

**AGENDA**  
**MANDAN CITY COMMISSION**  
**OCTOBER 16, 2012**  
**ED "BOSH" FROEHLICH MEETING ROOM**  
**5:30 P.M.**  
**[www.cityofmandan.com](http://www.cityofmandan.com)**

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- A. ROLL CALL:
1. Roll call of all City Commissioners and Department Heads.
- B. MINUTES:
1. Consider approval of the following minutes from the Board of City Commission meetings:
    - i. October 2, 2012 – Regular meeting
    - ii. October 4, 2012 – Special Meeting
- C. PUBLIC HEARING:
- D. BIDS:
- E. CONSENT AGENDA:
1. Consider approval of monthly bills.
  2. Consider for approval the special assessments for Weed Cutting of 2012, Sidewalks of 2012 and, Health and Safety of 2012.
  3. Consider for approval 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.
  5. Consider for Approval Acceptance of a 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)
  7. Consider the annexation of Plainview Heights 13<sup>th</sup> Addition, in Section 2, Township 138N, Range 81W. (First consideration of ordinance #1131)
  8. Consider 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
- F. OLD BUSINESS:

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G. NEW BUSINESS:

1. Introduction of new employees:
  - i. Police Department:
    1. Larrie Cherrey – Police Officer
  - ii. Assessing & Building Inspections:
    1. Roberta (Bobbie) Olson – Assessing/Inspection Technician
    2. Rachel Hastings – Administrative Assistant
2. Consider recommendations for appointments to the Mandan Youth Commission

H. 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.
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*
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).*

I. OTHER BUSINESS:

J. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. November 6, 2012 – 4 p.m. start time
2. November 20, 2012
3. December 4, 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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The Mandan City Commission met in regular session at 5:30 p.m. on October 2, 2012 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Frank, and Braun. Department Heads present were Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Interim Engineering Project Manager Kim Fettig, and City Assessor Barta. Absent: Finance Director Welch; Business Development and Communications Director Huber.

MINUTES: *Consider approval of the minutes for September 18, 2012 Regular meeting minutes and approval of the minutes for September 18, 2012 Special Working Session meeting minutes.* Commissioner Tibke moved to approve the minutes of the September 18, 2012 regular meeting minutes and the September 18, 2012 Special Working Session meeting minutes. Commissioner Frank seconded the motion. The motion received unanimous approval of the members present. The motion passed.

PUBLIC HEARING:

1. *Public Hearing to consider an Ad Valorem tax exemption for BOS Solutions Inc.* City Assessor Richard Barta reviewed with the Board a request from BOS Solutions, Inc. for a 5-year tax exemption for a commercial structure at 2916 - 34<sup>th</sup> Street Northwest, Mandan. The plan is to construct a steel 6,600 sq. ft. warehouse (shop area) with 2,200 sq. ft. that will be utilized as office space. The building will have steel siding with a brick front. Barta stated there was no opposition from any competitors received. A representative from BOS Solutions came forward and explained that BOS Solutions is a company whose principal business is the rental of well-site fluid handling equipment related to the oil and gas industry. Equipment will be brought to Mandan to be overhauled, repaired and serviced and then sent back out to the oil fields.

Mayor Van Beek announced that this is a public hearing and invited anyone from the audience to come forward to speak for or against the Ad Valorem tax exemption for BOS Solutions Inc.

Linda Morris, Morton County Tax Director came forward to represent the Morton County Commission’s vote of 5-to-0 on 9/18/12 in opposition to this request, noting the following:

1. With the business being a service, what amount, if any would the City of Mandan receive in sales tax revenue?
2. The net incomes of \$9.1 million for year one and \$9.7 for years 2 through 5 does not justify the need for an exemption.
3. The business estimates 80 employees with a payroll of \$895,470 which equates out to \$11,193 annual salary. Years 2014 through 2017 indicate the same amount for salary. The County Commission believes that amount is below minimum wages.

BOS Solutions replied that there will be 15 – 20 employees from the local area when the business starts up. The plan is to increase employees to 80 and then in 2014 to 114 with

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anticipation to hold that employee number steady for years down the road. The company will be seeking individuals from the Mandan area to fill the positions.

Tim Spilman, Mandan Growth Fund Chairman, came forward to speak in favor of granting the tax exemption request to BOS Solutions Inc. He stated that the Mandan Growth Fund recommended approval of this exemption due to the jobs creation from the business function. Management personnel are going to be located in this building. He mentioned that his understanding is that some of the salaries for these positions created by this business will be in excess of \$100,000. They will have a presence at BSC and some of the employees are or will be instructors at BSC. The MGF recommended 100% for five years based on meeting the criteria under the City of Mandan's Commercial Property Tax Exemption Policy and Guidelines. Some of their employees are already in field operations throughout western North Dakota. Spilman reiterated that the MGF voted unanimously to approve this tax exemption. Commissioner Rohr pointed out the fiscal impact of a business that draws sales tax revenue into the city, whereas this is not a service that will bring in sales tax to assist the city in a form of revenue. However, the employees will most likely take up residence in Mandan; therefore they will be contributing to property taxes.

A second invitation was extended by Mayor Van Beek for any comments from the public. Hearing none, this portion of the public hearing was closed.

2. *Public Hearing to consider an Ad Valorem tax exemption for Diversity Homes Inc.* City Assessor Richard Barta reviewed with the Board a request from Diversity Homes to consider a 5-year tax exemption for a commercial structure at 2101 46<sup>th</sup> Avenue Southeast, Mandan. The structure will be a 1,906 sq. ft. garage and a 4,086 sq. ft. office space. They are requesting the tiered tax exemption plan at 100% for the first 2 years and then 75% in year 3, 50% in year 4 and 25% in year 5. The MGF Committee recommends approval of the tax exemption request. Commissioner Tibke requested clarification as to the request for 100% for 5 years as is noted on page 1 of the application.

Mayor Van Beek announced that this is a public hearing and invited anyone from the audience to come forward to speak for or against the Ad Valorem tax exemption for Diversity Homes, Inc.

Greg Meidinger, Diversity Homes, came forward to clarify that Diversity Homes requested the tiered tax exemptions at 100% for years 1 and 2, 75% for year 3, 50% for year 4, 25% for year 5. He provided a brief summary of the background history of Diversity Homes. Jason Frank started the company in 2009 and prior to that time he was a home builder for 16 years. There are currently six employees at Diversity Homes. He reviewed the revenue generated from property taxes for the City of Mandan as a result of the homes that have been built by Diversity Homes since 2009 with most homes now being in the \$350,000 price range. He stated that in 2013 they will be bringing in a new line of homes that will be in the \$250,000 and under range. They will be adding more employees as they grow their business.

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Tim Spilman, Mandan Growth Fund Chairman came forward to speak in favor of granting the tax exemption request to Diversity Homes for the tax exemption at 100% for years 1 and 2, 75% for year 3, 50% for year 4, 25% for year 5. Spilman provided an explanation of how the Mandan Growth Fund considers requests and aligns them with the policy guidelines. In summary, if the MGF feels a request may qualify under the guideline criteria for the 100% 5-year exemption, they will recommend it. If the business or entity fails to meet those requirements the tax exemption would default to the tiered tax exemption process. He stated that the MGF voted unanimously in favor of the request for tax exemption at 100% for years 1 and 2, 75% for year 3, 50% for year 4, 25% for year 5. Spilman recommended approval by the Board.

Linda Morris, Morton County Tax Director came forward to represent the Morton County Commission's vote of 5-to-0 on 9/18/12 in opposition to this request, noting the following:

1. There would be little, if any, sales tax revenue from this project.
2. The net income amount referred to does not justify the need for an exemption.
3. Questioned if Diversity Homes should be considered a "new business" project since it has been in existence since 2009.
4. With other competitors in this same market, this exemption would have an unfair advantage over other builders in the area.

A second invitation was extended by Mayor Van Beek for any comments from the public. Hearing none, this portion of the public hearing was closed.

3. *Public Hearing to consider an Ad Valorem tax exemption for Edgewood Management Group LLC.* City Assessor Barta stated that this is a facility for elderly housing and the company is looking at putting up a new commercial structure at 2801 39<sup>th</sup> Avenue Southeast, Mandan. They are requesting a 5-year tax exemption at 100% for years 1 and 2, 75% for year 3, 50% for year 4, 25% for year 5. Morton County submitted a letter in opposition to the exemption request. Barta recommended approval because the request is within the policy guidelines for Ad Valorem tax exemption.

Mayor Van Beek announced that this is a public hearing and invited anyone from the audience to come forward to speak for or against the Ad Valorem tax exemption for Edgewood Management Group LLC.

Rex Carlson, CFO and Treasurer of Edgewood Management Group came forward to speak in support of the tax exemption request. He provided a brief summary of the Edgewood Management Group indicating that they have 42 facilities operating in 7 states, two of which are located in Bismarck, housing approximately 390 residents with roughly 60 people on a waiting list. He stated that the unit to be built in Mandan will consist of 142 units, built in two stages. It will employ approximately 90 people. Carlson provided a summarized history of the Edgewood facilities throughout the United States and what they have to offer to residents and their families. Commissioner Frank commented that she read a news article in the paper from April 2012 wherein it was indicated that Edgewood would be building a 60 bed facility in Mandan. She inquired

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why after the fact this request for a tax exemption now comes to this Board. Carlson replied that their competitor, Lakewood Properties (Mandan), was granted the tiered tax exemption plan for their facility. Carlson expressed what impact it would have on Edgewood if it would not be granted the same tiered plan. In particular, housing rates would probably be higher at Edgewood because they would not have the tax savings benefit allowing them to offer a lesser fee than what Lakeview has to offer.

City Attorney Brown asked Mr. Carlson if he was aware that with these types of tax exemptions the City of Mandan requires a claw back agreement in the event the Edgewood facility would be sold to a non-exempt, so that would require the repayment of any exemption that the facility was given? Carlson replied that he was aware of claw back requirements.

Linda Morris, Morton County Tax Director came forward to represent the Morton County Commission's position on this request:

1. Will the property be leased or owned property by Edgewood Management?
2. Will the company be expanding in the future?
3. Regarding Line 25 of the application, provide a clarification of which project this is in reference to.
4. Objected to the granting a five year 100% exemption but would not object to a "two year 100% property tax exemption".

Tim Spilman, Mandan Growth Fund Chairman, came forward to speak in favor of granting the tiered tax exemption in this matter. He stated that the MGF recommended approval of the tax exemption for Edgewood Management Group, LLC based on meeting the guideline criteria for 100% for years 1 and 2, 75% for year 3, 50% for year 4, 25% for year 5.

A second invitation was extended by Mayor Van Beek for any comments from the public. Hearing none, this portion of the public hearing was closed.

BIDS:

1. *Consider awarding Infrastructure Grant projects to Swanberg Construction Co.* Director of Public Works Wright reviewed with the Board the bids received for flood control structure improvements. He stated that in May 2012 this Board approved up to a \$1 million local match to participate in infrastructure to improve flood control structures in Mandan. This came as a result of the flood of 2011 of the Missouri River. The grant is a 50/50 match and the projects were designed by Interstate Engineering in the Marina Bay and Riverbend Addition. Bids were sent out in August and 3 bids were received back in September with the low bidder being Swanberg Construction for \$270,710. The engineer's estimates for the projects were \$254,802. Recently the other part of this project, the Wastewater Treatment Plant outfall bid project was awarded. The cost for both of these projects together are under the \$1 million estimated cost. Wright recommended awarding the Infrastructure Grant projects to the low bidder, Swanberg Construction Co. in the amount of \$270,710 to do the work needed for the flood infrastructure.

Commissioner Frank moved to approve the bid award for flood structure improvements project as part of an Infrastructure Grant, to the low bidder, Swanberg Construction Company for a total of \$270,710. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

CONSENT AGENDA:

1. *Consider approval of a site authorization for Horse Race North Dakota at Dean's Steakhouse, LLC from Oct. 1, 2012 through Dec. 31, 2012.* The Board approved of a site authorization for Horse Race North Dakota at Dean's Steakhouse, LLC from Oct. 1, 2012 through Dec. 31, 2012.
2. *Consider the Acceptance of a Traffic Safety Contract from the North Dakota Department of Transportation, Traffic Safety Office.* The Board approved of the Acceptance of a Traffic Safety Contract from the North Dakota Department of Transportation, Traffic Safety Office.
3. *Consider games of chance for Sons of Norway-Sverdrup Lodge #107 at the Mandan Eagles Club on November 16, 2012.* The Board approved of the games of chance for Sons of Norway-Sverdrup Lodge #107 at the Mandan Eagles Club on November 16, 2012.
4. *Consider for approval the final plat of Meadows 6<sup>th</sup> Addition.* The Board approved of the final plat of Meadows 6<sup>th</sup> Addition.
5. *Consider for approval the final plat of Missouri Valley Addition.* The Board approved of the final plat of Missouri Valley Addition.
6. *Consider for approval the final plat of Ramblewood 13<sup>th</sup> Addition.* The Board approved of the final plat of Ramblewood 13<sup>th</sup> Addition.
7. Requested to be removed by Commissioner Rohr for further discussion.
8. *Consider proclamation designating October 6, 2012 as Nickelodeon Worldwide Day of Play in the City of Mandan.* The Board approved of a proclamation designating October 6, 2012 as Nickelodeon Worldwide Day of Play in the City of Mandan.
9. *Consider proclamation designating September 24, 2012 as Family Day – A Day to Eat Dinner with Your Children in the City of Mandan.* The Board approved of a proclamation designating September 24, 2012 as Family Day – A Day to Eat Dinner with Your Children in the City of Mandan.
10. *Consider approval of the employment contract for the Business Development & Communications Director.* The Board approved of the employment contract for the Business Development & Communications Director.
11. *Consider budget amendment to the 2012 Water and Sewer Utility Fund to upsize water main in Plainview Heights 13<sup>th</sup> Addition.* The Board approved the budget amendment to the 2012 Water and Sewer Utility Fund to upsize water main in Plainview Heights 13<sup>th</sup> Addition.

Commissioner Frank moved to approve the Consent Agenda items No. 1 thru 11, removing no. 7 for discussion as presented. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner

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Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

7. *Removed for discussion: Consider for approval the final plat of Sunrise View Estates 1<sup>st</sup> Addition.* Commissioner Rohr pointed out that on the map that is provided of the property in discussion, the plat is actually on the opposite side of an area that is in the county, not within the city. He stated from 27<sup>th</sup> Street is delineation where the properties or most of the properties just south of that is city limits. So you have an existing group of properties here with another area to be platted. The question is, is approving this plat premature at this time? He suggested looking at the other properties to see how they are going to fit in the scope of things later on in this project in terms of bringing them into the city.

City Attorney Brown agreed with Commissioner Rohr that it is premature. The problem is that there is a subdivision outside the city limits. The lots of which are too small for a septic tank system which would require a sanitary sewer system; so, by approving the plat, the city would provide those services and it is not part of the city. There is about a half a mile or a mile to the city limits. It would be appropriate to plat the property once it is located inside city limits.

Commissioner Rohr motioned to deny the request for approval of the final plat Sunrise View Estates 1<sup>st</sup> Addition. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

OLD BUSINESS:

NEW BUSINESS:

1. *Consider Growth Fund Committee recommendations on property tax incentives for new or expanding businesses:*  
(i) *Diversity Homes, Inc. for a project at 2101 46<sup>th</sup> Avenue SE:* Following the discussion held at the public hearing, Mayor Van Beek asked if there were any comments for discussion from commissioners regarding this project. Commissioner Rohr pointed out that there have been conversations with the Mandan Growth Fund wherein there was discussion around the subject of profitability of companies and how that would pertain to qualifications for tax exemptions. He brought this up for a point of discussion.

Commissioner Frank moved to approve the request for a tax exemption for Diversity Homes, Inc. for a project at 2101 46<sup>th</sup> Avenue SE. 100% for years 1 and 2, 75% for year 3, 50% for year 4, 25% for year 5. Commissioner Rohr seconded the motion.

Commissioner Frank asked Greg Meidinger of Diversity Homes if it was his intention to request the tiered exemption plan. Meidinger replied that he followed the guidelines and he felt his request came under the tiered option. Commissioner Frank replied that the criteria for the full five years relates to job creation. She explained that when the Boards review these requests it is important that they keep into consideration that they are

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affecting tax payer dollars when granting requests such as these. She recommended approval of the tiered system for this project which is what the applicant initially requested. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: No; Commissioner Van Beek: Yes. The motion passed.

(ii) *Edgewood Management Group, LLC, for a project at 40<sup>th</sup> Street SE & McKenzie Drive:* Following the discussion held at the public hearing, Mayor Van Beek asked if there were any comments for discussion from commissioners regarding this project. Commissioner Rohr motioned to follow the recommendation as set forth by Morton County granting a 2-year 100% tax exemption. The motion died for lack of a second.

Commissioner Braun motioned to approve a property tax incentive for new or expanding businesses for Edgewood Management Group LLC in accordance with the recommendation of the Mandan Growth Fund Committee for a tiered tax exemption at 100% for years 1 and 2, 75% for year 3, 50% for year 4, 25% for year 5 according to meeting all the criteria under the City of Mandan's Commercial Property Tax Exemption Policy and Guidelines and also under state statute. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: No; Commissioner Tibke: Yes; Commissioner Frank: No; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

(iii) *BOS Solutions, Inc. for a project at 2916 34<sup>th</sup> Street NW.* City Administrator Neubauer commented that Tim Spilman, Mandan Growth Fund Chairman, spoke to this Board in support of this project and that the MGF recommended a 100% tax exemption for 5 years provided they meet the job requirements outlined in the City of Mandan's policy guidelines.

Commissioner Tibke commented that over a period of years the City has been trying to attract businesses such as this to build the community and she stated she supports this request as long as BOS Solutions meets the job requirements in years 3, 4, and 5. She stated she does not support their request of payments in lieu of taxes 2018 through 2033. Commissioner Rohr asked for clarification that this does not meet the definition of a warehouse since it is actually a workshop as explained. He agreed with Commissioner Tibke that there would be advantages for this business locating in Mandan.

Commissioner Frank moved to approve a property tax exemption for new or expanding businesses for BOS Solutions, Inc. in accordance with the recommendation from the Mandan Growth Fund Committee with the conditions of a 100% exemption for five years due to the number of jobs created in relation to the building investment subject to verification of meeting the minimum number of jobs on site in year 2 and sustained through year 5 and meeting all criteria under the City of Mandan's Commercial Property Tax Exemption Policy and Guidelines and under state statute. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek:

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Yes. The motion passed. Mayor Van Beek extended a welcome to BOS Solutions for choosing Mandan for its business location.

RESOLUTIONS & ORDINANCES:

1. *Consider second consideration and final passage of Ordinance No. 1130 to change street names Wildrye Street and Meadow View Drive to Wildrye Circle NW. –An Ordinance changing the names of certain streets or parts thereof situated within the City of Mandan, Morton County, North Dakota.* Commissioner Tibke motioned to approve the second consideration and final passage of Ordinance No. 1130 to change street names Wildrye Street and Meadow View Drive to Wildrye Circle NW. – An Ordinance changing the names of certain streets or parts thereof situated within the City of Mandan, Morton County, North Dakota. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

OTHER BUSINESS:

1. Mayor Van Beek encouraged Mandan residents to participate in the Firemen’s Walk/Run scheduled for 8 AM Saturday morning.
2. Fire Chief Nardello announced that Fire Awareness Day sponsored by the Mandan Fire Department will be held on Tuesday, October 9, 2012, starting at 6:30 p.m. followed by an Open House from 7:00 to 9:00 at Fire Station #1.
3. Commissioner Frank provided a reminder that there will be a Morton County Commission Candidate Forum on Wednesday, October 3<sup>rd</sup>, at 6:00 p.m. in the Ed “Bosh” Froehlich Meeting Room followed by the Superintendent of Public Instruction candidate debate starting at 7:15 p.m. Both will be hosted by the League of Women Voters and will be aired on Dakota Media Access.

There being no further actions to come before the Board of City Commissioners, Commissioner Frank moved to adjourn the regular meeting at 6:35 p.m. Commissioner Tibke 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 9:30 a.m. on Thursday, October 4, 2012 in the Dykshoorn Meeting Room at City Hall. Commissioners present via teleconference call were: Van Beek, Frank, and Rohr. Department Head present was City Administrator Neubauer. Also present: Deb Zodrow. Absent: Commissioners Tibke and Braun.

NEW BUSINESS:

1. *Consider approval of a charitable games of chance permit for Sanford Health Foundation for October 4, 2012.* Commissioner Frank motioned to approve the charitable games of chance permit for Sanford Health Foundation for October 4, 2012. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present.

OTHER BUSINESS:

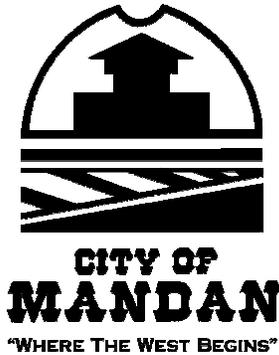
There being no further actions to come before the Board, Commissioner Frank moved to adjourn the meeting. Commissioner Rohr seconded the motion. The motion received unanimous approval of the Board members present and the meeting adjourned at 9:31 a.m.

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James Neubauer,  
City Administrator

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Arlyn Van Beek,  
President, Board of City  
Commissioners



CONSENT #2

# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** October 16, 2012  
**PREPARATION DATE:** October 10, 2012  
**SUBMITTING DEPARTMENT:** Finance  
**DEPARTMENT DIRECTOR:** Greg Welch  
**PRESENTER:** Greg Welch  
**SUBJECT:** Special assessments for Weed Cutting of 2012, Sidewalks of 2012 and, Health and Safety of 2012.

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### PURPOSE

Consider the special assessments for Weed Cutting of 2012, Sidewalks of 2012 and, Health and Safety of 2012.

### BACKGROUND

Weed Cutting of 2012 – For the eradication, cutting and control of weeds and tall grasses, and any other unhealthy vegetation exceeding six inches in height. Assessment for these costs are allowed under North Dakota Century Code 40-05-01.1.

Sidewalks of 2012 – For the construction, repair and rebuilding of sidewalks, curb and gutter. Assessment for these costs are allowed under North Dakota Century Code 40-29-05.

Health and Safety of 2012 – For the repairs of curb stops, water lines and sewer lines, and the removal of trees. Assessment for these costs are allowed under North Dakota Century Code 40-05-01.1.

The Notices for these assessments were published on September 28, 2012 and October 5, 2012.

### ATTACHMENTS

Notice of Assessments:

- Weed Cutting of 2012
- Sidewalks of 2012
- Health and Safety of 2012

Board of City Commissioners

Agenda Documentation

Meeting Date: October 16, 2012

Subject: Special assessments for Weed Cutting of 2012, Sidewalks of 2012 and, Health and Safety of 2012.

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FISCAL IMPACT

Weed Cutting of 2012 = \$32,525.36 (1 year assessment)

Sidewalks of 2012 = \$249,651.72 (10 year assessment)

Health and Safety of 2012 = \$82,526.32 (5 year assessment)

STAFF IMPACT

No additional staff impact.

LEGAL REVIEW

The special assessments were prepared in accordance with the Mandan Municipal Code and North Dakota Century Code.

RECOMMENDATION

To approve the special assessments for Weed Cutting of 2012, Sidewalks of 2012 and, Health and Safety of 2012.

SUGGESTED MOTION

Move to approve the special assessments for Weed Cutting of 2012, Sidewalks of 2012 and, Health and Safety of 2012.

NOTICE OF ASSESSMENTS  
WEEDS OF 2012

Notice IS HEREBY GIVEN that the following is a true and correct list of the particular lots and tracts of land on which the City of Mandan caused the cutting, spraying and removal of grass and weeds or caused the performance of such acts which contributed to the general health, safety and welfare of the community.

<u>Seq#</u>	<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Assessment</u>
<u>Albers-Neff 3rd</u>				
73	3	2	1107 6 <sup>th</sup> Street NW	\$ 34.24
<u>Bridgeview Bay 1<sup>st</sup></u>				
9965	1	1	2600 Marina Road SE	888.17
9966	1	2	2601 Marina Road SE	415.54
10012	1	48	2411 Bayview Court SE	50.24
<u>Bridgeview Bay 2<sup>nd</sup></u>				
10643 A	1	S ½ Lot 7	2106 Marina Road SE	26.38
10644	1	N ½ Lot 8	2108 Marina Road SE	27.93
10644 A	1	S ½ Lot 8	2100 Marina Road SE	25.28
<u>Eastside Comm Park-2 Replat</u>				
10148	1	3	1821 Twin City Drive SE	109.01
<u>Heart Ridge Addition</u>				
10995	1	31	1809 8 <sup>th</sup> Avenue SE	1,456.24
10996	1	32	1000 19 <sup>th</sup> Street SE	1,041.03
<u>Heartview</u>				
1027	3	5 & 6	305 14 <sup>th</sup> Avenue NW	80.19
1076	8	15 & 16	1308 1 <sup>st</sup> Street NW	72.00
<u>Helmsworth-McLean 1<sup>st</sup></u>				
1266	11	19	206 11 <sup>th</sup> Avenue NE	7.49
1274	12	Lots 9 & 10	1108 1 <sup>st</sup> Street NE	2.94
1275	12	Lots 11 & 12	1106 1 <sup>st</sup> Street NE	14.50
1300	14	1	213 9 <sup>th</sup> Avenue NE	22.26
1301	14	2	211 9 <sup>th</sup> Avenue NE	9.79
1346	19	Lots 3 & 4	309 11 <sup>th</sup> Avenue NW	37.38
1369	21	Lots 3 & 4	309 13 <sup>th</sup> Avenue NE	25.70
1371	21	Lots 7 & 8	1310 2 <sup>nd</sup> Street NE	26.73
<u>Keidel's Southheart Terrace</u>				
10797	4	18	1909 Keidel Trail SW	146.63
10798	4	19	317 Keidel Trail SW	92.89
10799	4	20	313 Keidel Trail SW	70.72
10800	4	21	309 Keidel Trail SW	60.13
10801	4	22	305 Keidel Trail SW	62.22
10802	4	23	301 Keidel Trail SW	62.42
10804	5	1	1600 4 <sup>th</sup> Avenue SW	80.39
10807	5	4	501 Canyon Road SW	71.22
10808	5	1	1600 4 <sup>th</sup> Avenue SW	71.22
10812	5	9	1613 Canyon Road SW	162.98
10813	5	10	1701 Canyon Road SW	85.73
10814	5	11	1703 Canyon Road SW	85.73
10815	5	12	1707 Canyon Road SW	171.47
10816	5	13	1801 Canyon Road SW	85.73
10817	5	14	1805 Canyon Road SW	171.47

10818	5	15	1809 Canyon Road SW	85.73
10833	5	30	514 Keidel Trail SW	85.20
10852	6	19	1812 Canyon Road SW	81.50

Lakewood 1<sup>st</sup> Addition

9604 A	1	W 247' Lot 1 & E 115' Lot 2	4600 McKenzie Drive SE	117.81
9604 AA	1	S 150' E 200' Lot 1	2721 46 <sup>th</sup> Avenue SE	341.77
9633 A	4	1A	2802 Waters Edge Lane SE	87.71
9633 B	4	1B	2806 Waters Edge Lane SE	42.26
9633 C	4	1C	2810 Waters Edge Lane SE	45.50
9633 D	4	1D	2814 Waters Edge Lane SE	83.41
9633 E	4	1E	2847 Waters Edge Lane SE	52.82

Lakewood 2<sup>nd</sup> Addition

9803	2	20	3420 Bay Shore Bend SE	103.05
9844	3	13	3303 Bay Shore Bend SE	170.56
9845	3	14	3305 Bay Shore Bend SE	192.88
9848	3	17	3311 Bay Shore Bend SE	214.20
9849	3	18	3313 Bay Shore Bend SE	201.19
9854	3	23	3327 Bay Shore Bend SE	150.86
9866	4	Lot 1 E 20' Lot 2	4509 South Bay Drive SE	64.71

Lakewood Commercial Park 2<sup>nd</sup>

9885	2	2 less S 69.80'	4220 Shaun Lane SE #1	342.59
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Lakewood Commercial Park 3<sup>rd</sup>

10109	1	5B	4400 21 <sup>st</sup> Street SE	742.68
10313	3	1	4103 Shoal Loop	475.01

Lakewood Commercial Park 4<sup>th</sup>

10654	1	1	2101 40 <sup>th</sup> Avenue SE	149.20
10655	2	1	2201 40 <sup>th</sup> Avenue SE	710.26
10656	2	Lot 2 & Aud. Lot K	2401 40 <sup>th</sup> Avenue SE	742.22
10657	3	1	2501 40 <sup>th</sup> Avenue SE	501.89

Lakewood Harbor 2<sup>nd</sup> Addition

9715	1	7	4906 Lakewood Drive SE	309.98
9716	1	8	4902 Lakewood Drive SE	295.27
9726	1	18	4504 Shoreview Place SE	279.35
9729	1	21	4202 Bay Shore Bend SE	499.37
9730	1	22	4100 Bay Shore Bend SE	456.38
9746	1	38	3912 Waterfront Place SE	19.25
9757	3	2	4502 Borden Harbor Drive	150.02

Lakewood Harbor 3<sup>rd</sup> Addition

10030	1	1	4009 Bay Shore Bend SE	108.38
10031	1	2	4005 Bay Shore Bend SE	183.67
10032	1	3	4001 Bay Shore Bend SE	123.45
10035	1	6	4311 Borden Harbor Place	67.05
10037	1	8	4319 Borden Harbor Place	309.45
10038	1	9	4320 Borden Harbor Place	255.91
10039	1	10	4316 Borden Harbor Place	274.86
10043	2	1	4101 Bay Shore Bend SE	160.02
10044	2	2	4201 Bay Shore Bend SE	182.44
10062	2	20	4104 Lakewood Drive SE	163.15
10069	2	27	4104 40 <sup>th</sup> Avenue SE	215.74

Lakewood Harbor 4<sup>th</sup> Addition

10207	2	11	3609 Bay Place SE	122.01
10211 A	2	S ½ Lot 15	3625 Bay Shore Bend SE	33.00
10249	4	6	3706 Woodbend Drive SE	295.48

Lakewood Harbor 5<sup>th</sup> Addition

10327	2	1	4100 28 <sup>th</sup> Street SE	142.01
10328	2	2	4027 Bayport Place SE	118.39
10329	2	3	4023 Bayport Place SE	112.37
10330	2	4	4019 Bayport Place SE	84.62

Lakewood Harbor 6<sup>th</sup> Addition

10617	1	3	4000 Bayport Place SE	147.43
10621	1	7	4117 Bayport Place SE	112.06

Lincoln Ridge Estates 1<sup>st</sup> Addition

9406	3	6	2304 East View Place SE	271.13
9418	3	18	2201 East View Place SE	267.76

Lincoln Ridge Estates 2<sup>nd</sup> Addition

10495	2	1	2404 West View Place SE	222.85
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Lincoln Ridge Estates 3<sup>rd</sup> Addition

10662	2	1	802 25 <sup>th</sup> Street SE	271.26
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Lincoln Ridge Estates 4<sup>th</sup> Addition

10685	1	1	2507 Lincoln Court SE	134.13
10688	2	3	2506 Lincoln Court SE	193.67

Lincoln Ridge Estates 5<sup>th</sup> Addition

10873	1	1	702 Lincoln Court SE	68.22
10874	1	2	708 Lincoln Court SE	68.22
10875	1	3	714 Lincoln Court SE	69.16
10876	2	1	605 Lincoln Court SE	66.60
10877	2	2	611 Lincoln Court SE	57.78
10878	2	3	701 Lincoln Court SE	57.72
10879	2	4	707 Lincoln Court SE	57.72
10880	2	5	708 25 <sup>th</sup> Street SE	60.91
10881	2	6	702 25 <sup>th</sup> Street SE	73.01
10882	2	7	610 West View Place SE	66.50
10883	2	8	606 West View Place SE	57.49

Lohstreter 1<sup>st</sup> Addition Replat

2350	5	4	1901 Bruley Road NW	122.28
2366 C	5	Part Lots 18 & 19 #2	603 Craig Drive NW	11.16

Lohstreter 2<sup>nd</sup> Addition

8161	2	1	200 Union Loop NW	43.00
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Mandan Industrial Park 1<sup>st</sup>

2686	2	2	2917 37 <sup>th</sup> Street NW	110.00
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Mandan Lands 138-81

10302	1	Out Lot A Less Lakewood Commercial Park 4 <sup>th</sup>	3121 40 <sup>th</sup> Avenue NW	256.57
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Mandan Lands 139-81

2698C	16	Aud Lot G SE4 NE4 (Less 1.03A and less Parcel A & B)	3609 Old Red Trail NW	2,460.97
2698H	16	Aud Lot H in S2 SE4	2698H	486.81
2698J	16	Aud Lot J in S2 SE4		162.93
2698K	16	Aud Lot K S2 SE4	2698K	508.96
2763	26	Aud Lot A Lot 1 Lot B SE4 (less .08 Road)	2313 Memorial Hwy SE	208.28
2985A	35	Lot 1 Lot A E2 SW4	1412 15 <sup>th</sup> Street SE	33.22

Mandan Proper

3180	5	4	222 East Main Street	18.04
3181	5	5	220 East Main Street	18.04
3363	18	1	211 4 <sup>th</sup> Avenue NW	19.97
3498	27	W 351/2' of E 60' Of Lot 12	503 2 <sup>nd</sup> Street NE	4.43
3613	36	11	308 1 <sup>st</sup> Avenue NW	8.94
3638	38	Part Lots 7 – 9	308 2 <sup>nd</sup> Street NW	3.30
3739	47	W 80' Lots 7 & 8	510 3 <sup>rd</sup> Street NE	40.06
3824	53	3	507 1 <sup>st</sup> Avenue NW	16.50
3873	57	N 16 2/3' Lot 8 & S 16 2/3' Lot 9	504 6 <sup>th</sup> Avenue NW	10.78
3874	57	N 33 1/3' Lot 9	506 6 <sup>th</sup> Avenue NW	3.80
3875	57	10	508 6 <sup>th</sup> Avenue NW	29.15

Marina Bay 1st

8673	1	29	3108 46 <sup>th</sup> Avenue SE	137.97
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Marina Bay 2<sup>nd</sup>

9147	4	4	3413 46 <sup>th</sup> Avenue SE	128.26
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Meadows 2<sup>nd</sup>

10173	2	1	4600 34 <sup>th</sup> Avenue NW	81.27
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Meadows 4<sup>th</sup>

10549	3	2	5017 37 <sup>th</sup> Avenue NW	122.26
10557	4	6	5016 37 <sup>th</sup> Avenue NW	132.62
10558	4	7	5012 37 <sup>th</sup> Avenue NW	93.08
10559	4	8	5008 37 <sup>th</sup> Avenue NW	48.98

Meads

3920	1	Lot F W 47.3' Lot G	906 2 <sup>nd</sup> Street NW	53.59
3984	8	E 1/2 Lots 13-15	1006 1 <sup>st</sup> Street NW	7.45

Midway 6<sup>th</sup>

190A	1	2	190A	543.47
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Missouri Meadows 8<sup>th</sup>

245	1	2	3208 Sandy Lane SE	95.35
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N. P. Lease

5196		NP Lease BF35394	1121 East Main Street	344.72
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N. P. 1<sup>st</sup>

4190	61	9	404 4 <sup>th</sup> Avenue NE	34.80
4191	61	10	406 4 <sup>th</sup> Avenue NE	13.75
4192	61	S 2/3 Lot 11	408 4 <sup>th</sup> Avenue NE	14.56
4193	61	W1/2 Lot 12 & W2 N3 Lot 11	410 4 <sup>th</sup> Avenue NE	49.04
4285	68	S 15' Lot 2 & Lot 3	505 3 <sup>rd</sup> Avenue NE	17.08
4517	89	E 1/2 Lots 4 & 5	802 1 <sup>st</sup> Avenue NW	127.76
4518	89	W 1/2 Lots 4 & 5	802 1 <sup>st</sup> Avenue NW	127.11
4630	99	3	907 3 <sup>rd</sup> Avenue NW	51.77
4631	99	4	905 3 <sup>rd</sup> Avenue NW	5.94

N. P. 2<sup>nd</sup>

4845	5	3 & 4	202 8 <sup>th</sup> Avenue SW	3.73
4893	7	25 & 26	207 6 <sup>th</sup> Avenue SW	68.77

Nicola's 3<sup>rd</sup>

5092	2	8	1313 11 <sup>th</sup> Avenue SE	13.30
5097	2	13	1413 11 <sup>th</sup> Avenue SE	47.96

<u>Ol'Town</u>				
10894	1	E 30' Lot 2 & All 3	210 5 <sup>th</sup> Street NE	19.94
10898	1	E 5' Lot 6 & All 7	310 5 <sup>th</sup> Street NE	27.68
<u>Plainview Heights 1<sup>st</sup> Addition</u>				
5402	8	8	1201 23 <sup>rd</sup> Street SE	52.19
5437	11	3	2208 8 <sup>th</sup> Avenue SE	128.02
<u>Plainview Heights 12<sup>th</sup> Addition</u>				
10570	2	1	3023 Percheron Drive SE	101.60
10576	2	7	2905 Percheron Drive SE	138.86
10579	2	10	2813 14 <sup>th</sup> Avenue SE	21.87
10583	2	14	1401 27 <sup>th</sup> Street SE	54.18
10587	3	2	2800 Messara Place SE	235.34
10589	3	4	2828 Messara Place SE	109.67
10590	3	5	2832 Messara Place SE	160.64
10591	3	6	2900 Messara Place SE	100.35
10592	3	7	2904 14 <sup>th</sup> Avenue SE	223.70
10593	3	8	2908 14 <sup>th</sup> Avenue SE	110.00
10601	4	4	2905 14 <sup>th</sup> Avenue SE	53.96
<u>Ramblewood 11<sup>th</sup></u>				
10287	1	2	2601 Memorial Highway SE	90.57
<u>Ripples 4<sup>th</sup></u>				
8573	1	4	1400 12 <sup>th</sup> Avenue SE	221.99
8580	1	11	1308 15 <sup>th</sup> Street SE	17.49
8581	1	12	1310 15 <sup>th</sup> Street SE	21.58
<u>Sharon Heights 1<sup>st</sup></u>				
5731	1	13	1400 Sunset Drive NW	4.42
<u>Sharon Heights 2<sup>nd</sup></u>				
5798	2	16	1603 Linda Drive NW	21.74
5851	3	37	1812 Sunset Drive NW	98.44
<u>Southside 1<sup>st</sup></u>				
6178	9	S 90' Lot 18 & S 90' W2 Lot 17	1010 4 <sup>th</sup> Street SW	10.45
6179	9	S90' Lot 16 & S 90' E2 Lot 17	1008 4 <sup>th</sup> Street SW	6.15
<u>Sunset Acres 1<sup>st</sup></u>				
8052		Lot 29 of Lot B SW4 16-139-81	3500 Old Red Trail NW	378.73
<u>Sylvesters Ind Park 2<sup>nd</sup></u>				
8264	2	7	4501 Memorial Hwy SE	44.00
<u>Terra Valle 1st</u>				
7486	1	1	901 27 <sup>th</sup> Street NW	165.00
<u>Terra Valle 4<sup>th</sup></u>				
7993	6	21	1100 27 <sup>th</sup> Street NW	50.20
7994	6	Lot 22 (less E2')	1012 27 <sup>th</sup> Street NW	49.57
<u>West Bay Estates 2<sup>nd</sup> Addition</u>				
1422	1	2	2500 46 <sup>th</sup> Avenue SE	1,705.00

West Bay Est. 2<sup>nd</sup> Replat Lots 3-5B1

1425	1	5	2700 46 <sup>th</sup> Avenue SE	246.53
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West Bay Estates 3<sup>rd</sup> Addition

10091	1	1	1800 46 <sup>th</sup> Avenue SE	623.97
10092	1	2	1900 46 <sup>th</sup> Avenue SE	308.00

West Hills Estates 1st

10501	2	1	4720 Impala Court NW	259.73
10507	1	7	4600 Impala Court NW	65.30
10512	3	5	4504 Impala Court NW	70.55
10513	3	6	4500 Impala Court NW	67.28
10514	3	7	4503 Impala Court NW	96.90
10515	3	8	4507 Impala Court NW	61.12
10516	3	9	4511 Impala Court NW	5.50
10522	3	15	4701 Impala Court NW	56.38
10523	3	16	4705 Impala Court NW	56.38
10524	3	17	4709 Impala Court NW	56.38
10525	3	18	4713 Impala Court NW	56.38
10526	3	19	4717 Impala Court NW	56.38
10527	3	20	4721 Impala Court NW	89.53

West River 3rd

10388	1	9	4404 Lewis Road NW	7.30
10396	2	5	4601 Lewis Road NW	55.40

TOTAL 32,528.36

TAKE FURTHER NOTICE that the Board of City Commissioners of the City of Mandan will meet in regular session at City Hall on October 16, 2012 at 5:30 p.m. at which meeting action will be taken upon such assessment list. Any person may appear to present testimony regarding the above assessments.

Publish: September 28, 2012  
October 05, 2012

Diane I Leingang

NOTICE OF ASSESSMENTS  
SIDEWALKS OF 2012

Notice IS HEREBY GIVEN that the following is a true and correct list of the particular lots and tracts of land on which the City of Mandan caused sidewalks to be constructed, replaced or repaired and the cost thereof.

<u>Seq#</u>	<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Assessment</u>
<u>Bender Addition</u>				
10026	1	6	822 25 <sup>th</sup> Street SE	4,746.91
<u>Bridgeview Bay 1<sup>st</sup></u>				
10010	1	46	2403 Bayview Court SE	2,537.47
10012	1	48	2411 Bayview Court SE	2,888.30
10013	1	49	2415 Bayview Court SE	3,030.46
<u>Diane's 7<sup>th</sup></u>				
9540	1	11	1205 8 <sup>th</sup> Avenue NE	189.53
<u>Helmsworth-McLean 1st</u>				
1171	2	W 50'Lots 1- 6	907 1 <sup>st</sup> Street NE	135.95
1513	29	Lots 13-18	1000 3 <sup>rd</sup> Street NE	3,481.99
<u>Hit 1<sup>st</sup></u>				
10914	1	3	1301 & 1303 7 <sup>th</sup> Avenue SE	6,229.18
<u>Keidel's Southheart Terrace</u>				
10840	6	7	1600 Canyon Road SW	1,783.27
10841	6	8	1604 Canyon Road SW	1,647.07
<u>Koch's Lakewood Villas</u>				
10905	1	7	2503 Michael Lane SE	561.70
10906	1	8	2507 Michael Lane SE	561.70
10907	1	9	2511 Michael Lane SE	561.70
10908	1	10	2500 Michael Lane SE	561.70
10909	1	11	2504 Michael Lane SE	561.70
10910	1	12	2508 Michael Lane SE	561.70
10911	1	13	2512 Michael Lane SE	561.68
<u>Lakewood 2<sup>nd</sup> Addition</u>				
9848	3	17	3311 Bay Shore Bend SE	2,881.86
9865	3	34	4312 South Bay Drive SE	6,993.50
9872	5	1	4311 South Bay Drive SE	4,525.35
<u>Lakewood Commercial Park 3rd</u>				
10124	2	10	4102 Shoal Loop SE	10,437.47
<u>Lakewood Harbor 2<sup>nd</sup> Addition</u>				
9735	1	27	4403 Borden Harbor Drive SE	6,146.51
<u>Lakewood Harbor 3rd Addition</u>				
10051	2	9	4208 Bayfront Place SE	5,775.58
10053	2	11	4200 Lakewood Drive SE	2,434.85
<u>Lakewood Harbor 4<sup>th</sup> Addition</u>				
10183	1	2	4300 South Bay Drive SE	5,227.01
10184	1	3	4212 South Bay Drive SE	4,296.88
10187	1	6	4200 South Bay Drive SE	4,293.58
10201	2	5	4301 South Bay Drive SE	4,456.62

10205	2	9B	3605 Bay Shore Bend SE	3,696.86
10205A	2	9A	3601 Bay Place SE	3,763.19
10206	2	10B	3603 Bay Place SE	2,588.23
10206A	2	10A	3605 Bay Place SE	2,166.00
10211A	2	S ½ Lot 15	3625 Bay Shore Bend SE	649.28

Lakewood Harbor 4<sup>th</sup> Replat

10917	1	3	3713 Bay Shore Bend SE	2,806.28
10919	1	5	3805 Bay Shore Bend SE	2,920.28

Lakewood Harbor 5<sup>th</sup> Addition

10324	1	5 & 1/7 Int. Lot 1	4123 Bayport Place SE	3,432.00
10328	2	2	4027 Bayport Place SE	4,006.37
10330	2	4	4019 Bayport Place SE	3,562.63
10349	2	23	4130 Bayport Place SE	3,456.86
10355	2	29A	4000 South Bay Drive SE	1,741.26
10355A	2	29B	4002 South Bay Drive SE	1,732.60
10360	2	34A	4020 South Bay Drive SE	2,086.48
10360A	2	Lots 34B & 35A	4022 South Bay Drive SE	2,288.18
10361	2	35B	4024 South Bay Drive SE	1,949.50
10361A	2	35C	4026 South Bay Drive SE	1,725.79

Lincoln Ridge Estates 1<sup>st</sup> Addition

9406	3	6	2304 East View Place SE	2,607.18
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Lincoln Ridge Estates 5<sup>th</sup>

10874	1	2	708 Lincoln Court SE	3,635.91
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Mandan Heights 2<sup>nd</sup>

2448	2	8	406 15 <sup>th</sup> Street NW	1,658.31
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Mandan Proper

3350	17	E 102' Lot 1 & E 102' N 15' Lot 2	211 5 <sup>th</sup> Avenue NW	5,270.25
3471	26	S 5' Lot 2 & N 40' Lot 3	207 4 <sup>th</sup> Avenue NE	981.26
3630	37	W 78' Lot 12	211 3 <sup>rd</sup> Street NW	1,419.70

Meadows 1<sup>st</sup>

9953	2	5	4509 34 <sup>th</sup> Avenue NW	4,328.58
9954	2	6	4515 34 <sup>th</sup> Avenue NW	585.96

Meadows 4<sup>th</sup>

10528	1	1	5001 39 <sup>th</sup> Avenue NW	5,652.12
10529	1	2	5005 39 <sup>th</sup> Avenue NW	2,574.15
10532	2	3	3916 48 <sup>th</sup> Street NW	3,724.13
10533	2	4	3912 48 <sup>th</sup> Street NW	3,724.13
10534	2	5	3908 48 <sup>th</sup> Street NW	3,729.50
10536	2	7	3900 48 <sup>th</sup> Street NW	3,736.10
10538	2	9	3820 48 <sup>th</sup> Street NW	2,841.76
10540	2	11	3812 48 <sup>th</sup> Street NW	3,485.65
10541	2	12	3808 48 <sup>th</sup> Street NW	3,522.47
10542	2	13	3804 48 <sup>th</sup> Street NW	3,466.77
10545	2	16	5005 37 <sup>th</sup> Avenue NW	2,826.56
10546	2	17	5009 37 <sup>th</sup> Avenue NW	2,830.66
10551	3	4	5115 37 <sup>th</sup> Avenue NW	3,569.35
10557	4	6	5016 37 <sup>th</sup> Avenue NW	4,591.16

N. P. 2<sup>nd</sup>

4866	6	Lots 7 & 8	206 7 <sup>th</sup> Avenue NW	2,350.41
4867	6	Lots 9 & 10	208 7 <sup>th</sup> Avenue NW	2,350.41

Plainview Heights 12<sup>th</sup> Addition

10599	4	2	3005 14 <sup>th</sup> Avenue SE	3,453.95
10600	4	3	3001 14 <sup>th</sup> Avenue SE	3,445.97
10601	4	4	2905 14 <sup>th</sup> Avenue SE	3,388.66
10602	4	5	2901 14 <sup>th</sup> Avenue SE	3,845.52
10605	4	8	2904 Percheron Drive SE	3,342.02
10608	4	11	3008 Breton Court SE	2,234.51
10611	4	14	3020 Percheron Drive SE	3,092.48

Ripples 4th

8571	1	2	1306 15 <sup>th</sup> Street SE	2,591.52
8579	1	10	1304 15 <sup>th</sup> Street SE	2,263.53
8580	1	11	1308 15 <sup>th</sup> Street SE	2,782.73

Riverside

5598	2	Lots 15 -17	1306 2 <sup>nd</sup> Street SW	897.32
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Seven Seas

8391	2	1 (less 7000 Sq Ft) & W 85'	2711 Old Red Trail NW	601.85
8391 1	2	Pt 1 & W 85' Lot 2 Building 1 Unit 101	2711 Old Red Trail NW Unit 101	601.85
8391 2	2	Pt 1 & W 85' Lot 2 Building 1 Unit 102	2711 Old Red Trail NW Unit 102	601.85
8391 3	2	Pt 1 & W 85' Lot 2 Building 1 Unit 103	2711 Old Red Trail NW Unit 103	601.85

Sharon Heights 2<sup>nd</sup>

5800	2	Lot 18 & 19 S1/2 20	1602 Monte Drive NW	1,518.39
5801	2	N1/2 20 & All of 21	1606 Monte Drive NW	1,659.27
5852	4	1	901 15 <sup>th</sup> Street NW	1,406.13

Sharon Heights 4<sup>th</sup>

5935	5	13	1413 9 <sup>th</sup> Avenue NW	215.89
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West River 3<sup>rd</sup>

10390	1	11	4204 Lewis Road NW	3,000.94
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TOTAL 249,651.72

TAKE FURTHER NOTICE that the Board of City Commissioners of the City of Mandan will meet in regular session at City Hall on October 16, 2012 at 5:30 p.m. at which meeting action will be taken upon such assessment list. Any person may appear to present testimony regarding the above assessments.

Publish: September 28, 2012  
October 05, 2012

Diane I Leingang

NOTICE OF ASSESSMENTS  
HEALTH SAFETY OF 2012

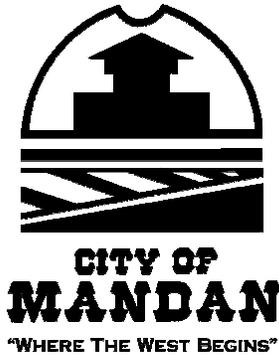
Notice IS HEREBY GIVEN that the following is a true and correct list of the particular lots and tracts of land on which the City of Mandan caused the performance of such acts which contributed to the general health, safety and welfare of the community.

<u>Seq#</u>	<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Assessment</u>
<u>Helmsworth-McLean 1st</u>				
1340	18	Lots 15 & 16	1002 2 <sup>nd</sup> Street NE	4,931.22
<u>Mandan Heights 1st</u>				
2391	2	4	1402 3 <sup>rd</sup> Avenue SE	3,005.20
<u>Mandan Proper</u>				
3606	36	E 50' Lots 7 & 8	106 2 <sup>nd</sup> Street NW	1,417.90
3613	36	11	308 1 <sup>st</sup> Avenue NW	1,485.00
3646	39	5	303 3 <sup>rd</sup> Avenue NW	4,378.00
<u>N.P. 1<sup>st</sup></u>				
4268	67	W1/2 Lot 1	207 5 <sup>th</sup> Street NE	5,500.00
4268A	67	E1/2 Lot 1	209 5 <sup>th</sup> Street NE	5,500.00
4441	83	2	709 5 <sup>th</sup> Avenue NW	10,851.50
<u>N.P. 2<sup>nd</sup></u>				
4924	9	17-19 S ½ 20	303 4 <sup>th</sup> Avenue SW	1,457.50
<u>Ol' Town</u>				
10892	1	Lot 1 & W30' Lot 2	206 5 <sup>th</sup> Street NE	11,000.00
10894	1	E30' Lot 2 & Lot 3	210 5 <sup>th</sup> Street NE	11,000.00
10895	1	4	302 5 <sup>th</sup> Street NE	11,000.00
10896	1	5	304 5 <sup>th</sup> Street NE	11,000.00
TOTAL				82,526.32

TAKE FURTHER NOTICE that the Board of City Commissioners of the City of Mandan will meet in regular session at City Hall on October 16, 2012 at 5:30 p.m. at which meeting action will be taken upon such assessment list. Any person may appear to present testimony regarding the above assessments.

Publish: September 28, 2012  
October 05, 2012

Diane I Leingang



CONSENT #3

# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** October 16, 2012  
**PREPARATION DATE:** October 10, 2012  
**SUBMITTING DEPARTMENT:** Finance  
**DEPARTMENT DIRECTOR:** Greg Welch  
**PRESENTER:** Greg Welch  
**SUBJECT:** Assessment of delinquent accounts for 2012.

---

### PURPOSE

Consider the assessment of delinquent accounts for 2012.

### BACKGROUND

According to Mandan Municipal Code 9-04-03, all water, sewage, garbage collection and disposal, and street lighting charges or fees for any services supplied, provided or furnished by the city shall constitute liens upon the respective lots, tracts, parcels of land and premises receiving such service. All such charges or fees which have been properly billed to the owner or occupant of the premises served and which are more than thirty days past due on September 30th of each year shall be certified by the city auditor to the county auditor between the first and tenth day of October of each year. The city auditor in so certifying such charges and fees shall specify the amount thereof, the description of the premises served and the name of the owner thereof. The amount so certified shall be extended by the county auditor upon the tax rolls against such premises and collected by the county treasurer and paid to the city treasurer in the same manner and time as other county and municipal taxes are assessed, certified, collected and returned.

According to Mandan Municipal Code 6-01-04, in the event the annual or false alarms fees provided for by this act are not paid when due, such fees may be recovered by the city in an action at law against the owner of the alarm site; or such fees may be assessed against the premises served by the alarm site and collected and returned in the same manner as other county and municipal taxes and assessments are assessed, certified, collected and returned.

Written notifications for these assessments were sent to the affected property owners.

#### ATTACHMENTS

- Delinquent Utility Billing Accounts for 2012.
- Delinquent Alarm Accounts for 2012.

#### FISCAL IMPACT

Delinquent Utility Billing Accounts for 2012 = \$10,198.12 (1 year assessment)  
Delinquent Alarm Accounts for 2012 = \$247.50 (1 year assessment)

#### STAFF IMPACT

No additional staff impact.

#### LEGAL REVIEW

The assessment was prepared in accordance with the Mandan Municipal Code and North Dakota Century Code.

#### RECOMMENDATION

To approve the assessment of delinquent accounts for 2012.

#### SUGGESTED MOTION

Move to approve the assessment of delinquent accounts for 2012.

DELINQUENT UTILITY BILLING ACCOUNTS FOR 2012

The following is a list of the delinquent Utility Billing accounts for 2012. These amounts consist of water, sewage, garbage collection and disposal, wastewater surcharges and street lighting services furnished to the water customers. It is recommended that these accounts be assessed to the particular properties according to Mandan Municipal Code 9-04-03.

Seq #	Account	Customer	Address	Assessment
3424	01-0530000-5	Labrato Norge	209 1st Avenue NE	\$ 105.64
3570	01-1150000-0	Treadstone Properties LLC	311 2nd Avenue NE	\$ 143.55
3570	01-1150001-3	Treadstone Properties LLC	311 2nd Avenue NE	\$ 109.99
3437	01-1220002-8	Pro Flip Properties LLC	211 2nd Avenue NE	\$ 105.11
4285	01-1720000-7	Ranea G. Kunz	505 3rd Avenue NE	\$ 225.21
3458	01-1930001-5	Secure Properties LLC	205 1/2 3rd Avenue NE	\$ 225.00
1199	03-0650000-4	Allen O. & Lisa Thompson	110 10th Avenue NE	\$ 108.09
1279	03-0690100-9	Kayla Payne	202 10th Avenue NE	\$ 93.28
1270	03-0870000-2	Harvey A. Christian	211 11th Avenue NE	\$ 124.15
1363	03-1090001-4	Cathy Jensen	1208 2nd Street NE	\$ 152.90
1371	03-1340000-4	John Olheiser	1310 2nd Street NE	\$ 84.10
3824	04-0960001-4	Ryan Wintermeyer	507 1st Avenue NW	\$ 260.13
4361	04-1000001-4	Virgil Sample	210 5th Street NW	\$ 948.07
3792	04-1080001-4	Jackie Beer	207 4th Street NW	\$ 102.80
3386	04-1410001-8	Mandan Church of Christ	211 2nd Avenue NW	\$ 84.10
2133	05-2360001-5	Doug & Carol Dworshak	312 12th Street NW	\$ 143.99
2657	05-2850101-0	Kevin Pfau	102 13th Street NW	\$ 119.40
3855	06-0400000-0	Tamara Shaff	507 4th Avenue NW	\$ 181.78
3761	06-0460000-1	Monte & Grace Chases	410 4th Avenue NW	\$ 288.41
3654	06-0550001-9	Preston Demaray	407 3rd Street NW	\$ 116.82
3739	06-0980001-2	Damon Williams	510 3rd Street NW	\$ 402.84
3268	06-1740000-8	Brandon Ehlis	418-420 West Main	\$ 367.79
3873	07-0240000-1	Bowen Properties	504 6th Avenue NW	\$ 100.34
4472	07-0620001-1	Dale Belden	702 4th Avenue NW	\$ 70.07
5845	08-1870000-0	Dan Christensen	1800 Sunset Drive NW	\$ 135.84
4053	09-0880000-1	Carol Kambeitz	109 11th Avenue NW	\$ 139.70
4587	11-0090002-8	Jacqueline Olson	702 7th Street NW	\$ 140.90
5097	12-0601000-2	Missouri Valley Rent LLC	1413 11th Avenue SE	\$ 298.72
5127	12-0605900-3	Tammy Zimmerman %Belden	1404 9th Avenue SE	\$ 102.80
5156	12-0609302-5	Treadstone Properties LLC	1500 8th Avenue SE	\$ 142.76
2690	13-3320101-0	Joseph D. & Bonita J. Moch	2816 34th Street NW	\$ 115.39
7537	13-4520000-9	Brad & Patty Berger	2704 11th Avenue NW	\$ 273.02
8164	15-2060001-2	David & Victoria Butler	2014 Union Loop NW	\$ 228.47
337	16-1200001-4	Dennis & Teresa Allen	4009 36th Avenue NW	\$ 102.91
368	16-1510000-0	Adam Mork	3807 42nd Street NW	\$ 186.96
9518	17-0000801-7	Corey Mohl	3915 Clark Place NW	\$ 97.24
7853	17-0160000-9	Brian Berube	4606 Cortez Circle NW	\$ 102.66
7853	17-0160001-2	Brian & Patricia Berube	4606 Cortez Circle NW	\$ 251.53
7901	17-0470002-1	Carisa A. Bauer	4306 Lasalle Drive NW	\$ 146.23
5696	17-2370000-0	Richard & Eileen Olson	4816 West Roughrider Circle	\$ 90.59
5690	17-2430001-3	Kathy L. Faller	4712 West Roughrider Circle	\$ 231.83
9803	21-1510000-8	Bobbie M. Trana	3420 Bay Shore Bend SE	\$ 146.05
4905	30-1380001-2	Countrywide Home Loans	302 6th Avenue SW	\$ 99.39
4871	30-1550001-5	Harold & Clemintine Doll	712 3rd Street SW	\$ 79.42
4845	30-1780001-2	Chad Dewitz	202 8th Avenue SW	\$ 766.52
14	31-2360000-7	Joe & Wanda Keller	903 6th Street NW	\$ 242.48
3882	31-2540001-0	Jerome Jaskowiak	507 6th Avenue NW	\$ 146.52

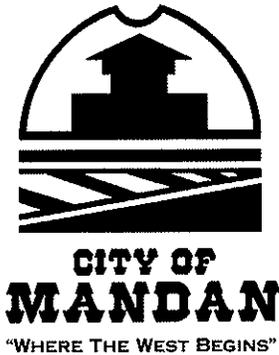
## DELINQUENT UTILITY BILLING ACCOUNTS FOR 2012

Seq #	Account	Customer	Address	Assessment
3893	31-2640001-9	Bob Fairaizl	711 5th Street NW	\$ 79.42
4512	35-0440001-3	Rhonda L. Goetzfridt	706 1st Avenue NW	\$ 181.60
4680 A	35-1250000-4	Bernard Huber	1002 3rd Avenue NW	\$ 88.77
4676	35-1280003-2	John B. & Margery J. Weeda	1001 2nd Avenue NW	\$ 408.01
5818	38-1980001-6	Carl Jacobsen	1807 Monte Drive NW	\$ 134.13
5863	38-2820001-6	Bruce & Erica Opp	1701 6th Avenue NW	\$ 187.74
1107	39-1620002-9	Paul & Angie Hewitt	110 14th Avenue NW	\$ 186.99
			TOTAL	\$ 10,198.12

## DELINQUENT ALARM ACCOUNTS FOR 2012

The following is a list of the delinquent Alarm Fees for 2012. These amounts consist of annual fire and burglar alarm fees provided to City of Mandan residents. It is recommended that these accounts be assessed to the particular properties according to Mandan Municipal Code 6-01-04.

Seq #	Customer	Address	Assessment
8526	Bruce Weber/Aluminum Specialties	2221 3rd Street SE	\$ 16.50
3820	Jerry & Barbara Lantz	508 1st Avenue NW	\$ 33.00
7503	Eric & Kelsey Timmer	2508 9th Avenue NW	\$ 33.00
4385	Krystal Haibeck	410 5th Street NW	\$ 33.00
440	Lisa Jorgensen	3509 37th Street NW	\$ 33.00
2121	Lois Pleets	400 11th Street NW	\$ 33.00
9221	Mark & Suzanna Erickson	3516 Falcon Road SE	\$ 33.00
9420	Ray & Cynthia Bellon	2409 9th Avenue SE	\$ 33.00
		TOTAL	\$ 247.50



# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** October 16, 2012  
**PREPARATION DATE:** October 10, 2012  
**SUBMITTING DEPARTMENT:** Finance  
**DEPARTMENT DIRECTOR:** Greg Welch  
**PRESENTER:** Greg Welch  
**SUBJECT:** Special Assessment Analyst

---

### PURPOSE

To consider appointment of Phyllis Hager as Special Assessment Analyst, a temporary part-time position, in the Engineering Department.

### BACKGROUND

Due to the resignation of Dave Bechtel in the Engineering Department on September 21, 2012 the City has an immediate need to replace the Department's special assessment duties and responsibilities. Currently, the City has 15 Districts to assess with several other Districts, including the significant North Mandan Street Project, to follow during 2013. As a result, the Finance Department has asked former Deputy Auditor Phyllis Hager to rejoin the City as a Special Assessment Analyst. Previously, Phyllis had 40+ years of experience with the City of Mandan and held the special assessment functions for many years before transferring these functions to the Engineering Department. Phyllis will provide technical assistance to Kim Fettig, Engineering Project Manager, including direction and training as the City continues with the special assessment process. Phyllis started on October 8 and was asked to remain with the City until Kim is trained.

### ATTACHMENT

Special Assessment Analyst Job Description

FISCAL IMPACT

For the balance of the year, it is estimated that Phyllis may work 20 to 25 hours per week until some point in December amounting to about \$8,000 to \$10,000. The vacancy in the Engineering Department due to Dave Bechtel's resignation should allow this position to be funded.

STAFF IMPACT

None

LEGAL REVIEW

N/A

RECOMMENDATION

To approve appointment of Phyllis Hager as Special Assessment Analyst, a temporary part-time position, in the Engineering Department.

SUGGESTED MOTION

Move to approve appointment of Phyllis Hager as Special Assessment Analyst, a temporary part-time position, in the Engineering Department.

JOB TITLE: Special Assessment Analyst

EP/16

CREATED: October 2012

DEPARTMENT: Engineering

REPORTS TO: Finance

**JOB SUMMARY:** Under general supervision, performs detailed tasks involved in apportioning the costs of special assessment projects within the City; establishes and maintains related projects, records, and represents the City regarding special assessment matters.

**MAJOR DUTIES:** Provides technical assistance to the Engineering Project Manager position in the following areas:

Spreads special assessments against benefiting properties; recommends methods of assessment; prepares legal notices; responds to inquiries and complaints regarding special assessments.

Composes and edits correspondence; generates reports, minutes, memoranda, letters, and legal notices relative to special assessments.

Coordinates and schedules Special Assessment Commission meetings; provides information during public hearings.

Assembles and directs tours of projects to be assessed.

Generates special assessment districts; prepares preliminary special assessment estimates from provided project estimates.

Answers telephone; prepares documents.

Performs other related duties as assigned.

Practice safe working conditions.

Report unsafe working conditions.

Familiarize and comply with City/Departmental policies and rules.

**KNOWLEDGE REQUIRED BY THE POSITION:**

Knowledge of special assessments.

Knowledge of governmental budgeting and its relation to project finance and assessment.

Knowledge of applicable codes, standards, and laws.

Knowledge of computers and job related software programs.

Skill in the interpretation of state and city laws, regulations and policies regarding city funds and property as related to special assessments.

Skill in report preparation and records maintenance.

Skill in public and interpersonal relations.

Skill in oral and written communication.

**SUPERVISORY CONTROLS:** The Engineering and Finance Departments assigns work in terms of general instructions. The Departments spot-checks completed work for compliance with procedures, accuracy, and the nature and propriety of the final results.

**GUIDELINES:** Guidelines include the Mandan Municipal Code, North Dakota Century Code, and the city and department policies and procedures. These guidelines are generally clear and specific, but may require some interpretation in application.

**COMPLEXITY:** The work consists of assessment of benefit duties. The need for accuracy contributes to the complexity of the position.

**SCOPE AND EFFECT:** The purpose of this position is to assist in the city's financial operations. Success in this position contributes to the accuracy and efficiency of financial activities.

**PERSONAL CONTACTS:** Contacts are typically with co-workers and members of the general public.

**PURPOSE OF CONTACTS:** Contacts are typically to give or exchange information, provide services, and resolve problems.

**PHYSICAL DEMANDS:** The work is typically performed while sitting at a desk or table or while sitting, standing, or stooping. The employee occasionally lifts light objects.

**WORK ENVIRONMENT:** The work is typically performed in an office.

**SUPERVISORY AND MANAGEMENT RESPONSIBILITY:** None.

**MINIMUM QUALIFICATIONS:**

Knowledge and level of competency commonly associated with completion of specialized training in the field of work, in addition to basic skills typically associated with a high school education.

Sufficient experience to understand the basic principles relevant to the major duties of the position usually associated with the completion of an apprenticeship/internship or having had a similar position for one to two years.

Possession of or ability to readily obtain and maintain a valid driver's license issued by the State of North Dakota for the type of vehicle or equipment operated.

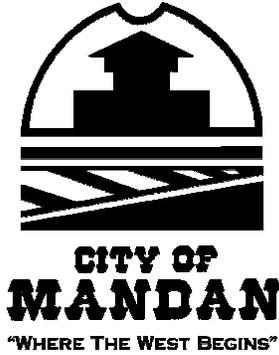
**APPROVED BY:**

Personnel Director/City Administrator



Date:

10-3-2012



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** October 8, 2012  
**PREPARATION DATE:** October 16, 2012  
**SUBMITTING DEPARTMENT:** Police  
**DEPARTMENT DIRECTOR:** Chief Dennis A. Bullinger  
**PRESENTER:** Chief Dennis A. Bullinger  
**SUBJECT:** Approve Acceptance of a State Lottery Grant Program Funds for Calendar Year 2013.

---

STATEMENT/PURPOSE: The Mandan Police Department is requesting the Board of City Commission approval in accepting funds from the State Lottery Program Funds, awarded to the Metro Area Drug Task Force.

BACKGROUND/ALTERNATIVES: The Metro Drug Task Force, which the City of Mandan, Police Department has been a part of for the past 20 plus years, is the fiscal manager of funding sources supporting the existence of the Drug Task Force. The State Drug and Violent Crime Policy Board have awarded the Task Force for the calendar year 2013, \$56,225.00, or 65% of the 2013 budget of \$86,500.00. Participating agencies, State Bureau of Criminal Investigations, Burleigh and Morton Counties, and the cities of Bismarck and Mandan, all share in match contributions of 35% totaling, \$30,275.00. The 35% match of \$30,275.00 and the award of \$56,225.00 equal the \$86,500.00 identified in award letter. .

ATTACHMENTS: Letter giving notice of the grant award.

FISCAL IMPACT: \$86,500.00,

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

Board of City Commissioners

Agenda Documentation

Meeting Date: October 16, 2012

Subject: Approve Acceptance of a State Lottery Grant Program Funds for Calendar Year 2013.

Page 2 of 4

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RECOMMENDATION: Approve the request to accept funds awarded to the Drug Task Force for 2013.

SUGGESTED MOTION: Move to approve the acceptance of the award from the State Lottery Grant Program Funds to the Drug Task Force for 2013.



Wayne Stenehjem  
ATTORNEY GENERAL

STATE OF NORTH DAKOTA  
OFFICE OF ATTORNEY GENERAL

STATE CAPITOL  
600 E BOULEVARD AVE DEPT 125  
BISMARCK, ND 58505-0040  
(701) 328-2210 FAX (701) 328-2226  
www.ag.nd.gov

BUREAU OF CRIMINAL INVESTIGATION  
4205 STATE STREET, PO BOX 1054  
BISMARCK ND 58502-1054  
(701) 328-5500 FAX (701) 328-6510  
1-800-472-2185 (TOLL FREE)

September 25, 2012

Major Les Witkowski  
Burleigh County Sheriff's Department  
PO Box 1416  
Bismarck, ND 58502-1416

Dear Les,

Recently you were notified that your agency was awarded \$86,500.00 State Lottery Grant Program Funds for a project for the calendar year 2013. The following documents are enclosed and need to be completed, signed, and returned to Gail Brustad, BCI, PO Box 1054, Bismarck, ND 58502-1054 by Monday, November 5, 2012:

1. Grant Award and Acceptance
2. Budget Summary
3. Certified Conditions
4. Certification of Cash Match
5. Non-Supplanting Certification

Listed below are the special conditions and/or funding restrictions of this grant award:

**Cannot spend or commit funds until January 1, 2013.**

Please be sure to carefully review these documents. Federal funds will not be disbursed until these forms have been completed, signed, and returned to the Office of Attorney General. Your project period is January 1, 2013 - December 31, 2013.

Please take note of the following items concerning the required forms:

**GRANT AWARD AND ACCEPTANCE:**

The total amount of the funds awarded by the Drug and Violent Crime Policy Board has been inserted on the Grant Award and Acceptance Form. Federal regulations require that the project commence within 60 days of the scheduled beginning date.

**BUDGET SUMMARY:**

The Budget Summary has been completed according to recommendations made by the Drug and Violent Crime Policy Board. Any expenditure not in compliance with this Budget Summary will be considered unallowable and will not be reimbursed without prior approval. **Please be sure to review the Special Condition/Funding Restriction Section to determine if a special condition and/or funding restriction was attached to the grant award.**

Board of City Commissioners

Agenda Documentation

Meeting Date: October 16, 2012

Subject: Approve Acceptance of a State Lottery Grant Program Funds for Calendar Year 2013.

Page 4 of 4

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**CERTIFIED CONDITIONS:**

The conditions in this document need to be reviewed and followed to stay in compliance with state and federal regulations. The project director, authorized official, and fiscal officer must sign this certification indicating that they have read, understood, and agreed to abide by all the conditions pertaining to the administration of this grant award.

**CERTIFICATION OF CASH MATCH:**

In accordance with the regulations set forth in Section 503 (a) (3) of the Omnibus Crime Control and Safe Streets Act of 1968, the subgrantee must sign this certification to verify that no federal funds will be used to match this award.

**The match requirement must be in the form of cash and not in-kind.**

Reimbursement checks are sent out once the funds are requested. Please indicate on the Award and Acceptance form who the checks should be mailed to, along with an address if not already indicated on the form.

We look forward to working with you on this project. If you have any questions or require additional information, please call me at (701) 328-5506.

Sincerely,



Ann Scott  
Grants/Contracts Officer II

AS/gb

Enclosures:      Grant Award and Acceptance  
                         Budget Summary  
                         Certified Conditions  
                         Certification of Cash Match  
                         Non-Supplanting Certification



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** October 16<sup>th</sup>, 2012  
**PREPARATION DATE:** October 11<sup>th</sup>, 2012  
**SUBMITTING DEPARTMENT:** Engineering  
**DEPARTMENT DIRECTOR:**  
**PRESENTER:** Kim Fettig  
**SUBJECT:** Consider a change of zoning of Meadows 6<sup>th</sup>  
Addition

STATEMENT/PURPOSE: Request from Mitzel Builders Inc. to change the zoning of Meadows 6<sup>th</sup> Addition from CB (Heavy Commercial) to R7(Single-Family Residential).

BACKGROUND/ALTERNATIVES: The zone change was unanimously approved by the Planning & Zoning Commission on September 24<sup>th</sup>, 2012. The plat was approved by the City Commission on October 2, 2012.

ATTACHMENTS:

1. Office Report
2. Map
3. Ordinance

FISCAL IMPACT: Minimal

STAFF IMPACT: Minimal

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

SUGGESTED MOTION: To approve the zone change to R7 (Single-Family Residential).

MANDAN PLANNING OFFICE REPORT  
October 11, 2012

Applicant(s): Mitzel Builders, Inc.

Owner(s): same

Requested Action: Zone Change Approval

Name of Subdivision: Meadows 6<sup>th</sup> Addition

Legal Description: Lot 1, Block 1; Lot 1, Block 2; Lots 1-7, Block 3; Lots 1-6, Block 4

Located: 34<sup>th</sup> Avenue NW

Parcel Acreage: 5.003

Existing Land Use: vacant

Proposed Land Use: Single-Family Residential

Adjacent Land Use: Ag, Single-Family Residential

Existing Zoning: CB (Heavy Commercial)

Proposed Zoning: R7 (Single-Family Residential)

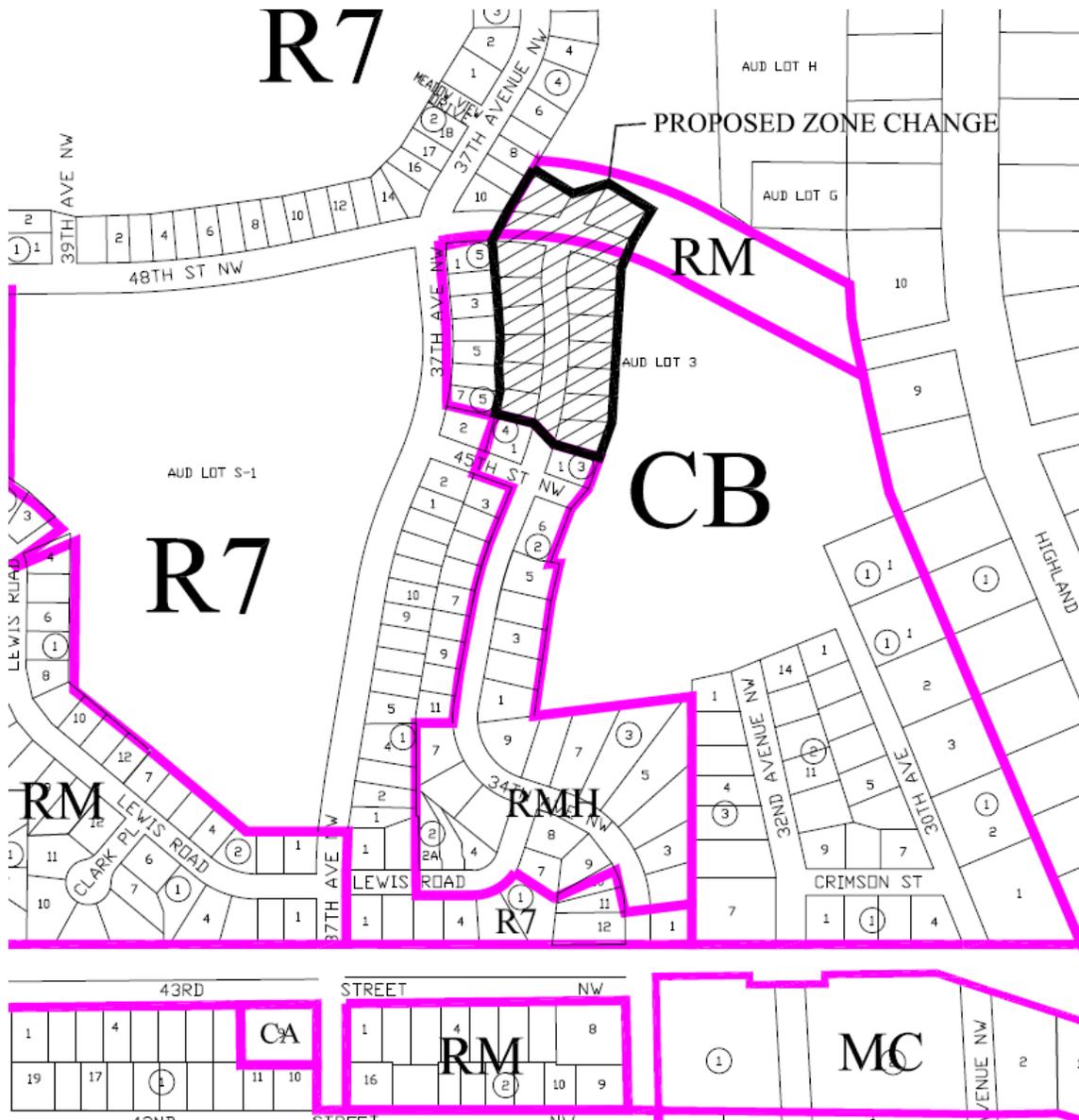
Adjacent Zoning: CB (Heavy Commercial), R7 (Single Family), and RM (Multi-Family Residential)

Fee(s) Required: \$250.00      Date Received: August 29<sup>th</sup>, 2012

Adjacent Property Owner Notification: October 9<sup>th</sup>, 2012

Dates of Legal Notices: October 5<sup>th</sup> & 12<sup>th</sup>, 2012

Recommendations: The Planning Office recommends approval.



**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

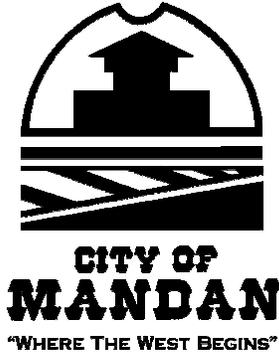
and as so amended said section is hereby reenacted. The city administrator is authorized and directed to make the necessary changes upon the official zoning map of the city in accordance with this section.

\_\_\_\_\_  
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 Reading:	<u>October 16, 2012</u>
Publication Date:	_____
Recording Date:	_____



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** October 16, 2012  
**PREPARATION DATE:** October 11, 2012  
**SUBMITTING DEPARTMENT:** Engineering  
**DEPARTMENT DIRECTOR:**  
**PRESENTER:** Kim Fettig  
**SUBJECT:** Consider the annexation of Plainview Heights 13<sup>th</sup>

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

BACKGROUND/ALTERNATIVES: Request by Mitzel Builders, Inc. Plat was approved by the City Commission on May 1, 2012.

ATTACHMENTS: 1. Ordinance  
2. Vicinity Map

FISCAL IMPACT: Minimal.

STAFF IMPACT: Minimal.

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

RECOMMENDATION: This office supports the approval of the annexation.

SUGGESTED MOTION: I move to approve Ordinance 1131, annexing the subject lands.

**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: /s/ \_\_\_\_\_  
Arlyn Van Beek, President,  
Board of City Commissioners

Attest:

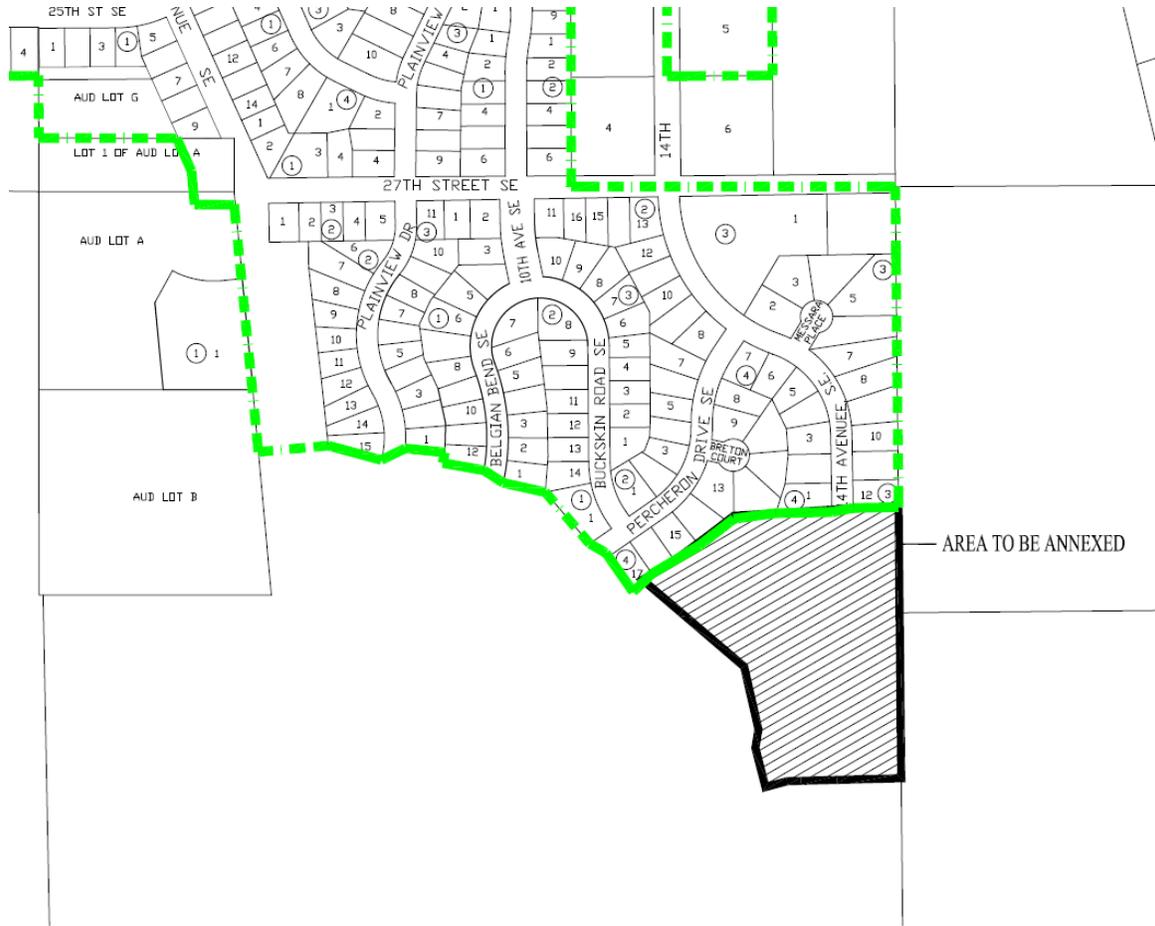
/s/

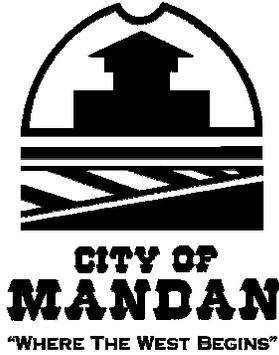
\_\_\_\_\_  
James Neubauer, City Administrator

First Consideration: October 16, 2012

Second Consideration  
and Final Passage: November 6, 2012

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





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** October 16, 2012  
**PREPARATION DATE:** October 11, 2012  
**SUBMITTING DEPARTMENT:** Planning & Engineering  
**DEPARTMENT DIRECTOR:**  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider entering into a Cost Participation and Maintenance (CPM) Agreement with the NDDOT for the Federal Aid Highway Program.

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**STATEMENT/PURPOSE:** To enter into an agreement with the NDDOT for the Federal Aid Highway Program.

**BACKGROUND/ALTERNATIVES:** The City is being asked to enter a CPM agreement for the Sunset Drive project #2012-01 District 163 (from 7<sup>th</sup> Street NW to approximately 500 feet north of 15<sup>th</sup> Street NW).

Approving this agreement does not force the project to move forward, it simply secures the federal aid. There are many steps yet to take moving forward including setting the special assessment district.

**ATTACHMENTS:** Copy of the agreement.

**FISCAL IMPACT:** Federal funds obligated for this project shall not exceed 80.93 percent of the total eligible project cost up to a maximum of \$5,120,000. The balance of the project cost is the obligation of the City.

**STAFF IMPACT:** Minimal

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

**RECOMMENDATION:** To enter into the agreement.

**SUGGESTED MOTION:** I move to enter into the CPM Agreement with the NDDOT for the Federal Aid Highway Program.

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Subject: Consider entering into a Cost Participation and Maintenance Agreement with the NDDOT for the Federal Aid Highway Program.

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NDDOT Contract No. 38121560

**North Dakota Department of Transportation  
COST PARTICIPATION, CONSTRUCTION, AND MAINTENANCE AGREEMENT  
URBAN FEDERAL AID PROJECT**

**Federal Award Information – to be provided by NDDOT**

CFDA No: 20.205

CFDA Title: Highway Planning & Construction

Award Name: Federal Aid Highway Program

Awarding Fed. Agency: Federal Highway Admin

NDDOT Program Mgr: Sengaroun Marohl

Telephone: 701-328-4449

Notice to Subrecipients: Federal awards may have specific compliance requirements. If you are not aware of the specific requirements for your award, please contact your NDDOT Program Manager.

**For NDDOT use only.**

**FHWA Authorization date:**

**Project No. SU-1-988(033)044 City of MANDAN**

**Location: MANDAN SUNSET DR FROM 7<sup>TH</sup> ST NW TO APPROXIMATELY 500 FEET NORTH OF 15<sup>TH</sup> ST NW**

**Type of Improvement: GRADING, SALVAGED BASE COURSE, HBP, PCC, CURB & GUTTER, SIDEWALKS, DRIVEWAYS, SIGNING, MARKING, LIGHTING, STORM SEWER, SANITARY SEWER, WATERMAIN AND INCIDENTALS**

**Length: 0.63 MILE**

This agreement is between the state of North Dakota, acting by and through its Director of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and the city of Mandan, North Dakota, hereinafter referred to as the City, who agree that:

It is in the best interest of both parties to have the City construct and maintain this project according to the terms and conditions set forth in this agreement. NDDOT will assist the City with the preparation and distribution of the bid documents and include the project in a scheduled bid opening.

The City agrees to the terms and conditions required for this project by the Federal Highway Administration (FHWA).

NDDOT will procure federal funds for the construction of the project, pursuant to Title 23 of the United States Code.

Federal funds obligated for this project shall not exceed 80.93 percent of the total eligible project cost up to a maximum of \$5,120,000. The balance of the project cost is the obligation of the City.

The total eligible project costs include the cost of those items shown in the engineer's detailed estimate as approved for federal funds and any project changes approved by NDDOT for the use of federal funds.

Federal funds may not be obligated by the City, prior to FHWA approval of the program documents for the project.



**PART I**

City Obligation:

1. To comply with the Disadvantaged Business Enterprise (DBE) requirements established by NDDOT for the project.

The City shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The City shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts. NDDOT's DBE program, as required by 49 CFR Part 26 and as approved by USDOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the City of its failure to carry out its approved program, the USDOT may impose sanctions as provided for under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et. Seq.).

Include the following paragraph verbatim in any subcontracts they sign relative to this project:

The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the solicitation, award, and administration of USDOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as NDDOT deems appropriate.

2. To comply with requirements of 23 CFR Part 633, Required Contract Provisions, and 23 CFR Part 635, Construction and Maintenance.
3. To construct the project in conformity with the construction contract, changes to the plans shall meet the requirements of 23 CFR Part 625, Design Standards for Highways.
4. To construct the project in conformity with the approved environmental documents and provide for the implementation of any measures mitigating the environmental impact of the project.
5. To comply with the requirements of Appendix A of the Title VI Assurances, attached and incorporated by reference herein.

**PART II**

Contracting and Construction:

1. Ten weeks before the bid opening date the City will:
  - a. Submit the final plans to NDDOT.
  - b. Certify that the right of way has been acquired in its name and at its sole expense, and in conformity with state and federal law and NDDOT's current edition of *Right of Way Acquisition Procedures for Local Public Agency Federal Aid Projects*.
  - c. Provide NDDOT with the permit or agreement authorizing utility facilities to be installed or continued on, under or over the right of way.



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- d. Provide NDDOT with all permits or clearances required for the construction of the project by state or federal law.
2. On behalf of the City, NDDOT will:
    - a. Prepare the bid proposals, print and distribute the proposals and plans, solicit proposals, and include the project in a scheduled bid opening as provided in the North Dakota Century Code, Chapter 24-02.
    - b. Evaluate the bids as to the sufficiency of Disadvantaged Business Enterprise (DBE) participation and the bidder's good faith efforts in satisfying the requirements of the current edition of the DBE special provision, and 49 CFR Part 26. NDDOT shall have exclusive authority in evaluating the adequacy of DBE participation.
    - c. Tabulate the bids and send to the City.
    - d. Concur in the award of the contract, after the City has executed the contract, for the sole purpose of enabling the City to procure federal aid for the construction of the project.
    - e. Distribute copies of the plans to the parties.
  3. The City will:
    - a. Review bids to determine the lowest responsible bidder.
    - b. Execute the contract.
    - c. Distribute copies of the executed contract and contract bond to NDDOT and the prime contractor.
  4. During the construction of the project, the City will:
    - a. Provide engineering services, material testing, and inspection of the work as required by the contract documents and the current editions of NDDOT's *Sampling and Testing Manual*, the *Construction Manual*, and the *Standard Specifications for Road and Bridge Construction*.
    - b. Keep all project records and documentation as required in NDDOT's current editions of the *Construction Records Manual* and the *Construction Automated Records System*.
    - c. Make all records available to NDDOT and FHWA for inspection upon request. The City will submit all documents and records to NDDOT for review before final payment is made. NDDOT will maintain the project records for three years from the final voucher date of FHWA and then return them to the City.
    - d. Be responsible for any changes in plan, character of work, quantities, site conditions, or any claim for extra compensation. NDDOT will review all contract adjustments to determine if the adjustments are eligible for federal aid. Federal aid shall be limited to the amount stated on page one of this agreement.

**PART III**

Post Construction:

After the project is completed the City agrees to:



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1. Control the length and location of curb openings for access. The width of such access opening shall not exceed that shown on the plans. Additional access points will be allowed on the project if the design adequately considers all effects the access point will have on the entire traffic corridor. If the traffic corridor intersects a state highway, the City must justify to NDDOT that any new access allowed will have minimal impact to the state highway. The design will meet the requirements of 23 CFR Part 625, Design Standards for Highways.
2. Maintain the signing and marking of the project according to the current edition of the *Manual on Uniform Traffic Control Devices for Streets and Highways*, as supplemented and amended.
3. Restrict the speed limit on the project at or below the maximum design speed. Any changes to the speed limit will be pursuant to North Dakota Century Code, Chapter 39-09.
4. Prohibit double parking and diagonal parking within the limits of the project. Additional parallel parking will be allowed within the limits of the project if designed considering the effects the added parking will have on the entire traffic corridor. The design will meet the requirements of 23 CFR Part 625, Design Standards for Highways.
5. Provide maintenance to the completed project at its own cost and expense.
6. Prohibit access and encroachments upon the right of way pursuant to 23 CFR Part 1.23, Rights of Way, and Part 710 Subpart D, Right of Way, Real Property Management.

**PART IV**

General:

1. NDDOT will make all contract payments on behalf of the City. Payment will be made upon receipt of the engineer's estimate. The City will reimburse NDDOT for payments made less the amount paid by FHWA. No costs will be incurred by NDDOT for the construction and maintenance of this project.

If the City fails to reimburse NDDOT within 60 days after billing for funds advanced on behalf of the City, this document will constitute an assignment of funds now or hereafter coming into the hands of the state treasurer, which would otherwise be distributed to the City out of the highway tax distribution fund, NDCC 54-27-19. The state treasurer is hereby directed to pay NDDOT all such funds until the total equals the sum billed pursuant to this agreement.

2. The Risk Management Appendix, attached, is hereby incorporated and made a part of this agreement.
3. No official, employee, or other person performing services for the City who is authorized to negotiate or approve any contract or subcontract in connection with the project shall have any financial or other personal interest in any such contract or subcontract. No officer or employee of such person retained by the City shall have any financial or other personal interest in any real property acquired for the project unless such interest is openly disclosed upon public records of NDDOT and of the City, and such officer, employee, or person has not participated in such acquisition for and in behalf of the City.
4. The failure of the state to enforce any provisions of this contract shall not constitute a waiver by the state of that or any other provision.
5. NDDOT requires contracts executed with counties, cities, other state agencies, and Indian tribes to comply with OMB Cir. A-133.



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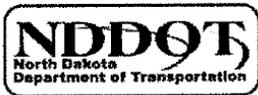
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6. All notices, certificates, or other communications shall be sufficiently given when delivered or mailed, postage prepaid, to the parties at the respective places of business as set forth below or at a place designated hereafter in writing by the parties.

Local Government Engineer  
ND Department of Transportation  
608 East Boulevard Avenue  
Bismarck, ND 58505-0700

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

7. The City is advised that its signature on this contract or agreement certifies that any person associated therewith is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency; has not been suspended, debarred, voluntarily excluded, or determined ineligible by any federal agency within the past three years; and has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction on any matter involving fraud or official misconduct within the past three years.



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8. This agreement constitutes the entire agreement between the parties. No waiver consent, modification or change of terms of this agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this agreement. The City, by the signature below of its authorized representative, hereby acknowledges that the City has read this agreement, understands it, and agrees to be bound by its terms and conditions.

Executed by the City of \_\_\_\_\_, North Dakota, the date last below signed.

APPROVED:

\_\_\_\_\_  
CITY ATTORNEY (TYPE OR PRINT)  
  
\_\_\_\_\_  
SIGNATURE  
  
\_\_\_\_\_  
DATE

City of \_\_\_\_\_  
\*  
\_\_\_\_\_  
NAME (TYPE OR PRINT)  
  
\_\_\_\_\_  
SIGNATURE  
\*  
\_\_\_\_\_  
TITLE  
  
\_\_\_\_\_  
DATE

ATTEST:

\_\_\_\_\_  
CITY AUDITOR (TYPE OR PRINT)  
  
\_\_\_\_\_  
SIGNATURE  
  
\_\_\_\_\_  
DATE

Executed by the North Dakota Department of Transportation the date last below signed.

APPROVED as to substance:

NORTH DAKOTA  
DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
LOCAL GOVERNMENT ENGINEER (TYPE OR PRINT)  
  
\_\_\_\_\_  
SIGNATURE  
  
\_\_\_\_\_  
DATE

\_\_\_\_\_  
DIRECTOR (TYPE OR PRINT)  
  
\_\_\_\_\_  
SIGNATURE  
  
\_\_\_\_\_  
DATE

\*Mayor or President City Commission

CLA 19256 (Div. 38)  
L.D. Approved 4-12-93; 2-11



**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
APPENDIX A OF THE TITLE VI ASSURANCES**

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor), agrees as follows:

1. Compliance with Regulations: The Contractor shall comply with the regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination: The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, sex, age, disability/handicap, or income status\*\*, in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate, either directly or indirectly, in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding or negotiation, made by the Contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, disability/handicap, or income status.\*\*
4. Information and Reports: The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the North Dakota Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the North Dakota Department of Transportation, or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the North Dakota Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including but not limited to:
  - a. withholding of payments to the Contractor under the contract until the Contractor complies, and/or
  - b. cancellation, termination, or suspension of the contract, in whole or in part.
6. Incorporation of Provisions: The Contractor shall include the provisions of paragraphs 1 through 6 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto.

The Contractor shall take such action with respect to any subcontract or procurement as the North Dakota Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions, including sanctions for noncompliance provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation by a subcontractor or supplier as a result of such direction, the Contractor may request the North Dakota Department of Transportation to enter into such litigation to protect the interests of the State; and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

\*\*The Act governs race, color, and national origin. Related Nondiscrimination Authorities govern sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; disability/handicap, 29 U.S.C. 790; and low income, E.O. 12898.



**Risk Management Appendix**

**Routine\* Service Agreements With Sovereign Entities and Political Subdivisions of the State of North Dakota:**

**Parties:** State – State of North Dakota, its agencies, officers and employees

**Governmental Entity** – The Governmental Entity executing the attached document, its agencies, officers and employees

**Governments** – State and Government Entity, as defined above

Each party agrees to assume its own liability for any and all claims of any nature including all costs, expenses and attorney's fees which may in any manner result from or arise out of this agreement.

Each party shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds, authorized to do business in North Dakota, the following insurance coverages:

- 1) **Commercial general liability and automobile liability** insurance – minimum limits of liability required of the Governmental Entity are **\$250,000 per person and \$500,000 per occurrence**. The minimum limits of liability required of the State are **\$250,000 per person and \$1,000,000 per occurrence**.
- 2) **Workers compensation** insurance meeting all statutory limits.
- 3) The policies and endorsements may not be canceled or modified without **thirty (30) days prior written notice** to the undersigned State representative.

**The State reserves the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time.**

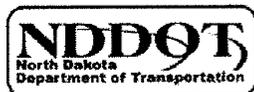
Each party that hires subcontractors shall require any non-public subcontractors, prior to commencement of work set out under an agreement between that party and the non-public subcontractor, to:

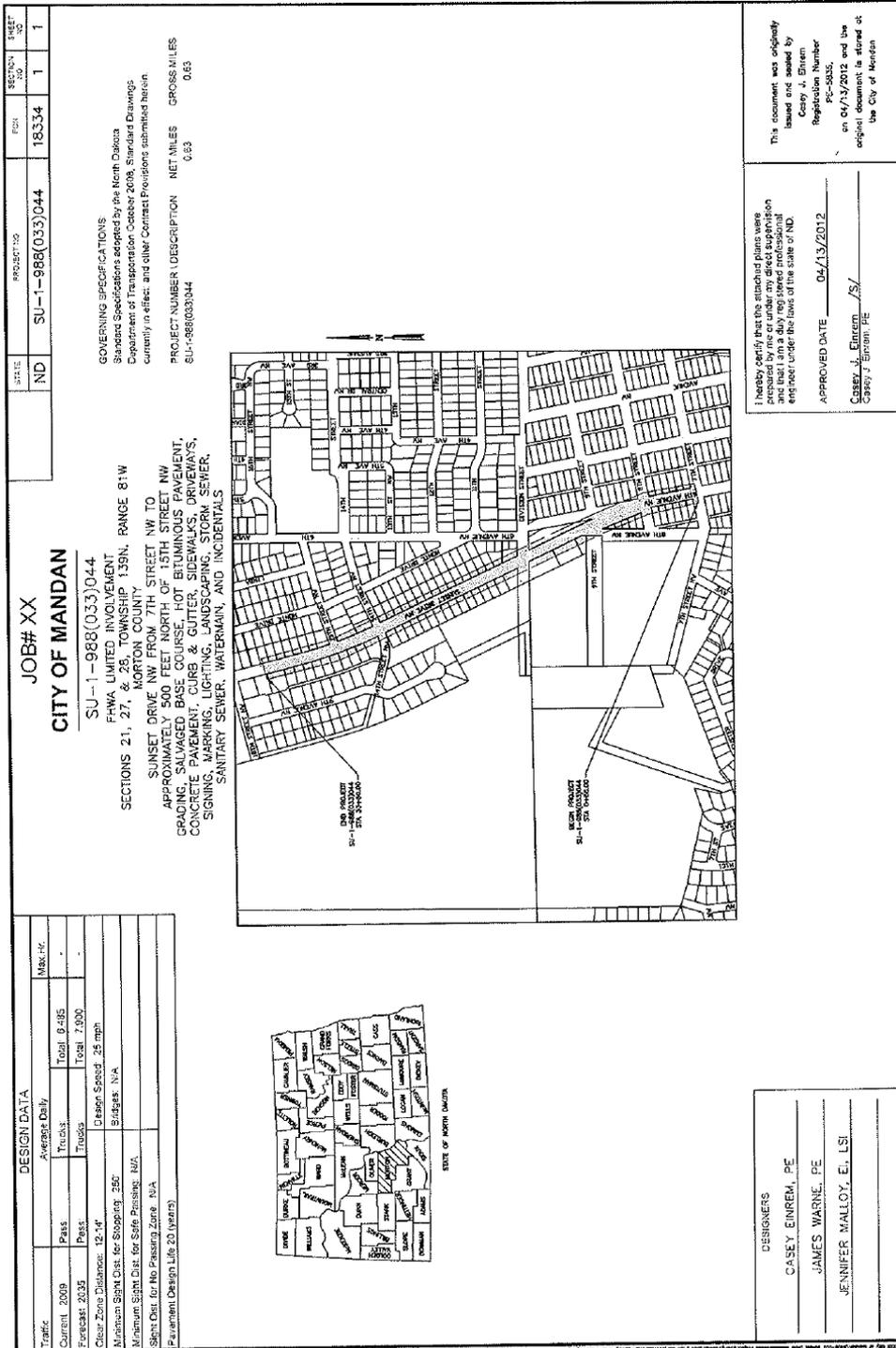
Defend, indemnify, and hold harmless the Governments, its agencies, officers and employees, from and against claims based on the vicarious liability of the Governments or its agents, but not against claims based on the Government's contributory negligence, comparative and/or contributory negligence or fault, sole negligence, or intentional misconduct. The legal defense provided by the Subcontractor to the Governments under this provision must be free of any conflicts of interest, even if retention of separate legal counsel for the Governments is necessary. Subcontractor also agrees to defend, indemnify, and hold the Governments harmless for all costs, expenses and attorneys' fees incurred if the Governments prevail in an action against Subcontractor in establishing and litigating the indemnification coverage provided herein. This obligation shall continue after the termination of this agreement.

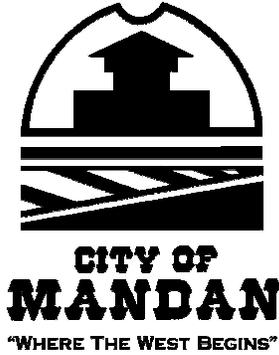
Subcontractor shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds authorized to do business in North Dakota: 1) commercial general liability; 2) automobile liability; and 3) workers compensation insurance all covering the Subcontractor for any and all claims of any nature which may in any manner arise out of or result from this agreement. The minimum limits of liability required are \$250,000 per person and \$1,000,000 per occurrence for commercial general liability and automobile liability coverages, and statutory limits for workers compensation. The Governments shall be endorsed on the commercial general liability policy and automobile liability policy as additional insureds. Said endorsement shall contain a "Waiver of Subrogation" waiving any right of recovery the insurance company may have against the Governments as well as provisions that the policy and/or endorsement may not be canceled or modified without thirty (30) days prior written notice to the undersigned representatives of the Governments, and that any attorney who represents the State under this policy must first qualify as and be appointed by the North Dakota Attorney General as a Special Assistant Attorney General as required under N.D.C.C. Section 54-12-08. Subcontractor's insurance coverage shall be primary (i.e., pay first) as respects any insurance, self-insurance or self-retention maintained by the Governments. Any insurance, self-insurance or self-retention maintained by the Governments shall be excess of the Contractor's insurance and the Subcontractor's insurance and shall not contribute with them. The insolvency or bankruptcy of the insured Subcontractor shall not release the insurer from payment under the policy, even when such insolvency or bankruptcy prevents the insured Subcontractor from meeting the retention limit under the policy. Any deductible amount or other obligations under the Subcontractor's policy(ies) shall be the sole responsibility of the Subcontractor. This insurance may be in policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophe form and be placed with insurers rated "A-" or better by A.M. Best Company, Inc. The Governments will be indemnified, saved, and held harmless to the full extent of any coverage actually secured by the Subcontractor in excess of the minimum requirements set forth above. The Government Entity that hired the Subcontractor shall be held responsible for ensuring compliance with the above requirements by all Subcontractors. The Governments reserve the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time.

\*See *North Dakota Risk Management Manual*, section 5.1 for discussion of "unique" and "routine" agreements.

RM Consulted 2007  
Revised 5-09







## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** October 16, 2012  
**PREPARATION DATE:** October 11, 2012  
**SUBMITTING DEPARTMENT:** Administration  
**DEPARTMENT DIRECTOR:** Jim Neubauer, City Administrator  
**PRESENTER:** Jim Neubauer, City Administrator  
**SUBJECT:** Cost Participation Agreement (CPM) Memorial Highway Micro Surfacing Main St – 46<sup>th</sup> Ave

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**STATEMENT/PURPOSE:** Consider entering into an agreement with the NDDOT for the Federal Aid Highway Program.

**BACKGROUND/ALTERNATIVES:** The City of Mandan has been asked to enter into CPM Agreement for the micro surfacing of Memorial Highway from Main Street to 46<sup>th</sup> Ave. The falls in line with the classification of Memorial Highway whereby the City of Mandan cost shares at a 10%. The scope of work was approved by the City Commission in January 2012.

**ATTACHMENTS:** CPM Agreement

**FISCAL IMPACT:** The preliminary cost estimate for the project is \$326,742 with the City's estimated share being \$36,674. Funding would come from city sales tax.

**STAFF IMPACT:** Minimal

**LEGAL REVIEW:** CPM has been forwarded to City Attorney Brown for his review.

**RECOMMENDATION:** I recommend entering the CPM Agreement.

**SUGGESTED MOTION:** I move to enter into the CPM Agreement with ND DOT for the micro surfacing of Memorial Highway from Main Street to 46<sup>th</sup> Ave.

NDDOT Contract No. 38121818

**North Dakota Department of Transportation  
COST PARTICIPATION AND MAINTENANCE AGREEMENT**

**Federal Award Information – to be provided by NDDOT**

CFDA No: 20.205	CFDA Title: Highway Planning & Construction
Award Name: Federal Aid Highway Program	Awarding Fed. Agency: Federal Highway Admin
NDDOT Program Mgr: Ardin Striefel	Telephone: 328-2559

**Notice to Subrecipients: Federal awards may have specific compliance requirements. If you are not aware of the specific requirements for your award, please contact your NDDOT Program Manager.**

**Project No. SU-1-094(161)917**

WHEREAS, the North Dakota Department of Transportation intends to proceed with the construction of the following-described street improvement:

**Location: MANDAN MEMORIAL HWY(MAIN ST- 46TH AVE)**

**Type of Improvement: Micro Surfacing**

**Point of Beginning: RP 918.09**

**Point of Ending: RP 920.274**

NOW, THEREFORE, in consideration of the mutual benefits to be derived therefrom, it is agreed between the state of North Dakota, acting by and through its Director of Transportation, hereinafter referred to as NDDOT, whose address is 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700, and the city of Mandan, North Dakota, hereinafter referred to as the City, that NDDOT will construct the project in accordance with the current edition of NDDOT's *Standard Specifications for Road and Bridge Construction* and with the plans approved by the City, identified as project SU-1-094(161)917, and incorporated into this agreement by reference.

1. The City
  - a. Will pay 10 percent of the cost of rights of way and easements acquired for the project; and
  - b. Will pay 10 percent of the total cost of all items which are determined eligible for federal aid participation. This total cost will include the actual construction cost plus 10 percent for the preliminary and construction engineering; and
  - c. Will pay 100 percent of the construction costs plus 10 percent for the preliminary and construction engineering of all items not eligible for federal aid participation.
2. The City will pay to NDDOT as the work progresses or when completed its share of the total cost of the project as defined in paragraph 1.
3. It is specifically agreed that if at any time the City fails to pay the amount billed to NDDOT within 60 days after billings, this document shall constitute an assignment of funds derived from the State



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Subject: Cost Participation Agreement (CPM) Memorial Highway Micro Surfacing Main St – 46<sup>th</sup> Ave

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Highway Tax Distribution Fund now or hereafter coming into the hands of the State Treasurer to the credit of the City, and the State Treasurer is hereby directed to deliver and pay over to NDDOT all funds credited to the City until the total thereof equals the sum billed pursuant to this agreement. The preliminary cost estimate of the project is \$326,742, with the City's estimated share being \$32,674.

4. All signs, signals, markings, and other protective structures erected on or in connection with the project, including those installed at the sole cost and expense of the City or by others, shall be approved by NDDOT. All traffic control devices will be in conformance with the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways.
5. All existing right of way within the project limits will be provided by the City with clear title and available for use in the project. All right of way for the project will be maintained free of all encroachments except utilities and others in accordance with the NDDOT's "Utilities Accommodation Policy," dated July 1987. All obstructions to, interference with, or hazards to traffic flow will be removed by the City at the request of NDDOT. The City will be responsible for any consideration, avoidance, and minimization of impacts upon real property related to this project, such as changes in the grades of the streets, inconveniences to property or business, and any loss of light, air, view, access, egress, drainage, support, or nuisance.
6. The City will control the length and location of curb openings for future entrances and will not permit the length of curb openings for entrances to exceed the length shown on the plans or as shown on a sketch of typical entrances for similar entrances; and will prohibit the construction or use of any entrances along the project within the City other than those shown on the plans, without prior approval of NDDOT.
7. The City will not change any speed limit signs as shown on the plans without prior approval of NDDOT.
8. The City will prohibit double and diagonal parking and will control all parallel parking where allowed within the limits of the project in a manner satisfactory to NDDOT and to the Federal Highway Administration (FHWA), or both.
9. Appendix A of the Title VI Assurances, attached, is hereby incorporated into and made a part of this agreement.
10. The Risk Management Appendix, attached, is hereby incorporated and made a part of this agreement.
11. Audits must be in accordance with the most current version of OMB Cir. A-133. The City shall submit copies of audits covering the terms of this agreement to NDDOT. This requirement is applicable to counties, cities, state agencies, Indian tribes, colleges, hospitals, and non-profit businesses.
12. The City is advised that its signature on this contract or agreement certifies that any person associated therewith is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency within the past three years; and has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction on any matter involving fraud or official misconduct within the past three years.



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Meeting Date: October 16, 2012

Subject: Cost Participation Agreement (CPM) Memorial Highway Micro Surfacing Main  
St – 46<sup>th</sup> Ave

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13. NDDOT is not responsible for any Property Taxes or Special Assessments on property which has been acquired as part of the roadway reconstruction project. The City is responsible to make arrangements for deferral or payment of such Taxes and/or Special Assessments.
14. The City will, at its own expense, maintain or cause to be maintained, all portions of the project unless otherwise noted in this paragraph. The maintenance will be in a manner satisfactory to NDDOT and FHWA. Exact limits of the project are shown on the attached map.



Board of City Commissioners

Agenda Documentation

Meeting Date: October 16, 2012

Subject: Cost Participation Agreement (CPM) Memorial Highway Micro Surfacing Main St – 46<sup>th</sup> Ave

Page 5 of 9

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Executed by the city of \_\_\_\_\_, at \_\_\_\_\_,  
North Dakota, the last date below signed.

APPROVED:

City of \_\_\_\_\_

\_\_\_\_\_  
CITY ATTORNEY (TYPE OR PRINT)

\_\_\_\_\_  
NAME (TYPE OR PRINT)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\*  
\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

ATTEST:

\_\_\_\_\_  
CITY AUDITOR (TYPE OR PRINT)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

Executed for the North Dakota Department of Transportation by the Director at Bismarck, North Dakota,  
the last date below signed.

APPROVED as to substance by:

NORTH DAKOTA  
DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
DIVISION DIRECTOR (TYPE OR PRINT)

\_\_\_\_\_  
DIRECTOR (TYPE OR PRINT)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DATE

\*Mayor or President City Commission

CLA 17058 (Div. 38)  
L.D. Approved 11-07; 4-11



Board of City Commissioners

Agenda Documentation

Meeting Date: October 16, 2012

Subject: Cost Participation Agreement (CPM) Memorial Highway Micro Surfacing Main St – 46<sup>th</sup> Ave

Page 6 of 9

**AUTHORIZATION**

At a \_\_\_\_\_ meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, it was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the attached certification and agreement be approved, and that the \* \_\_\_\_\_ and City Auditor be authorized to execute in behalf of the City of \_\_\_\_\_ and that two executed copies be returned to the NDDOT Director.

Adopted on a vote of \_\_\_\_ aye, \_\_\_\_ nay, \_\_\_\_\_ absent.

ATTEST:

APPROVED:

\_\_\_\_\_  
CITY AUDITOR (TYPE OR PRINT)

City of \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
NAME (TYPE OR PRINT)

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE

\*  
\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

**CERTIFICATION**

It is hereby certified that the City of \_\_\_\_\_ will issue improvement warrants to finance the amounts that the City is obligated to pay under terms of the attached agreement with the North Dakota Department of Transportation and that authority to do so has been obtained in accordance with the Section 40-22-06 of the North Dakota Century Code.

Executed at \_\_\_\_\_, North Dakota, the last date below signed.

ATTEST:

APPROVED:

\_\_\_\_\_  
CITY AUDITOR (TYPE OR PRINT)

City of \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
NAME (TYPE OR PRINT)

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE

\*  
\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

\*Mayor or President City Commission



**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
APPENDIX A OF THE TITLE VI ASSURANCES**

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor), agrees as follows:

1. Compliance with Regulations: The Contractor shall comply with the regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination: The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, sex, age, disability/handicap, or income status\*\*, in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate, either directly or indirectly, in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding or negotiation, made by the Contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, disability/handicap, or income status.\*\*
4. Information and Reports: The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the North Dakota Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the North Dakota Department of Transportation, or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the North Dakota Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including but not limited to:
  - a. withholding of payments to the Contractor under the contract until the Contractor complies, and/or
  - b. cancellation, termination, or suspension of the contract, in whole or in part.
6. Incorporation of Provisions: The Contractor shall include the provisions of paragraphs 1 through 6 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto.

The Contractor shall take such action with respect to any subcontract or procurement as the North Dakota Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions, including sanctions for noncompliance provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation by a subcontractor or supplier as a result of such direction, the Contractor may request the North Dakota Department of Transportation to enter into such litigation to protect the interests of the State; and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

\*\*The Act governs race, color, and national origin. Related Nondiscrimination Authorities govern sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; disability/handicap, 29 U.S.C. 790; and low income, E.O. 12898.



**Risk Management Appendix**

**Routine\* Service Agreements With Sovereign Entities and Political Subdivisions of the State of North Dakota:**

**Parties:** **State** – State of North Dakota, its agencies, officers and employees

**Governmental Entity** – The Governmental Entity executing the attached document, its agencies, officers and employees

**Governments** – State and Government Entity, as defined above

Each party agrees to assume its own liability for any and all claims of any nature including all costs, expenses and attorney's fees which may in any manner result from or arise out of this agreement.

Each party shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds, authorized to do business in North Dakota, the following insurance coverages:

- 1) **Commercial general liability and automobile liability** insurance – minimum limits of liability required of the Governmental Entity are **\$250,000 per person and \$500,000 per occurrence**. The minimum limits of liability required of the State are **\$250,000 per person and \$1,000,000 per occurrence**.
- 2) **Workers compensation** insurance meeting all statutory limits.
- 3) The policies and endorsements may not be canceled or modified without **thirty (30) days prior written notice** to the undersigned State representative.

**The State reserves the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time.**

Each party that hires subcontractors shall require any non-public subcontractors, prior to commencement of work set out under an agreement between that party and the non-public subcontractor, to:

Defend, indemnify, and hold harmless the Governments, its agencies, officers and employees, from and against claims based on the vicarious liability of the Governments or its agents, but not against claims based on the Government's contributory negligence, comparative and/or contributory negligence or fault, sole negligence, or intentional misconduct. The legal defense provided by the Subcontractor to the Governments under this provision must be free of any conflicts of interest, even if retention of separate legal counsel for the Governments is necessary. Subcontractor also agrees to defend, indemnify, and hold the Governments harmless for all costs, expenses and attorneys' fees incurred if the Governments prevail in an action against Subcontractor in establishing and litigating the indemnification coverage provided herein. This obligation shall continue after the termination of this agreement.

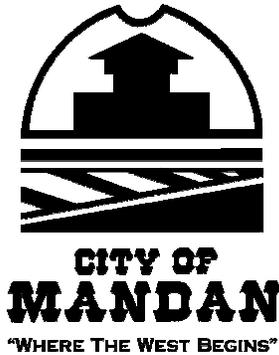
Subcontractor shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds authorized to do business in North Dakota: 1) commercial general liability; 2) automobile liability; and 3) workers compensation insurance all covering the Subcontractor for any and all claims of any nature which may in any manner arise out of or result from this agreement. The minimum limits of liability required are \$250,000 per person and \$1,000,000 per occurrence for commercial general liability and automobile liability coverages, and statutory limits for workers compensation. The Governments shall be endorsed on the commercial general liability policy and automobile liability policy as additional insureds. Said endorsement shall contain a "Waiver of Subrogation" waiving any right of recovery the insurance company may have against the Governments as well as provisions that the policy and/or endorsement may not be canceled or modified without thirty (30) days prior written notice to the undersigned representatives of the Governments, and that any attorney who represents the State under this policy must first qualify as and be appointed by the North Dakota Attorney General as a Special Assistant Attorney General as required under N.D.C.C. Section 54-12-08. Subcontractor's insurance coverage shall be primary (i.e., pay first) as respects any insurance, self-insurance or self-retention maintained by the Governments. Any insurance, self-insurance or self-retention maintained by the Governments shall be excess of the Contractor's insurance and the Subcontractor's insurance and shall not contribute with them. The insolvency or bankruptcy of the insured Subcontractor shall not release the insurer from payment under the policy, even when such insolvency or bankruptcy prevents the insured Subcontractor from meeting the retention limit under the policy. Any deductible amount or other obligations under the Subcontractor's policy(ies) shall be the sole responsibility of the Subcontractor. This insurance may be in policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophe form and be placed with insurers rated "A-" or better by A.M. Best Company, Inc. The Governments will be indemnified, saved, and held harmless to the full extent of any coverage actually secured by the Subcontractor in excess of the minimum requirements set forth above. The Government Entity that hired the Subcontractor shall be held responsible for ensuring compliance with the above requirements by all Subcontractors. The Governments reserve the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time.

\*See *North Dakota Risk Management Manual*, section 5.1 for discussion of "unique" and "routine" agreements.

RM Consulted 2007  
Revised 5-09



<p><b>DESIGN DATA</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Traffic</td> <td>Average Daily</td> <td>Max.Hr.</td> </tr> <tr> <td>Current 2009</td> <td>Peak: 10,845</td> <td>Total: 41,235</td> </tr> <tr> <td></td> <td>Trucks: 380</td> <td>Peak: 1,530</td> </tr> <tr> <td>Forecast</td> <td>Peak: 13,965</td> <td>Total: 44,485</td> </tr> <tr> <td></td> <td>Trucks: 490</td> <td>Peak: 1,650</td> </tr> <tr> <td>Clear Zone Distance: 18 ft.</td> <td>Design Speed: _____</td> <td>Grades: _____</td> </tr> <tr> <td>Minimum Sight Dist. for Stopping: _____</td> <td></td> <td></td> </tr> <tr> <td>Minimum Sight Dist. for Side Passing: _____</td> <td></td> <td></td> </tr> <tr> <td>Sight Dist. for No Passing Zone: _____</td> <td></td> <td></td> </tr> <tr> <td>Pavement Design Life: _____ (years)</td> <td></td> <td></td> </tr> </table>	Traffic	Average Daily	Max.Hr.	Current 2009	Peak: 10,845	Total: 41,235		Trucks: 380	Peak: 1,530	Forecast	Peak: 13,965	Total: 44,485		Trucks: 490	Peak: 1,650	Clear Zone Distance: 18 ft.	Design Speed: _____	Grades: _____	Minimum Sight Dist. for Stopping: _____			Minimum Sight Dist. for Side Passing: _____			Sight Dist. for No Passing Zone: _____			Pavement Design Life: _____ (years)			<p><b>JOB#</b> _____</p> <p><b>NORTH DAKOTA</b></p> <p><b>DEPARTMENT OF TRANSPORTATION</b></p> <p>SU-4-094(161917)</p> <p>PHVA Limited Involvement Mandan County - Mandan ND Micro Surfacing</p>	<p>STATE ND</p> <p>PROJECT NO. SU-4-094(161917)</p> <p>PCN 20004</p> <p>SECTION 1</p> <p>SHEET 1</p>	<p>GOVERNING SPECIFICATIONS</p> <p>Standard Specifications adopted by the North Dakota Department of Transportation October 2008 Standard Drawings currently in effect and other Contract Provisions submitted hereto.</p> <p>PROJECT NUMBER DESCRIPTION NET MILES GROSS MILES</p> <p>SU-4-094(161917) 2.194 2.194</p>
Traffic	Average Daily	Max.Hr.																															
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Sight Dist. for No Passing Zone: _____																																	
Pavement Design Life: _____ (years)																																	
<p>Begin Project RP 915.00</p> <p>Main Ave - Mandan</p> <p>Memorial Hwy "The Strip"</p> <p>Expressway</p> <p>46th Ave</p> <p>End Project RP 920.274</p> <p>Memorial Bridge</p>	<p style="text-align: center;">STATE COUNTY MAP</p>	<p>APPROVED DATE 8/16/2012</p> <p>Kevin J. Levi/IS/</p> <p>Bismarck District Engineer</p> <p>ND DEPARTMENT OF TRANSPORTATION</p>	<p>APPROVED DATE 8/16/2012</p> <p>Kirk J. Hoff/IS/</p> <p>RDDOT BISMARCK DISTRICT</p>																														
<p>DESIGNERS</p> <p>Dean Schloss/IS/</p>		<p>This document was originally issued and sealed by Kirk J. Hoff</p> <p>Registration Number 76-6888</p> <p>or 0816723</p> <p>The original documents stored at the North Dakota Department of Transportation</p>																															



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** October 16, 2012  
**PREPARATION DATE:** October 8, 2012  
**SUBMITTING DEPARTMENT:** Police  
**DEPARTMENT DIRECTOR:** Chief Dennis A. Bullinger  
**PRESENTER:** Chief Dennis A. Bullinger  
**SUBJECT:** Introduction of Police Officer

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STATEMENT/PURPOSE:

Introduction of Police Officer Larrie Cherrey, to the Board of City Commission.

BACKGROUND/ALTERNATIVES:

Larrie worked as a Correctional Officer with the Cass County Sheriff's Dept., June 2007 to May of 2009. He went onto attend the Law Enforcement Training Program with Lake Region State College, Devils Lake, in 2009. After successfully completing his training at Lake Region, he moved to Washington State. While living and working in Washington he earned his bachelor Degree in Criminal Justice, from Ashford University.

Larrie served with the North Dakota National Guard, from March of 2006 to March of 2012. He was deployed to Iraqi and served with the 191<sup>st</sup> Military Police from December 2007 to January 2009.

ATTACHMENTS: N/A

FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: N/A

SUGGESTED MOTION: N/A



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** October 16, 2012  
**PREPARATION DATE:** October 9, 2012  
**SUBMITTING DEPARTMENT:** Assessing & Building Inspections  
**DEPARTMENT DIRECTOR:** Richard Barta  
**PRESENTER:** Richard Barta  
**SUBJECT:** Introduction of New Employees

---

STATEMENT/PURPOSE:

Introduction of Assessing/Inspection Technician Roberta (Bobbie) Olson & Administrative Assistant Rachel Hastings, to the Board of City Commission.

BACKGROUND/ALTERNATIVES:

Bobbie worked as an Abstractor with Clay County Abstract for 9 years, where she obtained her Abstractor's License. She briefly worked at Burleigh County in the Recorder's Office before coming to City of Mandan.

Rachel came to the City of Mandan from Morton County Tax Director's office where she was employed for 5 years. She has experience with the mobile home property taxes, exemption/abatements, as well as the building permits process.

ATTACHMENTS: N/A

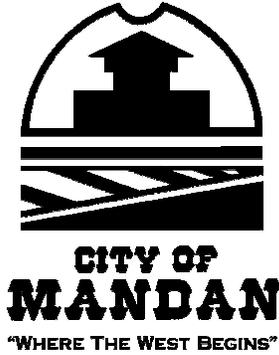
FISCAL IMPACT: N/A

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: N/A

SUGGESTED MOTION: N/A



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** October 16, 2012  
**PREPARATION DATE:** October 12, 2012  
**SUBMITTING DEPARTMENT:** Administration  
**DEPARTMENT DIRECTOR:** Jim Neubauer, City Administrator  
**PRESENTER:** Jim Neubauer, City Administrator  
**SUBJECT:** Appointments to Mandan Youth Commission

---

STATEMENT/PURPOSE: To appoint members to the Mandan Youth Commission.

BACKGROUND/ALTERNATIVES: We received 18 applications which were reviewed by Commissioner Frank, City Administrator Neubauer, Business Development & Communications Director Huber, Mandan Public Schools Assistant Superintendent Jeff Lind, Mandan School District teachers Jackie Williamson and Chelsey Gravseth, Morton County Extension Service Karla Meikle and Mandan Tomorrow Leadership Pride and Image committee member Pam Mack.

Membership on the Youth Commission will include:

- (11) Voting Members
  - 5 - Mandan Senior High
  - 3 – Mandan Middle School
  - 3 – At Large 18-20 year olds
- Liaisons
  - City Commissioner, Dot Frank or designee(s)
  - Assistant Superintendent, Jeff Lind or designee (s)
  - Middle School Principal, Ryan Leingang or designee (s)
  - Morton County Extension Service, Karla Meikel or designee(s)
  - Mandan Parks & Recreation, Cole Higlin or designee(s)
  - Mandan Tomorrow, Pam Mack or designee(s)

ATTACHMENTS:

FISCAL IMPACT: n/a

STAFF IMPACT: minimal

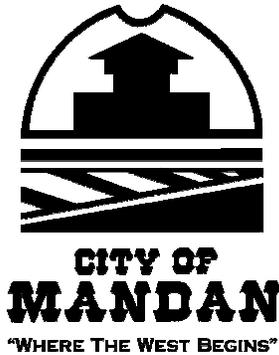
Board of City Commissioners  
Agenda Documentation  
Meeting Date: October 16, 2012  
Subject: Appointments to Mandan Youth Commission  
Page 2 of 2

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LEGAL REVIEW: n/a

RECOMMENDATION: Liaisons will be meeting Monday, October 15<sup>th</sup> to review applications.

SUGGESTED MOTION:



# Board of City Commissioners

## Agenda Documentation

**MEETING DATE:** October 16, 2012  
**PREPARATION DATE:** October 10, 2012  
**SUBMITTING DEPARTMENT:** Finance  
**DEPARTMENT DIRECTOR:** Greg Welch  
**PRESENTER:** Greg Welch  
**SUBJECT:** 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.

---

### PURPOSE

To 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.

### BACKGROUND

On June 3, 2008, the Board of City Commissioners approved a Resolution Authorizing Undertaking for Municipal Improvement Consisting of Water Treatment Plant Improvements.

On July 1, 2008, the Board of City Commissioners approved a Resolution Authorizing the Issuance of Water Improvement Interim Certificates of 2008, Series A and Water Improvement Revenue Bonds of 2008, Series A to finance the cost of the Improvements at the Water Treatment Plant through the State Revolving Fund (SRF) Program.

The Resolution of Amendment makes certain changes to the earlier issuance Resolution to reflect the final SRF maturity terms for the Revenue Bonds to be issued for the financing.

The approved Loan amount was for \$4,511,900. The Loan was fully funded. Currently, the outstanding principal balance on the Loan is \$3,782,000 due to the City making annual debt service payments on the Loan since 2009. The final maturity date for the Bonds is September 1, 2028.

ATTACHMENT

Resolution of Amendment

*(The Resolution will be provided prior to the City Commission Meeting)*

FISCAL IMPACT

No additional debt is occurring since the temporary financing (Water Improvement Interim Certificates of 2008, Series A) is now being exchanged with the permanent financing (Water Improvement Revenue Bonds of 2008, Series A) as required by the State Revolving Fund Program Loan Agreement.

The annual debt service requirements are already included in the City's Water and Sewer Base Rates.

STAFF IMPACT

None

LEGAL REVIEW

The Resolution was prepared by Steven L. Vogelpohl, Attorney At Law, on behalf of the City.

RECOMMENDATION

To approve the Resolution of Amendment.

SUGGESTED MOTION

Move to approve the Resolution of Amendment.

**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 Reading:	<u>October 16, 2012</u>
Publication Date:	_____
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: /s/  
Arlyn Van Beek, President,  
Board of City Commissioners

Attest:

/s/  
James Neubauer, City Administrator

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