \_\_\_\_\_  
Variance Conditions \_\_\_\_\_  
\_\_\_\_\_  
Building Official Date





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** November 6, 2012  
**PREPARATION DATE:** October 30, 2012  
**SUBMITTING DEPARTMENT:** Planning  
**DEPARTMENT DIRECTOR:**  
**PRESENTER:** Kim Fettig  
**SUBJECT:** Consider for approval the final plat of Titan Addition

---

STATEMENT/PURPOSE: To accept the subject final plat.

BACKGROUND/ALTERNATIVES: Request from Dealer Sites LLC. The Planning & Zoning Commission approved the final plat on October 22, 2012. Twin City Implement added onto their building. To obtain a building permit they agreed to plat.

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

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

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

SUGGESTED MOTION: I move to approve the final plat of Titan Addition.

**MANDAN PLANNING OFFICE REPORT**  
**October 30, 2012**

Applicant: Dealer Sites LLC

Owner: same

Developer:

Requested Action: Final plat approval.

Name of Subdivision: Titan Addition

Legal Description: Lot 1 of Lot C of the SE ¼ of Section 26, Township 139N, Range 81W

Location: 2123 Memorial Highway

Parcel Acreage: 6.98

Number of Blocks: 1                      Number of Lots: 1

Preliminary Plat Approval: Short Form

Existing Land Use: Industrial

Proposed Land Use:

Adjacent Land Use: Industrial and Commercial

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

Proposed Zoning: same

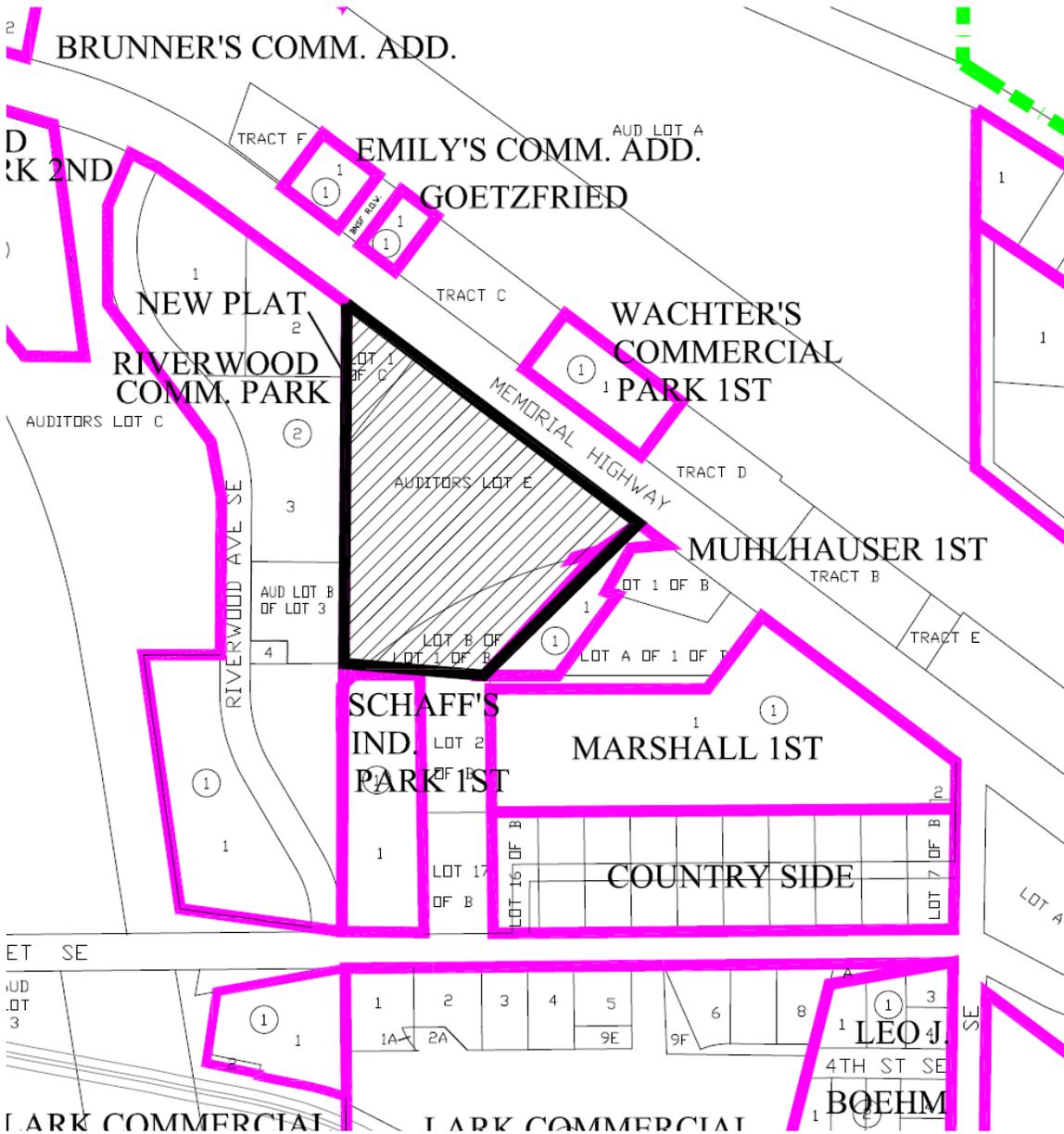
Adjacent Zoning MC (Light Non-Nuisance Industrial/Heavy Commercial), MB (Heavy Industrial/Heavy Commercial), CC (Heavy Commercial)

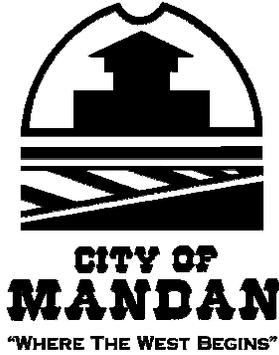
Fee Required: \$250.00                      Date Received: October 4, 2012

Adjacent Property Owner Notification: October 9, 2012

Dates of Legal Notices: October 12<sup>th</sup> & 19<sup>th</sup>, 2012







## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** November 6, 2012  
**PREPARATION DATE:** November 2, 2012  
**SUBMITTING DEPARTMENT:** Engineering  
**DEPARTMENT DIRECTOR:**  
**PRESENTER:** Kim Fettig  
**SUBJECT:** Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report for Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions).

---

**STATEMENT/PURPOSE:** To create and allow the assessments of specials related to, authorize the required paperwork for the requested project, and allow for the project to be bid.

**BACKGROUND/ALTERNATIVES:** The developer is requesting that the City allow the special assessment of street costs to the benefitting properties for the development of an additional subdivision of the Lakewood area, specifically along McKenzie Drive west of 39<sup>th</sup> Avenue SE. This project would construct the streets of McKenzie Drive west of 39<sup>th</sup> Avenue SE. This project would construct the streets of McKenzie Drive (extension), 34<sup>th</sup> Avenue SE and Genoa Court SE. The addition would bring approximately another 35 lots online for building.

**ATTACHMENTS:**

1. Resolution creating district
2. Engineer's Report
3. Resolution of plans and specs
4. Resolution determining sufficiency of petition
5. Feasibility Report
6. District Map

**FISCAL IMPACT:** Based on the estimate of cost included with your documentation, the cost of the project would be \$970,187.07, engineering and administration will add \$242,546.77, bringing the total to \$1,212,733.84. These items would be entirely special assessed to the benefitting properties. The City of Mandan would not participate in any costs as there is no oversizing or over depth utilities with this project.

**STAFF IMPACT:** Minimal

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions).

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

RECOMMENDATION: This office supports moving forward with the project.

SUGGESTED MOTION: I move to approve the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition and feasibility report for Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions).

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions).

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**RESOLUTION CREATING  
STREET IMPROVEMENT DISTRICT NO. 176**

Project No. 2012-20

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

1. There is hereby created Street Improvement District No. 176 (Project# 2012-20) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal street system listed below. The improvement to said streets within this improvement district shall include, but not be limited to, McKenzie Drive SE, Genoa Court SE and 34<sup>th</sup> Avenue SE.

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

The following lots and blocks are included in said District:

All lots & blocks, Lakewood 7<sup>th</sup> Addition  
Lot 1, block 1 Lakewood 6<sup>th</sup> Addition  
Lots 1-9, block 2, Lakewood 6<sup>th</sup> Addition

The legal description of the district boundary is as follows:

Commencing at the Southwesterly corner of Lakewood 6th Addition to the City of Mandan, ND, said point also being the Southeasterly Corner of Lakewood 7th Addition to the City of Mandan, ND; State Plane Coordinates of North 413458.0, East 1882215.3 as shown on the recorded plat of Lakewood 7th Addition; Reception No. 443177 of the Morton County Records, and the point of beginning for this description; thence along the boundary of Lakewood 7th Addition the following courses: South 71°00'59" West, 52.47 feet; thence 729.06 feet along a curve to the right with a radius of 550.00 feet and included angle of 75°03'15"; thence North 33°07'29" West, 505.33 feet; thence North 18°15'11" West, 213.31 feet; thence North 89°52'46" East, 443.04 feet; thence North 00°08'57" West, 499.95 feet; thence North 89°04'42" East, 141.57 feet; thence North 44°59'30" East, 123.43 feet; thence along a non-tangent curve to the right with a radius of 167.00 feet, an included angle of 44°12'43", arc length of 128.86 feet, the chord of which bears South 23°01'39" East; thence South 00°55'18" East, 41.69 feet to the Northwesterly corner of Lakewood 6th Addition; thence along the boundary of said Lakewood Sixth Addition as recorded as Reception No. 442259 of the Morton County Records the following courses: North 89°06'01" East, 126.62 feet; thence 180.77 feet along a curve to the right with a radius of 360.00 feet and included angle of 28°46'12"; thence South 62°07'47" East, 447.60 feet; thence 221.12 feet along a curve to the left with a radius of 440.00 feet and an included angle of 28°47'37"; thence North 89°04'36" East, 664.41 feet; thence South 00°03'48" East, 345.43 feet; thence North 89°46'20" West, 126.95 feet; thence South 00°04'10" East, 355.21 feet; thence South 89°59'15" West, 64.27 feet; thence South 00°03'48" East, 584.38 feet; thence departing the said boundary of Lakewood Sixth Addition and along the southerly lot line

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions).

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of Lot 9, Block 2 of Lakewood Sixth Addition South 78°46'14" West, 487.83 feet to a point on the westerly boundary of said Lakewood Sixth Addition; thence along said westerly boundary the following courses: North 43°29'31" West, 338.33 feet; thence North 28°14'06" West, 164.76 feet; thence North 56°54'29" West, 97.27 feet; thence North 84°33'49" West, 74.74 feet; thence South 71°00'59" West, 133.48 feet to the point of beginning of this description.

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

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

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

ATTEST:

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

Date of Passage: November 6<sup>th</sup>, 2012

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions).

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**RESOLUTION APPROVING ENGINEER'S REPORT AND  
AUTHORIZING PREPARATION OF THE DETAILED PLANS  
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE  
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 176**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 176 (Project # 2012-20), as required by section 40-22-10 of the North Dakota Century Code, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

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

a. Construction costs:	\$970,187.07
b. Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:	\$242,546.77
c. Total estimated costs of the improvement:	\$1,212,733.84

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

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

Dated this 6<sup>th</sup> day of November, 2012.

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

ATTEST:

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

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions).

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McKenzie Drive SE- Streets, Storm  
November 2, 2012

Item No.	Spec. No.	Item	Unit	Quantity	Unit Price	Total Amount
1	SP	CONTRACT BOND	LS	1	\$ 3,000.00	\$ 3,000.00
2	SP	TRAFFIC CONTROL	LS	1	\$ 500.00	\$ 500.00
3	125	MOBILIZATION	LS	1	\$ 4,000.00	\$ 4,000.00
4	204	SUBGRADE PREPARATION	SY	5,788	\$ 2.25	\$ 13,023.00
5	300	CLASS 5 GRAVEL BASE	TON	1,206	\$ 22.00	\$ 26,528.33
6	600	CONCRETE CURB & GUTTER	LF	2,035	\$ 18.00	\$ 36,630.00
7	400	2.5" AC BASE COURSE (CLASS 29)	TON	708	\$ 93.00	\$ 65,813.29
8	400	2.0" AC SURFACE COURSE (CLASS 29)	TON	566	\$ 93.00	\$ 52,650.63
9	400	PG 58-28 ASPHALT CEMENT (6.0%)	TON	8	\$ 550.00	\$ 4,203.56
10	400	TACK COAT	GAL	1,732	\$ 2.50	\$ 4,330.94
11	403	SEAL COAT	GAL	510	\$ 2.75	\$ 1,401.19
12	403	COVER AGGREGATE	TON	46	\$ 55.00	\$ 2,522.14
13	403	BLOTTER SAND	TON	5	\$ 25.00	\$ 127.38
14	1100	STREET NAME POST WITH 2 SIGNS	EA	2	\$ 350.00	\$ 700.00
15	1001	STREET LIGHTS	EA	5	\$ 5,200.00	\$ 26,000.00
16	1200	TOP SOIL - streets	CY	245	\$ 4.50	\$ 1,102.00
17	1201	SEEDING - streets	SY	1,469	\$ 1.50	\$ 2,204.00
18	1201	MULCH - streets	SY	1,469	\$ 1.00	\$ 1,469.33
19	403	STREET SWEEPING	LS	1	\$ 3,000.00	\$ 3,000.00
20	802	18" RCP STORM SEWER	LF	734	\$ 60.00	\$ 44,040.00
21	802	24" RCP STORM SEWER	LF	89	\$ 75.00	\$ 6,675.00
22	802	24" FES	EA	1	\$ 2,500.00	\$ 2,500.00
23	1205	RIP-RAP	TON	4	\$ 350.00	\$ 1,400.00
LABOR & MATERIALS ESTIMATE						\$ 303,820.78
Contingency (10%)						\$ 30,382.08
Design, Surveying & Construction Observation (25%)						\$ 83,550.72
<b>ESTIMATED TOTAL COST</b>						<b>\$ 417,753.68</b>
Cost per LF						\$ 205.28

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions).

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Lakewood 6th & 7th  
**OPINION OF PROBABLE COST**  
 Genoa Court SE - Streets, Storm  
 November 2, 2012

Item No.	Spec. No.	Item	Unit	Quantity	Unit Price	Total Amount
1	SP	CONTRACT BOND	LS	1	\$ 3,000.00	\$ 3,000.00
2	SP	TRAFFIC CONTROL	LS	1	\$ 500.00	\$ 500.00
3	125	MOBILIZATION	LS	1	\$ 4,000.00	\$ 4,000.00
4	204	SUBGRADE PREPARATION	SY	3,667	\$ 2.25	\$ 8,249.75
5	300	CLASS 5 GRAVEL BASE	TON	764	\$ 22.00	\$ 16,805.05
6	600	CONCRETE CURB & GUTTER	LF	1,391	\$ 18.00	\$ 25,038.00
7	400	2.5" AC BASE COURSE (CLASS 29)	TON	445	\$ 93.00	\$ 41,354.86
8	400	2.0" AC SURFACE COURSE (CLASS 29)	TON	356	\$ 93.00	\$ 33,083.89
9	400	PG 58-28 ASPHALT CEMENT (6.0%)	TON	5	\$ 550.00	\$ 2,641.38
10	400	TACK COAT	GAL	1,089	\$ 2.50	\$ 2,721.42
11	403	SEAL COAT	GAL	320	\$ 2.75	\$ 890.46
12	403	COVER AGGREGATE	TON	29	\$ 55.00	\$ 1,584.83
13	403	BLOTTER SAND	TON	3	\$ 25.00	\$ 80.04
14	1100	STREET NAME POST WITH 2 SIGNS	EA	1	\$ 350.00	\$ 350.00
15	1001	STREET LIGHTS	EA	4	\$ 5,200.00	\$ 20,800.00
16	1200	TOP SOIL - streets	CY	167	\$ 4.50	\$ 753.50
17	1201	SEEDING - streets	SY	1,005	\$ 1.50	\$ 1,507.00
18	1201	MULCH - streets	SY	1,005	\$ 1.00	\$ 1,004.67
19	403	STREET SWEEPING	LS	1	\$ 3,000.00	\$ 3,000.00
LABOR & MATERIALS ESTIMATE						\$ 167,354.83
Contingency (10%)						\$ 16,735.48
Design, Surveying & Construction Observation (25%)						\$ 46,022.58
<b>ESTIMATED TOTAL COST</b>						<b>\$ 230,112.89</b>
Cost per LF						\$ 165.43

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions).

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Lakewood 6th & 7th  
 OPINION OF PROBABLE COST  
 34th Avenue SE - Streets, Storm  
 November 2, 2012

Item No.	Spec. No.	Item	Unit	Quantity	Unit Price	Total Amount
1	SP	CONTRACT BOND	LS	1	\$ 3,000.00	\$ 3,000.00
2	SP	TRAFFIC CONTROL	LS	1	\$ 500.00	\$ 500.00
3	125	MOBILIZATION	LS	1	\$ 4,000.00	\$ 4,000.00
4	204	SUBGRADE PREPARATION	SY	6,765	\$ 2.25	\$ 15,222.25
5	300	CLASS 5 GRAVEL BASE	TON	1,409	\$ 22.00	\$ 31,008.29
6	600	CONCRETE CURB & GUTTER	LF	2,617	\$ 18.00	\$ 47,106.00
7	400	2.5" AC BASE COURSE (CLASS 29)	TON	817	\$ 93.00	\$ 75,950.00
8	400	2.0" AC SURFACE COURSE (CLASS 29)	TON	653	\$ 93.00	\$ 60,760.00
9	400	PG 58-28 ASPHALT CEMENT (6.0%)	TON	9	\$ 550.00	\$ 4,851.00
10	400	TACK COAT	GAL	1,999	\$ 2.50	\$ 4,998.00
11	403	SEAL COAT	GAL	588	\$ 2.75	\$ 1,617.00
12	403	COVER AGGREGATE	TON	53	\$ 55.00	\$ 2,910.60
13	403	BLOTTER SAND	TON	6	\$ 25.00	\$ 147.00
14	1100	STREET NAME POST WITH 2 SIGNS	EA	2	\$ 350.00	\$ 700.00
15	1001	STREET LIGHTS	EA	7	\$ 5,200.00	\$ 36,400.00
16	1200	TOP SOIL - streets	CY	315	\$ 4.50	\$ 1,417.50
17	1201	SEEDING - streets	SY	1,890	\$ 1.50	\$ 2,835.00
18	1201	MULCH - streets	SY	1,890	\$ 1.00	\$ 1,890.00
19	403	STREET SWEEPING	LS	1	\$ 3,000.00	\$ 3,000.00
20	802	24" RCP STORM SEWER	LF	1,500	\$ 75.00	\$ 112,500.00
LABOR & MATERIALS ESTIMATE						\$ 410,812.64
Contingency (10%)						\$ 41,081.26
Design, Surveying & Construction Observation (25%)						\$ 112,973.48
<b>ESTIMATED TOTAL COST</b>						<b>\$ 564,867.38</b>
Cost per LF						\$ 215.85

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions).

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**RESOLUTION APPROVING PLANS AND SPECIFICATIONS  
FOR STREET IMPROVEMENT DISTRICT NO. 176  
PROJECT # 2012-20**

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

Pursuant to the requirement of section 40-22-11 of the North Dakota Century Code, the Plans and Specifications for the improvement project in Street Improvement District No. 176 (Project # 2012-20) of said City be and the same are hereby approved, ratified and confirmed as the plans and specifications in accordance with which said improvement project will be constructed, except as modified by this Board in accordance with law, and the City Administrator shall file the same in his office, open for public inspection.

Dated this 6<sup>th</sup> day of November, 2012.

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

ATTEST:

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

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions).

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**RESOLUTION DETERMINING SUFFICIENCY OF FORMS OF PETITION,  
WAIVER AND CONSENT TO ASSESSMENT FOR STREET IMPROVEMENT  
DISTRICT NO. 176**

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

1. The City having received and filed executed written forms of Petition, Waiver and Consent to Assessment executed by Leroy Mitzel, Mandan Public Schools and Edgewood Properties, LLLP, the owners of a majority of property area, for the improvement in and for Street Improvement District No. 176, Project No. 2012-20 ("the District"), and true and correct copies of said executed forms being attached hereto, it is hereby determined that said forms are signed by the owners of a majority of the area of property included within the District.

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

Dated this 6th day of November, 2012

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

ATTEST:

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

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions).

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PETITION FOR PERMANENT STREET, STORM SEWER, SIGNAGE & LIGHTING IMPROVEMENTS

Date: October 23, 2012

To the Honorable Board of City Commissioners  
Mandan, North Dakota

Commissioners:

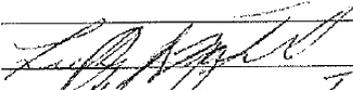
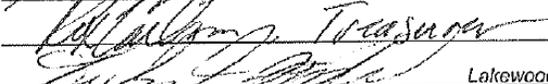
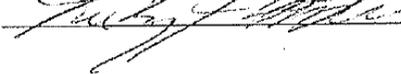
The undersigned owners of the property liable to be assessed for the improvement respectfully petition your Honorable Board to have permanent streets, signs and street lighting improvements completed on the following City right-of-ways (see attached maps):

(Serving Lakewood 6<sup>th</sup> and 7<sup>th</sup> Additions as generally shown on the attached exhibit)

Mackenzie Drive  
~~Oxbow Avenue~~ 34th Avenue SE  
Genoa Court

SIGNATURE (Property Owner/s)

PROPERTY DESCRIPTION

	Lakewood 6 <sup>th</sup> Lot 1 Block 1
	Lakewood 6 <sup>th</sup> Lots 1-8, Block 2
	Lakewood 6 <sup>th</sup> Lot 9, block 2
	Lakewood 7 <sup>th</sup> Lots 1-5, Block 1, Lots 18-25, Block 1

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions).

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

Date: October 23, 2012

To the Honorable Board of City Commissioners  
Mandan, North Dakota

Commissioners:

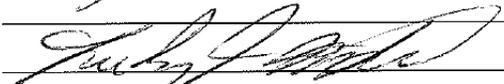
The undersigned owners of the property liable to be assessed for the improvement respectfully petition your Honorable Board to have permanent streets, signs and street lighting improvements completed on the following City right-of-ways (see attached maps):

**(Serving Lakewood 6<sup>th</sup> and 7<sup>th</sup> Additions as generally shown on the attached exhibit)**

Mackenzie Drive  
~~Oxbow Avenue~~ 34th Avenue SE  
Genoa Court

SIGNATURE (Property Owner/s)

PROPERTY DESCRIPTION

	Lakewood 6 <sup>th</sup> Lot 1 Block 1
	Lakewood 6 <sup>th</sup> Lots 1-8, Block 2
	Lakewood 6 <sup>th</sup> Lot 9, block 2
	Lakewood 7 <sup>th</sup> Lots 1-5, Block 1, Lots 18-25, Block 1

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions).

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**FEASIBILITY AND EVALUATION OF IMPROVEMENTS  
FOR STREET IMPROVEMENT DISTRICT #176, PROJECT #2012-20**

1. ) General Nature of Project

The District has been created to allow for new street extension McKenzie Drive SE, 34th Avenue SE and Genoa Court SE. Installation of new curb & gutter, asphalt street, storm sewer, street lights & chip seal will take place with this project.

2. ) Location of Proposed Construction

The proposed construction will take place on McKenzie Drive SE west of its current terminus. 34th Avenue SE is a street extending from McKenzie Drive SE. Genoa Court SE extends from 34th Avenue SE.

3. ) Environmental Impact

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

4. ) Feasibility of Project

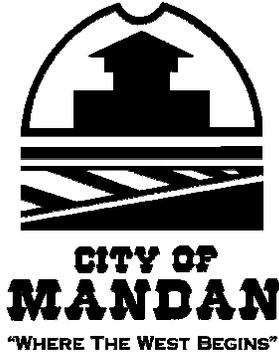
In the opinion of the undersigned this project is feasible and needed throughout the indicated area as new development spreads in this area. The school bought neighboring property and development of this area will follow the school.

5. ) Estimates of Costs

Attached is a map showing the area and district boundary. The construction costs are estimated at \$970,187.07. Other costs of making the improvement including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; publication of legal notices printing of warrants; and all expenses incurred in the making of the improvement and levy of assessments therefore are estimated at \$242,546.77. The total cost for the improvement is estimated at \$1,212,733.84.

  
Dave Thompson  
Acting City Engineer





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** November 6, 2012  
**PREPARATION DATE:** November 2, 2012  
**SUBMITTING DEPARTMENT:** Engineering  
**DEPARTMENT DIRECTOR:**  
**PRESENTER:** Kim Fettig  
**SUBJECT:** Consider the creation of, approve the engineer's report, plans and specifications for, approval of the feasibility report for, and authorize a call for bids on Water & Sewer Improvement District No. 60, Project No. 2012-21 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions).

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

**BACKGROUND/ALTERNATIVES:** The developer has requested the consideration to special assess the water and sewer for the above referenced project. The project would be to extend the water and sewer from its current location to the west and north to the new developments of Lakewood 6<sup>th</sup> and 7<sup>th</sup>.

**ATTACHMENTS:**

1. Resolution creating district
2. Engineer's Report
3. Resolution of plans and specs
4. Advertisement of Bids
5. Feasibility Report
6. District Map

**FISCAL IMPACT:** The estimate of cost for the project would be \$557,371.65, engineering and administration will add \$139,342.91, bringing the total to \$696,714.56. These items would be entirely special assessed to the benefitting properties. The City of Mandan would not participate in any costs as there is no oversizing or over depth utilities with this project. The new school location purchased by the school district will be highly affected by these specials. See the attached documentation for special assessment breakouts.

**STAFF IMPACT:** Minimal

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the engineer's report, plans and specifications for, approval of the feasibility report for, and authorize a call for bids on Water & Sewer Improvement District No. 60, Project No. 2012-21 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions).

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

RECOMMENDATION: This office supports moving forward with the project.

SUGGESTED MOTION: I move to approve the creation of, approve the engineer's report, plans and specifications for, approval of the feasibility report for, and authorize a call for bids on Water & Sewer Improvement District No. 60, Project No. 2012-21 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions).

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the engineer's report, plans and specifications for, approval of the feasibility report for, and authorize a call for bids on Water & Sewer Improvement District No. 60, Project No. 2012-21 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions).

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**RESOLUTION CREATING WATER AND SEWER  
IMPROVEMENT DISTRICT NO. 60**

Project No. 2012-21

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

1. There is hereby created Water and Sewer Improvement District No. 60 of the City of Mandan, North Dakota, for the purpose of making an improvement project of the type specified in subsection (1) of Section 40-22-01 of the North Dakota Century Code, as amended. Said improvement project to consist of the installation of water and sewer mains along McKenzie Drive SE, 34th Avenue SE and Genoa Court SE, along with the construction and erection of all other appurtenances, contrivances and structures used or useful for a successful operation of the City's water supply and sewer system in or on the streets, and public ways within the corporate limits of said City, and to acquire the necessary lands, easements and rights-of-way within the City in connection therewith, all more fully described in the plans and specifications and the estimate of cost thereof to be adopted by the board for said improvement project.

2. Consultation with respect thereto having been had with the City Engineer, as to property to be benefitted by said proposed improvement project (Project No. 2012-21) and the most practical size, form and location of said District, said District shall include all of the following lots, tracts and parcels of land lying within the following boundary lines to-wit:

Lots, Tracts and Parcels in District:

All lots & blocks in Lakewood 7th Addition  
Block 1 Lakewood 6th Addition  
Lots 1-9 block 2 Lakewood 6th Addition

Boundary Lines:

Commencing at the Southwesterly corner of Lakewood 6th Addition to the City of Mandan, ND, said point also being the Southeasterly Corner of Lakewood 7th Addition to the City of Mandan, ND; State Plane Coordinates of North 413458.0, East 1882215.3 as shown on the recorded plat of Lakewood 7th Addition; Reception No. 443177 of the Morton County Records, and the point of beginning for this description; thence along the boundary of Lakewood 7th Addition the following courses: South 71°00'59" West, 52.47 feet; thence 729.06 feet along a curve to the right with a radius of 550.00 feet and in included angle of 75°03'15"; thence North 33°07'29" West, 505.33 feet; thence North 18°15'11" West, 213.31 feet; thence North 89°52'46" East, 443.04 feet; thence North 00°08'57" West, 499.95 feet; thence North 89°04'42" East, 141.57 feet; thence North 44°59'30" East, 123.43 feet; thence along a non-tangent curve to the right with a radius of 167.00 feet, an included angle of 44°12'43", arc length of 128.86 feet, the chord of which bears South 23°01'39" East; thence South 00°55'18" East, 41.69 feet to the Northwesterly corner of Lakewood 6th Addition; thence along the boundary of said Lakewood Sixth Addition as recorded as Reception No. 442259 of the Morton County Records the following courses: North 89°06'01" East, 126.62 feet; thence 180.77 feet along a curve to the right with a radius of 360.00 feet and included angle of 28°46'12"; thence South 62°07'47" East, 447.60 feet; thence 221.12 feet along

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the engineer's report, plans and specifications for, approval of the feasibility report for, and authorize a call for bids on Water & Sewer Improvement District No. 60, Project No. 2012-21 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions).

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a curve to the left with a radius of 440.00 feet and an included angle of 28°47'37"; thence North 89°04'36" East, 664.41 feet; thence South 00°03'48" East, 345.43 feet; thence North 89°46'20" West, 126.95 feet; thence South 00°04'10" East, 355.21 feet; thence South 89°59'15" West, 64.27 feet; thence South 00°03'48" East, 584.38 feet; thence departing the said boundary of Lakewood Sixth Addition and along the southerly lot line of Lot 9, Block 2 of Lakewood Sixth Addition South 78°46'14" West, 487.83 feet to a point on the westerly boundary of said Lakewood Sixth Addition; thence along said westerly boundary the following courses: North 43°29'31" West, 338.33 feet; thence North 28°14'06" West, 164.76 feet; thence North 56°54'29" West, 97.27 feet; thence North 84°33'49" West, 74.74 feet; thence South 71°00'59" West, 133.48 feet to the point of beginning of this description.

3. Said improvements to be an extension of the water supply and sewer system of said City and to be located and/or constructed on the following streets and public places; namely: on McKenzie Drive SE, 34th Avenue SE and Genoa Court SE.

4. The Engineer is hereby authorized and directed to prepare a report as to the general nature, purpose and feasibility of the proposed improvement project to be constructed in and for said District, a map showing the proposed district and an estimate of the probable cost of the work therein.

5. This water and sewer improvement project constitutes an improvement project described in subsection 1 of section 40-22-01 of the North Dakota Century Code and as such a resolution of necessity is not required to be published under the provisions of NDCC Section 40-22-15.

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

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

ATTEST:

\_\_\_\_\_  
James Neubauer, City Auditor

Date of Adoption: November 6th, 2012

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the engineer's report, plans and specifications for, approval of the feasibility report for, and authorize a call for bids on Water & Sewer Improvement District No. 60, Project No. 2012-21 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions).

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**RESOLUTION APPROVING ENGINEER'S REPORT AND  
AUTHORIZING PREPARATION OF THE DETAILED PLANS  
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE  
IMPROVEMENT IN WATER & SEWER IMPROVEMENT DISTRICT NO. 60**

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

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

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

a.	Construction costs:	\$557,371.65
b.	Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:	\$139,342.91
c.	Total estimated costs of the improvement:	\$696,714.56

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

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

Dated this 6<sup>th</sup> day of November , 2012.

BY ORDER OF THE BOARD OF THE CITY COMMISSIONERS

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

ATTEST:

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

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the engineer's report, plans and specifications for, approval of the feasibility report for, and authorize a call for bids on Water & Sewer Improvement District No. 60, Project No. 2012-21 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions).

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Lakewood 6th & 7th  
 OPINION OF PROBABLE COST  
 McKenzie Drive SE- Water, Sanitary  
 November 2, 2012

Item No.	Spec. No.	Item	Unit	Quantity	Unit Price	Total Amount
1	SP	CONTRACT BOND	LS	1	\$ 3,000.00	\$ 3,000.00
2	SP	TRAFFIC CONTROL	LS	1	\$ 500.00	\$ 500.00
3	125	MOBILIZATION	LS	1	\$ 4,000.00	\$ 4,000.00
4	800	PIPE BEDDING	TON	583	\$ 18.00	\$ 10,488.86
5	801	SUBCUT GRAVEL	TON	64	\$ 36.00	\$ 2,292.05
6	900	8" PVC C-900 WATER MAIN	LF	1,085	\$ 38.00	\$ 41,230.00
7	900	6" PVC C-900 HYDRANT LEAD	LF	48	\$ 35.00	\$ 1,680.00
8	900	FITTING 8"x 8" TEE	EA	1	\$ 800.00	\$ 800.00
9	800	FITTING 8"x6" TEE	EA	3	\$ 650.00	\$ 1,950.00
10	900	FITTING 8" X 6" REDUCER	EA	2	\$ 650.00	\$ 1,300.00
11	900	8" GATE VALVE AND BOX	EA	5	\$ 1,500.00	\$ 7,500.00
12	900	6" GATE VALVE AND BOX	EA	3	\$ 1,500.00	\$ 4,500.00
13	900	6" FIRE HYDRANT	EA	5	\$ 3,600.00	\$ 18,000.00
14	1209	1" WATER SERVICE LINE	LF	612	\$ 45.00	\$ 27,540.00
15	1209	1" CURB STOP AND BOX	EA	9	\$ 300.00	\$ 2,700.00
16	1209	8" X 1" WATER SERVICE TAP	EA	9	\$ 225.00	\$ 2,025.00
17	1205	48" SANITARY SEWER MANHOLES	EA	3	\$ 3,500.00	\$ 10,500.00
18	801	8" SDR-35 PVC SANITARY SEWER	LF	1,070	\$ 35.00	\$ 37,464.00
19	801	TELEWISE SANITARY	LF	1,070	\$ 2.25	\$ 2,408.40
20	1209	4" SCH-40 PVC SEWER SERVICE	LF	360	\$ 30.00	\$ 10,800.00
21	1209	8" X 4" SEWER SERVICE CONNECTION	EA	9	\$ 100.00	\$ 900.00
22	801	8" SANITARY SEWER GAP	EA	1	\$ 500.00	\$ 500.00
LABOR & MATERIALS ESTIMATE						\$ 192,078.31
Contingency (10%)						\$ 19,207.83
Design, Surveying & Construction Observation (25%)						\$ 52,821.54
<b>ESTIMATED TOTAL COST</b>						<b>\$ 264,107.68</b>
Cost per LF						\$ 129.78

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

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Lakewood 6th & 7th  
 OPINION OF PROBABLE COST  
 34th Avenue SE - Water, Sanitary  
 November 2, 2012

Item No.	Spec. No.	Item	Unit	Quantity	Unit Price	Total Amount
1	SP	CONTRACT BOND	LS	1	\$ 3,000.00	\$ 3,000.00
2	SP	TRAFFIC CONTROL	LS	1	\$ 500.00	\$ 500.00
3	125	MOBILIZATION	LS	1	\$ 4,000.00	\$ 4,000.00
4	800	PIPE BEDDING	TON	580	\$ 18.00	\$ 10,447.18
5	801	SUBCUT GRAVEL	TON	80	\$ 36.00	\$ 2,158.56
6	900	8" PVC C-900 WATER MAIN	LF	1,155	\$ 38.00	\$ 43,890.00
7	900	6" PVC C-900 HYDRANT LEAD	LF	50	\$ 35.00	\$ 1,750.00
8	900	FITTING 8" X 8" TEE	EA	1	\$ 800.00	\$ 800.00
9	900	FITTING 8" X 6" TEE	EA	4	\$ 650.00	\$ 2,600.00
10	900	FITTING 8" X 6" REDUCER	EA	1	\$ 650.00	\$ 650.00
11	900	8" GATE VALVE AND BOX	EA	5	\$ 1,500.00	\$ 7,500.00
12	900	6" GATE VALVE AND BOX	EA	4	\$ 1,500.00	\$ 6,000.00
13	900	6" FIRE HYDRANT	EA	4	\$ 3,600.00	\$ 14,400.00
14	1209	1" WATER SERVICE LINE	LF	300	\$ 45.00	\$ 13,500.00
15	1209	1" CURB STOP AND BOX	EA	12	\$ 300.00	\$ 3,600.00
16	1209	8" X 1" WATER SERVICE TAP	EA	12	\$ 225.00	\$ 2,700.00
17	900	8" WATER MAIN CAP	EA	1	\$ 750.00	\$ 750.00
18	1205	48" SANITARY SEWER MANHOLES	EA	4	\$ 3,500.00	\$ 14,000.00
19	801	8" SDR-35 PVC SANITARY SEWER	LF	1,185	\$ 35.00	\$ 41,475.00
20	801	TELEWISE SANITARY	LF	1,185	\$ 2.25	\$ 2,666.25
21	1209	4" SCH-40 PVC SEWER SERVICE	LF	300	\$ 30.00	\$ 9,000.00
22	1209	8" X 4" SEWER SERVICE CONNECTION	EA	12	\$ 100.00	\$ 1,200.00
LABOR & MATERIALS ESTIMATE						\$ 186,586.99
Contingency (10%)						\$ 18,658.70
Design, Surveying & Construction Observation (25%)						\$ 51,311.42
<b>ESTIMATED TOTAL COST</b>						<b>\$ 256,557.11</b>
Cost per LF					\$	98.03

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the engineer's report, plans and specifications for, approval of the feasibility report for, and authorize a call for bids on Water & Sewer Improvement District No. 60, Project No. 2012-21 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions).

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Lakewood 6th & 7th  
 OPINION OF PROBABLE COST  
 Genoa Court SE- Water, Sanitary  
 November 2, 2012

Item No.	Spec. No.	Item	Unit	Quantity	Unit Price	Total Amount
1	SP	CONTRACT BOND	LS	1	\$ 3,000.00	\$ 3,000.00
2	SP	TRAFFIC CONTROL	LS	1	\$ 500.00	\$ 500.00
3	125	MOBILIZATION	LS	1	\$ 4,000.00	\$ 4,000.00
4	800	PIPE BEDDING	TON	362	\$ 18.00	\$ 6,513.48
5	801	SUBCUT GRAVEL	TON	40	\$ 36.00	\$ 1,422.72
6	900	8" PVC C-900 WATER MAIN	LF	650	\$ 38.00	\$ 24,700.00
7	900	6" PVC C-900 HYDRANT LEAD	LF	50	\$ 35.00	\$ 1,750.00
8	900	FITTING 8"x6" TEE	EA	2	\$ 650.00	\$ 1,300.00
9	900	8" GATE VALVE AND BOX	EA	2	\$ 1,500.00	\$ 3,000.00
10	900	6" GATE VALVE AND BOX	EA	2	\$ 1,500.00	\$ 3,000.00
11	900	6" FIRE HYDRANT	EA	2	\$ 3,600.00	\$ 7,200.00
12	1209	1" WATER SERVICE LINE	LF	570	\$ 45.00	\$ 25,650.00
13	1209	1" CURB STOP AND BOX	EA	12	\$ 300.00	\$ 3,600.00
14	1209	6" X 1" WATER SERVICE TAP	EA	12	\$ 225.00	\$ 2,700.00
15	1205	48" SANITARY SEWER MANHOLES	EA	4	\$ 3,500.00	\$ 14,000.00
16	801	8" SDR-35 PVC SANITARY SEWER	LF	700	\$ 35.00	\$ 24,500.00
17	1209	8" X 4" SEWER SERVICE CONNECTION	EA	12	\$ 100.00	\$ 1,200.00
LABOR & MATERIALS ESTIMATE						\$ 128,036.20
Contingency (10%)						\$ 12,803.62
Design, Surveying & Construction Observation (25%)						\$ 35,209.96
<b>ESTIMATED TOTAL COST</b>						<b>\$ 176,049.78</b>
Cost per LF						\$ 126.56

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the engineer's report, plans and specifications for, approval of the feasibility report for, and authorize a call for bids on Water & Sewer Improvement District No. 60, Project No. 2012-21 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions).

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**RESOLUTION APPROVING PLANS AND SPECIFICATIONS  
FOR WATER AND SEWER IMPROVEMENT DISTRICT NO. 60**

Project No. 2012-21

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

Pursuant to the requirement of section 40-22-11 of the North Dakota Century Code, the Plans and Specifications for the improvement project (Project No. 2012-21) in Water and Sewer Improvement District No. 60 of said City be and the same are hereby approved, ratified and confirmed as the plans and specifications in accordance with which said improvement project will be constructed, except as modified by this Board in accordance with law, and the City Auditor shall file the same in his office, open for public inspection.

Dated this 6<sup>th</sup> day of November, 2012

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

ATTEST:

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

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the engineer's report, plans and specifications for, approval of the feasibility report for, and authorize a call for bids on Water & Sewer Improvement District No. 60, Project No. 2012-21 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions).

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**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS  
FOR WATER AND SEWER IMPROVEMENT DISTRICT NO. 60  
PROJECT #2012-21**

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

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

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

**ADVERTISEMENT FOR BIDS FOR  
WATER AND SEWER IMPROVEMENT DISTRICT NO. 60  
MANDAN, NORTH DAKOTA**

Notice is hereby given, that the City of Mandan, North Dakota will receive sealed bids at the office of the City Administrator until November 27<sup>th</sup>, 2012, at 3:00 PM, local time for the purpose of opening sealed bids for the furnishing of materials, labor and skill needed for the installation of new water and sewer mains and lift station, and related work in accordance with the plans and specifications for Water and Sewer Improvement District 60 (Project No. 2012-21).

Plans and Specifications are on file in the office of the City Administrator and the City Engineer. Plans may be obtained at the office of the City Engineer, 205 2<sup>nd</sup> Avenue Northwest, Mandan, North Dakota 58554, upon a non-refundable deposit of \$25.00.

The bid proposals must be submitted to the City Administrator by 3:00 p.m, local time, November 27<sup>th</sup>, 2012 and shall be sealed and endorsed "Proposal for Water & Sewer Improvement District No. 60." Bids shall be delivered or mailed to: City Administrator, City of Mandan, 205 2<sup>nd</sup> Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 3:00 PM , local time, on November 27<sup>th</sup>, 2012. All bidders are invited to be present at the public opening of the Bids.

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the engineer's report, plans and specifications for, approval of the feasibility report for, and authorize a call for bids on Water & Sewer Improvement District No. 60, Project No. 2012-21 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions).

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

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

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

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

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

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

Should the contractor fail to complete all of the work in a District according to the above date, or within such additional time as may have been granted by formal extensions of time approved by the City Engineer, there shall be deducted from any money due the contractor, the above mentioned sum for each calendar day the completion of the Work is delayed, for each District. Liquidated damages will continue to accumulate until the City Engineer determines winter weather prevents further construction. Liquidated damages will restart on the first day of construction in the Spring of 2013 and continue to accumulate until final project acceptance. The Contractor and his surety shall be liable for any excess. Such payments shall be deducted from the final payment and shall be charged as liquidated damages and not as a penalty.

The Board of City Commissioners will meet on Tuesday, December 4, 2012, at 5:30 PM, local time, to review the Bids submitted, consider the engineer's recommendation, and to award the contract to the successful Bidder. The contract will be awarded on the basis of the low Bid submitted by a responsible and responsive Bidder deemed most favorable to the City's interest.

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

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the engineer's report, plans and specifications for, approval of the feasibility report for, and authorize a call for bids on Water & Sewer Improvement District No. 60, Project No. 2012-21 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions).

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City of Mandan, North Dakota

BY: James Neubauer

City Administrator

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

4. The Board of City Commissioners shall meet on Tuesday, December 4<sup>th</sup>, 2012 at 5:30 pm, local time, to review the bids submitted, consider the engineer's recommendation, and to award the contract to the successful bidder, subject to the Board finding that filed protests are insufficient to bar the work.

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

ATTEST:

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

Passed: November 6<sup>th</sup>, 2012

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the engineer's report, plans and specifications for, approval of the feasibility report for, and authorize a call for bids on Water & Sewer Improvement District No. 60, Project No. 2012-21 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions).

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**FEASIBILITY AND EVALUATION OF IMPROVEMENTS  
FOR WATER & SEWER IMPROVEMENT DISTRICT #60  
PROJECT # 2012-21**

1.) General Nature of Project

The District has been created to add improvements to the water and sewer distribution network for the primary use of the platted and unplatted parcels that lie west of 39<sup>th</sup> Avenue SE. The extension of the water and sewer mains from the intersection of 39<sup>th</sup> Avenue SE to their new location west of this intersection will facilitate development of the properties farther west.

2.) Location of Proposed Construction

The proposed construction will take place on McKenzie Drive SE, 34<sup>th</sup> Avenue SE and Genoa Court SE. This project will extend water and sewer west from their current locations at 39<sup>th</sup> Avenue SE.

3.) Environmental Impact

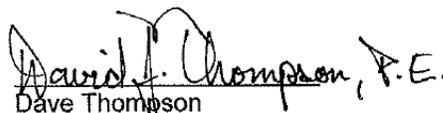
It is anticipated that there will be some dirt, noise and pollutants during the construction period as a result of the use of the necessary equipment. There will also be some surplus or waste construction materials that will need to be disposed of by the contractor at his or her expense. The contractors will be responsible for leaving the area in an attractive and neat condition. The contractor will provide access to the area at all times. The area could be impacted by groundwater. Sensitivity to contaminants from construction will be addressed with the contractor of the job as part of the storm water management permitting procedures. Also the need to discharge any ground water dewatering and the appropriate manner in which to do that will also be addressed.

4.) Feasibility of Project

In the opinion of the undersigned this project is feasible and needed for the area. This project will allow for further development of the area to the west of 39<sup>th</sup> Avenue SE by allowing use of the water and sewer being installed on this project. Groundwater issues and the costs associated with ground water could impact the feasibility of the project, and would be looked at as bids are received.

5.) Estimates of Costs

Attached is a map showing the area and district boundary. The construction costs are estimated at \$557,371.65. Other costs of making the improvement including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; publication of legal notices printing of warrants; contingency; and all expenses incurred in the making of the improvement and levy of assessments, and contingencies therefore are estimated at \$139,342.91. The total cost for the improvement is estimated at \$696,714.56.

  
Dave Thompson  
Acting City Engineer

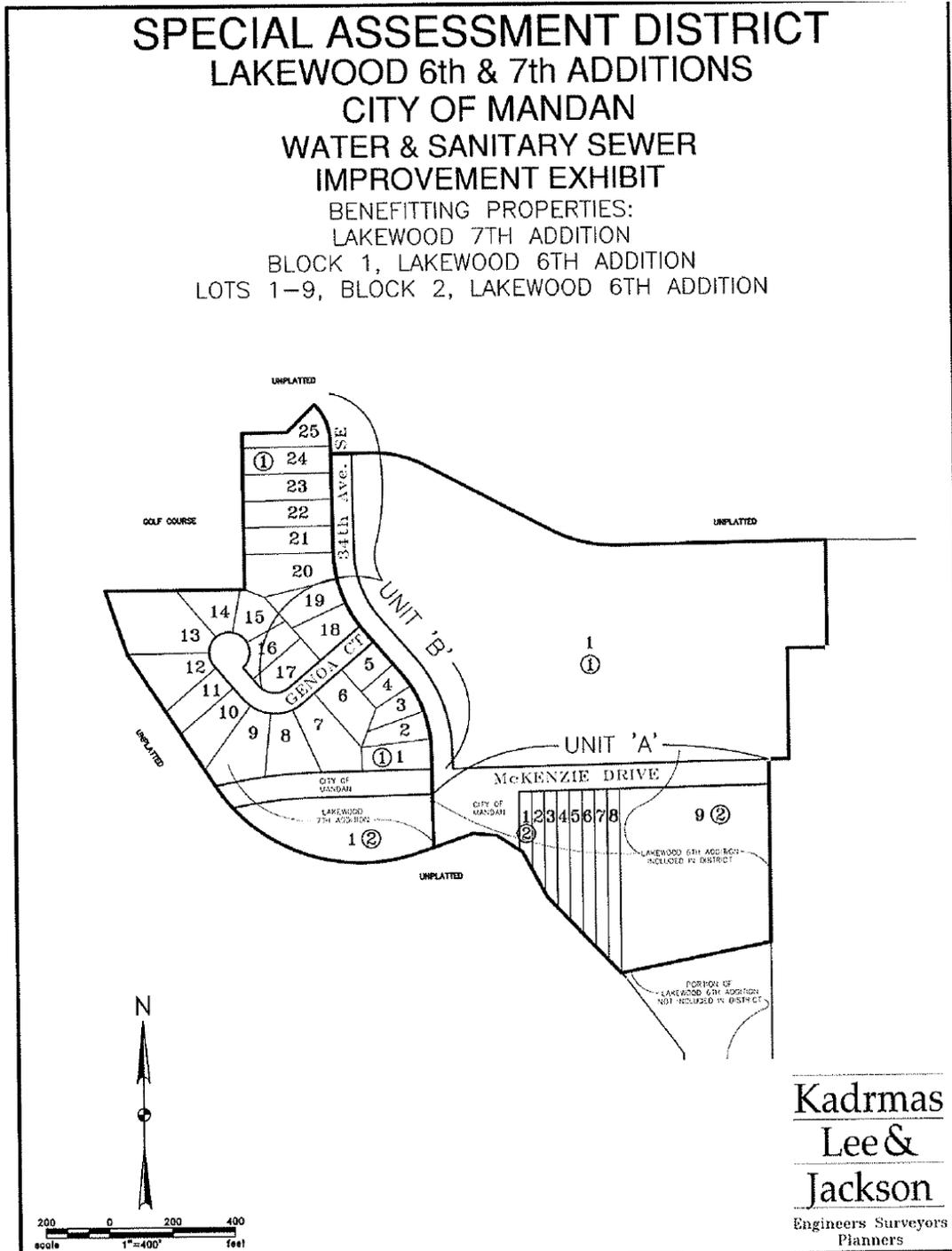
Board of City Commissioners

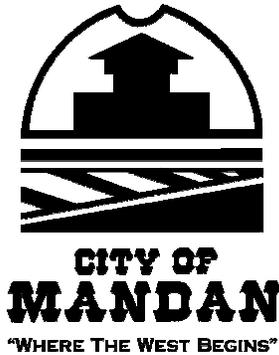
Agenda Documentation

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Subject: Consider the creation of, approve the engineer's report, plans and specifications for, approval of the feasibility report for, and authorize a call for bids on Water & Sewer Improvement District No. 60, Project No. 2012-21 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions).

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## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** November 6, 2012  
**PREPARATION DATE:** October 30, 2012  
**SUBMITTING DEPARTMENT:** Public Works  
**DEPARTMENT DIRECTOR:** Jeff Wright  
**PRESENTER:** Jeff Wright, Public Works Director  
**SUBJECT:** Consider budget amendment to the 2012 Forestry Department Budget to replace old Chipper.

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STATEMENT/PURPOSE: Consider amending the 2012 Forestry Department Budget to replace the worn out 1999 Brush Bandit Chipper with a 2012 Vermeer Industrial Chipper. The total cost including trade in is \$21,495.

BACKGROUND/ALTERNATIVES: The 1999 Brush Bandit has had repeated repairs this year and with further investigations to the reason why, we discovered a flaw in the engine drive shaft causing the clutch mechanism to continue to fail. The cost to fully repair the chipper including tearing into the engine would not be recovered within the lifetime of the machine, and to continue to replace clutch mechanisms (\$800/ea.) plus losing the productivity of the chipper each time is not cost effective. As the weather permits, the Forestry Department continues to attack the severe Dutch elm disease we saw this year in our City, thus needing the chipper as soon as possible. We looked at two brands, the Brush Bandit and the Vermeer, the total cost for the Brush Bandit was \$27,260 including a \$3,000 trade and the Vermeer was \$21,495 including a \$5,000 trade. The service for the Vermeer is local and the Brush Bandit not. The Vermeer has substantial safety improvements from the old chipper, which most of the time is ran by part time employees.

ATTACHMENTS: Bids for both chippers.

FISCAL IMPACT: Finance Director Welch recommends amending the 2012 Forestry Department Budget for \$21,495, which can be supported by the General Fund.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider budget amendment to the 2012 Forestry Department Budget to replace old Chipper.

Page 2 of 5

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RECOMMENDATION: I recommend amending the 2012 Forestry Department Budget to replace the worn out 1999 Brush Bandit Chipper with a 2012 Vermeer Industrial Chipper.

SUGGESTED MOTION: Move to amend the 2012 Forestry Department Budget to replace the worn out 1999 Brush Bandit Chipper with a 2012 Vermeer Industrial Chipper.

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider budget amendment to the 2012 Forestry Department Budget to replace old Chipper.

Page 3 of 5

Investment Proposal for:  
CITY OF MANDAN  
205 SECOND AVE NW  
MANDAN, ND 58554  
Phone: (701) 667-3240



Brian Schafer  
2000 Industrial Drive  
Bismarck, ND 58502  
Phone: (701) 223-5798  
Mobile: (701) 721-3962  
Fax: (701) 223-2819

Thank you for allowing me the opportunity to quote you this equipment. We appreciate your business. Brian

Equipment: NEW 2012 VERMEER BC1000XL

List Price \$31,746.00

**Key Features**

- BC1000XL002 BC1000XL 85HP CUMMINS TIER 3
- BC1000XL019 BASIC DISCHARGE DEFLECTOR
- BC1000XL027 5200LBS (DOM) AXLE, 16" TIRES, TONGUE, HITCH
- BC1000XL068 BASIC INSTRUMENTATION CUMMINS 74 & 85 HP
- BC1000XL086 BASIC SOUND REDUCTION
- BC1000XL7VP BC1000XL BRUSH CHIPPER

**Model Description**

When you need power and performance for your tree-care operation – look no further than Vermeer. The Vermeer BC1000XL was built to offer you the latest innovations in power, productivity and operator safety. Powered by a Cummins 85-hp (63.4-kW) Tier 3 diesel engine, the BC1000XL has the strength needed to chip through some of your toughest jobs, while the 25-gallon (94.6-L) fuel tank helps reduce time spent refueling and increases your time spent on the jobsite.



**Serial Number**

1VRY11196C1018035 (93 Approximated Hours)

Equipment Price \$26,895.00

Estimated Conversion Price: **\$26,895.00**

**TRADE INFORMATION**

0 BRUSH BANDIT 150XP - 014516 Hrs 2976 Allowance \$5,400.00

Credit for all Trades: **(\$5,400.00)**

**PROPOSAL SUMMARY**

Equipment Total	\$26,895.00
Total Trade-In Allowance	(\$5,400.00)
Sub Total	\$21,495.00
Estimated sales tax to apply	

**Total Investment** **\$21,495.00**

**Brian Schafer**  
Sales Professional  
Vermeer Sales & Service  
bschafer@rdoequipment.com

Submitted By: \_\_\_\_\_

Approved By: \_\_\_\_\_

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

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

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider budget amendment to the 2012 Forestry Department Budget to replace old Chipper.

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Bandit Industries, Inc.

Page 1 of 2



**Bandit**  
INDUSTRIES, INC.

**Colleen Hall**  
6750 Millbrook Road  
Remus, MI 49340  
USA  
989-561-2270 (Phone)  
989-561-2273 (Fax)  
[www.banditchippers.com](http://www.banditchippers.com)

### QUOTATION

Quotation #:	Quote Created:	Last Updated:	Salesperson:
<b>25095</b>	10/04/12 03:11 pm by Bandit Industries, Inc.	10/10/12 10:18 am by Colleen Hall	Colleen Hall/Mike Lapoe

#### CUSTOMER:

City of Mandan Forestry  
411 6th Ave SW  
Mandan, ND 58554  
USA  
701-667-3239 (Phone)  
Barry Kiemele (Contact)  
[barrykiemele@yahoo.com](mailto:barrykiemele@yahoo.com)

### MODEL 990XP (12" DRUM STYLE) BRUSH BANDIT

Qty	Part #:	Description:
1	MODEL-990	Model 990XP - (12" Drum Style) Brush Bandit

#### STANDARD EQUIPMENT

1	STANDARD	Spring loaded slide box type feed system with (2) horizontal feed wheels 7 1/2" diameter x 16 3/8" wide, driven by (2) 15.5 hydraulic motors (Provides approximately 1,646.93 lbs of pulling power for each feed wheel)
1	STANDARD	Top feed wheel jack mount with locking pin to raise & lock top feed wheel using tongue jack (not provided when hydraulic lift cylinder option is selected)
1	STANDARD	29" high x 45" wide tapered infeed hopper with 30" fold down infeed hopper tray
X	STANDARD	360 degree manual swivel discharge chute with 12" adjustable chip deflector
1	STANDARD	Clean out and inspection door on discharge
1	STANDARD	24" diameter x 18 3/4" wide chipper drum with (4) 5/8" x 5 1/2" x 9" dual edge knives
1	STANDARD	12 gallon steel hydraulic tank with magnetic drain plug, lockable filler cap, and aluminum sight gauge
1	STANDARD	24 1/2 gallon steel fuel tank with magnetic drain plug, lockable filler cap, and aluminum sight gauge
1	STANDARD	12 volt system with rubber mounted LED taillights, 6 prong replaceable coiled power cord & protected heavy-duty wiring with junction box, and LED clearance lights with reflectors.
1	STANDARD	5,000 pound capacity tongue jack with 15" of travel and foot pad
1	STANDARD	3/16" x 2" x 4" rectangular tubing with a 1/4" x 3" x 4" tubular tongue
1	STANDARD	Banded chipper belts
1	STANDARD	Safety control bar controls forward / neutral / reverse

Bandit Industries, Inc.

Page 2 of 2

1	<b>STANDARD</b>	Weather resistant manual container
1	<b>STANDARD</b>	Safety DVD, (2) 6" wide x 9" tall Bandit operator's manuals (one paper copy and one waterproof copy tethered to machine) and (1) engine operator's manual
1	<b>STANDARD</b>	Spanish & English combination safety decals

**OPTIONS**

Qty	Part #:	Description:
1	333-32273	Standard Imron Industrial Urethane Bandit Yellow
1	990-1013-83	Model 990XP basic package (Engine horsepower options ranging from 48.1 to 86)
1	990-RC0997-581	Perkins 804D-34T, 84.5 horsepower with NACD over center clutch - Tier 3 (slant roof)
1	990-1012-39	29" high x 45" wide tapered infeed hopper with 30" WELD on infeed tray
1	990-100447	Single 7,000 pound Torflex EZ lube electric brake axle
1	990-100405	(2) 245/75R 16" tires mounted on 8-bolt white spoke rims (Tire is approximately 9.65" wide, tire capacity is 3,045 pounds each)
1	990-100415	Aluminum bolt on fenders (Approximately 1/8" thick)
1	990-100274	2 1/2" Wallace Forge pintle hitch
1	990-1011-72	Deluxe Option Package: Hand crank height adjustable discharge, 345 degree hand crank swivel discharge with manual 12" chip deflector, hydraulic lift cylinder, and Reversing Auto Feed system

**DIRECT SALE TOTALS**

<b>Total Unit Price:</b>		<b>\$ 34600.00</b>
<b>Direct Sale Discount:</b>	15.00 %	<b>- \$ 5190.00</b>
<b>Net Unit Price After Direct Sale Discount:</b>		<b>\$ 29410.00</b>
<b>Trade-In To Bandit (1999 Bandit Model 150 sn 14516):</b>		<b>- \$ 3000.00</b>
<b>Freight/Shipping Charges:</b>		<b>\$ 850.00</b>
<b>Total Direct Sale Price:</b>		<b>\$ 27260.00</b>

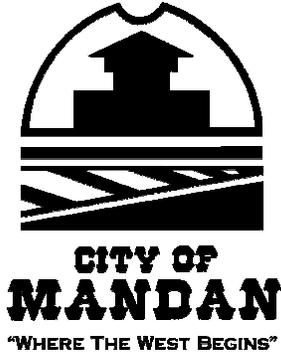
Terms: Net 30 Days

**SIGNATURE**

The Buyer, whose name and address appears above, agrees to purchase from the Seller, whose name and address appears above, the above equipment at the prices stated and upon the terms and conditions of this agreement.

X \_\_\_\_\_  
Signature Date

[Close](#) [Print](#)



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** November 16, 2012  
**PREPARATION DATE:** November 2, 2012  
**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.



**LOCAL PERMIT OR CHARITY LOCAL PERMIT**  
 OFFICE OF ATTORNEY GENERAL  
 SFN 17926 (9-2009)

Consent No. 8

Type:  Local Permit \*  Charity Local Permit

Permit Number  
2012-51

Name of Organization Bucks For Bales		Date(s) Authorized (Read Instruction 2)		
Contact Person Edie Waslaski	Business Phone Number (701) 224-9543	11/6/2012 Beginning	to 12/17/2012 Ending	
Mailing Address 1148 South Highland Acres Road		City Bismarck	State ND	Zip Code 58501-0000
Site Name <del>Mandan Park District</del> Broken Oar		Site Address 4724 Pintail		
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 11/1/2012	Signature of: <input checked="" type="checkbox"/> City Auditor <input type="checkbox"/> County Auditor <i>Jay Gruebele</i>		Printed Name of City or County Auditor Jay Gruebele	
			Auditor Telephone Number (701) 667-3250	

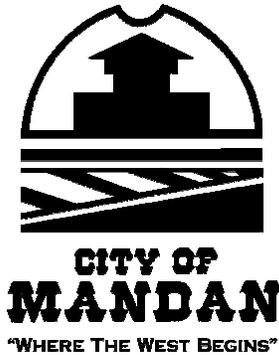
Please see the instructions on the backside of this form on how to complete the Permit.  
 For a raffle or calendar raffle, read "Information Required to be Preprinted on a Standard Raffle Ticket" below.

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.





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** November 6, 2012  
**PREPARATION DATE:** October 30, 2012  
**SUBMITTING DEPARTMENT:** Public Works  
**DEPARTMENT DIRECTOR:** Jeff Wright  
**PRESENTER:** Jeff Wright, Public Works Director  
**SUBJECT:** Consider transferring Capital Outlay funds from the 2013 Street Department Budget to purchase Front End Loaders and snow removal equipment in 2012.

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STATEMENT/PURPOSE: Consider transferring funds from the approved 2013 Street Department Budget to the 2012 Street Department Budget to purchase two front end loaders and snow removal equipment in 2012 to take advantage of substantial cost savings and early delivery. The loaders are an approved budget item in the 2013 budget.

BACKGROUND/ALTERNATIVES: Our 2013 Budget request for two loaders and snow removal equipment, including an approximated \$17,000 trade in value for the 1979 Cat 930 loader, was \$307,070. We also asked for a buy back after 5 years or 5,000 hours with no maintenance cost except normal wear items and oil changes.

We received three quotes, Cat, Volvo, and John Deere. Volvo bid per loader was \$166,250 with no trade, the John Deere bid per loader was \$154,500 with no trade, and the Cat bid, through National IPA, was \$140,650, which includes a tire upgrade. National IPA is a cooperative purchasing agency, where in this case, the City of Tucson, AZ successfully negotiated a contract with Cat to supply a national cooperative contract for heavy equipment, similar to State Agencies we can buy off of, saving time and money. I have included a list of participating agencies from North and South Dakota in the packet. Cat would also give us \$17,000 for the 1979 Cat 930 loader, a fair price. Since the City was able to utilize 2012 National IPA locked in prices we were able to save \$8,000 in 2013 price increases predicated from Cat. Low bid for two loaders with trade in is Cat at \$264,300. We also hope to utilize the buy back option after 5 years of \$100,000 for each loader, which is a cost of \$6,430 per year, per unit, with little to no maintenance costs. Leasing this equipment was estimated at \$12,000 per year, per unit, almost double the cost, and we still would not own it.

We received two quotes for snow plows, Rybind at \$15,301 and Cat at \$14,500. The low bid for two 14' snow plows is Cat at \$29,000. Again, by using 2012 prices we are able to save about \$800 in 2013 price increases.

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider transferring Capital Outlay funds from the 2013 Street Department Budget to purchase Front End Loaders and snow removal equipment in 2012.

Page 2 of 11

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In summary, by buying now, the cost of the loaders and plows is \$293,300 or a savings of almost \$14,000. Since these loaders are available now, we will have this equipment for most of this snow season, instead of next summer.

ATTACHMENTS: Quotes from Cat, including snow plow, John Deere and Volvo, Snow plow quote from Rylind, North Dakota Cooperative Purchasing Statutes, Tucson, AZ procurement information, National IPA Participating Agency List.

FISCAL IMPACT: Finance Director Welch recommends transferring funds from the 2013 Street Department Budget, already approved and allocated, to the 2012 Street Department Budget, which can be supported by the General Fund.

STAFF IMPACT: N/A

LEGAL REVIEW: Yes

RECOMMENDATION: I recommend transferring \$293,300 from the 2013 Street Department Budget, already approved and allocated, to the 2012 Street Department Budget to purchase two Front End Loaders and snow removal equipment in 2012.

SUGGESTED MOTION: Move to transfer \$293,300 from the 2013 Street Department Budget, already approved and allocated, to the 2012 Street Department Budget to purchase two Front End Loaders and snow removal equipment in 2012.

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider transferring Capital Outlay funds from the 2013 Street Department Budget to purchase Front End Loaders and snow removal equipment in 2012.

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3630 Miriam Ave Bismarck, ND 58501  
701.223.0890 tel | 701.250.1610 fax

September 27, 2012

City of Mandan  
205 2nd Ave NW  
Mandan, ND 58554-3125

Dear Henry & Jeff:

We are pleased to quote the following for your consideration:

**1 or More New 2012 Caterpillar 924K Wheel Loader(s) (IN STOCK)**

**Price Complete, Delivered: \$134,650.00 (with Titan MXL L3 tires)**

**5 Yr/2500 Hr Guaranteed Buyback: \$100,000.00**

**OPTION - Caterpillar 14' Snow Plow: \$14,500.00 ( Approx 8 wk availability)**

**OPTION - Michelin XTLA Tires: \$6,000.00 ( Approx 8 wk availability)**

The following factory and dealer options are included:

- \* 3<sup>rd</sup> Valve Hydraulics Integrated Joystick
- \* Limited Slip Rear Differential
- \* Front Locking Differential
- \* Cold Weather Package
  - Ether starting aid
  - 120V Block heater
  - Dual HD Batteries
- \* Deluxe Cab Package
  - Heat & Air Conditioning
  - Secondary Display(creeper ctrl, auxiliary hyd adjust, rear camera)
  - Front & rear sun visor
  - Two heated external mirrors
- \* Premium Air Suspension Seat
- \* AM/FM/CD Radio
- \* Tires, 20.5R25, MXI, L3 Michelin
- \* Front & Rear Rooding Fenders
- \* Counterweight Package
- \* Ride Control
- \* Toolbox
- \* Lights,Auxiliary Halogen
- \* Powertrain Side Guard
- \* Rotation Warning Beacon
- \* Fusion Style Coupler
- \* 3 CYD General Purpose Bucket with bolt on edges

**OUR MISSION:** To build long term relationships with our customers. founded on trust. generating mutual growth and success.

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider transferring Capital Outlay funds from the 2013 Street Department Budget to purchase Front End Loaders and snow removal equipment in 2012.

Page 4 of 11

Investment Proposal for:  
CITY OF MANDAN  
205 SECOND AVE NW  
MANDAN, ND 58554  
Phone: (701) 667-3240



Steve Meier  
PO Box 1098  
2000 Industrial Drive  
Bismarck, ND 58502  
Phone: (701) 223-5798  
Mobile: (701) 471-7134  
Fax: (701) 223-2819

Thank you for allowing me the opportunity to quote you this equipment. We appreciate your business. Steve

Equipment: NEW 2013 JOHN DEERE 544K

List Price \$231,672.02

Key Features

7640T	544K 4WD LOADER	0810	STANDARD GATHERING GROUP
0914	IT4 ENGINE	1010	STD 544K LOADER
1110	TRANSMISSION WO AX DISC	1210	100 AMP ALTERNATOR
1330	MUFFLER WITH CHROME EXHAUST	1430	AIR INTAKE W PRECLEANER
1510	STANDARD FAN DRIVE	1610	FUEL TANK W STD FILTER
1700	JD LINK ULTIMATE	1915	STEERING CYLINDERS NG
2010	STD ZB BOOM W STD LINKAGE	2120	CONVENTIONAL STEERING
2230	SEAT, DELUXE W/O LH STEERING	2432	3FN/JYSTK/1AUX/FNR
2510	RIDE CONTROL SYSTEM	2605	ENGLISH DECALS
3049	AXLE, W/ HYD FRONT & REAR	3120	AXLE MANUAL DIFF LOCK
4422	20.5R25 1 STAR L3 BS-3PC RIM	5540	FULL COV FR FNDR/R PLATFORM
7120	HD LED MARKER/TURN LIGHTS	8220	CAST HITCH
8320	HEATED OUTSIDE MIRRORS	8422	CAB WITH AIR
8450	AC CHARGE	8560	ZBAR COUPLER
8835	3YD BUCKET W/ AUX CUT EDGE	9015	ENGINE BLOCK HEATER
9043	ENVIRONMENTAL DRAIN	9105	RADIO, AM/FM/WB
9115	CAB FRESH AIR PRECLEANER	9125	BEACON BRACKET
9225	10 AMP CONVERTER-1 PLUG	9430	BOTTOM GUARDS
9525	SMV EMBLEM		

Serial Number

TBD (0 Approximated Hours)

Equipment Price \$154,500.00

Warranty Information

John Deere / Full Extended / 60 Months / 4000 Hours / \$200.00 Deductible / Expires 01/05/2018

\$0.00

Estimated Conversion Price: **\$154,500.00**

PROPOSAL SUMMARY

Equipment Total	\$154,500.00
Sub Total	\$154,500.00
Applicable sales taxes to apply	
<b>Total Investment</b>	<b>\$154,500.00</b>

Steve Meier  
Sales  
RDO EQUIPMENT CO.  
sMeier@rdoequipment.com

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider transferring Capital Outlay funds from the 2013 Street Department Budget to purchase Front End Loaders and snow removal equipment in 2012.

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Sales    Parts    Service  
3450 West Main Ave.  
Fargo, ND 58103  
701-293-7325

September 28, 2012

#### QUOTATION

One (1) 2012 Volvo L70G Wheel Loader. Powered by Volvo D6E 6 liter, 6-cylinder Straight Turbocharged Diesel Engine:

- 168 HP
- Tires: 20.5R25
- 3 pc rims for 20.5 Tires
- Fuel fill strainer
- Engine block heater, 120v
- Reversible cooling fan
- Cab
- Seat, ISRI air-susp heated
- ACC (Incl. Air Cond)
- Radio with CD player
- LH Radio mount kit, 12V, spkrs
- LH Armrest for ISRI seat
- Rear mirrors, el adjust & heat
- Steel Battery Boxes
- Back-Up Alarm
- Single lever hyd ctrl, 3 func.
- 3 hyd. Function, std boom
- Sep attachment lock, std boom
- Footsteps front frame
- Boom Suspension System (BSS)
- Counterweight, pre-drilled
- Cover plates, rear frame
- Attachment bracket, cast

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider transferring Capital Outlay funds from the 2013 Street Department Budget to purchase Front End Loaders and snow removal equipment in 2012.

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2

**L70G (cont.)**

- 100" 3 pc BOE kit, STE only
- 100" 3.1 yd3 H/O STE GP BO

**Purchase Price F.O.B. Fargo    \$166,250.00**

***Plus Applicable Sales Tax***

\_\_\_\_\_  
Swanston Equipment

\_\_\_\_\_  
Customer



## **Cooperative Purchasing Statutes**

These applicable sections from individual state statutes authorizing cooperative purchasing are provided for informational purposes only and cannot be considered legal advice. Additional statutes or local ordinances may differ or may have differing cooperative purchasing authorizations, please contact us at [info@nationalipa.org](mailto:info@nationalipa.org) for any questions or additional assistance.

### **North Dakota**

54-44.4-13. Cooperative purchasing.

1. The office of management and budget shall purchase commodities or services as requested by agencies and institutions under the jurisdiction of the state board of higher education and the legislative and judicial branches of state government.
2. The office of management and budget and the agencies and institutions under the jurisdiction of the state board of higher education shall make joint purchases of like commodities or services of high common usage when the office of management and budget and the state board of higher education determine it is in the best interest of the state.
3. The director of the office of management and budget or the director's designee may agree to purchase commodities or services under contracts entered into by the United States general services administration or contracts of other government entities if it is determined to be in the best interest of the state after consideration of price, contractual terms and conditions, and the availability of competition from approved vendors under section 54-44.4-09.
4. The director of the office of management and budget or the director's designee may participate in, sponsor, or administer a cooperative purchasing agreement with one or more government entities or a nonprofit organization established on behalf of public entities for the procurement of commodities or services in accordance with an agreement entered into between the participants.
5. Cooperative purchasing may include open-ended contracts that are available to other government entities or nonprofit organizations established on behalf of public entities.
6. Before entering into a cooperative purchasing agreement under this section, the office of management and budget must determine that the contracts were awarded through full and open competition or source selection methods specified in section 54-44.4-05 and shall send notice to approved vendors of the office's intent to make a cooperative purchase in accordance with this chapter.

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider transferring Capital Outlay funds from the 2013 Street Department Budget to purchase Front End Loaders and snow removal equipment in 2012.

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Heavy Equipment, Parts, Accessories, Supplies & Related Services  
Executive Summary

**Lead Agency:** City of Tucson, AZ  
**RFP Issued:** October 18, 2011  
**Date Open:** November 14, 2011

**Solicitation:** RFP #120377  
**Pre-Proposal Date:** October 27, 2011  
**Proposals Received:** 4

**Awarded to:** 

The City of Tucson, AZ Department of Procurement issued RFP #120377 on October 18, 2011 to establish a national cooperative contract for heavy equipment, parts, accessories, supplies and related services.

Notice of the solicitation was sent to potential offerors, as well as advertised in the following:

- City of Tucson, AZ website
- Hawaii Tribune-Herald, HI
- Daily Journal of Commerce, OR
- The State, SC
- The Olympian, WA
- National IPA website

On November 14, 2011 proposals were received from the following offerors:

- Badger Equipment Company
- Caterpillar
- Federal Contracts Corporation
- PB Loader Corporation

The proposals were evaluated by an evaluation committee. Using the evaluation criteria established in the RFP, the committee selected the top ranked firm to enter into interview and negotiations with the top ranked firm, Caterpillar.

The City of Tucson, AZ, National IPA and Caterpillar successfully negotiated a contract and the City of Tucson executed the agreement with a contract effective date of May 2, 2012.

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider transferring Capital Outlay funds from the 2013 Street Department Budget to purchase Front End Loaders and snow removal equipment in 2012.

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Contract includes: Heavy equipment, parts, accessories, supplies and related services

**Term:**

Initial one year agreement from May 2, 2012 through May 1, 2013, with option to renew for four (4) additional one-year periods through May 1, 2017.

**Pricing/Discount:**

Minimum discount off list price.

Serviced and supported by local Caterpillar dealers.

**Value Added Services:**

- Financing options
- Used equipment
- Rentals
- Extended warranties
- Maintenance agreements
- Trade-in or Buyback options

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

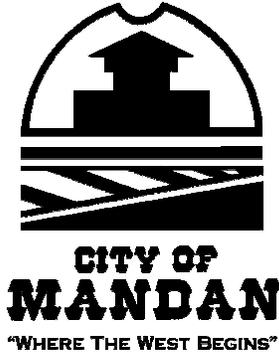
Subject: Consider transferring Capital Outlay funds from the 2013 Street Department Budget to purchase Front End Loaders and snow removal equipment in 2012.

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**Participating Agency List**  
Date: June 9, 2012

Participating Agency #	Participating Agency Name	Address	City	State
	Bismarck Public Schools	806 North Washington Street	Bismarck	ND
	Burleigh County Social Services	415 East Rosser Avenue, Suite 113	Bismarck	ND
	Calvary Lutheran	1405 9TH Street South	Grand Forks	ND
	Capital Electric Cooperative, Inc.	4111 State Street	Bismarck	ND
	Cass County Government	1010 2nd Avenue South	Fargo	ND
	City of West Fargo / Police	800 4 Avenue East, Suite 2	West Fargo	ND
	Clerk of District Court	600 Cooper Avenue	Grafton	ND
	Fargo Police Department	222 North Fourth Street	Fargo	ND
	Fargo Public Schools	415 4th St N	Fargo	ND
	Grand Forks County Social Services	151 South 4th Street, Suite N201	Grand Forks	ND
	Grand Forks Park District	PO Box 12429	Grand Forks	ND
	GRAND FORKS SOCIAL SERVICES	151 S 4TH ST	GRAND FORKS	ND
	Hettinger Public School District #13	209 South 8th St	Hettinger	ND
	HIT Inc	1007 18th Street NW	Mandan	ND
	Juvenile Court Administration Unit 2 (ND)	PO Box 2805	Fargo	ND
	Lamoure County Sheriff's Department	PO Box 97	Lamoure	ND
	McKenzie County Public School District #1	PO Box 589	Watford City	ND
	Minot Park District	515 2nd Ave SW	Minot	ND
	Minot Vocational Adjustment Workshop, INC.	605 27th St SE, PO Box 1030	Minot	ND
	Nester Davison Larson Architects	2705 4th Ave NW	Minot	ND
	North Dakota District Court	211 S. 9 St	Fargo	ND
	North Dakota State University - Main Campus	1301 12th Avenue North	Fargo	ND
	Standing Rock High School	9189 Highway 24	Fort Yates	ND
	Trinity Lutheran Church	PO Box 271	Lisbon	ND
	UNITED TRIBES TECHNICAL COLLEGE	3315 University Dr	Bismarck	ND
	UNIVERSITY OF MARY	7500 University Dr	Bismarck	ND
	University of North Dakota - Main Campus	264 Centennial Drive	Grand Forks	ND
	UNIVERSITY OF NORTH DAKOTA HOUSING OFFICE	525 STANFORD RD STOP 9029	GRAND FORKS	ND
	Valley City State University	101 Sw College St	Valley City	ND
	Ward County	315 NE 3rd St Po Box 5005	Minot	ND
	Aberdeen Parks, Recreation & Forestry	225 Third Ave SE	Aberdeen	SD
	BLACK HILLS STATE UNIVERSITY	1200 University St	Spearfish	SD
	Bureau of Administration	523 East Capitol	Pierre	SD
	Capital Area Counseling Service, Inc.	P.O. Box 148	Pierre	SD
	Catholic Diocese of Sioux Falls	523 N. Duluth Ave.	Sioux Falls	SD
	Children's Home Society	P.O. Box 1749	Sioux Falls	SD
	City of Madison	Po Box 308	Madison	SD
	City of Pierre	222 E Dakota Ave	Pierre	SD
	City of Sioux Falls	228 S Main	Sioux Falls	SD
	City of Vermillion, South Dakota	25 Center Street	Vermillion	SD
	Community Health Center of the Black Hills	685 No LaCrosse St	Rapid City	SD
	Court Administrator Office	425 N Dakota Ave	Sioux Falls	SD
	Davison County	200 East 4th Ave.	Mitchell	SD
	ESA - Educational Services of America - Sioux Falls Offic	1524 South Summit Avenue	Sioux Falls	SD
	Golden West Technologies	2727 N Plaza Dr	Rapid City	SD
	Hughes County	104 E. Capitol Avenue	Pierre	SD
	Lutherans Outdoors in South Dakota	12703 Outlaw Ranch Rd	Custer	SD
	Main Street Sioux Falls, Inc.	122 S Phillips Ave Ste 110	Sioux Falls	SD
	Minnehaha County Highway Dept.	2124 east 60th street N.	Sioux Falls	SD
	North Sioux City Community Library	504 River Drive	North Sioux City	SD
	Northern State University	1200 South Jay Street	Aberdeen	SD
	Potter County Library	106 E Commercial Ave	Gettysburg	SD
	Rapid City Rushmore Plaza Civic Center	444 Mt. Rushmore Road North	Rapid City	SD
	Rawlins Municipal Library/City of Pierre	1000 East Church Street	Pierre	SD
	Sioux Falls Catholic Schools	3201 S. Kiwanis Ave.	Sioux Falls	SD
	Sioux Valley Energy	PO Box 216	Colman	SD
	Sisseton Wahpeton College	Po Box 689	Agency Village	SD
	South Dakota Bureau of Information & Technology	PO Box 5000	Vermillion	SD
	South Dakota Department of Health	615 East 4th Street	Pierre	SD
	South Dakota Department of Social Services	118 West Capitol Avenue	Pierre	SD
	South Dakota Public Safety - South Dakota Highway Patr	118 West Capitol Avenue	Pierre	SD
	South Dakota School for the Blind and Visually Impaired	423 17th Ave SE	Aberdeen	SD
	SOUTH DAKOTA SCHOOL OF MINES AND TECHNOLC	501 E Saint Joseph St	Rapid City	SD
	South Dakota State Game Fish and Parks	3305 W SOUTH STREET	RAPID CITY	SD
	South Eastern Council of Governments	500 N. Western Avenue, Suite 100	Sioux Falls	SD
	<b>Southeast Technical Institute</b>	<b>2320 N Carver Ave</b>	<b>Sioux Falls</b>	<b>SD</b>
	State of South Dakota	523 E. Capitol Avenue	Pierre	SD
	UNIVERSITY OF SOUTH DAKOTA	414 E Clark St	Vermillion	SD
	US District Court - District of South Dakota	314 S. Main Ave., Suite 100	Sioux Falls	SD



Old Business No. 1

## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** November 6, 2012  
**PREPARATION DATE:** November 2, 2012  
**SUBMITTING DEPARTMENT:** Engineering  
**DEPARTMENT DIRECTOR:**  
**PRESENTER:** Kim Fettig  
**SUBJECT:** Consider the request to vacate resolutions approved September 18<sup>th</sup>, 2012 for Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions) and Water & Sewer District 60, Project No. 2012-21 (Lakewood 6<sup>th</sup> & 7<sup>th</sup> Additions)

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**STATEMENT/PURPOSE:** To vacate resolutions approved on September 18<sup>th</sup>, 2012 for Street Improvement District No. 176, Project No. 2012-20 and Water & Sewer District 60, Project No. 2012-21

**BACKGROUND/ALTERNATIVES:** The documents approved had errors. Engineers Report had incorrect numbers, Street name information was wrong, legal description of districts was not included, and Petition was not signed correctly. This request is coming forth on recommendation of City Attorney.

**ATTACHMENTS:** None

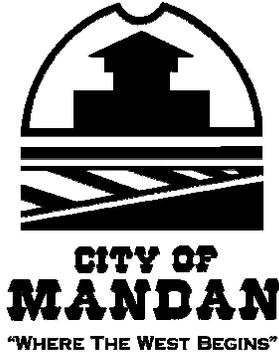
**FISCAL IMPACT:** None

**STAFF IMPACT:** Minimal

**LEGAL REVIEW:** Reviewed by City Attorney.

**RECOMMENDATION:** This office supports moving forward with this request.

**SUGGESTED MOTION:** I move to approve the vacating of all resolutions approved on September 18<sup>th</sup>, 2012 for Street Improvement District No. 176, Project No. 2012-20 and Water & Sewer District 60, Project No. 2012-21



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** November 6, 2012  
**PREPARATION DATE:** October 17, 2012  
**SUBMITTING DEPARTMENT:** Police  
**DEPARTMENT DIRECTOR:** Chief Dennis A. Bullinger  
**PRESENTER:** Chief Dennis A. Bullinger  
**SUBJECT:** Introduction of Police Officer's

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STATEMENT/PURPOSE:

Introduction of Police Officer's, Jared Lemieux and Joshua Pastir.

BACKGROUND/ALTERNATIVES:

Jared Lemieux. Jared is a 2010 graduate of Dakota College, Bottineau, where he received his Associate's Degree in Liberal Arts. He is a 2012 graduate of the Law Enforcement Training Program, with Lake Region State College, Devils Lake. Prior work experiences include working Security with the North Dakota Highway Patrol at the State Capital, a Residential Treatment Advisor with the Dakota Boys and Girls Ranch, and most recently as a School Detention Counselor with Watcher Middle School.

Joshua Pastir. Joshua is a graduate of Northland Community and Technical College, Thief River Falls, Minnesota, earning an Associate's Degree in Criminal Justice. Joshua also successfully completed the Law Enforcement Training Program. Joshua served (4) years of active duty with the US Army and (2) years with the Army reserves in Brainerd, MN. He served tours in both Iraq and Afghanistan.

ATTACHMENTS: N/A

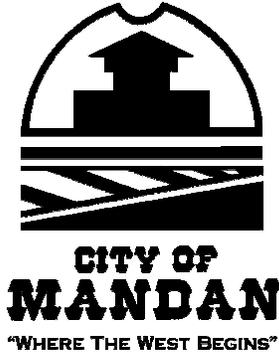
FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: N/A

SUGGESTED MOTION: N/A



New Business No. 2

## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** November 6, 2012  
**PREPARATION DATE:** October 30, 2012  
**SUBMITTING DEPARTMENT:** Engineering  
**DEPARTMENT DIRECTOR:**  
**PRESENTER:** Kim Fettig  
**SUBJECT:** Consider authorizing a work change order on Street Improvement District No. 174, Project No. 2012-16 (Plainview Heights 13<sup>th</sup> Addition).

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**STATEMENT/PURPOSE:** To authorize an amended 'Special Provision (2), Completion of Work' to extend the contract date of December 31<sup>st</sup>, 2012 to the following:

- Substantial Completion, November 23<sup>rd</sup>, 2012; to include all subgrade, curb, asphalt base course and backfill; excluding top course asphalt, chip seal and lighting.
- Final Completion, July 31<sup>st</sup>, 2012

**BACKGROUND/ALTERNATIVES:** The purpose of this change is to accommodate current weather patterns, construction schedules, provide paved construction access through the winter season, while allowing the final asphalt and chip seal to be applied in the spring.

**ATTACHMENTS:** 1. District Map

**FISCAL IMPACT:**

**STAFF IMPACT:** Minimal

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

**RECOMMENDATION:** This office supports the change order for the project.

**SUGGESTED MOTION:** I move to authorize a change on Street Improvement District No. 174, Project No. 2012-16.

Board of City Commissioners

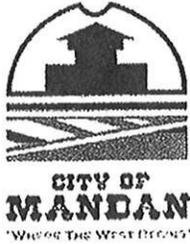
Agenda Documentation

Meeting Date: November 16, 2012

Subject: Consider authorizing a change order on Street Improvement District No. 168,  
Project No. 2011-09 (Heart Ridge Addition Phase I).

Page 2 of 2





New Business No. 4

### Individual or Partnership 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 X Off-Sale \_\_\_\_\_ Class: A B C D D1 E F WB MP DY (circle one)

2. Duration of License: Annual: Nov. 6, 2012 to June 30, 2012  
Part of Year: From \_\_\_\_\_, 20\_\_\_\_ to \_\_\_\_\_, 20\_\_\_\_.

3. Are you applying for an Individual \_\_\_\_\_ or Partnership X

4. If business is owned by an individual, give name, address, and date of birth of Owner: \_\_\_\_\_  
O.N.E.

5. If business is owned by a partnership give the name of the partnership and the names, addresses, and dates of birth of each member of the partnership. COY Zimmer - 4771 Patriot Dr. Bismarck 58503  
Matthew Scott Bennett - 1339 Columbia Dr Bismarck 58503

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

Name: COY Zimmer Address: 4771 Patriot Dr.  
City: Bismarck State: ND Age: \_\_\_\_\_ DOB: \_\_\_\_\_ Citizenship: United States

If naturalized, give date and place of naturalization: \_\_\_\_\_

List all other places of residence within the last 5 years: 5042 Scunter Dr Bismarck ND 58503

7. Description of Licensed Premises: Address: 210 W. Main St. Mandan ND 58554

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

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

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

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

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

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

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

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

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

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

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

17. List the occupations and employers of each of the individuals listed in answer to Questions 3, 4 and 5 during the last ten (10) years. (On a separate sheet of paper if necessary).

18. Does the Individual or Partnership applying for this license, engage in any business other than that for which the license is sought or intending to engage in any business other than for the sale of alcoholic beverages under the license for which this application is made. Yes \_\_\_\_\_ No 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, addresses of at least 3 business references.  
Shear Bliss - Jessica Zimmer - 311 E. Thayer Bismarck 701-751-316  
Pride Manchester House - Susan Corbett - 701-223-5600 - 1600 Manchester Street Bism

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

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

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

Answers to 21 & 22

Cory Zimmer 4721 Patriot Drive Bismarck ND 58503

Cassalyyn Hannah Bennett  
1339 Columbia Dr. Bismarck ND 58504

Matthew Scott Bennett  
1339 Columbia Drive Bismarck ND 58504

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

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

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

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

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

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

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

Dated at Mandan, North Dakota, on this 31 day of October, 2012.

Individual or Joint Ownership:

By: [Signature]  
By: [Signature]

Partnership:

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

**INDIVIDUAL OR JOINT OWNERSHIP**

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

And

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Notary Seal)

\_\_\_\_\_  
(Notary Stamp)

**PARTNERSHIP**

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

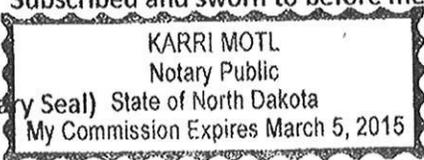
We Cory Zimmer And Matthew Scott Bennett

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

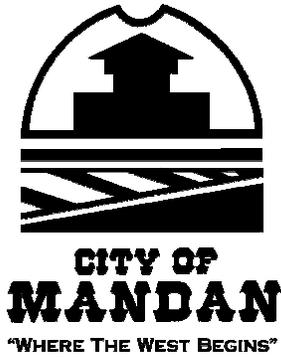
Dated this 31 day of October, 2012.

Kari Motl  
\_\_\_\_\_

Subscribed and sworn to before me on this 31 day of October, 2012.

(Notary Seal) 

Kari Motl  
(Notary Stamp)



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** November 6, 2012  
**PREPARATION DATE:** November 1, 2012  
**SUBMITTING DEPARTMENT:** Business Development & Communications  
**DEPARTMENT DIRECTOR:** Ellen Huber, Business Development & Communications Director  
**PRESENTER:** Business Development & Communications Director Ellen Huber and/or a MGF Member  
**SUBJECT:** Growth Fund Committee Recommendation on an application for commercial property tax exemption

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

**BACKGROUND/ALTERNATIVES:** The Mandan Growth Fund Committee at a meeting held Oct. 29, 2012, reviewed and considered an application by the Mandan Hotel Group for an address to be determined on a parcel located off of 27<sup>th</sup> Street NW, just west of Sunset Drive NW. The applicant's request is for five years of exemption at 100%. This is for new construction of a 45,000 sf, 86-room hotel with a swimming pool. The total estimated cost for the project, including furniture, fixtures and equipment, is estimated at \$8.4 million. The applicant has clarified that the actual building cost is estimated at \$60,000 per room or \$5,160,000.

The project is to create an estimated 20 full-time and 10 part-time jobs by year 5. A total of 51 FTEs would be needed to reach the threshold indicated in policy for the 100% exemption for all five years.

Other benefits to be provided by the project include an estimated \$45,000 in annual local collections of hotel and restaurant taxes and guest spending estimated at \$5 million annually. The applicant indicated an estimated the rate of return without the exemption to be of 0 to 6% in years 1-5, averaging only 3%. Potential investors are awaiting the decision regarding the application for property tax exemption to finalize commitments. Thus the legal entity to own the project has not yet been formed.

The last new hotel constructed in Mandan is the facility now known as The Ridge, which opened in 1983. The Seven Seas Inn and Water Park completed an addition in 2006. The City of Bismarck has issued building permits for six new hotels since 2010. Other hotels

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Growth Fund Committee Recommendations on Applications for Tax Exemption

Page 2 of 2

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reported to be in the development pipeline include a Wingate, a Hampton Inn, a Holiday Inn and Bismarck has sought hotel proposals in association with the proposed Civic Center expansion. A new hotel in Mandan will help our community better benefit from visitor spending.

ATTACHMENTS: See application provided for Public Hearing

FISCAL IMPACT: With a proposed building investment of \$5,160,000, the estimated annual property taxes are \$104,072. This is tax revenue that the city currently does not receive as the building does not exist today. The land, which remains taxed, will increase in taxable value once developed.

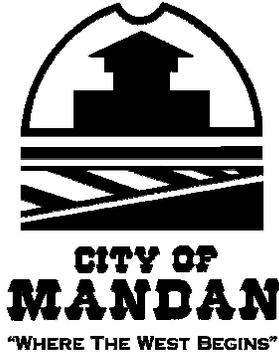
The total value of the exemption rate as recommended by the MGF (100%, 100%, 75%, 50%, 25%) is \$364,252 over the course of five years.

STAFF IMPACT: Minimal.

LEGAL REVIEW: Attorney Brown has reviewed all information.

RECOMMENDATION: The MGF voted to recommend approval of a property tax exemption for the Mandan Hotel Group at its 27<sup>th</sup> Street NW location for years 1-2 at 100% and years 3, 4 and 5 at 75%, 50% and 25%, respectively.

SUGGESTED MOTION: I move the Commission approve a property tax exemption for the Mandan Hotel Group at its 27<sup>th</sup> Street NW location for years 1-2 at 100% and years 3, 4 and 5 at 75%, 50% and 25%, respectively.



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** November 6, 2012  
**PREPARATION DATE:** November 1, 2012  
**SUBMITTING DEPARTMENT:** Engineering  
**DEPARTMENT DIRECTOR:**  
**PRESENTER:** Kim Fettig  
**SUBJECT:** Consider the creation of, authorize the advertisement of the Resolution of Necessity, approve the plans and specifications for, approve the engineers report and approve the feasibility report for Street Improvement District No. 163 Project # 2012-01. (Sunset Drive NW).

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

**BACKGROUND/ALTERNATIVES:** This project has been created to allow for the new street work on Sunset Drive NW. Installation of new curb and gutter, asphalt or concrete street, storm sewer, street lights and chip seal will take place with this project.

**ATTACHMENTS:**

1. Resolution Creating District
2. Resolution of Necessity
3. Engineers Report
5. Resolution of Plans and Specs
6. Feasibility Report
7. District Map

**FISCAL IMPACT:** The estimate of cost for the project would be \$2,789,565.00 (\$2,738,115.00 eligible for Federal Funds), engineering and administration will add \$976,347.75, bringing the total to \$3,765,912.75. The City will be responsible for 50% of the local share since the Street is a Main Arterial or Urban Road and eligible for NDDOT funding with the balance of the Project cost to be special assessed to the benefiting properties within the District.

**STAFF IMPACT:** Minimal

**LEGAL REVIEW:** Reviewed by City Attorney.

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the feasibility report for, approve the plans and specifications for, and authorize the advertisement of the Resolution of Necessity for Street Improvement District No. 163 Project # 2012-01. (Sunset Drive NW).

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RECOMMENDATION: This office supports moving forward with the project.

SUGGESTED MOTION: I move to approve adoption of resolutions creating, approving the feasibility report, approving the plans and specifications, approving engineers report and declaring the necessity for Street Improvement District No. 163 Project # 2012-01. (Sunset Drive NW).

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the feasibility report for, approve the plans and specifications for, and authorize the advertisement of the Resolution of Necessity for Street Improvement District No. 163 Project # 2012-01. (Sunset Drive NW).

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Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the feasibility report for, approve the plans and specifications for, and authorize the advertisement of the Resolution of Necessity for Street Improvement District No. 163 Project # 2012-01. (Sunset Drive NW).

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**RESOLUTION CREATING  
STREET IMPROVEMENT DISTRICT NO. 163**

Project No. 2012-01

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

1. There is hereby created Street Improvement District No. 163(the "District") (Project# 2012-01) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal street system listed below. The improvement to said streets within this improvement district shall include, but not be limited to, Sunset Drive NW and 6<sup>th</sup> Avenue NW, and includes street reconstruction, installation of curb and gutter, asphalt or concrete street, storm sewer, street lights, chip seal and related work.

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

The following lots and blocks are included in said District:

All of Blocks 103 thru 106, Blocks 97 thru 99 and Blocks 92 thru 95, **FIRST NORTHERN PACIFIC ADDITION**, according to the recorded plat thereof, Morton County, North Dakota.

All of **SCHOOL DISTRICT FIRST ADDITION REPLAT**, according to the recorded plat thereof, Morton County, North Dakota.

All of Block 4 and Block 5, **ZACHMEIER FIRST ADDITION**, according to the recorded plat thereof, Morton County, North Dakota.

All of Block 4, Block 5 and Block 6, **HILLCREST ADDITION**, according to the recorded plat thereof, Morton County North Dakota.

All of **HILLCREST SECOND ADDITION**, according to the recorded plat thereof, Morton County, North Dakota.

All of Blocks 2 thru 6, **MANDAN HEIGHTS FIRST ADDITION**, according to the recorded plat thereof, Morton County, North Dakota.

All of **SIEGEL'S THIRD ADDITION**, according to the recorded plat thereof, Morton County, North Dakota.

All of **REPLAT OF SUNSET ADDITION**, according to the recorded plat thereof, Morton County, North Dakota.

All of **SUNSET ADDITION TO THE CITY OF MANDAN**, according to the recorded plat thereof, Morton County, North Dakota.

All of the Plat of **LOTS A, B, C, & D, BLOCK 6, SHARON HEIGHTS 1<sup>ST</sup> ADDITION TO THE CITY OF MANDAN**, according to the recorded plat thereof, Morton County, North Dakota.

All of **SHARON HEIGHTS FIRST ADDITION TO THE CITY OF MANDAN**, according to the recorded plat thereof, Morton County, North Dakota.

All of Blocks 4 and 5, Lots 3 thru 15, Block 6, Lots 10 thru 25, Block 2 and all of Lots 11 thru 26, Block 3, **SHARON HEIGHTS SECOND ADDITION TO THE CITY OF MANDAN**, according to the recorded plat thereof, Morton County, North Dakota.

All of **SHARON HEIGHTS THIRD ADDITION TO THE CITY OF MANDAN**, according to the recorded plat thereof, Morton County, North Dakota.

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the feasibility report for, approve the plans and specifications for, and authorize the advertisement of the Resolution of Necessity for Street Improvement District No. 163 Project # 2012-01. (Sunset Drive NW).

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All of Blocks 2 thru 5 and Lots 13 thru 29, Block 6, **SHARON HEIGHTS FOURTH ADDITION TO THE CITY OF MANDAN**, according to the recorded plat thereof, Morton County, North Dakota.

All of **SHARON HEIGHTS FIFTH ADDITION TO THE CITY OF MANDAN**, according to the recorded plat thereof, Morton County, North Dakota.

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

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

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

ATTEST:

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

Date of Passage: November 6<sup>th</sup>, 2012

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the feasibility report for, approve the plans and specifications for, and authorize the advertisement of the Resolution of Necessity for Street Improvement District No. 163 Project # 2012-01. (Sunset Drive NW).

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**RESOLUTION DECLARING THE NECESSITY OF AN  
IMPROVEMENT PROJECT IN AND FOR STREET IMPROVEMENT  
DISTRICT NO. 163 OF THE CITY OF MANDAN**

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

1. It is hereby found, determined and declared that it is necessary for the City to construct make an improvement of the type specified in Section 40-22-01(2), North Dakota Century Code (N.D.C.C.), in and for Street Improvement District No. 163 (the "District") of said City. Said improvement shall include, street surface reconstruction, installation of curb and gutter, asphalt or concrete street, storm sewer, street lights, chip seal and related work, as well as all other work and materials which are necessary or reasonably incidental to the completion of the project; all in accordance with and as described in the resolution creating said District adopted November 6, 2012, and the Engineer's Report which are on file in the offices of the City Administrator and Engineer and open for public inspection by anyone interested therein. Improvements will take place primarily on Sunset Drive NW, 6<sup>th</sup> Avenue NW and connecting side streets.

2. With regard to such improvement, the City proposes to enter an agreement with the North Dakota Department of Transportation Under such proposed agreement, the City will be obligated to pay approximately \$1,280,000.00 of the total cost of the improvement and the balance (approximately 80%) of such total cost will be paid by federal and state funds. The cost which the City will be obligated to pay under the proposed agreement will be paid from sources as follows:

- a. Approximately \$640,000.00 or 50% of the City's cost will be paid for by special assessments to be levied against the respective lots, tracts and parcels of land within said improvement District benefited by the improvement in amounts proportionate to and not exceeding such benefits; and
- b. The balance of such cost will be paid by City sales tax funds, City water and sewer utility funds, and by general taxation of all the taxable property in the City.

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the feasibility report for, approve the plans and specifications for, and authorize the advertisement of the Resolution of Necessity for Street Improvement District No. 163 Project # 2012-01. (Sunset Drive NW).

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3. The City Administrator is authorized and directed to cause this resolution, together with a map of the City showing the improvement district, which is attached hereto, to be published once each week for two (2) consecutive weeks in the official newspaper of the City.

4. The owners of property within said improvement District and liable to be specially assessed for said improvement shall be afforded the opportunity to file with the City Administrator within thirty (30) days after the first publication of this resolution, written protests against the adoption of this resolution, which written protests must describe the property which is the subject of the protest. The Board of City Commissioners shall, at its next meeting after the expiration of said period, to wit December 18<sup>th</sup>, 2012 at 5:30 o'clock p.m., meet at the City Hall, 205 2<sup>nd</sup> Avenue N.W., Mandan, ND, to hear and determine the sufficiency of any of the protests so filed and to take such other and further action with reference to said improvement District as may then be deemed necessary and expedient.

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

Dated this 6th day of November, 2012.

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

ATTEST:

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

Publication Dates: November 9 & November 16, 2012

Map of District Must also be Published

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the feasibility report for, approve the plans and specifications for, and authorize the advertisement of the Resolution of Necessity for Street Improvement District No. 163 Project # 2012-01. (Sunset Drive NW).

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**RESOLUTION APPROVING ENGINEER'S REPORT AND  
AUTHORIZING PREPARATION OF THE DETAILED PLANS  
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE  
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 163**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 163 (Project # 2012-01), as required by section 40-22-10 of the North Dakota Century Code, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

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

a. Construction costs:	\$2,789,565.00
b. Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:	\$976,347.75
c. Total estimated costs of the improvement:	\$3,765,912.75

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

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

Dated this 6th day of November, 2012.

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

ATTEST:

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

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the feasibility report for, approve the plans and specifications for, and authorize the advertisement of the Resolution of Necessity for Street Improvement District No. 163 Project # 2012-01. (Sunset Drive NW).

Page 9 of 13

Engineer's Opinion of  
Probable Cost for Street Improvements  
Sunset Drive NW Reconstruction  
October 30th, 2012

Item No.	SPEC	CODE	ITEM DESCRIPTION	UNIT	Quantity		UNIT PRICE	Participating Amount	Non-Participating Amount
					PARTICIPATING	NON-PARTICIPATING			
1	103	0100	CONTRACT BOND	LSUM	0.51	0.13	\$200,000.00	\$101,725.00	\$25,725.00
2	201	0330	CLEARING & GRUBBING	LSUM	1	0	\$12,500.00	\$12,500.00	
3	201	0380	REMOVAL OF TREES 18IN	EA	3	0	\$1,500.00	\$4,500.00	
4	202	0112	REMOVAL OF CONCRETE	SY	4,723	0	\$13.00	\$61,399.00	
5	202	0119	SAW CONCRETE	LF	1,137	0	\$7.00	\$7,959.00	
6	202	0130	REMOVAL OF CURB & GUTTER	LF	7,653	0	\$7.00	\$53,571.00	
7	202	0132	REMOVAL OF BITUMINOUS SURFACING	SY	16,744	0	\$5.00	\$83,720.00	
8	202	0153	SAW BITUMINOUS SURFACING-FULL DEPTH	LF	527	0	\$2.50	\$1,317.50	
9	203	0101	COMMON EXCAVATION-TYPE A	CY	8,038	0	\$5.00	\$40,190.00	
10	203	0109	TOPSOIL	CY	1,110	0	\$5.00	\$5,550.00	
11	203	0113	COMMON EXCAVATION-WASTE	CY	6,568	0	\$10.00	\$65,680.00	
12	216	0100	WATER	M GAL	91	0	\$20.00	\$1,820.00	
13	230	0301	SURGRADE PREPARATION-TYPE A	MILE	0.63	0	\$5,000.00	\$3,150.00	
14	302	0100	SALVAGED BASE COURSE	TON	8,363	0	\$20.00	\$167,260.00	
15	401	0150	5S1H OR CSS1H OR M51 EMULSIFIED ASPHALT	GAL	70	0	\$60.00	\$4,200.00	
16	405	0100	PREPARE STOCKPILE SITE	LSUM	1	0	\$18,000.00	\$18,000.00	
17	408	0185	HOT BITUMINOUS PAVEMENT CL 29	TON	304	0	\$68.00	\$20,640.00	
18	530	0300	8IN NON-REINF CONCRETE PVMT CLAE-DOWELED	SY	16,157	0	\$58.00	\$937,106.00	
19	602	1125	CLASS AE-3 CONCRETE STAIRWAY	CY	5	0	\$1,000.00	\$5,000.00	
20	702	0100	MOBILIZATION	LSUM	0.51	0.13	\$200,000.00	\$101,725.00	\$25,725.00
21	704	1000	TRAFFIC CONTROL SIGNS	UNIT	2,083	0	\$2.50	\$5,207.50	
22	704	1052	TYPE III BARRICADE	EA	41	0	\$120.00	\$4,920.00	
23	706	0300	FIELD LABORATORY-TYPE C	EA	0.80	0	\$10,000.00	\$8,000.00	
24	706	0400	FIELD OFFICE	EA	0.60	0	\$16,500.00	\$9,900.00	
25	708	1322	SILT FENCE UNSUPPORTED	LF	650	0	\$3.00	\$1,950.00	
26	708	1430	FIBER ROLLS 12IN	LF	1,690	0	\$4.00	\$6,760.00	
27	708	2130	SEEDING-TYPE A-CL1	ACRE	1.60	0.00	\$2,500.00	\$4,000.00	
28	722	6240	ADJUST UTILITY APPURTENANCE	EA	21	0	\$300.00	\$6,300.00	
29	748	0140	CURB & GUTTER-TYPE I	LF	7,581	0	\$25.00	\$189,525.00	
30	750	0115	SIDEWALK CONCRETE 4IN	SY	3,747	0	\$45.00	\$168,615.00	
31	750	1010	DRIVEWAY CONCRETE-HIGH EARLY STRENGTH	SY	1,712	0	\$55.00	\$94,160.00	
32	750	2115	DETECTABLE WARNING PANELS	SF	240	0	\$50.00	\$12,000.00	
33	752	0911	TEMPORARY SAFETY FENCE	LF	2,000	0	\$5.00	\$10,000.00	
34	752	0922	FENCE REMOVE AND RESET	LF	125	0	\$20.00	\$2,500.00	
35	754	0117	FLAT SHEET FOR SIGNS-TYPE 3A REFL SHEETING	SF	225	0	\$15.00	\$3,375.00	
36	754	0206	STEEL GALV POSTS-TELESCOPING PERFORATED TUBE	LF	332	0	\$25.00	\$8,300.00	
37	762	0122	PERFORMED PATTERNED PVMT MK-MESSAGE (GROOVED)	SF	16	0	\$30.00	\$480.00	
38	762	1305	PERFORMED PATTERNED PVMT MK 4IN LINE-GROOVED	LF	5,745	0	\$5.00	\$28,725.00	

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the feasibility report for, approve the plans and specifications for, and authorize the advertisement of the Resolution of Necessity for Street Improvement District No. 163 Project # 2012-01. (Sunset Drive NW).

Engineer's Opinion of  
 Probable Cost for Street Improvements  
 Sunset Drive NW Reconstruction  
 October 30th, 2012

Item No.	SPEC	CODE	ITEM DESCRIPTION	UNIT	Quantity		UNIT PRICE	Participating Amount	Non-Participating Amount
					PARTICIPATING	NON-PARTICIPATING			
39	762	1309	PREFORMED PATTERNED PVMT MK 8IN LINE-GROOVED	LF	37	0	\$10.00	\$370.00	
40	762	1325	PREFORMED PATTERNED PVMT MK 24IN LINE-GROOVED	LF	271	0	\$35.00	\$9,485.00	
41	770	0001	LIGHTING SYSTEM	EA	1	0	\$250,000.00	\$250,000.00	
42	970	0070	STONE MULCH	SF	1,820	0	\$10.00	\$18,200.00	
43	970	0075	WOOD MULCH	SF	564	0	\$2.50	\$1,410.00	
44	970	0300	BENCH	EA	2	0	\$1,300.00	\$2,600.00	
45	970	0365	SHELTER	EA	1	0	\$12,000.00	\$12,000.00	
46	970	1020	REPLANT SHRUBS	EA	2	0	\$150.00	\$300.00	
47	970	2330	BUR OAK	EA	4	0	\$300.00	\$1,200.00	
48	970	3600	BLACK HILLS SPRUCE	EA	3	0	\$200.00	\$600.00	
49	970	6016	DAVILILIES-CONTAINER	EA	12	0	\$15.00	\$180.00	
50	970	7050	KARL FOENSTER	EA	2	0	\$20.00	\$40.00	
<b>Total Base Bid =</b>								<b>\$2,738,115.00</b>	<b>\$51,450.00</b>

**Improvements Total= \$2,789,565.00**

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the feasibility report for, approve the plans and specifications for, and authorize the advertisement of the Resolution of Necessity for Street Improvement District No. 163 Project # 2012-01. (Sunset Drive NW).

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**RESOLUTION APPROVING PLANS AND SPECIFICATIONS  
FOR STREET IMPROVEMENT DISTRICT NO. 163  
PROJECT # 2012-01**

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

Pursuant to the requirement of section 40-22-11 of the North Dakota Century Code, the Plans and Specifications for the improvement project in Street Improvement District No. 163 (Project # 2012-01) of said City be and the same are hereby approved, ratified and confirmed as the plans and specifications in accordance with which said improvement project will be constructed, except as modified by this Board in accordance with law, and the City Administrator shall file the same in his office, open for public inspection.

Dated this 6<sup>th</sup> day of November, 2012.

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

ATTEST:

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

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the feasibility report for, approve the plans and specifications for, and authorize the advertisement of the Resolution of Necessity for Street Improvement District No. 163 Project # 2012-01. (Sunset Drive NW).

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**FEASIBILITY AND EVALUATION OF IMPROVEMENTS  
FOR STREET IMPROVEMENT DISTRICT #163, PROJECT #2012-01**

1.) General Nature of Project

The District has been created to allow for new street work on Sunset Drive NW. Installation of new curb & gutter, asphalt or concrete street, storm sewer, street lights & chip seal will take place with this project.

2.) Location of Proposed Construction

The proposed construction will take place on Sunset Drive NW from 7<sup>th</sup> Street NW to 18<sup>th</sup> Street NW. Some additional work will take place on 6<sup>th</sup> Avenue NW from 8<sup>th</sup> Street NW to Division Street NW.

3.) Environmental Impact

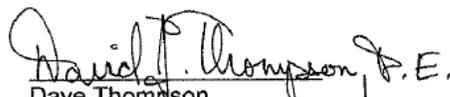
It is anticipated that there will be some dirt, noise and pollutants during the construction period as a result of the use of the necessary equipment. There will also be some surplus or waste construction materials that will need to be disposed of by the contractor at his or her expense. The contractors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

4.) Feasibility of Project

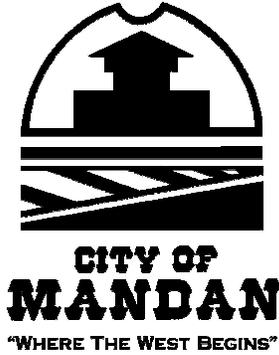
In the opinion of the undersigned this project is feasible and needed throughout the indicated area to ensure adequate and safe traffic movement for now and in the future.

5.) Estimates of Costs

Attached is a map showing the area and district boundary. The construction costs are estimated at \$2,789,565.00. Other costs of making the improvement including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; publication of legal notices printing of warrants; and all expenses incurred in the making of the improvement and levy of assessments therefore are estimated at \$976,347.75. The total cost for the improvement is estimated at \$3,765,912.75.

  
Dave Thompson  
Acting City Engineer





New Business No. 7

## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** November 6, 2012  
**PREPARATION DATE:** November 1, 2012  
**SUBMITTING DEPARTMENT:** Engineering  
**DEPARTMENT DIRECTOR:**  
**PRESENTER:** Kim Fettig  
**SUBJECT:** Consider the creation of, approve the plans and specifications, engineer's report and approve the feasibility report for Storm Sewer Improvement District No. 32 Project # 2012-23. (Sunset Drive NW).

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

**BACKGROUND/ALTERNATIVES:** This project has been created to add storm sewer inlets, manholes and pipe convey storm water that is now running uncontrolled down Sunset Drive NW causing erosion and occasional flooding of private property along this roadway.

**ATTACHMENTS:**

1. Resolution creating district
2. Resolution of plans and specs
3. Project cost sheet
4. Feasibility Report
5. District Map

**FISCAL IMPACT:** The estimate of cost for the project would be \$619,590.00 (\$607,590.00 eligible for Federal Funds), engineering and administration will add \$216,856.50, bringing the total to \$836,446.50. The City is responsible for the oversizing of the utilities with the balance of the Project cost to be special assessed to the benefiting properties within the District.

**STAFF IMPACT:** Minimal

**LEGAL REVIEW:** Reviewed by City Attorney.

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

**SUGGESTED MOTION:** I move to approve adoption of resolutions creating, approving the feasibility report, approving the plans and specifications, approving the engineers

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the feasibility report for, approve the plans and specifications for Storm Sewer Improvement District No. 32 Project # 2012-23. (Sunset Drive NW).

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report for Storm Sewer Improvement District No. 32 Project # 2012-23. (Sunset Drive NW).

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the feasibility report for, approve the plans and specifications for Storm Sewer Improvement District No. 32 Project # 2012-23. (Sunset Drive NW).

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**RESOLUTION CREATING  
STORM SEWER IMPROVEMENT DISTRICT NO. 32**

Project No. 2012-23

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

1. There is hereby created Storm Sewer Improvement District No.32 (the "District") (Project# 2012-23) of the City of Mandan for the purpose of making an improvement project of the type specified in subsection (1) of Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal storm sewer system listed below. The improvement to said storm sewer within this improvement District shall include, but not be limited to, adding storm sewer inlets, manholes and pipe to convey storm water.

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

The following lots and blocks are included in said District:

All of Blocks 104 thru 106, Blocks 97 thru 99 and Blocks 92 thru 95, **FIRST NORTHERN PACIFIC ADDITION**, according to the recorded plat thereof, Morton County, North Dakota.

All of **SCHOOL DISTRICT FIRST ADDITION REPLAT**, according to the recorded plat thereof, Morton County, North Dakota.

All of Lots 6 thru 23, Block 4, **HILLCREST ADDITION**, according to the recorded plat thereof, Morton County North Dakota.

All of Block 2, **REPLAT OF SUNSET ADDITION**, according to the recorded plat thereof, Morton County, North Dakota.

All of Block 2, **SUNSET ADDITION TO THE CITY OF MANDAN**, according to the recorded plat thereof, Morton County, North Dakota.

All of the Plat of **LOTS A, B, C, & D, BLOCK 6, SHARON HEIGHTS 1<sup>ST</sup> ADDITION TO THE CITY OF MANDAN**, according to the recorded plat thereof, Morton County, North Dakota.

All of Block 1 and Block 2, **SHARON HEIGHTS FIRST ADDITION TO THE CITY OF MANDAN**, according to the recorded plat thereof, Morton County, North Dakota.

All of Blocks 3 and 4, **SHARON HEIGHTS SECOND ADDITION TO THE CITY OF MANDAN**, according to the recorded plat thereof, Morton County, North Dakota.

All of **SHARON HEIGHTS THIRD ADDITION TO THE CITY OF MANDAN**, according to the recorded plat thereof, Morton County, North Dakota.

All of **SHARON HEIGHTS FOURTH ADDITION TO THE CITY OF MANDAN**, according to the recorded plat thereof, Morton County, North Dakota.

All of **SHARON HEIGHTS FIFTH ADDITION TO THE CITY OF MANDAN**, according to the recorded plat thereof, Morton County, North Dakota.

All of **HOSPITAL ADDITION TO THE CITY OF MANDAN**, according to the recorded plat thereof, Morton County, North Dakota.

All of **BOUTROUS ADDITION**, according to the recorded plat thereof, Morton County, North Dakota.

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the feasibility report for, approve the plans and specifications for Storm Sewer Improvement District No. 32 Project # 2012-23. (Sunset Drive NW).

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

4. This storm sewer improvement project constitutes an improvement project described in subsection 1 of section 40-22-01 of the North Dakota Century Code and as such a resolution of necessity is not required to be published under the provisions of NDCC Section 40-22-15.

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

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

ATTEST:

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

Date of Passage: November 6th, 2012

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the feasibility report for, approve the plans and specifications for Storm Sewer Improvement District No. 32 Project # 2012-23. (Sunset Drive NW).

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**RESOLUTION APPROVING ENGINEER'S REPORT AND  
AUTHORIZING PREPARATION OF THE DETAILED PLANS AND  
SPECIFICATIONS FOR THE CONSTRUCTION OF THE IMPROVEMENT  
IN STORM SEWER IMPROVEMENT DISTRICT NO. 32, PROJECT #2012-23**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Storm Sewer Improvement District No. 32(Project # 2012-23), as required by section 40-22-10 of the North Dakota Century Code, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

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

a. Construction costs:	\$619,590.00
b. Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:	\$216,856.50
c. Total estimated costs of the improvement:	\$836,446.50

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

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

Dated this 6th day of November, 2012.

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

ATTEST:

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

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the feasibility report for, approve the plans and specifications for Storm Sewer Improvement District No. 32 Project # 2012-23. (Sunset Drive NW).

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Engineer's Opinion of  
Probable Cost for Storm Sewer Improvements  
Sunset Drive NW Reconstruction  
October 30th, 2012

Item No.	SPEC	CODE	ITEM DESCRIPTION	UNIT	Quantity		UNIT PRICE	Participating Amount	Non-Participating Amount
					PARTICIPATING	NON-PARTICIPATING			
1	103	0100	CONTRACT BOND	LSUM	0.14	0.03	\$280,000.00	\$28,000.00	\$6,000.00
2	202	0174	REMOVAL OF PIPE ALL TYPES AND SIZES	LF	1,482	0	\$15.00	\$22,230.00	
3	202	0210	REMOVAL OF MANHOLES	EA	1	0	\$550.00	\$550.00	
4	216	0100	WATER	M GAL	13	0	\$20.00	\$260.00	
5	702	0100	MOBILIZATION	LSUM	0.14	0.03	\$200,000.00	\$28,000.00	\$6,000.00
6	706	0300	FIELD LABORATORY-TYPE C	EA	0.10	0	\$10,000.00	\$1,000.00	
7	706	0400	FIELD OFFICE	EA	0.20	0	\$16,500.00	\$3,300.00	
8	708	3531	INLET PROTECTION-FIBER ROLL 12IN	EA	17	0	\$80.00	\$1,360.00	
9	722	0100	MANHOLE 48IN	EA	5	0	\$2,750.00	\$13,750.00	
10	722	0110	MANHOLE 60IN	EA	2	0	\$3,000.00	\$6,000.00	
11	722	0130	MANHOLE 72IN	EA	1	0	\$4,000.00	\$4,000.00	
12	722	0130	MANHOLE 84IN	EA	2	0	\$5,000.00	\$10,000.00	
13	722	0140	MANHOLE 96IN	EA	5	0	\$6,000.00	\$30,000.00	
14	722	3510	INLET-TYPE 2	EA	7	0	\$2,000.00	\$14,000.00	
15	722	3520	INLET-TYPE 2 DOUBLE	EA	11	0	\$3,500.00	\$38,500.00	
16	722	3541	INLET SHALLOW-TYPE 2 DOUBLE	EA	3	0	\$2,000.00	\$6,000.00	
Total Base Bid =								\$218,950.00	

Option 1: REINFORCED CONCRETE PIPE

Item No.	SPEC	CODE	ITEM DESCRIPTION	UNIT	Quantity		UNIT PRICE	Participating Amount	Non-Participating Amount
					PARTICIPATING	NON-PARTICIPATING			
17	714	4101	PIPE CONDUIT 18IN-STORM DRAIN	LF	1,550	0	\$65.00	\$100,750.00	
18	714	4107	PIPE CONDUIT 24IN-STORM DRAIN	LF	1,138	0	\$85.00	\$96,730.00	
19	714	4112	PIPE CONDUIT 30IN-STORM DRAIN	LF	1,284	0	\$150.00	\$192,600.00	
20	714	4126	PIPE CONDUIT 48IN-STORM DRAIN	LF	48	0	\$220.00	\$10,560.00	
Option 1 Total =								\$400,640.00	\$0.00

Option 2: FLEXIBLE PIPE (See Section 51 for allowable materials)

Item No.	SPEC	CODE	ITEM DESCRIPTION	UNIT	Quantity		UNIT PRICE	Participating Amount	Non-Participating Amount
					PARTICIPATING	NON-PARTICIPATING			
21	714	4101	PIPE CONDUIT 18IN-STORM DRAIN	LF	1,550	0	\$60.00	\$93,000.00	
22	714	4107	PIPE CONDUIT 24IN-STORM DRAIN	LF	1,138	0	\$75.00	\$85,350.00	
23	714	4112	PIPE CONDUIT 30IN-STORM DRAIN	LF	1,284	0	\$90.00	\$115,560.00	
24	714	4126	PIPE CONDUIT 48IN-STORM DRAIN	LF	48	0	\$150.00	\$7,200.00	
Option 2 Total =								\$301,110.00	\$0.00

Base Bid Total =	\$206,950.00	\$12,000.00
Option 1 Total =	\$400,640.00	
Option 2 Total =	\$301,110.00	
<b>Improvements Total =</b>	<b>\$619,590.00</b>	

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the feasibility report for, approve the plans and specifications for Storm Sewer Improvement District No. 32 Project # 2012-23. (Sunset Drive NW).

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**RESOLUTION APPROVING PLANS AND SPECIFICATIONS  
FOR STORM SEWER IMPROVEMENT DISTRICT NO. 32  
PROJECT # 2012-23**

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

Pursuant to the requirement of section 40-22-11 of the North Dakota Century Code, the Plans and Specifications for the improvement project in Storm Sewer Improvement District No. 32 (Project # 2012-23) of said City be and the same are hereby approved, ratified and confirmed as the plans and specifications in accordance with which said improvement project will be constructed, except as modified by this Board in accordance with law, and the City Administrator shall file the same in his office, open for public inspection.

Dated this 6th day of November, 2012.

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

ATTEST:

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

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the feasibility report for, approve the plans and specifications for Storm Sewer Improvement District No. 32 Project # 2012-23. (Sunset Drive NW).

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**FEASIBILITY AND EVALUATION OF IMPROVEMENTS  
FOR STORM SEWER IMPROVEMENT DISTRICT NO. 32  
PROJECT # 2012-23**

1.) General Nature of Project

The District has been created to add storm sewer inlets, manholes and pipe to convey storm water that is now running uncontrolled down Sunset Dr. causing erosion and occasional flooding of private property along this roadway.

2.) Location of Proposed Construction

The Storm sewer will extend from 8<sup>th</sup> Street NW to 14<sup>th</sup> Street NW on Sunset Dr. NW. The storm water drainage basin includes developed areas north and east of Sunset Dr. and undeveloped areas west of the High School/Brave Center.

3.) Environmental Impact

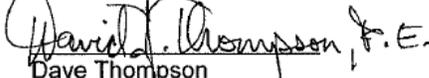
It is anticipated that there will be some dirt, noise and pollutants during the construction period as a result of the use of the necessary equipment. There will also be some surplus or waste construction materials that will need to be disposed of by the contractor at his or her expense. The contractors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

4.) Feasibility of Project

In the opinion of the undersigned this project is feasible and needed as it extends the existing storm sewer system to catch the water near the top of the water shed, thus putting the runoff underground, to help eliminate overland water damage.

5.) Estimates of Costs

Attached is a map showing the area and district boundary. The construction costs are estimated at \$619,590.00. Other costs of making the improvement including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; publication of legal notices printing of warrants; and all expenses incurred in the making of the improvement and levy of assessments therefor are estimated at \$216856.50. The total cost for the improvement is estimated at \$836,446.50.

  
Dave Thompson  
Acting City Engineer

Board of City Commissioners

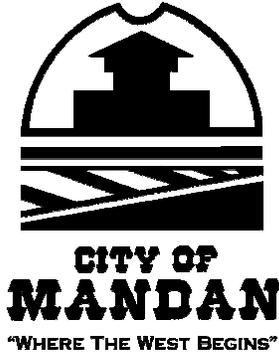
Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the feasibility report for, approve the plans and specifications for Storm Sewer Improvement District No. 32 Project # 2012-23. (Sunset Drive NW).

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## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** November 6, 2012  
**PREPARATION DATE:** November 1, 2012  
**SUBMITTING DEPARTMENT:** Engineering  
**DEPARTMENT DIRECTOR:**  
**PRESENTER:** Kim Fettig  
**SUBJECT:** Consider the creation of, approve the plans and specifications, engineer's cost estimate and approve the feasibility report for Water & Sewer Improvement District No. 61 Project # 2012-24. (Sunset Drive NW).

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

**BACKGROUND/ALTERNATIVES:** This project has been created to replace the aging water and sewer mains along Sunset Drive NW. The water mains along Sunset Drive NW have numerous breaks and have become unreliable in providing water supply and fire protection to the residents in the area. The sewer main will replace two existing sewer mains that serve only one side of the street, are made of old clay tile materials and are very expensive to maintain.

**ATTACHMENTS:**

1. Resolution creating district
2. Resolution of plans and specs
3. Engineers Report
4. Feasibility Report
5. District Map

**FISCAL IMPACT:** The estimate of cost for the project would be \$777,060.00 (\$101,675.00 eligible for Federal Funds), engineering and administration will add \$271,971.00, bringing the total to \$1,049,031.00. The City is responsible for the oversizing of the utilities with the balance of the Project cost to be special assessed to the benefiting properties within the District.

**STAFF IMPACT:** Minimal

**LEGAL REVIEW:** Reviewed by City Attorney.

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

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the feasibility report for, approve the plans and specifications for Water & Sewer Improvement District No. 61 Project # 2012-24. (Sunset Drive NW).

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SUGGESTED MOTION: I move to approve adoption of resolutions creating, approving the feasibility report, approving the plans and specifications, engineers report for Water & Sewer Improvement District No. 61 Project # 2012-24. (Sunset Drive NW).

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the feasibility report for, approve the plans and specifications for Water & Sewer Improvement District No. 61 Project # 2012-24. (Sunset Drive NW).

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**RESOLUTION CREATING WATER AND SEWER  
IMPROVEMENT DISTRICT NO. 61**

Project No. 2012-24

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

1. There is hereby created Water and Sewer Improvement District No. 61 (the "District") of the City of Mandan, North Dakota, for the purpose of making an improvement project of the type specified in subsection (1) of Section 40-22-01 of the North Dakota Century Code, as amended. Said improvement project to consist of the installation and replacement of water and sewer mains along Sunset Dr. NW and 6<sup>th</sup> Avenue NW, along with the construction and erection of all other appurtenances, contrivances and structures used or useful for a successful operation of the City's water supply and sewer system in or on the streets, and public ways within the corporate limits of said City, and to acquire the necessary lands, easements and rights-of-way within the City in connection therewith, all more fully described in the plans and specifications and the estimate of cost thereof to be adopted by the Board for said improvement project.

2. Consultation with respect thereto having been had with the City Engineer, as to property to be benefitted by said proposed improvement project (Project No. 2012-24) and the most practical size, form and location of said District, said District shall include all of the following lots, tracts and parcels of land lying within the following boundary lines to-wit:

Lots, Tracts and Parcels in District:

All of **SCHOOL DISTRICT 4<sup>TH</sup> ADDITION**, according to the recorded plat thereof, Morton County, North Dakota.

All of Blocks 103 thru 106, Blocks 97 thru 99 and Blocks 92 thru 95, **FIRST NORTHERN PACIFIC ADDITION**, according to the recorded plat thereof, Morton County, North Dakota.

All of **SCHOOL DISTRICT FIRST ADDITION REPLAT**, according to the recorded plat thereof, Morton County, North Dakota.

All of Block 4 and Block 5, **ZACHMEIER FIRST ADDITION**, according to the recorded plat thereof, Morton County, North Dakota.

All of Block 4, Block 5 and Block 6, **HILLCREST ADDITION**, according to the recorded plat thereof, Morton County North Dakota.

All of **HILLCREST SECOND ADDITION**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MANDAN HEIGHTS FIRST ADDITION**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MANDAN HEIGHTS SECOND ADDITION**, according to the recorded plat thereof, Morton County, North Dakota.

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the feasibility report for, approve the plans and specifications for Water & Sewer Improvement District No. 61 Project # 2012-24. (Sunset Drive NW).

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All of Block 1 and part of Block 2, **MANDAN HEIGHTS THIRD ADDITION**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MANDAN HEIGHTS FOURTH ADDITION RE-PLAT**, according to the recorded plat thereof, Morton County, North Dakota.

All of **MANDAN HEIGHTS FIFTH ADDITION**, according to the recorded plat thereof, Morton County, North Dakota.

All of **SIEGEL'S THIRD ADDITION**, according to the recorded plat thereof, Morton County, North Dakota.

All of **REPLAT OF SUNSET ADDITION**, according to the recorded plat thereof, Morton County, North Dakota.

All of **SUNSET ADDITION TO THE CITY OF MANDAN**, according to the recorded plat thereof, Morton County, North Dakota.

All of the Plat of **LOTS A, B, C, & D, BLOCK 6, SHARON HEIGHTS 1<sup>ST</sup> ADDITION TO THE CITY OF MANDAN**, according to the recorded plat thereof, Morton County, North Dakota.

All of **SHARON HEIGHTS FIRST ADDITION TO THE CITY OF MANDAN**, according to the recorded plat thereof, Morton County, North Dakota.

All of **SHARON HEIGHTS SECOND ADDITION TO THE CITY OF MANDAN**, according to the recorded plat thereof, Morton County, North Dakota.

All of **SHARON HEIGHTS THIRD ADDITION TO THE CITY OF MANDAN**, according to the recorded plat thereof, Morton County, North Dakota.

All of **SHARON HEIGHTS FOURTH ADDITION TO THE CITY OF MANDAN**, according to the recorded plat thereof, Morton County, North Dakota.

All of **SHARON HEIGHTS FIFTH ADDITION TO THE CITY OF MANDAN**, according to the recorded plat thereof, Morton County, North Dakota.

All of **HOSPITAL ADDITION TO THE CITY OF MANDAN**, according to the recorded plat thereof, Morton County, North Dakota.

All of **SUNSET SECOND ADDITION TO THE CITY OF MANDAN**, according to the recorded plat thereof, Morton County, North Dakota.

All of **GULLICKSON'S FIRST ADDITION TO THE CITY OF MANDAN**, according to the recorded plat thereof, Morton County, North Dakota.

All of Lots 1, 2 and 6 thru 11 and part of Lots 3 and 5, **BOUTROUS ADDITION**, according to the recorded plat thereof, Morton County, North Dakota.

3. Said improvements to be an extension of the water supply and sewer system of said City and to be located and/or constructed on the following streets and public places; namely: on Sunset Drive NW, and 6<sup>th</sup> Avenue NW.

4. The Engineer is hereby authorized and directed to prepare a report as to the general nature, purpose and feasibility of the proposed improvement project to be constructed in and for said District, a map showing the proposed district and an estimate of the probable cost of the improvement.

5. This water and sewer improvement project constitutes an improvement project described in subsection 1 of section 40-22-01 of the North Dakota Century Code and as such a resolution of necessity is not required to be published under the provisions of NDCC Section 40-22-15.

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the feasibility report for, approve the plans and specifications for Water & Sewer Improvement District No. 61 Project # 2012-24.  
(Sunset Drive NW).

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

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

ATTEST:

\_\_\_\_\_  
James Neubauer, City Auditor

Date of Adoption: November 6<sup>th</sup>, 2012

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the feasibility report for, approve the plans and specifications for Water & Sewer Improvement District No. 61 Project # 2012-24. (Sunset Drive NW).

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**RESOLUTION APPROVING ENGINEER'S REPORT AND  
AUTHORIZING PREPARATION OF THE DETAILED PLANS  
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE  
IMPROVEMENT IN WATER & SEWER IMPROVEMENT DISTRICT NO. 61**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Water & Sewer Improvement District No. 61 (Project #2012-24), as required by section 40-22-10 of the North Dakota Century Code, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

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

a. Construction costs:	\$777,060.00
b. Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:	\$271,971.00
c. Total estimated costs of the improvement:	\$1,049,031.00

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

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

Dated this 6<sup>th</sup> day of November, 2012.

BY ORDER OF THE BOARD OF THE CITY COMMISSIONERS

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

ATTEST:

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

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the feasibility report for, approve the plans and specifications for Water & Sewer Improvement District No. 61 Project # 2012-24. (Sunset Drive NW).

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Engineer's Opinion of  
 Probable Cost for Water and Sanitary Sewer Improvements  
 Sunset Drive NW Reconstruction  
 October 30th, 2012

Item No.	SPEC	CODE	ITEM DESCRIPTION	UNIT	Quantity		UNIT PRICE	Participating Amount	Non-Participating Amount	
					PARTICIPATING	NON-PARTICIPATING				
1	103	0100	CONTRACT BOND	LSUM	0.17	0.04	\$200,000.00	\$34,000.00	\$8,000.00	
2	202	0174	REMOVAL OF PIPE ALL TYPES AND SIZES	LF	1,667	0	\$15.00	\$25,005.00		
3	202	0210	REMOVAL OF MANHOLES	EA	7	0	\$550.00	\$3,850.00		
4	216	0100	WATER	M GAL	26	0	\$20.00	\$520.00		
5	702	0100	MOBILIZATION	LSUM	0.17	0.04	\$200,000.00	\$34,000.00	\$8,000.00	
6	706	0300	FIELD LABORATORY-TYPE C	EA	0.10	0	\$10,000.00	\$1,000.00		
7	706	0400	FIELD OFFICE	EA	0.20	0	\$16,500.00	\$3,300.00		
8	714	7040	SANITARY SEWER SERVICE CONNECTION	EA	0	59	\$800.00		\$47,200.00	
9	722	0300	MANHOLE SANITARY	EA	0	13	\$5,500.00		\$71,500.00	
10	722	3291	ABANDON SANITARY SEWER MANHOLE	EA	0	7	\$1,000.00		\$7,000.00	
11	724	0300	GATE VALVE & BOX 6IN	EA	0	4	\$1,300.00		\$5,200.00	
12	724	0314	GATE VALVE & BOX 12IN	EA	0	8	\$2,500.00		\$20,000.00	
13	724	0411	6IN HYDRANT	EA	0	4	\$5,100.00		\$20,400.00	
14	724	0430	REMOVE HYDRANT	EA	0	5	\$2,500.00		\$12,500.00	
15	724	0610	WATER SERVICE LINE 1IN COPPER	LF	0	2,059	\$25.00		\$51,475.00	
16	724	0810	WATERMAIN 6IN PVC	LF	0	18	\$40.00		\$720.00	
17	724	0850	WATERMAIN 12IN PVC	LF	0	2,559	\$50.00		\$127,950.00	
18	724	0891	WATERMAIN MODIFICATIONS	LSUM	0	1	\$2,000.00		\$2,000.00	
19	724	0905	CURB STOP & BOX 1IN	EA	0	53	\$1,000.00		\$53,000.00	
20	724	0940	RELOCATE CURB STOP & BOX	EA	0	3	\$400.00		\$1,200.00	
21	724	0955	WATER SERVICE CONNECTION 1IN	EA	0	55	\$500.00		\$27,500.00	
22	724	1100	SANITARY SEWER 4IN	LF	0	2,173	\$20.00		\$43,460.00	
23	724	1110	8IN SANITARY SEWER PIPE	LF	0	81	\$30.00		\$2,430.00	
24	724	1121	18IN SANITARY SEWER PIPE	LF	0	3,317	\$50.00		\$165,850.00	
								Total Base Bid =	\$101,675.00	\$675,385.00

**Improvements Total= \$777,060.00**

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the feasibility report for, approve the plans and specifications for Water & Sewer Improvement District No. 61 Project # 2012-24. (Sunset Drive NW).

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**RESOLUTION APPROVING PLANS AND SPECIFICATIONS  
FOR WATER AND SEWER IMPROVEMENT DISTRICT NO. 61**  
Project No. 2012-24

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

Pursuant to the requirement of section 40-22-11 of the North Dakota Century Code, the Plans and Specifications for the improvement project (Project No. 2012-24) in Water and Sewer Improvement District No. 61 of said City be and the same are hereby approved, ratified and confirmed as the plans and specifications in accordance with which said improvement project will be constructed, except as modified by this Board in accordance with law, and the City Auditor shall file the same in his office, open for public inspection.

Dated this 6<sup>th</sup> day of November, 2012

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

ATTEST:

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

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the feasibility report for, approve the plans and specifications for Water & Sewer Improvement District No. 61 Project # 2012-24. (Sunset Drive NW).

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**FEASIBILITY AND EVALUATION OF IMPROVEMENTS  
FOR WATER & SEWER IMPROVEMENT DISTRICT #61  
PROJECT # 2012-24**

1.) General Nature of Project

The District has been created to replace the aging water and sewer mains along Sunset Dr. The water mains along Sunset Dr. have had numerous breaks and have become unreliable in providing a water supply and fire protection to the residents in the area. The proposed sewer main will replace two existing sewer mains that serve only one side of the street, are made of old clay tile materials and are very expensive to maintain.

2.) Location of Proposed Construction

The proposed construction will take place on Sunset Drive NW from 8<sup>th</sup> Street NW to 18<sup>th</sup> Street NW.

3.) Environmental Impact

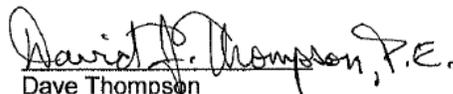
It is anticipated that there will be some dirt, noise and pollutants during the construction period as a result of the use of the necessary equipment. There will also be some surplus or waste construction materials that will need to be disposed of by the contractor at his or her expense. The contractors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

4.) Feasibility of Project

In the opinion of the undersigned this project is feasible and needed for the area. The conditions of the existing water and sewer mains are failing and expensive to maintain; to replace the roadway and not the utilities below the roadway would not be a responsible decision.

5.) Estimates of Costs

Attached is a map showing the area and district boundary. The construction costs are estimated at \$777,060.00. Other costs of making the improvement including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; publication of legal notices printing of warrants; contingency; and all expenses incurred in the making of the improvement and levy of assessments, and contingencies therefore are estimated at \$271,971.00. The total cost for the improvement is estimated at \$1,049,031.00.

  
Dave Thompson  
Acting City Engineer

Board of City Commissioners

Agenda Documentation

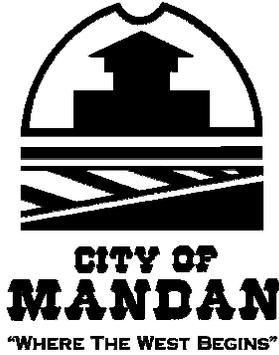
Meeting Date: November 6, 2012

Subject: Consider the creation of, approve the feasibility report for, approve the plans and specifications for Water & Sewer Improvement District No. 61 Project # 2012-24.

(Sunset Drive NW).

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## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** October 30, 2012  
**PREPARATION DATE:** November 6, 2012  
**SUBMITTING DEPARTMENT:** Assessing Dept.  
**DEPARTMENT DIRECTOR:** Richard Barta  
**PRESENTER:** Richard Barta  
**SUBJECT:** Residents of West Canyon Road requesting to not have their house number changed in the new Keidel South Terrace development.

---

**STATEMENT/PURPOSE:** To consider four residents request to re-establish their previous house number changes in the new Keidel's South Terrace development.

**BACKGROUND/ALTERNATIVES:** See attached letter from the home owners in the area. The numbering system was set the way most communities do it. The responders should be given their consideration since they are the ones that will be responding to an emergency.

**ATTACHMENTS:** Map  
Letter

**FISCAL IMPACT:** \$0

**STAFF IMPACT:** N/A

**LEGAL REVIEW:** N/A

**RECOMMENDATION:** Approval of the residents request to re-establish the house number changes due to the cost and inconvenience, but the life and safety issues should be the final consideration in making this change. The reason the numbers were three digits is because it went from an avenue to street numbers and then from a street to avenue numbers. Emergency individuals would prefer to see the numbers flow even if there should be a change in the numbers.

Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Residents of West Canyon Road requesting to not have their house number changed in the new Keidel South Terrace development.

Page 2 of 4

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SUGGESTED MOTION: My recommendation is that the responders should be given the first consideration in determining how the numbers flow for their particular needs. Please see map attached.

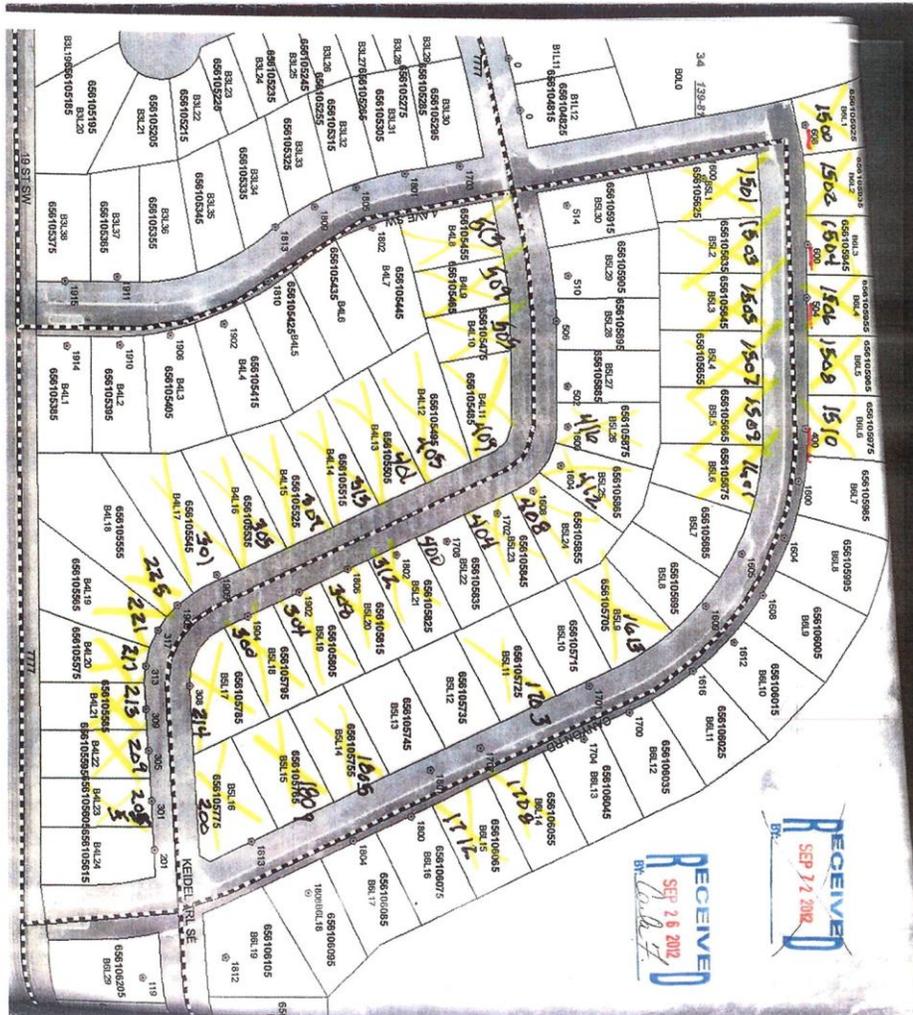
Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Residents of West Canyon Road requesting to not have their house number changed in the new Keidel South Terrace development.

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Board of City Commissioners

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Residents of West Canyon Road requesting to not have their house number changed in the new Keidel South Terrace development.

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October 15, 2012

Mr. Richard Barta and Mandan City Commission,

The residents of the west end of Canyon Rd SW, in the new Keidel's South Terrace development, recently received a letter from the Assessing and Building Inspections Department stating that the house numbers will be changing per a request from the Mandan Fire Department.

The residents of west Canyon Road (signatures below) are requesting an exemption from the house number changes.

This decision by the City of Mandan to change the house numbers was made without any prior notice or valid reason and without input from the home owners that will be affected by this change. We feel since we are already established and occupied in our homes, this exemption should be accepted. If the reason for this change is due to the Emergency Management System, please have them establish an icon of each home within their system with that home's current address.

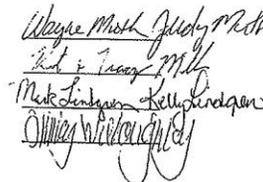
Of the six lots involved, four have homes constructed, three have the house numbers that are brick inlaid. The cost of replacing these numbers plus the additional cost of address changes on all documents including deeds, bank contracts, legal documents, driver's licenses, etc. may be more than \$1000.

Please consider our request to exempt the house number changes to these six homes and lots.

Sincerely Submitted,

Residents of Canyon Rd SW

Wayne and Judy Muth	400 Canyon Rd SW
Kurt and Tracey Miller	514 Canyon Rd SW
Mark and Kelly Lindgren	600 Canyon Rd SW
Shirley Willoughby	614 Canyon Rd SW



**ORDINANCE NO. 1133**

**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 the CB (Heavy Commercial) and shall be included in the R7 (Single-Family Residential) zoning namely,

Lot 1, Block 1; Lot 1, Block 2; Lots 1-7, Block 3; Lots 1-6, Block 4 of Meadows 6<sup>th</sup> Addition in the SW ¼ of Section 8, Township 139N, Range 81W, City of Mandan, Morton County, North Dakota

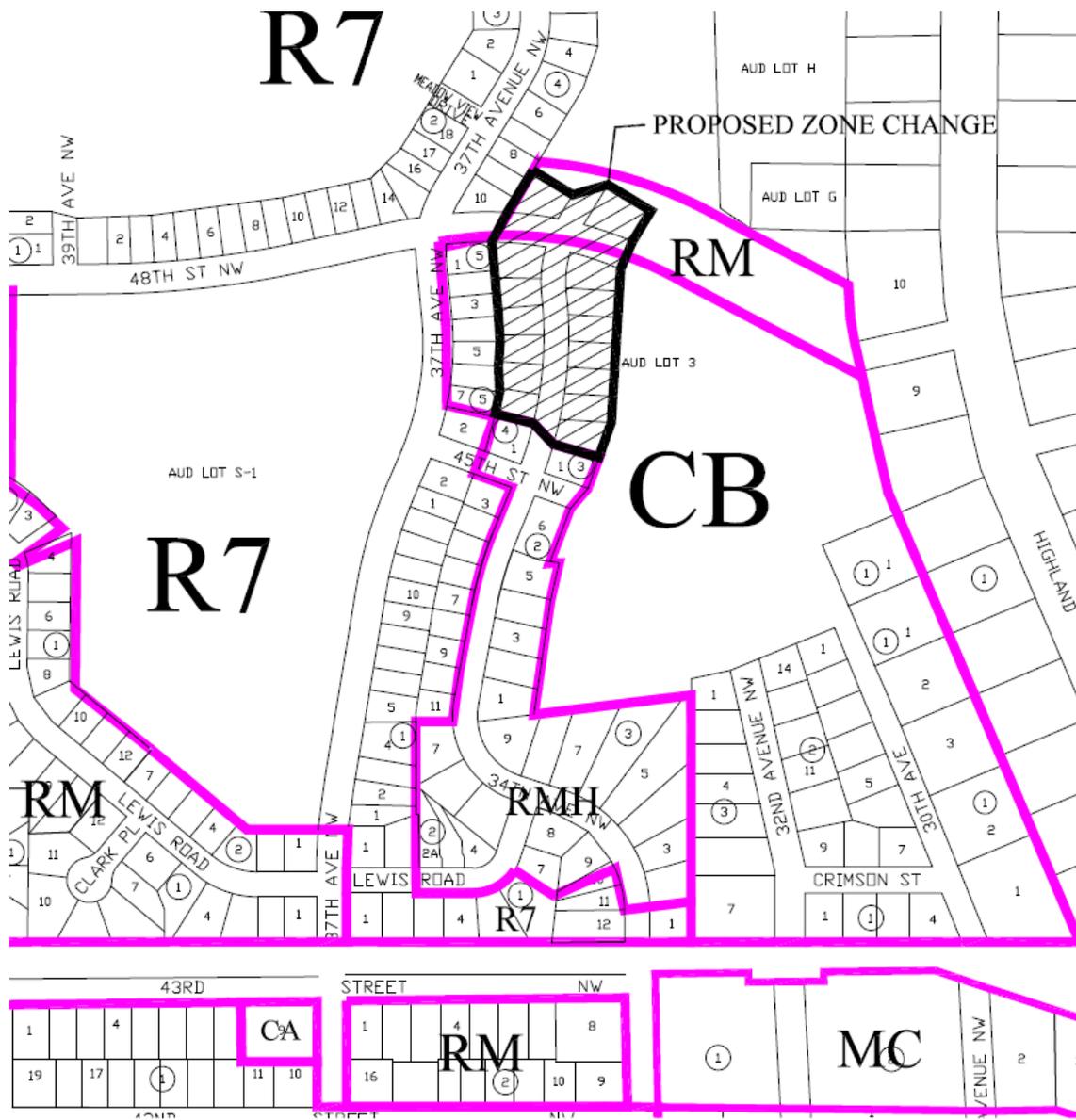
and as so amended said section is hereby reenacted. The city administrator is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

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

Attest:

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

Public Hearing:	<u>September 24, 2012</u>
First Consideration:	<u>October 16, 2012</u>
Second Consideration and Final Passage:	<u>November 6, 2012</u>
Publication Date:	<u>November 30, 2012</u>
Recording Date:	_____



**ORDINANCE NO. 1131**

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

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

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

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

All of Plainview Heights 13<sup>th</sup> Addition, of Section 2, Township 138N, Range 81W of the 5<sup>th</sup> Principal Meridian of the City of Mandan, Morton County, North Dakota, being more particularly described as follows:

Commencing at the southwest corner of Lot 12, Block 3, Plainview Heights 12<sup>th</sup> Addition, which is the point of beginning, thence from said point of beginning along the east line of said southwest quarter, S 01°00'58" E for 836.65 feet; thence S 88°47'43" W for 350.27 feet; thence S 74°38'14" W for 75.01 feet; thence N 14°25'15" W for 125.00 feet; thence N 09°23'48" E for 72.15 feet; thence N 14°26'15" W for 195.34 feet; thence S 54°58'10" W for 5.19 feet; thence N 49°19'50" W for 401.44 feet to the south line of Lot 17, Block 4 of said Plainview Heights 12<sup>th</sup> Addition; thence along the south line of said Plainview Heights 12<sup>th</sup> Addition as follows: thence N 48°08'39" E for 23.15 feet to the southeast corner of said Lot 17; thence N 58°21'22" E for 169.63 feet to the southeast corner of Lot 15 of said Block 4; thence N 52°15'19" E for 134.39 feet to the southeast corner of Lot 13 of said Block 4; thence N 82°05'18" E for 130.25 feet to the southeast corner of Lot 12 of said Block 4; thence N 88°59'02" E for 173.19 feet to the southeast corner of Lot 1 of said Block 4, which is also the west right-of-way line of 14<sup>th</sup> Avenue S.E.; thence N 78°50'51" E for 67.05 feet to the east right-of-way line of said 14<sup>th</sup> Avenue S.E., which is also the southwest corner of Lot 12 of said Block 3; thence N 88°59'02" E for 150.00 feet to the said point of beginning. Said tract contains 462,206 square feet or 10.611 acres more or less.

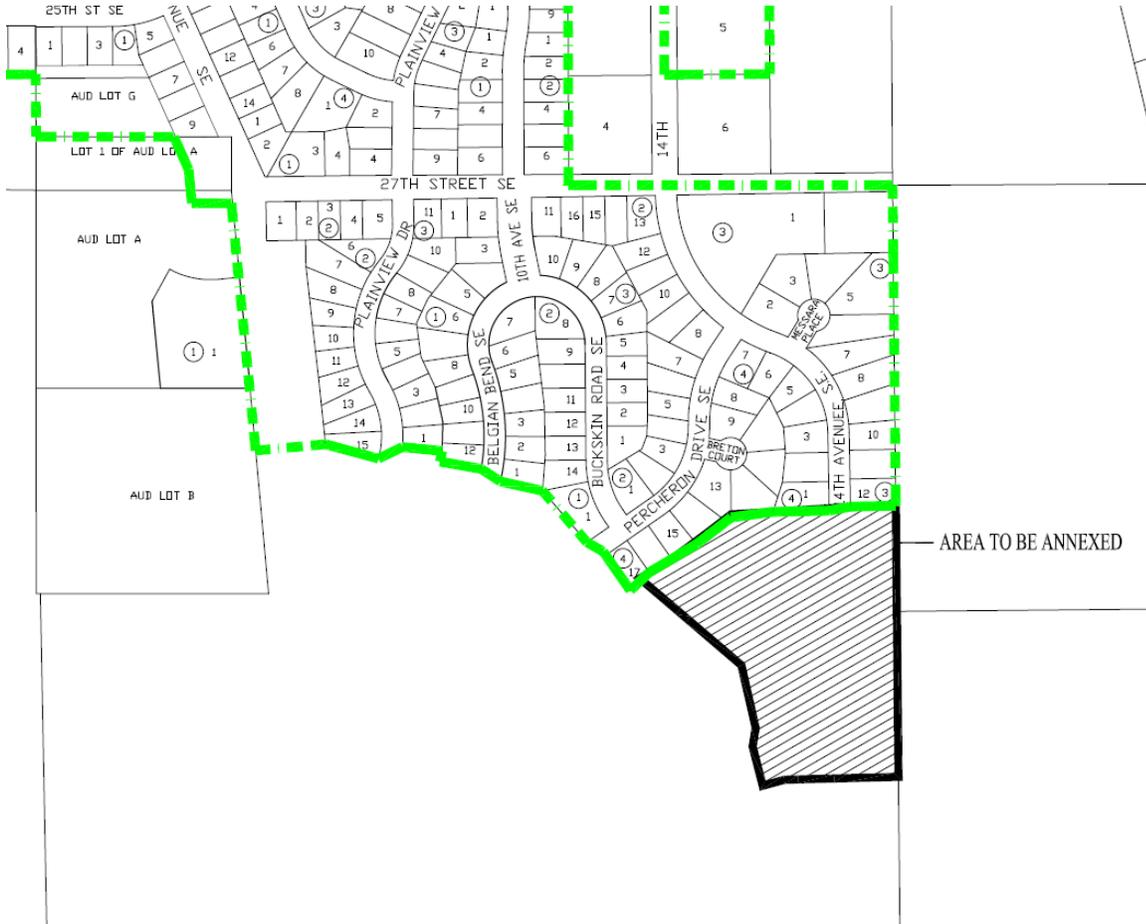
**SECTION 2. Corporate Boundary Extended.** Upon the taking effect of this Ordinance, the corporate limits and boundary lines of the City of Mandan shall thereafter include said lands.

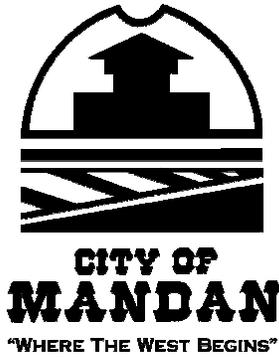
By: \_\_\_\_\_  
Arlyn Van Beek, President,  
Board of City Commissioners

Attest:

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

First Consideration: October 16, 2012  
Second Consideration  
and Final Passage: November 6, 2012  
Publication Date: November 30, 2012  
Date of Recording: \_\_\_\_\_





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** November 6, 2012  
**PREPARATION DATE:** October 29, 2012  
**SUBMITTING DEPARTMENT:** Police  
**DEPARTMENT DIRECTOR:** Chief Dennis A. Bullinger  
Assessor/Building Official Richard Barta  
**PRESENTER:** Chief Dennis A. Bullinger  
**SUBJECT:** Consider the Introduction and First Consideration  
of Ordinance No. 1132

---

STATEMENT/PURPOSE:

To consider the introduction and first consideration of Ordinance No. 1132.

BACKGROUND/ALTERNATIVES:

The purpose of this Ordinance is to limit the use of camper vehicles and other non-permanent structures for permanent habitation because it is the determination of the City Commission that their use in the city for permanent human habitation is harmful to the health, safety and welfare, not only of the person residing therein but, additionally, of the public at large. Portable heating devices, non-standard electrical connections, a lack of approved sanitary facilities, all lend themselves to unhealthful, unsanitary and hazardous living conditions, if utilized for extended periods of time.

The police department has received such complaints and follow-up investigations found that two travel trailers being used for permanent habitation by employees of a local contractor may have been depositing sewage waste into the city storm sewer system. The police department has further identified other locations within the city where camper vehicles are being used for permanent human habitation, lacking approved sanitary facilities.

The City of Williston, North Dakota, experienced the same issues but on a much larger scale, with the arrival of people looking for work in the oil fields. An ordinance was drafted and passed by the city council. That ordinance was used as a model in the drafting of the ordinance before you.

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the Introduction and First Consideration of Ordinance No. 1132

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Allowance for Recreational Vehicles for Construction Sites, Maximum of 10 units allowed, unless otherwise approved by the City Building Official.

- Single family residential projects: 1 unit per 6,000 square feet of lot area.
- Multi-family residential projects: 1 unit per 6 apartment units.
- Commercial projects: 1 unit per 10,000 square feet of lot area.
- Industrial projects: 1 unit per 10,000 square feet of lot area.

Exceptions:

Residents and family or friends who come to visit may temporarily occupy a camper vehicle on developed property, but may only do so for a period of seven days without a permit. Every person residing in a camper under this exception cannot exceed a total of 28 days of occupancy in a calendar year.

ATTACHMENTS: Ordinance No. 1132,

FISCAL IMPACT: Fees collected for permits issued by the Building Department for the allowances of recreational vehicles only on construction sites.

STAFF IMPACT: N/A

LEGAL REVIEW: City Attorney

RECOMMENDATION: To approve the introduction and first consideration of Ordinance No. 1132.

SUGGESTED MOTION: Move to approve the introduction and first consideration of Ordinance No. 1132.

**ORDINANCE NO. 1132**

An Ordinance to Create and Enact  
Chapter 14-12 of the Mandan Code of Ordinances  
Relating to Prohibition Against Occupying a  
Recreational Vehicle or Camper Vehicle for the  
Purpose of a Residence Within the City Limits of Mandan

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

Chapter 14-12 of the Mandan Code of Ordinances is hereby created and enacted as follows:

14-12-01. DEFINITIONS

For the purpose of this article the following terms, phrases, words and their derivations shall have the meaning given herein:

(a) Camper Vehicle means a vehicle, whether factory or home built, whether on or off wheels, whether towed or carried on a motor vehicle or self-propelled, including, but not limited to, recreational vehicles, hitch mount pull behind trailers, pop-up tent trailers, campers meant to be affixed to the bed of trucks and converted vehicles such as buses, trucks, or trailers. Such vehicles may be with or without complete kitchen and toilet facilities, self-container water and sewage systems and designed to be used as a temporary dwelling for travel, recreation, or vacation use. "Camper vehicle" does not include mobile homes, manufactured homes, and "park models."

(b) Person means natural person, partnerships, associations, and all other bodies, corporate or public.

(c) Within the City of Mandan includes, but is not limited to, city streets, commercial/industrial sites, private property, established residential neighborhoods, and construction sites.

(d) Occupy means to take residence in.

(e) Other form of non-permanent structure includes, but is not limited to, mobile homes, manufactured homes, and park models.

(f) Park models are recreational homes primarily designed as temporary living

quarters for recreation, camping or seasonal use. These homes are built on a single chassis and mounted on wheels. Each park model home is certified by the Recreational Park Trailer Industry Association member manufacturer as complying with ANSI A119.5, a recreational vehicle building code.

14-12-02. PURPOSE

The purpose of this Ordinance is to limit the use of camper vehicles and other non-permanent structures for permanent human habitation because it is the determination of the City Commission that their use in the city for permanent human habitation is deleterious to the health, safety and welfare, not only of the persons residing therein but, additionally, of the public at large. Portable heating devises, non-standard electrical connections, a lack of approved sanitary facilities including, but not limited to, bathrooms with toilets, sinks or showers or bathtubs and standard kitchen facilities, among other facilities associated with safe places of permanent human habitation, all lend themselves to unhealthful, unsanitary and hazardous living conditions, if utilized for extended periods of time, occasioned in part because camper vehicles and other non-permanent structures are not intended for use as places of permanent human habitation and to not adequately provide for the needs associated with human habitation.

Notwithstanding the foregoing, this Ordinance shall make allowance for safe, comfortable and sanitary use of camper vehicles and other non-permanent structures for short term, temporary use for human habitation purposes so as to facilitate enjoyment of camping, hunting, bird watching, silviculture, and other out-of-door pursuits.

14-02-03. VIOLATIONS

(a) The use of any camper vehicle or other form of non-permanent structure for human habitation purposes within any zoning district of the City of Mandan, with the exception of those in construction sites described herein, in violation of this ordinance shall result in the issuance by the City of Mandan of a warning directed to the owner of the camper vehicle or other non-permanent structure used for human habitation purposes., if ascertainable, or, if the owner cannot be identified, to the owner of the parcel of real estate upon which it is situated, informing that person or persons of the need to cease and desist from make use of the camper vehicle or other non-permanent structure used for human habitation purposes.

(b) Any person who violates, disobeys, neglects, omits, tries willfully to circumvent the intent of the Ordinance, refuses to comply with the Ordinance, or resists enforcement of any of its provisions shall be guilty of a B misdemeanor, unless that person

## Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the Introduction and First Consideration of Ordinance No. 1132

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has met the approved guidelines set below for construction sites, as set by the planning and zoning department of the City of Mandan.

1. The allowance is for recreational vehicles only.
2. There will be a maximum of 10 units allowed, unless otherwise approved by the City Building Official. The following are the number of units allowed, per site, up to 10 units.
  - a. Single family residential projects: 1 unit per 6,000 square feet of lot area.
  - b. Multi-family residential projects: 1 unit per 6 apartment units.
  - c. Commercial projects: 1 unit per 10,000 square feet of lot area.
  - d. Industrial projects: 1 unit per 10,000 square feet of lot area.
3. The occupants of the recreational vehicle must obtain a permit issued by the Building Department every 30 days. Each permit is valid for a calendar month and must be renewed at the end of each month. Each permit must provide the make and model of the recreational vehicle, the license plate number, and the legal description of the property the recreational vehicle is to be located on, at the time of issuance of the permit. The cost of the monthly permit shall be \$200.00 per permit. The application for the permit must be approved by the City Building Official.
4. The holder of the permit shall abide by the following rules, or the holder will be found in violation of this ordinance:
  - i. Portable restroom facilities must be provided on site.
  - ii. Sites must be kept clean of trash and litter. Wastewater, including all liquid wastes, gray water, black water and mop water must be discharged into the City wastewater sewer system; or into an approved on-site sewage disposal or holding system, or other approved disposal site. Dumping or disposal of waste at other than approved specific sites shall result in fines or removal of the facility.
  - iii. The location of the recreational vehicles on site must be approved by the City of Mandan Building Department, with screening if required by the Building Official.

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- iv. The occupants of the recreational vehicles must be construction workers for that particular site.
- v. The units must be removed if legitimate written complaints are received by the City of Mandan Building Department. If the units are not removed when requested, the City of Mandan Building Department will have them removed and the cost to be assessed to the property.
- vi. Recreational vehicles must be removed and the site must be cleaned up before a Certificate of Occupancy will be issued by the City of Mandan Building Department.

(c) The fine for violation of this ordinance is \$500.00 per day, per camper vehicle.

14-12-04 EXCEPTIONS

Residents and family or friends who come to visit may temporarily occupy a camper vehicle on developed property, but may only do so for a period of seven days without a permit. Every person residing in a camper under this exception cannot exceed a total of 28 days of occupancy in a calendar year.

WHEREUPON, the motion was passed and the Ordinance declared adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
Arlyn VanBeek, President  
Board of City Commissioners

Attest:

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

First Consideration: November 6, 2012  
Second Consideration  
and Final Passage: November 20, 2012  
Publication Date: December 14, 2012

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2012

Agenda Documentation

Meeting Date: November 6, 2012

Subject: Consider the Introduction and First Consideration of Ordinance No. 1132

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700 BLK 6TH AVENUE SE

46TH AVENUE SE

RESOLUTIONS 4

STEVEN L. VOGELPOHL  
ATTORNEY AT LAW

Suncrest Office Park  
1120 College Drive, Suite 207  
P.O. Box 7068  
Bismarck, ND 58507-7068

Phone: (701) 258-9847  
FAX: (701) 258-9854  
E-Mail: slv@slvlaw.net

November 2, 2012

Greg Welch  
City of Mandan  
205 2<sup>nd</sup> Ave. NW  
Mandan, ND 58554

Re: Mandan Refunding Improvement Bonds of 2012, Series B

Dear Greg:

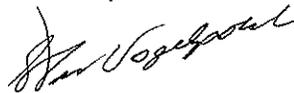
Enclosed are two resolutions for adoption by the City Commission on November 6 in the order listed, as follows:

- 1. Financing Resolution (161); and
2. Resolution Authorizing Issuance of \$5,155,000 Refunding Improvement Bonds of 2012, Series B.

Upon adoption of the resolutions, please fill in the respective voting records on each and fax the voting record pages of each to me. I'll then prepare and provide copies of the resolutions for execution.

Thank you for your assistance and please contact me if you've any questions.

Sincerely,



Steven L. Vogelpohl  
Attorney at Law

SLV/dl  
12-005/110212.ltr

Encs

c: Malcolm H. Brown (w/Encs)

CITY OF MANDAN  
COUNTY OF MORTON  
STATE OF NORTH DAKOTA

**FINANCING RESOLUTION**

**\$5,155,000**  
**STREET IMPROVEMENT DISTRICT NO. 161**  
**DEFINITIVE IMPROVEMENT WARRANT**

RECITALS

The City of Mandan, North Dakota (the "City"), a political subdivision and municipal corporation of the State of North Dakota, incorporated under the provisions of Title 40 (Municipal Government) of the North Dakota Century Code (the "NDCC"), with full power and authority to cause improvement districts to be created and improvements to be made therein and assess the costs of the improvements against benefitted property and incur debt for the payment of the cost of such improvements recites that by resolution or ordinance, the City:

1. Created Street Improvement District No. 161 (the "District") on November 1, 2011, which in the judgment of the governing body, after consultation with the engineer planning the improvement, is of a size and form as to include all properties which will be benefitted by construction of the improvement;
2. Deemed it necessary to make an improvement authorized by law within the District and directed the engineer therefor to prepare a report as to the general nature, purpose and feasibility of the proposed improvement and an estimate of the probable costs of the improvement;
3. After receiving, approving and ordering the engineer's report filed, directed the engineer to prepare detailed plans and specifications for construction of the improvement;
4. Approved the detailed plans and specifications for construction of the improvement thereby establishing any necessary grades, and directed a copy of the plans, specifications and estimates be filed in the office of the City Administrator;
5. Caused to be adopted and published a resolution of necessity including a map of the City, or such portion of the City as necessary to clearly identify the District, showing the proposed improvement District and

referring intelligibly to the engineer's report and published the resolution of necessity once each week for two consecutive weeks in the official newspaper of the City and after the expiration of the time for filing protests determined the protests, if any, to be insufficient there not having been filed protests containing the names of the owners of a majority of the area of the property included within the District or the names of the owners of a majority of any separate property area included within the District;

6. Entered into a contract for construction of the improvement with the lowest responsible bidder and approved the contractor's performance bond; and
7. Performed all other acts required of the governing body by the constitution and laws of the State of North Dakota prerequisite to the issuance and sale of improvement warrants for the purpose of providing money to pay for the cost of the improvement in the manner required of the City by law with full power and authority conferred on it as a political subdivision of the State of North Dakota and does hereby ratify, confirm and adopt all acts performed, resolutions, motions or ordinances passed or adopted and publications had in and incidental to the construction and financing of the improvement in the District whether or not reflected on the official minutes and records of the City.

BE IT RESOLVED:

#### CONDITIONS AND AGREEMENTS

1. The Definitive Improvement Warrant (the "Warrant") authorized by the terms of this Resolution to be issued for the purpose of defraying the cost of the improvement is issued pursuant to the terms and provisions of NDCC §40-24-19, as amended.
2. The total cost of the improvement, including construction, engineering, administrative, any land or easement acquisition required, and other fees and all other expenses incidental to the completion of the improvement, is estimated to be \$12,203,960.25.
3. The City has performed all statutorily required procedures preliminary to the issuance of the Warrant and asserts that as a condition of issuance, all required acts, conditions and things prerequisite to issue do exist and have been performed by the governing body which is legally constituted and empowered to bind the City.

4. All monies required to be deposited in or transferred to the Principal and Interest Account of the Fund created by this Resolution and any other monies from whatever source dedicated to the retirement of the Warrant payable from the Fund are hereby dedicated and appropriated to the payment of outstanding principal and interest on the Warrant properly chargeable against the Fund when due and payable.
5. All monies required to be deposited in or transferred to the Construction Account of the Fund created by this Resolution are hereby dedicated and appropriated to the payment when due and payable of the construction cost of the improvement and all administrative costs and fees incident to the construction and the issuance of the Warrant on the Fund, and to the reimbursement of the City for funds advanced from other sources for such purposes.
6. Expenditure of monies from the Fund shall be made and accounted for by the officers of the City empowered to expend and required to account for City general funds.
7. Whenever all special assessments and any other revenues or taxes appropriated and theretofore collected for the District improvement are insufficient to pay principal or interest then due on the Warrant issued against the Fund, the City will levy a tax upon all taxable property in the City for the payment of such deficiency. If a deficiency is likely to occur within one year in the Fund the governing body, in its discretion, may levy a general tax upon all the taxable property in the City.
8. Special assessments have or will be certified to the Special Assessment Commission for spreading against benefitted property of the District. The City agrees to take whatever action is necessary to cause a final and valid levy of special assessments to be made against benefitted property in an amount not less than the total cost of the improvement as finally ascertained, less the portions thereof determined to be paid from any other source. The City will cause the installments of special assessments as finally confirmed by the City to be annually certified to the County Auditor for collection with the general taxes chargeable against the property in the District. The City will continue to cause annual certification of balances of special assessments unpaid to be certified for repayment over a period of fifteen (15) years subject to a reduction or extension of such period of time as may be deemed necessary by the City due to collection of assessments with the first certification in 2013 for collection in 2014 and annually thereafter.

9. The City authorizes officers of the City and Morton County to furnish certified copies of all proceedings had with regard to the issuance of the Warrant on the Fund by the governing body of the City. The City agrees to furnish additional certifications of its officers as are necessary to establish the validity of the Warrant, the tax-exempt status of interest payable thereon, the absence of litigation materially affecting the issuance of the Warrant and any other certifications or information reasonably necessary to insure marketability and compliance with the conditions of underwriting.
10. The City covenants that (i) it will restrict the use of the proceeds of the Warrant in such manner and to such extent as may be necessary, in view of the City's reasonable expectations at the time of issuance of the Warrant, so that the Warrant will not constitute an "arbitrage bond" under Section 148 of the Internal Revenue Code of 1986 and regulations prescribed under such Section, and (ii) it will take all actions that may be required of it (including, without implied limitation, the timely filing of a federal information return with respect to the Warrant) so that the interest on the Warrant will be and remain excluded from gross income for federal income tax purposes, and will not take any actions which would adversely affect such exclusion.
11. The Warrant issued on the Fund may be exchanged for Refunding Improvement Bonds of 2012, Series B, in principal amounts aggregating the total principal balance due on the Warrant at the time of such exchange, at the option of the registered owner of the Warrant.

#### IMPROVEMENT DISTRICT FUND

There is hereby created Street Improvement District No. 161 Fund (the "Fund") which shall be held by the City Administrator of the City and shall at all times be kept on deposit with a qualified depository of public funds as provided in Chapter 21-04, North Dakota Century Code, as a special fund for the sole purpose of payment of all costs incidental to the construction and financing of the improvement and principal and interest on any outstanding warrant, temporary or definitive, secured by the Fund and shall be maintained until all balances of principal or interest on the Warrant of the Fund are fully paid. There shall be established and maintained within the Fund the following accounts:

1. A Construction Account, into which shall be deposited the net sale proceeds of the Warrant which are not required to be deposited to the

Principal and Interest Account, together with any additional monies pledged to defraying the construction cost of the improvement; and

2. A Principal and Interest Account, into which there shall be deposited the accrued interest and any funded interest on the Warrant when sold, and any paid, prepaid, and all future collections of special assessments from the District and any balances remaining in the Construction Account when after consultation with the project engineer it is determined unlikely that any additional costs properly payable from the Construction Account will arise.

Disbursements from the Construction Account for construction costs and the Principal and Interest Account for principal and interest payments shall be by warrant duly signed by the Executive Officer and the City Administrator of the City.

## WARRANT

In anticipation of the levy and collection of assessments and any other taxes or revenues pledged to pay for the improvement, the City herewith determines it to be in its best interests to issue the Warrant on the Fund created for the District. The City covenants that it will diligently pursue completion of the improvement, if not completed prior to the date of this resolution, and cause valid and final levy of special assessments upon all properties within the District to be benefitted by the improvement, in an aggregate principal amount equal to the total cost of the improvement to benefitted property as finally ascertained less the portions thereof determined to be paid from any other source, the City representing that the aggregate benefits to be derived from the making of the improvement to the properties to be assessed therefor are not less than the aggregate amount of the special assessments so required to be levied. The Warrant is hereby authorized for issuance and shall be issued according to the following terms and conditions:

1. Principal Amount and Denomination - The Warrant shall be issued on the Fund in principal amount and denomination of \$5,155,000.00;
2. Date of Warrant - The Warrant shall be dated November 15, 2012;
3. Maturity - The principal of the Warrant shall be payable in installments due annually on May 1 in the years and amounts provided on the Amortization and Interest Rate Schedule which is Attachment 1 hereto;
4. Type and Number of Warrant - Single fully registered definitive warrant, numbered R-1;

5. Prepayment - The installments of principal due on the Warrant in 2021 and thereafter shall be subject to prepayment, at the option of the City, in inverse order of maturity, in whole or in part, on May 1, 2020, and on any date thereafter selected by the City, at par plus accrued interest; not less than thirty (30) days prior to the date specified for prepayment, the City shall cause notice of prepayment to be mailed or delivered to the registered owner of the Warrant;
6. Payment - The Mandan City Administrator, hereby designated Registrar and Paying Agent, will make payment of interest and principal when due in lawful money of the United States by mailing or delivering to the registered owner of the Warrant a check or draft in an amount sufficient to meet principal and interest maturities on the Warrant;
7. Preparation, Execution and Delivery - The Warrant shall be printed under the supervision and at the direction of the City Administrator, executed and authenticated by the signature of the Executive Officer of the City and attested to by the City Administrator and sealed and delivered to the buyer at closing upon receipt of the purchase price plus any accrued interest;
8. Interest - Each annual installment of principal of the Warrant shall bear interest from the date of the Warrant until such installment is paid at the annual rate shown opposite the respective installment on Attachment 1 hereto, which interest shall be payable semiannually on May 1 and November 1 in each year, commencing May 1, 2013;
9. Source of Payment/Security - The Warrant is payable as to principal and interest from the Fund on which it is issued, which Fund derives its revenues from the levy and collection of special assessments against benefitted property;
10. Registration - The Warrant shall be registered as to both principal and interest and the Registrar shall establish and maintain a book of registry for the purposes of recording the names and addresses of the registered owners or assigns, the dates of such registration and the due dates and amounts for payment of principal and interest on the Warrant; and the City and the Registrar may treat the person in whose name the Warrant is registered as the absolute owner thereof, whether the Warrant is overdue or not, for the purpose of receiving payment of principal and interest and all other purposes, and shall not be affected by any notice to the contrary;

11. Assignment - The Warrant shall be transferable by its respective registered owner or the owner's attorney duly authorized in writing upon presentation thereof to the Registrar together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered owner or its attorney, and each such transfer shall be made on the book of registry and noted on the reverse of the Warrant by the Registrar and the Warrant delivered to the transferee.

The Warrant shall be reproduced in substantially the form attached hereto as Attachment 2.

Sale of the Warrant (and the Refunding Improvement Bonds of 2012, Series B, for which the Warrant is to be exchanged) was awarded by resolution adopted on October 31, 2012.

(REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)

CITY OF MANDAN

Attest:

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

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

( S E A L )

The governing body of the political subdivision acted on the foregoing resolution on November 6, 2012, as follows:

Adoption moved by \_\_\_\_\_ Seconded by \_\_\_\_\_

Roll Call Vote (List Last Names)

"Aye" \_\_\_\_\_

"Nay" \_\_\_\_\_

Absent \_\_\_\_\_

and after vote the presiding officer declared the resolution adopted.

CITY OF MANDAN  
 COUNTY OF MORTON  
 STATE OF NORTH DAKOTA

\$5,155,000.00  
 STREET IMPROVEMENT DISTRICT NO. 161  
 DEFINITIVE IMPROVEMENT WARRANT

AMORTIZATION AND INTEREST RATE SCHEDULE

<u>Year</u>	<u>*Amount</u>	<u>Interest Rate Per Annum</u>
2014	\$225,000.00	2.00 %
2015	365,000.00	2.00
2016	370,000.00	2.00
2017	375,000.00	2.00
2018	375,000.00	2.00
2019	375,000.00	2.00
2020	375,000.00	2.00
2021	345,000.00	2.00
2022	340,000.00	2.00
2023	340,000.00	2.00
2024	340,000.00	2.00
2025	335,000.00	2.00
2026	335,000.00	2.00
2027	330,000.00	2.05
2028	330,000.00	2.15

\*Payable on May 1 of year indicated

UNITED STATES OF AMERICA  
 STATE OF NORTH DAKOTA  
 COUNTY OF MORTON  
 CITY OF MANDAN

STREET IMPROVEMENT DISTRICT NO. 161  
 DEFINITIVE IMPROVEMENT WARRANT

No. R-1

\$5,155,000.00

KNOW ALL PERSONS BY THESE PRESENTS that the City of Mandan, North Dakota (the "City") acknowledges itself to be indebted and for value received promises to pay to Robert W. Baird & Co., Milwaukee, Wisconsin, or registered assign, the principal sum of \$5,155,000.00 payable in annual installments on May 1 in the following years and amounts, and each such installment shall bear interest from the date hereof until such installment is paid at the annual rate shown opposite such installment:

<u>Year</u>	<u>Amount</u>	<u>Rate</u>		<u>Year</u>	<u>Amount</u>	<u>Rate</u>	
2014	\$225,000	2.00	%	2022	\$340,000	2.00	%
2015	365,000	2.00		2023	340,000	2.00	
2016	370,000	2.00		2024	340,000	2.00	
2017	375,000	2.00		2025	335,000	2.00	
2018	375,000	2.00		2026	335,000	2.00	
2019	375,000	2.00		2027	330,000	2.05	
2020	375,000	2.00		2028	330,000	2.15	
2021	345,000	2.00					

Interest is payable on May 1 and November 1 in each year, commencing May 1, 2013. The principal installments of and interest on this Warrant are payable in lawful money of the United States of America by check or draft mailed or delivered to the registered owner hereof as the registered owner's address appears on the book of registry at the office of the Mandan City Administrator, the designated Registrar and Paying Agent.

The installments of principal due hereon in 2021 and thereafter shall be subject to prepayment, at the option of the City, in inverse order of maturity, in whole or in part, on May 1, 2020, and on any date thereafter selected by the City, at par plus accrued interest. Not less than thirty (30) days prior to the date specified for prepayment, the City shall cause notice of prepayment to be mailed or delivered to the registered owner hereof.

The proceeds from the sale of this Warrant will be used to defray the cost of providing street milling, curb and gutter repair, valley gutter replacement, asphalt

overlay, leveling and patching and chip sealing, crack sealing and related work within the City in Street Improvement District No. 161 (the "District") created under the authority of North Dakota Century Code (the "NDCC") Chapter 40-22 for that purpose, in full conformity with the constitution and laws of the State of North Dakota and the ordinances and resolutions of the City duly adopted and approved prior to the issue hereof and is within the debt limit of the City. This Warrant is payable solely out of the City of Mandan Street Improvement District No. 161 Fund (the "Fund") which will contain the receipts derived by the City from special assessments levied to pay for the improvements and other monies which may be available for the District. Whenever all special assessments and any other revenues or taxes appropriated and theretofore collected are insufficient to pay principal or interest then due on this Warrant, the City shall levy a tax upon all the taxable property in the City for the payment of such deficiency. If at any time a deficiency is likely to occur within one year, the City, in its discretion, may levy a general tax on all the taxable property in the City for the payment of such deficiency.

This Warrant is issued pursuant to and in conformity with NDCC §40-24-19, as amended. It is further certified and recited that all requirements of law have been fully complied with by the officers of the City in the issue of this Warrant and that all proceedings or actions with reference to creating the District and making the improvements, and to the providing for the assessment lien against the property benefited and improved have been or will be lawfully taken and performed and that for the payment of this Warrant and interest thereon, the City pledges all of its lawful corporate powers.

The Warrant is issued in anticipation of the levy and collection of special assessments and is payable therefrom and from any other monies pledged to the special Fund established for the District which Fund is hereby dedicated and appropriated to the payment of principal and interest on the Warrant when due.

This Warrant shall be registered as to both principal and interest in the name of the owner on the books of the City kept for that purpose by the Registrar. This Warrant is transferable upon the book of the City by the registered owner or its attorney duly authorized in writing, upon presentation hereof with a written instrument of transfer satisfactory to the Registrar, duly executed by the registered owner or its attorney. Such transfer shall be noted on the reverse side hereof by the Registrar and delivered to the transferee. The City and the Registrar may treat the person in whose name this Warrant is registered as the absolute owner hereof, whether this Warrant is overdue or not, for the purpose of receiving payment of principal and interest and all other purposes, and shall not be affected by any notice to the contrary.

This Warrant may be exchanged for Refunding Improvement Bonds of 2012, Series B, at the option of the registered owner.

IN WITNESS WHEREOF, the City has caused its corporate seal to be placed hereon, and this Warrant to be subscribed by the Executive Officer and attested to by its City Administrator as of this 15th day of November, 2012.

Attest:

SPECIMEN

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

SPECIMEN

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

( S E A L )

(To be printed on reverse of Warrant)

STATE OF NORTH DAKOTA    )  
  ) ss.  
CITY OF MANDAN                )

I hereby certify that the within Warrant is issued pursuant to law and is within the debt limit of the City of Mandan, Morton County, State of North Dakota.

WITNESS my hand as of the 15th day of November, 2012.

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

ASSIGNMENT

For value received \_\_\_\_\_ hereby sells, assigns and transfers unto \_\_\_\_\_ the within-mentioned Warrant and hereby irrevocably constitutes and appoints \_\_\_\_\_ attorney-in-fact, to transfer the same on the book of registry with full power of substitution in the premises.

Dated: \_\_\_\_\_

\_\_\_\_\_

(To be printed on reverse of Warrant)

NO WRITING HEREON EXCEPT BY THE REGISTRAR

TRANSFER STATEMENT

The Registrar has transferred on the book of registry, on the date last noted below, to the registered assign noted opposite said date, ownership of the principal amount of and interest on this Warrant, except the amounts of principal and interest theretofore paid:

<u>Date of Transfer</u>	<u>Registered Assign</u>	<u>Signature of Registrar</u>
_____	City of Mandan Refunding Improvement <u>Bonds of 2012, Series B Fund</u>	_____
_____	_____	_____
_____	_____	_____

RESOLUTIONS 5

STEVEN L. VOGELPOHL  
ATTORNEY AT LAW

Suncrest Office Park  
1120 College Drive, Suite 207  
P.O. Box 7068  
Bismarck, ND 58507-7068

Phone: (701) 258-9847  
FAX: (701) 258-9854  
E-Mail: slv@slvlaw.net

November 2, 2012

Greg Welch  
City of Mandan  
205 2<sup>nd</sup> Ave. NW  
Mandan, ND 58554

Re: Mandan Refunding Improvement Bonds of 2012, Series B

Dear Greg:

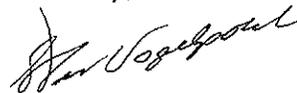
Enclosed are two resolutions for adoption by the City Commission on November 6 in the order listed, as follows:

1. Financing Resolution (161); and
- 2. Resolution Authorizing Issuance of \$5,155,000 Refunding Improvement Bonds of 2012, Series B.

Upon adoption of the resolutions, please fill in the respective voting records on each and fax the voting record pages of each to me. I'll then prepare and provide copies of the resolutions for execution.

Thank you for your assistance and please contact me if you've any questions.

Sincerely,



Steven L. Vogelwohl  
Attorney at Law

SLV/dl  
12-005/110212.ltr

Encs

c: Malcolm H. Brown (w/Encs)

CITY OF MANDAN  
COUNTY OF MORTON  
STATE OF NORTH DAKOTA

**RESOLUTION AUTHORIZING ISSUANCE OF  
\$5,155,000  
REFUNDING IMPROVEMENT BONDS OF 2012, SERIES B**

RECITALS

The City of Mandan, North Dakota (the "City" or "Issuer") recites that it has:

1. Authorized issuance of a \$5,155,000 Definitive Improvement Warrant (the "Warrant") on Street Improvement District No. 161 Fund (the "Fund") of the City, which Warrant is outstanding as of the date of this Resolution Authorizing Issuance of \$5,155,000 Refunding Improvement Bonds of 2012, Series B (the "Resolution").
2. Consented to the exchange of Refunding Improvement Bonds for the Warrant at the option of the registered owner.
3. In anticipation of the registered owner's request for exchange, the City hereby authorizes issuance of its Refunding Improvement Bonds of 2012, Series B, as authorized by Chapter 40-27, NDCC, in the amount of \$5,155,000 for the purpose of refunding the Warrant.
4. The Financing Resolution authorizing issuance of the Warrant adopted November 6, 2012, by the governing body of the City is incorporated herein by reference as though set out in full except that in the event of conflict between any of the terms and provisions of the Financing Resolution and this Resolution, the terms and provisions of this Resolution shall prevail.

REFUNDING FUND

There is hereby created City of Mandan Refunding Improvement Bonds of 2012, Series B Fund (the "Refunding Fund") which shall be maintained by the City Administrator as a special fund for the sole purpose of payment of principal and interest on any outstanding City of Mandan Refunding Improvement Bonds of 2012, Series B (the "Bonds") and shall be maintained until all balances of principal and interest on the Bonds are fully paid. The Refunding Fund shall exchange the Bonds for the uncanceled Warrant and retain the Warrant as an asset of the Refunding Fund. The Refunding Fund shall maintain a Principal and Interest Account into which all

principal and interest received on the Warrant shall be deposited and disbursed according to the maturities of the Bonds hereinafter established. Monies in the Refunding Fund for the payment of principal and interest on the Bonds are hereby dedicated and appropriated.

## BONDS

Sale having been awarded to Robert W. Baird & Co. (the "Purchaser") by resolution adopted October 31, 2012, the Bonds shall be issued according to the following terms and conditions:

1. Principal Amount of Bonds - The total principal amount of Bonds shall be \$5,155,000.

2. Book Entry Registration -

(a) The Bonds shall be issued as book entry bonds as required by The Depository Trust Company, New York, New York ("DTC") in the aggregate principal amount equal to the principal amount of the Bonds. The Bonds shall be registered in the name of Cede & Co., as nominee of DTC, and the Bond Registrar and Paying Agent named in Paragraph 5 below (the "Bond Registrar and Paying Agent") shall treat the record owner as the absolute owner of the Bonds. So long as Cede & Co. is the registered owner of the Bonds, references herein to the Bondholder, owner, etc. shall mean Cede & Co. and shall not mean the beneficial owners of the Bonds. Sales by purchasers of the Bonds of beneficial interest participations in the Bonds to beneficial owners will be limited to minimum denominations of \$5,000 or any integral multiple in excess thereof.

(b) With respect to the Bonds registered in the registration books kept by the Bond Registrar and Paying Agent in the name of Cede & Co., as nominee of DTC, the City and the Bond Registrar and Paying Agent shall have no responsibility or obligation to any Participant (as referenced in the Blanket Issuer Letter of Representations a copy of which is attached hereto as Attachment 3) or to any person on behalf of which a Participant holds an interest in the Bonds. Without limiting the immediately preceding sentence, the City and the Bond Registrar and Paying Agent shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any Participant or any other person, other than a Bondholder, as shown in the registration books kept by the Bond Registrar and Paying Agent, of any

notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any Participant or any other person, other than a Bondholder, as shown in the registration books kept by the Bond Registrar and Paying Agent, of any amount with respect to principal of, premium, if any, or interest on the Bonds. The City and the Bond Registrar and Paying Agent may treat and consider the person in whose name each Bond is registered in the registration books kept by the Bond Registrar and Paying Agent as the holder and absolute owner of such Bond for the purpose of payment of principal, premium, if any, and interest with respect to such Bond, for the purpose of giving notices of redemption and other matters with respect to such Bond, for the purpose of registering transfers with respect to such Bond, and for all other purposes whatsoever. The Bond Registrar and Paying Agent shall pay all principal of, premium, if any, and the interest on the Bonds only to or upon the order of the respective Bondholders, as shown in the registration books kept by the Bond Registrar and Paying Agent, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of principal of, premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. No person other than a Bondholder, as shown in the registration books kept by the Bond Registrar and Paying Agent, shall receive a certificated Bond evidencing the obligation of the City to make payments of principal, premium, if any, and interest pursuant to this Resolution. Upon delivery by DTC to the Bond Registrar and Paying Agent of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions herein with respect to record dates, the word "Cede & Co." shall refer to such new nominee of DTC.

(c) The Blanket Issuer Letter of Representations, a copy of which is attached hereto as Attachment 3, has been executed by the City and has been filed with DTC. The Bond Registrar and Paying Agent shall take all actions necessary to at all times comply with DTC's Operational Arrangements, as same may be amended from time to time.

(d) (1) DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and the Bond Registrar and Paying Agent.

(2) The City may terminate the services of DTC with respect to the Bonds if the City determines that:

(i) DTC is unable to discharge its responsibilities with respect to the Bonds, or

(ii) A continuance of the requirement that all of the outstanding Bonds be registered in the registration books kept by the Bond Registrar and Paying Agent in the name of Cede & Co., or any other nominee of DTC, is not in the best interest of the beneficial owners of the Bonds.

(3) Upon the termination of the services of DTC with respect to the Bonds, or upon the discontinuance or termination of the services of DTC with respect to any portion of the Bonds pursuant to either Paragraph 2(d)(2)(i) or Paragraph 2(d)(2)(ii) immediately above after which no substitute bond depository willing to undertake the functions of DTC hereunder can be found which, in the opinion of the City, is willing and able to undertake such functions upon reasonable and customary terms, the City is obligated to deliver Bond certificates to the Bondholders and the Bonds shall no longer be restricted to being registered in the registration books kept by the Bond Registrar and Paying Agent in the name of Cede & Co. as nominee of DTC, but may be registered in whatever name or names the Bondholders transferring or exchanging Bonds shall designate, in accordance with the provisions of this Resolution.

(e) Notwithstanding any other provision of this Resolution to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, in accordance with the Blanket Issuer Letter of Representations.

3. Numbering - The Bonds shall be numbered in consecutive numerical order from R-1 upwards as issued.
4. Date of Bonds - The Bonds shall initially be dated November 15, 2012. Bonds issued upon exchanges and transfers of Bonds shall also be dated November 15, 2012 if issued prior to May 1, 2013, and if issued upon such exchanges and transfers on or after May 1, 2013, shall be dated as of May 1 or November 1 next preceding their issuance, or if the date of issuance shall be a May 1 or November 1, as of such date; provided, however, that if interest on the Bonds shall be in default, the Bonds shall

be dated as of the date to which interest has been paid in full on the Bonds being transferred.

5. Payment - Interest on the Bonds and, upon presentation and surrender thereof, the principal thereof shall be payable in lawful money of the United States of America by check, draft or wire transfer by Starion Bond Services, Mandan, North Dakota, as Bond Registrar and Paying Agent, or its successor. In the event the Bonds are no longer registered as book-entry bonds pursuant to Paragraph 2 immediately above, such Bond Registrar and Paying Agent is hereby appointed the sole paying agent for the Bonds.
6. Principal Maturities - The Bonds shall mature serially and shall mature on May 1 in the years and in the amounts set forth in the Schedule of Maturities and Interest Rates attached hereto as Attachment 1.
7. Prepayment - Bonds maturing in the years 2014 through 2020 are payable on their respective stated maturity dates without option of prior payment. Bonds maturing in the years 2021 and thereafter shall be subject to redemption and prepayment in whole or in part at the option of the City, in inverse order of maturities and by lot, assigned in proportion to their principal amount, within any maturity, on May 1, 2020, and on any date thereafter selected by the City, at a price equal to the principal amount thereof plus accrued interest. Not less than 30 days nor more than 60 days prior to the date specified for prepayment and redemption of any Bonds the City will cause notice of the call thereof to be mailed to the registered owner and to the paying agent at which principal and interest are then payable. Upon partial redemption of any Bond, a new Bond or Bonds will be delivered to the owner without charge, representing the remaining principal amount outstanding.
8. Type and Denomination of Bonds - The Bonds shall be in fully registered form in denominations of \$5,000 or any integral multiple thereof, of single maturities.
9. Form, Preparation, Execution and Delivery - The Bonds shall be reproduced in substantially the form attached to this Resolution as Attachment 2. The Bonds shall be prepared under the supervision and at the direction of the City Administrator, executed by the manual or facsimile signature of the President of the Board of City Commissioners (or in the absence or inability of the President to act, by the manual or facsimile signature of the Vice President) and attested to by the manual or facsimile signature of the City Administrator, and delivered to the

owner at closing upon receipt of the uncanceled Warrant plus any accrued interest. The Bonds shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under this Resolution until the Certificate of Authentication thereon shall have been executed by the Bond Registrar by manual signature of one of its authorized representatives.

10. Interest - The Bonds shall bear interest at the annual rates set forth in the Schedule of Maturities and Interest Rates attached hereto as Attachment 1. Interest shall be payable on May 1 and November 1 in each year, commencing May 1, 2013, to the person in whose name each Bond is registered on the close of the 15th day (whether or not a business day) of the immediately preceding month. Interest shall be computed on a 30-day month and 360-day year basis. Interest on the Bonds shall cease at maturity or on a date prior thereto on which they have been duly called for redemption unless the holder thereof shall present the same for payment and payment is refused.
11. Source of Payment/Security - The Bonds are payable from the payments of principal and interest received on the Warrant held by the Refunding Fund as a secured asset. The Warrant held by the Refunding Fund as security is payable from the Fund which derives its revenues from the levy and collection of special assessments against benefited property and from general taxation as provided in the Financing Resolution.
12. Registration - The Bonds shall be registered as to both principal and interest and the Bond Registrar shall establish and maintain a register for the purposes of recording the names and addresses of the registered owners or assigns, the dates of such registration and the due dates and amounts for payment of principal and interest on the Bonds; and the City and the Bond Registrar may deem and treat the person in whose name any Bond is registered as the absolute owner thereof, whether the Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the City nor the Bond Registrar shall be affected by any notice to the contrary.
13. Assignment - The Bonds are transferable upon the books of the City at the principal office of the Bond Registrar, by the registered owner thereof in person or by his attorney duly authorized in writing upon surrender thereof together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or his attorney; and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange the City will cause a new Bond or Bonds to be issued in the name of the transferee or

registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange. No transfer of Bonds shall be required to be made during the fifteen days next preceding an interest payment date, nor during the forty-five days next preceding the date fixed for redemption of Bonds.

14. Discharge - When all of the Bonds, and the interest thereon have been defeased and discharged as provided in this Paragraph 14, all pledges, covenants and other rights granted hereinabove by this Resolution shall cease. The City may defease and discharge all Bonds and interest due on any date by depositing with the Paying Agent on or before that date a sum sufficient for the payment thereof in full; or if any Bond or interest thereon should not be paid when due, the same may nevertheless be defeased and discharged by depositing with the Paying Agent a sum sufficient for the payment thereof in full with interest accrued from the due date to the date of such deposit. The City may also defease and discharge all prepayable Bonds called for redemption on any date when they are prepayable according to their terms, by depositing with the Paying Agent on or before that date a sum sufficient for the payment thereof in full, provided that notice of the redemption thereof has been duly given as provided herein. The City may also defease and discharge all Bonds at any time by irrevocably depositing in escrow with an escrow agent, for the purpose of paying all principal and interest due on such Bonds prior to a date upon which all of the same will be prepayable according to their terms, and paying all remaining Bonds on that date, a sum of cash and securities of the types described in NDCC Section 40-27-13 in such aggregate amount, bearing interest at such rates and maturing or callable at the holder's option on such dates as shall be required to provide funds sufficient for this purpose; provided that notice of the redemption of all prepayable Bonds on or before such date has been duly given as required herein.

The City covenants that (i) it will restrict the use of the proceeds of the Bonds in such manner and to such extent as may be necessary, in view of the City's reasonable expectations at the time of issuance of the Bonds, so that the Bonds will not constitute "arbitrage bonds" under Section 148 of the Internal Revenue Code of 1986 and regulations prescribed under such Section, and (ii) it will take all actions that may be required of it (including, without implied limitation, the timely filing of a federal information return with respect to the Bonds and the payment of required rebate, if any) so that the interest on the Bonds will be and remain excluded from gross income

for federal income tax purposes, and will not take any actions which would adversely affect such exclusion.

The City hereby designates the Bonds as "qualified tax-exempt obligations" under Section 265 of the Internal Revenue Code of 1986 (the "Code") relating to the deduction allowed financial institutions for interest expense allocable to tax-exempt interest. The City represents that: (i) the Bonds are not "private activity bonds" as defined in the Code; (ii) the reasonably anticipated amount of tax-exempt obligations (other than obligations described in clause (ii) of Code Section 265(b)(3)(C)) which will be issued during the calendar year 2012 does not exceed \$10,000,000; and (iii) not more than \$10,000,000 of "qualified tax-exempt obligations" will be designated by the City (including subordinate entities) for the calendar year 2012.

The City hereby covenants and agrees, for the benefit of the holders of the Bonds, to enter into a written undertaking (the "Undertaking") required by SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule") to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. This Undertaking shall be enforceable by the holders of the Bonds, or by the Purchaser on behalf of such holders (provided that the rights of the holders and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific enforcement of the obligations hereunder and any failure by the City to comply with the provision of this Undertaking shall not be an event of default with respect to the Bonds). The City Administrator and President of the Board of City Commissioners shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

The Final Official Statement relating to the Bonds, dated November 1, 2012, is hereby approved, and the City Administrator is authorized to execute and deliver such Final Official Statement and to certify to its correctness and completeness as provided therein.

The officers of the City and Morton County are authorized and directed to prepare and furnish to the attorneys passing on the legality of the Bonds, certified copies of all proceedings, ordinances, resolutions and records and such certificates and affidavits and other instruments as may be required to evidence the legality and marketability of the Bonds and the tax-exempt status of interest payable thereon, and all certified copies, certificates, affidavits and other instruments so furnished shall constitute representations of the City as to the correctness of all facts stated or recited therein.

Attest:

CITY OF MANDAN

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City Administrator

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President, Board of City Commissioners

( S E A L )

The governing body of the political subdivision acted on the foregoing resolution on November 6, 2012, as follows:

Adoption moved by \_\_\_\_\_ Seconded by \_\_\_\_\_

Roll Call Vote (List Last Names)

"Aye" \_\_\_\_\_

"Nay" \_\_\_\_\_

Absent \_\_\_\_\_

and after vote the presiding officer declared the resolution adopted.

CITY OF MANDAN  
COUNTY OF MORTON  
STATE OF NORTH DAKOTA

\$5,155,000

REFUNDING IMPROVEMENT BONDS OF 2012, SERIES B

SCHEDULE OF MATURITIES AND INTEREST RATES

<u>Year</u>	<u>Amount</u>	<u>Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Rate</u>
2014	\$225,000	2.00 %	2022	\$340,000	2.00 %
2015	365,000	2.00	2023	340,000	2.00
2016	370,000	2.00	2024	340,000	2.00
2017	375,000	2.00	2025	335,000	2.00
2018	375,000	2.00	2026	335,000	2.00
2019	375,000	2.00	2027	330,000	2.05
2020	375,000	2.00	2028	330,000	2.15
2021	345,000	2.00			

UNITED STATES OF AMERICA  
STATE OF NORTH DAKOTA  
COUNTY OF MORTON  
CITY OF MANDAN

REFUNDING IMPROVEMENT BOND OF 2012, SERIES B

No. R-

<u>RATE</u>	<u>MATURITY</u>	<u>DATE OF ORIGINAL ISSUE</u>	<u>CUSIP</u>
		November 15, 2012	

REGISTERED OWNER: Cede & Co.

PRINCIPAL AMOUNT: DOLLARS

KNOW ALL PERSONS BY THESE PRESENTS that the City of Mandan, North Dakota (the "City" or "Issuer"), acknowledges itself specially indebted and for value received hereby promises to pay to the registered owner specified above or registered assigns, the principal amount specified above, but only from the City of Mandan Refunding Improvement Bonds of 2012, Series B Fund (the "Refunding Fund") on the maturity date specified above, with interest thereon from the date hereof at the annual rate specified above, payable on May 1 and November 1 in each year, commencing May 1, 2013, to the person in whose name this Bond is registered on the close of the 15th day (whether or not a business day) of the immediately preceding month, all subject to the provisions referred to herein with respect to the redemption of the principal of this Bond before maturity. The interest hereon and, upon presentation and surrender hereof, the principal hereof are payable in lawful money of the United States of America by Starion Bond Services, Mandan, North Dakota, as Bond Registrar and Paying Agent, or its successor.

This book-entry Bond is one of a single series of Bonds (the "Bonds") issued in the aggregate principal amount of \$5,155,000.00, all of like date of original issue and tenor except as to serial number, denomination, interest rate, redemption privilege and maturity date, issued, pursuant to a Resolution Authorizing Issuance of \$5,155,000 Refunding Improvement Bonds of 2012, Series B, adopted by the Board of City Commissioners (the "Resolution"), in exchange for the \$5,155,000 definitive improvement warrant (the "Warrant") issued on Street Improvement District No. 161 Fund (the "Fund") and which represents the cost of street milling, curb and gutter repair, valley gutter replacement, asphalt overlay, leveling and patching and chip sealing, crack sealing and related work for Street Improvement District No. 161 (the "District") of the City. The Warrant was issued in full conformity with the Constitution

and laws of the State of North Dakota and the ordinances and resolutions of the City duly adopted and approved prior to the issue hereof. The Bonds are issued with a single book-entry bond for each of the principal maturities of the Bonds and shall be initially registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York, and the Bond Registrar and Paying Agent shall treat the record owner as the absolute owner of the Bonds. So long as Cede & Co. is the registered owner of the Bonds, references herein to the Bondholder, owner, etc. shall mean Cede & Co. and sales by purchasers of the Bonds of beneficial interest participations in the Bonds to beneficial owners will be limited to minimum denominations of \$5,000 or any integral multiple in excess thereof.

Unless this Bond is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the City or its agent for registration of transfer, exchange, or payment, and any Bond issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

Notwithstanding any other provisions herein set out, so long as Cede & Co. is the registered owner hereof, the provisions of and requirements referenced in the Blanket Issuer Letter of Representations filed by the City with DTC with regard to the Bonds shall be controlling as to the matters addressed therein and all the terms and provisions therein are incorporated herein as though herein fully set out.

Bonds of this issue maturing in the years 2014 through 2020 are payable on their respective stated maturity dates without option of prior payment. Bonds maturing in the years 2021 and thereafter shall be subject to redemption and prepayment in whole or in part at the option of the City, in inverse order of maturities and by lot, assigned in proportion to their principal amount, within any maturity, on May 1, 2020, and on any date thereafter selected by the City, at a price equal to the principal amount thereof plus accrued interest. Not less than 30 days nor more than 60 days prior to the date specified for prepayment and redemption of any Bonds the City will cause notice of the call thereof to be mailed to the registered owner and to the paying agent at which principal and interest are then payable. Upon partial redemption of any Bond, a new Bond or Bonds will be delivered to the owner without charge, representing the remaining principal amount outstanding.

As provided in the Resolution and subject to certain limitations set forth therein, this Bond is transferable upon the books of the City at the principal office of the Bond Registrar, by the registered owner hereof in person or by his attorney duly authorized in writing upon surrender hereof together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or his

attorney; and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange the City will cause a new Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange.

The City and the Bond Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the City nor the Bond Registrar shall be affected by any notice to the contrary.

This Bond is payable solely out of the Refunding Fund which holds as an asset pledged to the repayment of this Bond, the Warrant issued on the Fund. The Warrant is payable from special assessments levied to pay for improvements for the District, and whenever all special assessments and any other revenues or taxes appropriated and theretofore collected are insufficient to pay principal or interest then due on the Warrant held by the Refunding Fund the City shall levy a tax upon all the taxable property in the City for the payment of such deficiency. If at any time a deficiency is likely to occur within one year, the City, in its discretion, may levy a general tax on all the taxable property in the City for the payment of such deficiency.

Interest on this Bond shall cease at maturity or on a date prior thereto on which it has been duly called for redemption unless the holder hereof shall present the same for payment and payment is refused.

It is hereby certified, recited, covenanted and agreed that all requirements of law have been fully complied with by the officers of the City in the issue of this Bond and the Warrant for which it was exchanged, and that all proceedings and things with reference to making the improvements, to the fixing of the assessment lien against the property improved have been or will be lawfully taken and performed and that for the payment of this Bond and interest thereon, the City pledges all its lawful corporate powers.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon shall have been executed by the Bond Registrar by manual signature of one of its authorized representatives.

IN WITNESS WHEREOF, the City has caused this Bond to be executed on its behalf by the signatures of the President of its Board of City Commissioners and its City Administrator, and has caused this Bond to be dated as of the date set forth below.

DATED:

CERTIFICATE OF AUTHENTICATION

CITY OF MANDAN, NORTH DAKOTA

This is one of the Bonds delivered pursuant to the Resolution mentioned within.

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

STARION BOND SERVICES  
MANDAN, NORTH DAKOTA  
as Bond Registrar and Paying Agent

Attest:

By: \_\_\_\_\_  
Authorized Representative

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

STATE OF NORTH DAKOTA    )  
  ) ss.  
CITY OF MANDAN                    )

I hereby certify that the within Bond is issued pursuant to law, and is within the debt limit of the City of Mandan, Morton County, State of North Dakota.

WITNESS my hand this 15th day of November, 2012.

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

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_ the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

PLEASE INSERT SOCIAL SECURITY  
NUMBER OR OTHER IDENTIFYING  
NUMBER OF ASSIGNEE

\_\_\_\_\_  
NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

\_\_\_\_\_  
Signature Guaranteed:

\_\_\_\_\_  
NOTICE: Signature(s) must be guaranteed by a member of a major stock exchange or a commercial bank or trust company.

\$5,155,000  
City of Mandan, North Dakota  
Refunding Improvement Bonds of 2012, Series B

I have acted as bond counsel in connection with the issuance by the City of Mandan, North Dakota (the "Issuer") of \$5,155,000 Refunding Improvement Bonds of 2012, Series B, initially dated as of November 15, 2012 (the "Bonds"). The Bonds are issuable as book-entry bonds in fully registered form in the denominations of \$5,000 or any integral multiple thereof, of single maturities. The Bonds mature on May 1 in the years and amounts set forth below, and Bonds maturing in such years and amounts bear interest from date of issue until paid at the annual rates set forth opposite such years and amounts, respectively:

<u>Year</u>	<u>Amount</u>	<u>Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Rate</u>
2014	\$225,000	2.00 %	2022	\$340,000	2.00 %
2015	365,000	2.00	2023	340,000	2.00
2016	370,000	2.00	2024	340,000	2.00
2017	375,000	2.00	2025	335,000	2.00
2018	375,000	2.00	2026	335,000	2.00
2019	375,000	2.00	2027	330,000	2.05
2020	375,000	2.00	2028	330,000	2.15
2021	345,000	2.00			

Interest is payable on May 1 and November 1 in each year, commencing May 1, 2013, to the holder of record on the close of the 15th day of the immediately preceding month.

Bonds maturing in the years 2021 and thereafter are subject to redemption and prepayment in whole or in part at the option of the Issuer, in inverse order of maturities, and by lot, assigned in proportion to their principal amount, within any maturity, on May 1, 2020, and on any date thereafter selected by the Issuer, at a price equal to the principal amount thereof plus accrued interest.

I have examined the law and such certified proceedings and other papers as I deem necessary to render this opinion. As to questions of fact material to my opinion, I have relied upon the certified proceedings and other certifications of public officials furnished to me without undertaking to verify the same by independent investigation.

I have not been engaged or undertaken to review the accuracy, completeness or sufficiency of the Official Statement or other offering material relating to the Bonds and I express no opinion relating thereto.

Based on my examination, I am of the opinion, as of the date hereof and under existing law, as follows:

1. The Bonds are valid and binding special obligations of the Issuer payable from the City of Mandan Refunding Improvement Bonds of 2012, Series B Fund (the "Refunding Fund") which holds as an asset pledged to repayment of the Bonds, a definitive improvement warrant in like principal amount (the "Warrant") issued on the fund of Street Improvement District No. 161 (the "District") of the Issuer.
2. The Warrant has been duly authorized, executed and delivered and is payable from special assessments levied against the property benefited by the improvements for the District.
3. All taxable property in the territory of the Issuer is subject to ad valorem taxation without limitation as to rate or amount to pay any deficiency on the Warrant. The Issuer is required by law to include in its annual tax levy the principal and interest coming due on the Warrant to the extent the necessary funds are not provided from special assessments or other sources.
4. All payments made on the Warrant are to be credited to the Refunding Fund and applied in payment of the principal and interest on the Bonds.
5. Under existing law, the interest on the Bonds is excluded from gross income of the owners for federal and North Dakota income tax purposes and is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations; however, it should be noted that for the purpose of computing the alternative minimum tax imposed on corporations (as defined for federal income tax purposes), such interest is taken into account in determining adjusted current earnings. The opinions set forth in the preceding sentence are subject to the condition that the Issuer comply with all requirements of the Internal Revenue Code of 1986 (the "Code") that must be satisfied subsequent to the issuance of the Bonds in order that interest thereon be, or continue to be, excluded from gross income for federal income tax purposes. Failure to comply with certain of such requirements could cause the interest on the Bonds to be so included in gross income retroactive to the date of issuance of the Bonds. The Issuer has covenanted to comply with all such requirements. The Bonds have been designated as "qualified tax-exempt obligations" under Section 265 of the Code. Interest on the Bonds is subject to the tax imposed on financial institutions under Chapter 57-35.3 of the North Dakota Century Code. I express no opinion regarding other state or federal tax consequences arising with respect to the Bonds.

It is to be understood that the rights of the holder or holders of the Bonds and the enforceability thereof may be subject to bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting creditors' rights heretofore or hereafter enacted and that their enforcement may be subject to the exercise of judicial discretion in accordance with general principles of equity.

STEVEN L. VOGELPOHL  
Bismarck, North Dakota

We certify that the foregoing is a full and correct copy of the text of the legal opinion of bond counsel on the issue of Bonds of the City of Mandan which includes the within Bond, rendered as of the date of the original delivery of and payment for the Bonds.

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City Administrator

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President, Board of City Commissioners

Blanket Issuer Letter of Representations  
(To be Completed by Issuer)

CITY OF HANDBY, NORTH DAKOTA  
(Name of Issuer)

November 2, 1999  
(Date)

Attention: Underwriting Department — Eligibility  
The Depository Trust Company  
55 Water Street, 50th Floor  
New York, NY 10041-0099

Ladies and Gentlemen:

This letter sets forth our understanding with respect to all issues (the "Securities") that Issuer shall request be made eligible for deposit by The Depository Trust Company ("DTC").

To induce DTC to accept the Securities as eligible for deposit at DTC, and to act in accordance with DTC's Rules with respect to the Securities, Issuer represents to DTC that Issuer will comply with the requirements stated in DTC's Operational Arrangements, as they may be amended from time to time.

Note:

Schedule A contains statements that DTC believes reasonably describe DTC, the method of ~~issuance~~ book-entry creation of securities through DTC, and certain related matters.

Very truly yours,

City of Handby, North Dakota  
(Name)

By: Phyllis Greener  
(Typed Name & Title)

Phyllis Greener, Acting City Auditor  
(Typed Name & Title)

101 2nd Avenue NW  
(Street Address)

Handby, ND 58534  
(City) (State) (Zip)

701-647-7215  
(Phone Number)

Received and Accepted:

THE DEPOSITORY TRUST COMPANY

By: [Signature]

SAMPLE OFFERING DOCUMENT LANGUAGE  
DESCRIBING BOOK-ENTRY-ONLY ISSUANCE

(Prepared by DTC—bracketed material may be applicable only to certain issues)

1. The Depository Trust Company ("DTC"), New York, NY, will act as securities depository for the securities (the "Securities"). The Securities will be issued as fully-registered securities registered in the name of Cede & Co. (DTC's partnership nominee). One fully-registered Security certificate will be issued for [each issue of] the Securities, [each] in the aggregate principal amount of such issue, and will be deposited with DTC. [If, however, the aggregate principal amount of [any] issue exceeds \$200 million, one certificate will be issued with respect to each \$200 million of principal amount and an additional certificate will be issued with respect to any remaining principal amount of such issue.]

2. DTC is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds securities that its participants ("Participants") deposit with DTC. DTC also facilitates the settlement among Participants of securities transactions, such as transfers and pledges, in deposited securities through electronic computerized book-entry changes in Participants' accounts, thereby eliminating the need for physical movement of securities certificates. Direct Participants include securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is owned by a number of its Direct Participants and by the New York Stock Exchange, Inc., the American Stock Exchange, Inc., and the National Association of Securities Dealers, Inc. Access to the DTC system is also available to others such as securities brokers and dealers, banks, and trust companies that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants"). The Rules applicable to DTC and its Participants are on file with the Securities and Exchange Commission.

3. Purchases of Securities under the DTC system must be made by or through Direct Participants, which will receive a credit for the Securities on DTC's records. The ownership interest of each actual purchaser of each Security ("Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase, but Beneficial Owners are expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Securities are to be accomplished by entries made on the books of Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in Securities, except in the event that use of the book-entry system for the Securities is discontinued.

4. To facilitate subsequent transfers, all Securities deposited by Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co. The deposit of Securities with DTC and their registration in the name of Cede & Co. effect no change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Securities; DTC's records reflect only the identity of the Direct Participants to whose accounts such Securities are credited, which may or may not be the Beneficial Owners. The Participants will remain responsible for keeping account of their holdings on behalf of their customers.

5. Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time.

{6. Redemption notices shall be sent to Cede & Co. If less than all of the Securities within an Issue are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such Issue to be redeemed.}

7. Neither DTC nor Cede & Co. will consent or vote with respect to Securities. Under its usual procedures, DTC mails an Omnibus Proxy to the Issuer as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts the Securities are credited on the record date (identified in a listing attached to the Omnibus Proxy).

8. Principal and interest payments on the Securities will be made to DTC. DTC's practice is to credit Direct Participants' accounts on payable date in accordance with their respective holdings shown on DTC's records unless DTC has reason to believe that it will not receive payment on payable date. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC, the Agent, or the Issuer, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of principal and interest to DTC is the responsibility of the Issuer or the Agent, disbursement of such payments to Direct Participants shall be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners shall be the responsibility of Direct and Indirect Participants.

{9. A Beneficial Owner shall give notice to elect to have its Securities purchased or tendered, through its Participant, to the [Tender/Remarketing] Agent, and shall effect delivery of such Securities by causing the Direct Participant to transfer the Participant's interest in the Securities, on DTC's records, to the [Tender/Remarketing] Agent. The requirement for physical delivery of Securities in connection with a demand for purchase or a mandatory purchase will be deemed satisfied when the ownership rights in the Securities are transferred by Direct Participants on DTC's records.}

10. DTC may discontinue providing its services as securities depository with respect to the Securities at any time by giving reasonable notice to the Issuer or the Agent. Under such circumstances, in the event that a successor securities depository is not obtained, Security certificates are required to be printed and delivered.

11. The Issuer may decide to discontinue use of the system of book-entry transfers through DTC (or a successor securities depository). In that event, Security certificates will be printed and delivered.

12. The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that the Issuer believes to be reliable, but the Issuer takes no responsibility for the accuracy thereof.