

AGENDA
MANDAN CITY COMMISSION
OCTOBER 2, 2012
ED "BOSH" FROEHLICH MEETING ROOM
5:30 P.M.
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:
 - i. September 18, 2012 – Special Working Session
 - ii. September 18, 2012 – Regular Meeting
- C. PUBLIC HEARING:
1. Public Hearing to consider an Ad Valorem tax exemption for BOS Solutions Inc.
 2. Public Hearing to consider an Ad Valorem tax exemption for Diversity Homes Inc.
 3. Public Hearing to consider an Ad Valorem tax exemption for Edgewood Management Group LLC
- D. BIDS:
1. Consider awarding Infrastructure Grant projects to Swanberg Construction Co.
- E. 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.
 2. Consider 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.
 4. Consider for approval the final plat of Meadows 6th Addition.
 5. Consider for approval the final plat of Missouri Valley Addition.
 6. Consider for approval the final plat of Ramblewood 13th Addition.
 7. Consider for approval the final plat of Sunrise View Estates 1st Addition.
 8. Consider 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.
 10. Consider approval of the employment contract for the Business Development & Communications Director.

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11. Consider budget amendment to the 2012 Water and Sewer Utility Fund to upsize water main in Plainview Heights 13th Addition.

F. OLD BUSINESS:

G. 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 46th Avenue SE
 - ii. Edgewood Management Group, LLC, for a project at 40th Street SE & McKenzie Drive
 - iii. BOS Solutions, Inc. for a project at 2916 34th Street NW

H. 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.

I. OTHER BUSINESS:

J. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. October 16, 2012
2. November 6, 2012
3. November 20, 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.

The Mandan City Commission met in special working session at 3:30 p.m. on September 18, 2012 at Mandan City Hall, 205 2nd Ave NW, in the former Morton County Library Room. In attendance for the Mandan City Commission were Mayor Van Beek, Commissioners Tibke, Rohr, Frank, and Braun. City Department Heads present were City Attorney Brown, City Administrator Neubauer, Business Development & Communications Director Huber, and City Assessor Barta. Also in attendance for the Mandan Growth Fund were Tim Spilman, Dennis Friesz, Mike Schaff, Annette Behm-Caldwell, Mark Weide, Todd Steinwand and Rick Horn. Citizens present were Deb Holter, Robert Vayda (Architectural Review Commission), and Richard Mower (BMDA).

NEW BUSINESS:

1. *Discussion related to the City of Mandan Commercial Property Tax Exemption Policy and Guidelines.* Mayor Van Beek thanked everyone for attending. We want input from the Mandan Growth Fund.

Tim Spilman indicated that the Mandan Growth Fund (MGF) wants consistency in the policy whatever it is to be, in the future. He mentioned that Mandan and Bismarck should be seeing growth in the next 5 years that is hard to imagine. He questioned whether we need incentives.

Dennis Friesz brought up the negative comments that are always about property tax. Maybe at the 3rd year of exemption we should start seeing money coming into the community.

Tim Spilman asked why are we here today.

Jim Neubauer replied that there isn't a consensus from the MGF and no consensus among the City Commission; therefore it was suggested to put both groups together to discuss the policy.

Mayor Van Beek said that they would like some cohesiveness in the Policy that both groups can agree with.

Commissioner Rohr indicated he is not in favor of investing tax money in infrastructure for new business as then you are taking tax dollars as incentives.

Tim Spilman referred to a "Big Box" which could have built 5 miles outside of town and want to get them in town to generate the sales tax. Incentives are a part of the picture.

Mark Weide said that it does not matter who comes here, his job is to get the services here based upon what the community wants.

Todd Steinwand said that he would prefer a world where there is no need for incentives. But that's not the reality. Due to competing communities you need to be in the game. It used to be in the primary sector there wasn't retail. But now there is the unique situation

with Bismarck getting all the retail. The sales taxes are going to Bismarck. Enough surveys are done to say that retail is important. When is enough incentive enough? There is a need for incentives to encourage needed business in the community.

Tim Spilman mentioned that he would like to remove the multifamily housing exemption.

Commissioner Rohr said that at last year's NDLC, (North Dakota League of Cities), high density was needed.

Commissioner Tibke indicated that she would like to move back to discussion on commercial exemptions. She questioned whether we should we provide incentives or not?

Commissioner Frank referred to making decisions for the community at large, not specific entities.

- A) – Equity in decisions that we make. Warehousing is one not provided incentives, but she is OK with that.
- B) – The amount of exemption always comes up. The 2 year 75%/100% homeowner exemption is OK
- C) – Housing is also a concern.

Commissioner Rohr states that we need land & zoning & infrastructure for housing to move forward.

Commissioner Frank indicated some push back from those between 2 units and 23 units. There is nothing for them. Community members appreciate some smaller exemptions.

Todd Steinwand inquired whether we need to incent housing as there were only forty-three homes on the market last month. The Legislature may enact property tax relief in the next session.

Mark Weide noted that we do not have to give 100% to everyone. We should look closely at the first two years at 100% to help them get over the hurdles.

Tim Spilman asked if everyone in favor of some incentives?

City Attorney Brown responded that no vote is needed since it seems the consensus is that yes they are needed.

Tim Spilman said that recommendations from the Mandan Growth Fund are impacting positive things in the community.

Mark Weide mentioned that the MGF should not rubber stamp them.

Deb Holter, a Mandan citizen, remarked that it would be an illegal delegation of authority if the Commission puts that decision to the Mandan Growth Fund.

Todd Steinwand replied that the Mandan Growth Fund would not rubber stamp incentives but the Mandan Growth Fund only makes recommendations to the City Commission which has the final say.

Commissioner Tibke mentioned that it would be her preference that they do not send different messages to the businesses in the community.

Business Development & Communications Director Huber replied that we should encourage, not toss out, 100% over 5 years, as they may be necessary in certain circumstances to attract new businesses.

Annette Behm-Caldwell agreed that we should not toss out the 100% exemption. Now is not the time to put on breaks as we still have catching up to do. We are not spending money simply deferring collection. We are not giving people money.

Commissioner Braun suggested for now, exemptions for the next two years, we should keep going. Do not gamble and assume we are going to grow. Mayor Van Beek concurred with this and wants the community to keep moving forward.

Commissioner Rohr brought up that for a homeowner of a \$75,000 home, the 1st two years may be only 1/3 of the house value. Apartments are not job creators.

Todd Steinwand replied that apartments will be overbuilt. One of the issues we face is that businesses are unable to hire people because there isn't any living space for their employees.

Commissioner Tibke mentioned that housing is critical because of the need to have housing to work, and then the employees can shop & eat in Mandan.

Commissioner Braun asked how many apartments in 4, 8, 12 units?

Rick Horn indicated that to make affordable housing work, they need 24+ units due to the land price, etc. They favor getting supply up to get rents down.

Commissioner Frank said that affordable housing cannot be accomplished by this group and there are other groups in the community looking at this issue. However, as suggestion might be to allow the first \$75,000 exemption/unit no matter how many units are constructed.

Tim Spilman suggested leaving the policy alone. It is OK to do \$75,000/apartment complexes 24 units and above.

Business Development & Communications Director Huber stated that the only way to get to second tier exemption is jobs. They may want to consider other items.

Annette Behm-Caldwell said she likes the significant public benefit portion of jobs not being the only factor as creating sales tax may be another significant benefit.

Todd Steinman replied that many incentive programs are moving away from jobs.

Commissioner Frank mentioned that businesses want some consistency and it would be beneficial if a member of the Mandan Growth Fund would come to the Commission meeting where property tax exemptions are requested to discuss the recommendations from the Mandan Growth Fund.

Todd Steinwand mentioned in the retail world there are always competitors and granting exemptions to retail establishments is generally granting exemptions to a competitor. If that is the direction, then that is OK.

Commissioner Tibke said we need to get public service education out on how the tax breaks affect the public.

The general consensus was to have staff draft recommend changes to the policy and schedule another working session where such changes would be discussed.

ADJOURN

There being no further actions to come before the Board, Commissioner Frank moved to adjourn the meeting at 4:50 p.m. Commissioner Rohr seconded the motion. The motion received unanimous approval of the Board members present and the meeting adjourned.

James Neubauer,
City Administrator

Arlyn Van Beek
President, Board of City
Commissioners

The Mandan City Commission met in regular session at 5:00 p.m. on September 18, 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 Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development and Communications Director Huber, and Engineering Project Manager Bechtel. Absent: City Assessor Barta.

MINUTES: *Consider approval of the minutes for September 4, 2012 regular meeting minutes.* Commissioner Tibke moved to approve the minutes of the September 4, 2012 regular meeting minutes. Commissioner Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

PUBLIC HEARING:

1. *Public Hearing scheduled at 6:00 p.m. to review and discuss the Preliminary 2013 Budget. (See Ordinances and Resolutions #1 thru #3).* Finance Director Welch stated that since this is a public hearing, he doesn't have a presentation. This is an opportunity for those in the public to address the Commission if they wish regarding the 2013 Budget.

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 Preliminary 2013 Budget. 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 bids for the purchase of the former water reservoir property and demolition of the structure off 8th Avenue NW.* Business Development and Communications Director Huber presented a request to consider the award of bids for the sale and demolition of the former water reservoir property. The invitation for bids was approved at the July 17, 2012 meeting with a deadline for sealed bids by August 22, 2012. Two bids were received by the deadline: Bid No. 1) Leslie Volochenko at \$1,000. He additionally submitted a written offer on 9/11/12 to purchase the property and retain the reservoir for use as a shop and storage building. He indicated that he does not wish to demolish the structure, which is required under the bid document. Bid No. 2) Harmony Properties at \$5,000 would include demolition of the structure. Harmony requested there be no landfill charge. Public Works estimated the demolition of the reservoir will be approximately 989 tons of material for disposal at the landfill. Huber stated that the recommendation is to award the bid to the high bidder, Harmony Properties, LLC in the amount of \$5,000 that would include demolition of the structure as required by the bid document and to waive the landfill fees. Commissioner Frank requested the bid acceptance incorporate language that would include a requirement that they would in good faith remove the rebar and metal from the cement since the City will be waiving the cost at the landfill. City Administrator Neubauer commented that discussions have occurred at department head meetings about separating rebar from the cement and the costs to do that would be extraordinarily high, if even possible, but he stated that request

can be made. Director of Public Works Wright stated that any good cement that could be salvaged would be crushed and recycled. Commissioner Braun inquired if the project could be re-bid in order to attract any contractors that would include the removal costs within the bid. Huber replied that this was the second time the project was put out on bids. The first was in May with a deadline in June and there were no respondents. She explained the \$19,600 in soft costs was an estimate of costs put together by Director of Public Works Wright, Engineering Project Manager Bechtel and Water Treatment Plant Superintendent Duane Friesz, based on dimensions they thought would be generated in terms of concrete, metal and piping. Huber stated that an alternative for the city to put out bids would be to demolish the structure or issue a request for bids for the demolition and estimates to do that would cost anywhere from \$50,000 to \$100,000. City Attorney Brown stated that if the Commission follows the recommendation of Commissioner Braun to re-bid the project, the Commission would have to reject all the bids presented.

Commissioner Frank motioned to approve awarding the bid for the sale of the city owned property to include demolition of the former water reservoir to the high bidder of Harmony Properties, LLC to include the waiver of landfill fees. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider bids for the Outfall Rehabilitation.* Steve Himmelspach, Wastewater Treatment Plant (WWTP) Superintendent reviewed with the Board a request to award the bid contract for the WWTP Outfall Rehabilitation Project. Bids were opened on 9/6/12 and five bids were received by the closing date. He gave a short background on the matter stating that as the elevation of the Missouri River increases, the WWTP discharge does not function properly. Currently the WWTP outfall normally flows under gravity conditions. He said that AE2S completed the Wastewater Collection System Master Plan in December 2011 but during the 2011 flood the improvements were emphasized when the existing pump facility could not perform as intended because of the condition of the existing outfall pipeline and manholes. To correct the issues, the outfall pipeline and manholes will be sealed to perform during high river level events that occur. The lined outfall pipe will prevent further structural degradation of the existing pipe and will also increase the hydraulic capacity of the pipeline to allow for future flow increases.

Himmelspach stated that funding for the project is through an infrastructure grant and is a 50% local match. The estimated project construction cost is \$1,134,359 and the \$672,938 of the legal, administration, and engineering costs has been funded by grant money. In March 2012 the City Commission approved \$1,000,000 local funding match for the City's 50% match through an SRF loan. The City's portion of the project will be \$664,679 and that has been included in the 2013 Water and Sewer Utility base rate. Himmelspach recommended awarding the bid contract to Swanberg Construction, Inc. in the total amount of \$986,399.10 for the WWTP Outfall Rehabilitation project, contingent on approval of the ND Department of Health.

Commissioner Frank motioned to approve the bid award to Swanberg Construction, Inc. for a total amount of \$986,399.10 for the WWTP Outfall Rehabilitation project, contingent on approval of the ND Department of Health. 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.

CONSENT AGENDA:

1. *Consider approval of monthly bills.* The Board approved of the monthly bills.
2. *Consider approval of street names Wildrye Street and Meadow View Drive changed to Wildrye Circle NW. (First consideration of ordinance 1130).* The Board approved of the street names Wildrye Street and Meadow View Drive changed to Wildrye Circle NW. (First consideration of ordinance 1130).
3. ~~*Consider approval of a site authorization for the ND Cowboy Hall of Fame from October 1, 2012 through July 31, 2013.*~~
4. *Consider approval of out-of-state travel for U.S. Treasury Small Business Credit Initiative Conference.* The Board approved of out-of-state travel for U.S. Treasury Small Business Credit Initiative Conference.
5. *Consider budget amendment to the 2012 Cemetery Fund Budget for the purchase of a used pickup.* The Board approved of the budget amendment to the 2012 Cemetery Fund Budget for the purchase of a used pickup.
6. *Consider Change Orders for Residual Management Facility Project.* The Board approved Change Orders for Residual Management Facility Project.
7. *Consider Change Orders for Southside Pump Station Project.* The Board approved Change Orders for Southside Pump Station Project.
8. *Consider approval of Sunday openings for Mandan Eagles for October 7th and 14th; November 11th and 25th and December 9th and December 16th.* The Board approved of the Sunday openings for Mandan Eagles for October 7th and 14th; November 11th and 25th and December 9th and December 16th.

Commissioner Frank moved to approve the Consent Agenda as presented.

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.

OLD BUSINESS:

1. *Vacation of the south 40' of 4th Street NE public right-of-way of the east quadrant of the intersection of 9th Avenue NE and 6th Avenue NE, as platted in Helmsworth-McLean Addition.* City Attorney Brown stated that this matter was discussed at the September 4, 2012, meeting and an attorney for one of the landowners objected to the right of way being vacated. In this case, NDCC Section 40-39-05 provides that a public street can be vacated only on a petition “signed by all of the owners of the property adjoining the plat to be vacated”. In this situation the request was made by Sanela Alagic. Opposition to the vacation was presented by the owner of the property abutting the N. 40' of 4th Street Northeast. Because the owner of the property on the north side of 4th Street Northeast owns to the center of the street, the owner “adjoins” the

40' proposed to be vacated and in the absence of that property owner's consent, the vacation cannot take place. Attorney Brown recommended that the request to vacate the S. 40' of 4th Street Northeast public right of way, the East quadrant of the intersection of 9th Avenue NE and 6th Avenue Northeast, be denied.

Commissioner Rohr moved to deny the request for the vacation of the south 40' of 4th Street NE public right-of-way of the east quadrant of the intersection of 9th Avenue NE and 6th Avenue NE, as platted in Helmsworth-McLean Addition. Commissioner Frank seconded the motion. Commissioner Braun stated that he was disappointed that a resident who would like to expand their property, (noting that the property most likely would never be used as a street), could not do so because a concession could not be found to resolve the matter between the landowners involved. But it is the law and that law shall be followed. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

NEW BUSINESS:

1. *Consider appointment to the Board of Directors of the Bismarck Mandan Development Association.* City Administrator Neubauer requested the Board appoint one Mandan City Commission representative to the Bismarck-Mandan Development Association (BMDA) Board of Directors as a voting seat on that Board. This appointment would last until the City Commission determines to make another appointment. Commissioner Tibke suggested Commissioner Braun be appointed because he holds the business portfolio; however Commissioner Frank held that portfolio the previous two years. Commissioner Braun commented that commissioner candidates that have held that position before would be a better fit to the appointment of the BMDA Board.

Commissioner Frank motioned to appoint Commissioner Braun as the Mandan City Commission representative to the Board of Directors of the Bismarck Mandan Development Association. Commissioner Tibke seconded the motion. Commissioner Braun declined acceptance of the appointment and suggested amending the motion to appoint Mayor Van Beek to the BMDA position. Commissioner Rohr commented that there should be continuity when commissioners are being appointed to areas they will be overseeing; thus it would be an advantage to the commissioner who has been appointed that portfolio to accept such an appointment if at all possible. Commissioner Braun reconsidered and accepted the appointment to the Board of Directors of the Bismarck Mandan Development Association. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider making Collins & Main property available for sale and redevelopment.* Business Development and Communications Director Huber reviewed with the Board consideration to make available for sale and redevelopment city owned land parcels at the corner of Collins Avenue and Main Street at 100 Collins, 104 East Main, 106 East Main,

and 108 East Main. She stated that the City has received an offer for the property at Collins and Main Street that meets the previous asking price of \$10 per sq. ft. Previous offers occurred in 2008 when 3 proposals were received and Hopfauf Custom Builders was selected and they were never to a point in closing on the purchase of the property. In 2011 the City entered into a real estate agreement with Oaktree Realty to have it listed on the multiple listing services. That agreement expired in 2/2012 and at that time the commission chose not to renew. In order to offer the property for sale it has to be offered formally to the public for potential offers or bids. Options would be a public auction or request for sealed bids, listing with a real estate agent, non-exclusive on a multiple listing service or issuing another request for a redevelopment proposal, all of which have pros and cons to each of the options. Huber has discussed this matter with Commissioner Braun and it is her recommendation that the City issue a Request for Proposals for the purchase and redevelopment of the Collins and Main property within a 45-day deadline for responses.

Commissioner Tibke stated that she is in favor of putting this property back up for proposals. However she recommended using verbiage in the contract that addressed claw backs with the percentage of the project not changing once the 45-day term has closed. Huber replied that the City has the option to set claw backs right up until the closing. Commissioner Tibke clarified that her suggestion is that once a proposal is received that the prospective buyer not deviate from the proposal as submitted.

Commissioner Tibke moved to approve the City issue a Request for Proposals for the purchase and redevelopment of the Collins and Main property with a 45 day deadline for responses. Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6th & 7th Additions).* Engineering Project Manager Bechtel reviewed with the Board a request for the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6th & 7th Additions). He stated the developer would like to develop an additional subdivision of the Lakewood area along McKenzie Drive west of 40th Avenue Southeast. He indicated that the estimated cost including engineering and administration is \$1.1 million. He noted that 50% of the project will affect the new school district in that area and 50% will be assessed to the rest of the property owners in that area. Bechtel informed the Board that the School District is aware of this project and the costs that will be associated with it and did not object to the project. He recommended moving forward with the project.

J.D. Nash from Kadrmas, Lee and Jackson (KLJ) came forward to speak on behalf of the project request from Mitzel Builders. He stated that he confirmed today with Mitzel that the parcels along McKenzie Drive are spoken for and there are three commitments for golf course lots and several pending commitments, depending on what happens at this

meeting regarding the costs to be assessed. Commissioner Tibke inquired whether it has been determined what the cost will be per lot with the school district willing to accept their share of the costs. Bechtel replied the numbers provided by KLJ for assessments based on square footage of the front lots show that approximately \$878,000 will be going to the school lot. This is dealing with this New Business Item No. 3 only. New Business Item No. 4 will include the assessment of the utilities with an additional 25% in addition to construction costs, so overall the school will receive approximately \$1.1 million as part of the improvements. Bechtel said that rest of the lots will be approximately \$7,000 to \$30,000. Bechtel stated he had a confirmation from Superintendent Bitz that the School District is aware of the costs for the improvements.

City Attorney Brown indicated that New Business Items 3 and 4 go together. He stated that under No. 4, the sewer and water improvement call for bids has not been done by the City for many years. The property owners cannot protest out the sewer and water district but the School District would have legal authority to protest out the street improvement project. Bechtel explained that since both the school district and the developer's properties will benefit from the project, the City in the past has handled projects such as these in this fashion. He recommended approval that both projects be handled together under the circumstances and explanations as provided.

Commissioner Frank moved to approve the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6th & 7th Additions). 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.

4. *Consider the creation of, approval of the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Water & Sewer Improvement District No. 60, Project No. 2012-21 (Lakewood 6th & 7th Additions).* Commissioner Frank moved to approve the approval of the feasibility report for, approve the plans and specifications for, and authorize a call for bids on Water & Sewer Improvement District No. 60, Project No. 2012-21 (Lakewood 6th & 7th Additions). 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.

5. *Consider approval for a change order on Project 2010-13 D161 (North Mandan street project).* Engineering Project Manager Bechtel reviewed with the Board a request for a change order on Project 2010-13 D161 (North Mandan street project). He stated that this request came from the School District. They were in the original project boundary for this and had the parking lot portion of the project which benefited the school. When work was being completed on this project there was other work in that area that needed to be done and the City was asked to do it while they were there. The School District authorized the work to be done and agreed to the costs but with any other

change order with the City in excess of \$50,000 has to be brought before the Commission for approval. Again, this was work requested by the School District and it will be special assessed back to them. The change order is a formality allowing them to be special assessed for the excess costs. The amount of the change order is \$66,525.92; however, \$1,325.00 of that cost is part of the Northwest Street Project. The School District portion will be \$65,200.92.

Commissioner Rohr moved to approve the change order on Project 2010-13 D161 (North Mandan street project) in the amount of \$66,525.92. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

6. *Consider residential trash collection agreement.* City Administrator Neubauer stated that the City is near the end of the five-year contract of the Residential Trash Collection Agreement with Dakota Sanitation Plus, Inc. who has changed its name to Armstrong Sanitation. The current rate is \$4.25 per month per household that the City is paying to Armstrong Sanitation and the City is looking at what was agreed to 5 years ago; that being the ability to extend this agreement for another 5 year term. Armstrong stated that their rate over the last 10 years has increased \$.05 per month, per household, per year. Neubauer stated that the rate is lower than other competitors. Neubauer stated the current agreement ends on 10/31/12 and the City would like to renew the contract for another 5 year term commencing 11/1/12 with the same option at the end of that term to renew for another 5 years at the same increase of \$.05 per month, per household, per year. Curb side recycling has not been discussed with Armstrong Sanitation. Neubauer projected it would take about a year to review the curb side options and that could be made a part of the contract if directed by the City Commission. Peggy Becker was available for questions.

Peggy Becker, Armstrong Sanitation, came forward and stated that she has had discussions with Bismarck and they are researching curb side recycling. She recommended waiting until Bismarck decides what they will do. Neubauer stated he has had preliminary discussions with Bismarck; however, no determination has been made as to what the fees or charges would be. The problem is finding a market for the material. Commissioner Tibke stated she is interested in curb side recycling in Mandan and she would be interested in feedback from commissioners and the community to include feedback if there were to be an increase in monthly fees for curbside recycling services. At that, she stated she is hesitant about renewing a 5 year contract unless there is an option to renegotiate the contract to include curbside recycling should that become an option in Mandan. Ms. Becker stated that she would be willing to come back at a time in the future if that is what the City wishes to do. She clarified that it will be a different company, a different truck that will involve the recycling process. Administrator Neubauer indicated that it would probably be in the best interests of both parties to negotiate two separate contracts, one for the trash and one for recycling. He stated that the recycling question was addressed in the Mandan Messenger but there were not many responses because the cost was not determined. He recommended that as things evolve

with recycling research, the citizens could be polled as to what amounts they would be willing to pay for the service. Commissioner Frank inquired about the trash tote expense for the residents. Becker replied that she provides totes for residents who request them. There currently about 700 totes currently in use at the rate of \$2.50 per mo. The majority who request them are new residents to the City who had the service where they moved from. She stated that if the City would require residents to have them, she would upgrade to a truck that would have an arm loader on it. She stated that if the city would request residents to have the totes and the City would charge the resident, she would purchase approximately 5000 of them at the cost of \$75 each. Commissioner Frank suggested moving forward with discussion on trash totes. She inquired if that would reduce the manpower resulting in lower cost to the City. Becker stated the process would go a little quicker but two people will still have to be in the truck. However, once the truck would be ordered, it would take about 4-5 trucks to roll the plan out throughout the city.

Neubauer stated that discussion on the totes has taken place at the City Commission level and it has become an issue with billing and it would be easier for the City to add the cost to the water bill. Neubauer would not recommend that the City provide the totes because it would then become a storage problem. Commissioner Frank stated that she would like to see the City provide this service for the residents under the current budget if there are funds available. She pointed out that from the perspective of citizens, that by having the totes in place, the community is a much cleaner environment. She would like to see funding made available to provide this service without increasing utility rates. Becker clarified the \$1.50 would cover her costs to purchase the totes, which would cost her approximately \$800,000 to purchase. Neubauer commented that at \$1.50 per month for 55,664 household accounts that would cost approximately \$8,400 per month additional, or over \$100,000 per year, to offer this service to all homeowners in the city. Greg Welch, Finance Director, requested additional time to review the request and put together a response as to what impact it would have on the Water Utility fund. Neubauer stated that if the Board wishes to add totes to the contract, that would be an additional issue to negotiate but the City would have to deal with how to fund it.

Commissioner Frank motioned to approve an additional five-year term to the residential trash collection agreement with Armstrong Sanitation. Aside from the motion, City staff was directed to research the feasibility of the addition of totes along-side this contract. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

RESOLUTIONS & ORDINANCES:

1. *Consider the second and final consideration of Ordinance No. 1129 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2013, and ending December 31, 2013, and making the annual tax levy for the year 2012.* Commissioner Frank moved to approve the second and final consideration of Ordinance No. 1129 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2013, and ending December 31, 2013, and making the

annual tax levy for the year 2012. Commissioner Tibke seconded the motion. Finance Director Welch stated that there have been no verbal or written opposition to the budget as proposed. Commissioner Tibke extended a thank you to City staff and department heads for their dedication and services to the City of Mandan. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

2. *Consider Resolution establishing rates and charges for services from the Water and Sewer Utility Fund.* Commissioner Tibke moved to approve the Resolution establishing rates and charges for services from the Water and Sewer Utility Fund. 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.

3. *Consider Resolution establishing rates and charges for services from the Street Light Utility Fund.* Commissioner Tibke moved to approve the Resolution establishing rates and charges for services from the Street Light Utility Fund. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Consider Resolution to vacate the erroneously vacated public right-of-way as platted in Helmsworth-McLean Addition.* City Attorney Brown stated that the motion to vacate that was tabled at the last meeting was erroneously signed. This Resolution is to “vacate the vacation”. Commissioner Tibke moved to approve the Resolution to vacate the vacation of the public right-of-way as platted in Helmsworth-McLean Addition. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

5. *Consider first consideration 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 Frank moved to approve the first consideration 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.

6. *Consider a Resolution of Amendment Authorizing the Issuance of Sewer Improvement Interim Certificates of 2008, Series B and Sewer Improvement Revenue Bonds of 2008, Series B, and the State Revolving Fund Program Loan Agreement with the North Dakota Public Finance Authority for Improvements at the Highway 1806 Sanitary Sewer Force Main.* Finance Director Welch stated that this is a formality based

on the loan agreement that the city has with the state through the SRF program. The requirement is that once the project is fully funded that the temporary borrowing is then exchanging to permanent financing based upon what the loan agreement requires therefore this resolution will do that. In addition this is not a new loan amount or additional borrowing, the annual debt requirements for financing which this bond is already in existence for the city sewer and water rates.

Commissioner Frank moved to approve a Resolution of Amendment Authorizing the Issuance of Sewer Improvement Interim Certificates of 2008, Series B and Sewer Improvement Revenue Bonds of 2008, Series B, and the State Revolving Fund Program Loan Agreement with the North Dakota Public Finance Authority for Improvements at the Highway 1806 Sanitary Sewer Force Main. 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.

7. *Consider Resolution establishing new rates for police and fire emergency response to false alarms.* Fire Chief Nardello stated that in 1988 the Mandan Fire Department established fees and false alarm charges in the amount of \$15 registration fee, per alarm, per year and a \$25 false alarm fee. Nardello recommended that the fees be revised as follows: 1-3 false alarms at No Charge; 4-6 False Alarms at \$150; 7-9 False Alarms at \$300; More than 10 False Alarms at \$500. Nardello explained that the intention is to reduce the number of False Alarms the departments have to answer to at those entities that do not maintain their alarm systems adequately. He stated that the police department probably answers more burglary false alarms than the fire department answers to fire or emergency false alarms. Police Chief Bullinger stated that in 2011 the fire and police responded to 301 alarms. Of that 241 were identified as false alarms.

Commissioner Tibke moved to approve the Resolution establishing new rates for police and fire emergency response to false alarms. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

OTHER BUSINESS:

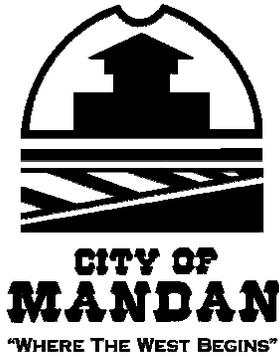
1. Commissioner Frank announced that for anyone interested in increasing the amount of retail/services in the Mandan community, (and if they are curious how businesses are attained), there will be a free Franchising 101 presentation offered on September 27, 2012, in conjunction with the BMDA, the Chamber of Commerce, the Mandan Business Development Office and the Mandan Tomorrow Economic and Prosperity Committee. This information can be found at the bismarckmandan.com website. Click on “events” and you can participate in that franchising presentation.

There being no further actions to come before the Board of City Commissioners, Commissioner Frank moved to adjourn the regular meeting at 6:21 p.m. Commissioner

Braun seconded the motion. The motion received unanimous approval of the members present. The motion passed.

James Neubauer,
City Administrator

Arlyn Van Beek,
President, Board of City
Commissioners



Board of City Commissioners

Agenda Documentation

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

STATEMENT/PURPOSE: To consider a five year tax exemption for a commercial structure pursuant to North Dakota Century Code 40-57.1.

BACKGROUND/ALTERNATIVES: Mr. Pilsner is asking for an exemption for the construction of a new commercial structure. The Notice to Competitors was published in the September 7th and September 14th of the Mandan News and no competitors have submitted a written protest.

SHORT DESCRIPTION OF PROJECT: Mr. Pilsner is proposing a Steel building with steel siding, brick front, 6,600 square foot warehouse, with 2,200 square feet of office space.

OF JOBS TO BE CREATED: 30

This parcel is also known as Parcel # 2691 at 2916 34th St. NW on Lot 7 Block 2 Mandan Industrial Park 1st Addition

ATTACHMENTS: Application

FISCAL IMPACT: \$24,203.00 per year

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

Board of City Commissioners

Agenda Documentation

Meeting Date: October 2, 2012

Subject: Property Tax Incentives for New or Expanding Businesses for BOS Solutions Inc.

Page 2 of 6

RECOMMENDATION: Approval of a Property Tax Incentive for New or Expanding Businesses for BOS Solutions Inc. in accordance with the recommendation from the Mandan Growth Fund Committee with conditions of a 100% exemption for five years due to number of jobs created meeting all criteria under the City of Mandan's Commercial Property Tax Exemption Policy and Guidelines and also under State Statute.

SUGGESTED MOTION: A motion to approve a Property Tax Incentive 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 meeting all criteria under the City of Mandan's Commercial Property Tax Exemption Policy and Guidelines and also under State Statute.

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

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

Project Operator's Application To MANDAN
City or County

Oct 2

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

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

This application is a public record

Identification Of Project Operator

1. Name of project operator Bos Solutions Inc.

2. Address of project 2916-34 Street NW
 City Mandan, ND County Morton

3. Mailing address of project operator #1200, 635 - 8 Avenue SW
 City Calgary, Alberta (Canada) State _____ Zip T2P-3M3

4. Type of ownership of project
 Partnership Subchapter S corporation Individual proprietorship
 Corporation Cooperative Limited liability company

5. Federal Identification No. or Social Security No. _____

6. North Dakota Sales and Use Tax Permit No. _____

7. If a corporation, specify the state and date of incorporation Colorado

8. Name and title of individual to contact Nash Gulamhussein
 Mailing address #1200, 635 - 8 Avenue SW
 City, State, Zip Calgary, Alberta, (Canada) T2P-3M3 Phone No. (403) 231-8103

Project Operator's Application For Tax Incentives

9. Indicate the tax incentives applied for and terms. Be specific.

Property Tax Exemption **Payments In Lieu of Taxes**

5 Number of years 2012 Beginning year 2033 Ending year
100% Percent of exemption \$ 10,000 Amount of annual payments (attach schedule if payments will vary)

10. Which of the following would better describe the project for which this application is being made:
 New business project Expansion of a existing business project

Description of Project Property

11. Legal description of project real property

Block 2, Lot 7, Mandan Industrial Park 1st Mandan, ND.
 Excepting thereout all mines and minerals containing (2.35 acres) more or less.

12. Will the project property be owned or leased by the project operator? Owned Leased

If the answer to 12 is leased, will the benefit of any incentive granted accrue to the project operator?
 Yes No

If the property will be leased, attach a copy of the lease or other agreement establishing the project operator's benefits.

13. Will the project be located in a new structure or an existing facility? New construction Existing facility

If existing facility, when was it constructed? _____

If new construction, complete the following:

a. Estimated date of commencement of construction of the project covered by this application Aug/Sept, 2012

b. Description of project to be constructed including size, type and quality of construction

6,600 square feet Warehouse
 2,200 square feet Office Space
 Steel building with Steel siding + brick front

c. Projected number of construction employees during the project construction 30

14. Approximate date of commencement of operations for this project Mar - May 2013

<p>15. Estimated market value of the property used for this project:</p> <p>a. Land \$ <u>400,000</u></p> <p>b. Existing buildings and structures for which an exemption is claimed \$ <u>-0-</u></p> <p>c. Newly constructed buildings and structures when completed \$ <u>1,200,000</u></p> <p>d. Total \$ <u>1,600,000</u></p> <p>e. Machinery and equipment \$ <u>400,000</u></p>	<p>16. Estimate taxable valuation of the property eligible for exemption by multiplying the market values by 5 percent:</p> <p>a. Land (not eligible) </p> <p>b. Eligible existing buildings and structures \$ <u>-</u></p> <p>c. Newly constructed buildings and structures when completed \$ <u>60,000</u></p> <p>d. Total taxable valuation of property eligible for exemption (Add lines b and c) \$ <u>60,000</u></p> <p>e. Enter the consolidated mill rate for the appropriate taxing district. (<u>2011 Mill Rate</u>) <u>0.4038</u></p> <p>f. Annual amount of the tax exemption (Line d multiplied by line e) \$ <u>24,203. ✓</u></p>
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Description of Project Business

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

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

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

The Company's principal business is the rental of well-site fluid handling equipment to the oil & gas industry. The Project Operator will utilize the facility in Mandan to overhaul, repair and service equipment.

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

Overhead Crane, Air Compressor, Pressure Washer

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

Year	2013	2014	2015	2016	2017
Annual revenue	51M	54M	54M	54M	54M
Annual expense	41.9M	44.3M	44.3M	44.3M	44.3M
Net income	9.1M	9.7M	9.7M	9.7M	9.7M

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

Year	2013	2014	2015	2016	2017
No. of Employees (1)	80	114	114	114	114
(2)	-	-	-	-	-
Estimated payroll (1)	10.7M	15.3M	15.3M	15.3M	15.3M
(2)	-	-	-	-	-

(1) - full time
 (2) - part time
 2012-13-24

Previous Business Activity

22. Is the project operator succeeding someone else in this or a similar business? Yes No

23. Has the project operator conducted this business at this or any other location either in or outside of the state?
 Yes No

24. Has the project operator or any officers of the project received any prior property tax incentives? Yes No
 If the answer to 22, 23, or 24 is yes, give details including locations, dates, and name of former business (attach additional sheets if necessary).

The project operator has conducted this business in Colorado, Texas & Pennsylvania.

Business Competition

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

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

Property Tax Liability Disclosure Statement

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

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

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

Use Only When Reapplying

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

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

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

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

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

Notice to Competitors of Hearing

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

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

[Signature] Chief Operating Officer Aug 14, 2012
 Signature Title Date

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

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

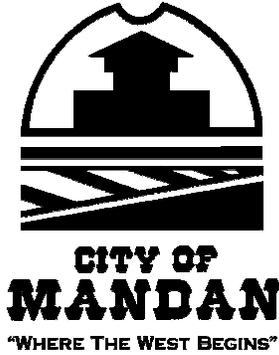
The municipality shall, after granting any property tax incentives, certify the findings to the State Tax Commissioner and Director of Tax Equalization by submitting a copy of the project operator's application with the attachments. The governing body, on the _____ day of _____, 20____, granted the following:

Property Tax Exemption **Payments in lieu of taxes**

_____ Number of years _____ Beginning year _____ Ending year

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

_____ Auditor



Board of City Commissioners

Agenda Documentation

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

STATEMENT/PURPOSE: To consider a five year tax exemption for a commercial structure pursuant to North Dakota Century Code 40-57.1.

BACKGROUND/ALTERNATIVES: Mr. Frank is asking for an exemption for the construction of a new commercial structure. The Notice to Competitors was published in the September 7th and September 14th of the Mandan News and no competitors have submitted a written protest, but Morton County submitted a written protest. (See Attached).

SHORT DESCRIPTION OF PROJECT: Mr. Frank is proposing a 4,086 square foot finished office space; 1,901 square foot garage, Wood frame; Stucco, brick, steel siding exterior, asphalt roof, hipped roof lines; average construction, modern exterior look.

OF JOBS TO BE CREATED: 90

This parcel is also known as Parcel #9880 at 2101 46th Ave SE on Lot 3A2 of a portion of Lot 3A of Lot 3, Block 2 Lakewood Commercial Park

ATTACHMENTS: Application

FISCAL IMPACT: \$11093.00 per year

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

Board of City Commissioners

Agenda Documentation

Meeting Date: October 2, 2012

Subject: Property Tax Incentives for New or Expanding Businesses for Diversity Homes Inc.

Page 2 of 6

RECOMMENDATION: Approval of a Property Tax Incentive for New or Expanding Businesses for Diversity Homes Inc. in accordance with the recommendation from the Mandan Growth Fund Committee with conditions of a 100% exemption for 5 years based on the number of employees, their meeting all criteria under the City of Mandan's Commercial Property Tax Exemption Policy and Guidelines and also under State Statute.

SUGGESTED MOTION: A motion to approve a Property Tax Incentive for New or Expanding Businesses for Diversity Homes Inc. in accordance with the recommendation from the Mandan Growth Fund Committee with the conditions of a 100% exemption for 5 years, their meeting all criteria under the City of Mandan's Commercial Property Tax Exemption Policy and Guidelines and also under State Statute.

Oct 2

Application For Property Tax Incentives For New or Expanding Businesses

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

Project Operator's Application To City
City of County

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

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

This application is a public record

Identification Of Project Operator

1. Name of project operator Diversity Homes, Inc.

2. Address of project 2101 4th Ave SE
City Mandan County Morton

3. Mailing address of project operator 4601 Borden Harbor Dr. SE
City Mandan State ND Zip 58554

4. Type of ownership of project
 Partnership Subchapter S corporation Individual proprietorship
 Corporation Cooperative Limited liability company

5. Federal Identification No. or Social Security No. _____

6. North Dakota Sales and Use Tax Permit No. _____

7. If a corporation, specify the state and date of incorporation North Dakota 3/16/2009

8. Name and title of individual to contact Jason Frank, President
Mailing address 4601 Borden Harbor Dr.
City, State, Zip Mandan ND 58554 Phone No. 701-400-5778

Project Operator's Application For Tax Incentives

9. Indicate the tax incentives applied for and terms. Be specific.

Property Tax Exemption **Payments In Lieu of Taxes**
5 Number of years _____ Beginning year _____ Ending year
Per year Percent of exemption _____ Amount of annual payments (attach schedule
schedule attached if payments will vary)

10. Which of the following would better describe the project for which this application is being made:
 New business project Expansion of an existing business project

Board of City Commissioners

Agenda Documentation

Meeting Date: October 2, 2012

Subject: Property Tax Incentives for New or Expanding Businesses for Diversity Homes Inc.

Page 4 of 6

Description of Project Property

11. Legal description of project real property

Lot 3A2 of a portion of Lot 3A of Lot 3, Block 2, Lakewood Commercial Park to the City of Mandan, Morton County, North Dakota

12. Will the project property be owned or leased by the project operator? Owned Leased

If the answer to 12 is leased, will the benefit of any incentive granted accrue to the project operator?
 Yes No

If the property will be leased, attach a copy of the lease or other agreement establishing the project operator's benefits.

13. Will the project be located in a new structure or an existing facility? New construction Existing facility

If existing facility, when was it constructed? _____

If new construction, complete the following:

a. Estimated date of commencement of construction of the project covered by this application October 1, 2012

b. Description of project to be constructed including size, type and quality of construction

4,086 SF finished office space; 1,901 SF garage; wood frame; stucco, brick, steel siding exterior; asphalt roof; hipped roof lines; average construction; modern exterior look

c. Projected number of construction employees during the project construction 90

14. Approximate date of commencement of operations for this project construction - Oct. 1st Business - April 1 201

15. Estimated market value of the property used for this project:

a. Land \$ 95,924

b. Existing buildings and structures for which an exemption is claimed \$ 0

c. Newly constructed buildings and structures when completed \$ 550,000

d. Total \$ 645,924

e. Machinery and equipment \$ 0

16. Estimate taxable valuation of the property eligible for exemption by multiplying the market values by 5 percent:

a. Land (not eligible) 

b. Eligible existing buildings and structures \$ -0-

c. Newly constructed buildings and structures when completed \$ 27,500

d. Total taxable valuation of property eligible for exemption (Add lines b and c) \$ 27,500

e. Enter the consolidated mill rate for the appropriate taxing district 40338

f. Annual amount of the tax exemption (Line d multiplied by line e) \$ 11,093.-

Board of City Commissioners

Agenda Documentation

Meeting Date: October 2, 2012

Subject: Property Tax Incentives for New or Expanding Businesses for Diversity Homes Inc.

Page 5 of 6

Description of Project Business

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

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

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

Diversity Homes constructs and sells spec homes and custom built homes ranging in price from \$200,000 to \$1,000,000+. We build in the Mandan/Bismarck area only. In 2012 our average sales price is over \$300,000 and we will build around 60 homes for the year.

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

NA

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

Year	2013	2014	2015	2016	2017
Annual revenue	\$10,000,000	\$12,000,000	\$12,000,000	\$14,000,000	\$15,000,000
Annual expense	\$9,150,000	\$11,030,000	\$11,105,000	\$12,920,000	\$13,925,000
Net income	\$850,000	\$970,000	\$895,000	\$1,040,000	\$1,075,000

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

Year	2013	2014	2015	2016	2017
No. of Employees (1)	7	10	12	15	15
(2)					
Estimated payroll (1)	\$335,200	\$550,700	\$693,945	\$910,770	\$956,500
(2)					

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

Previous Business Activity

22. Is the project operator succeeding someone else in this or a similar business? Yes No
23. Has the project operator conducted this business at this or any other location either in or outside of the state?
 Yes No
24. Has the project operator or any officers of the project received any prior property tax incentives? Yes No

If the answer to 22, 23, or 24 is yes, give details including locations, dates, and name of former business (attach additional sheets if necessary).

Currently operates in Mandan/Bismarck under name of Diversity Homes, Inc.

Board of City Commissioners

Agenda Documentation

Meeting Date: October 2, 2012

Subject: Property Tax Incentives for New or Expanding Businesses for Diversity Homes Inc.

Page 6 of 6

Business Competition

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

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

Red Door Homes - 3100 N 14th St, Bismark	Various other
Mitxel Homes - 2401 46th Ave SE, Mandan	home builders
Hoplauf Custom Builders - 1800 E main St, Mandan	

Property Tax Liability Disclosure Statement

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

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

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

Use Only When Reapplying

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

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

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

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

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

Notice to Competitors of Hearing

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

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

Signature Title Date

Jason Frank President 8/4/12

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

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

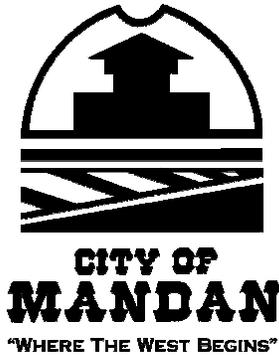
The municipality shall, after granting any property tax incentives, certify the findings to the State Tax Commissioner and Director of Tax Equalization by submitting a copy of the project operator's application with the attachments. The governing body, on the ____ day of _____, 20____, granted the following:

Property Tax Exemption Payments in lieu of taxes

_____ Number of years _____ Beginning year _____ Ending year

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

Auditor



Board of City Commissioners

Agenda Documentation

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

STATEMENT/PURPOSE: To consider a five year tax exemption for a commercial structure pursuant to North Dakota Century Code 40-57.1.

BACKGROUND/ALTERNATIVES: Edgewood Management Group LLC is asking for an exemption for the construction of a new commercial structure. The Notice to Competitors was published in the September 7th and September 14th of the Mandan News and no competitors have submitted a written protest.

SHORT DESCRIPTION OF PROJECT: Edgewood Management Group LLC is proposing an Assisted Living Facility, Phase 1 would be 72 Units, slab on grade, Wood frame structure.

OF JOBS TO BE CREATED: 25-35

This parcel is also known as Parcel # 6408 at 2801 39th Ave SE on Lot 9 Block 2 Lakewood 6th Addition

ATTACHMENTS: Application

FISCAL IMPACT: \$137,149.00 per year

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

Board of City Commissioners

Agenda Documentation

Meeting Date: October 2, 2012

Subject: Property Tax Incentives for New or Expanding Businesses for Edgewood Management Group LLC

Page 2 of 6

RECOMMENDATION: Approval of a Property Tax Incentive for New or Expanding Businesses for Edgewood Management Group LLC in accordance with the recommendation from the Mandan Growth Fund Committee with conditions of a 100% exemption for the first 2 years, 75% for year three, 50% for year four, 25% for year five employees according to meeting all criteria under the City of Mandan's Commercial Property Tax Exemption Policy and Guidelines and also under State Statute.

SUGGESTED MOTION: A motion to approve a Property Tax Incentive for New or Expanding Businesses for Edgewood Management Group LLC in accordance with the recommendation from the Mandan Growth Fund Committee with the conditions of a 100% exemption for the first two years, 75% for year three, 50% for year four, 25% for year five according to meeting all criteria under the City of Mandan's Commercial Property Tax Exemption Policy and Guidelines and also under State Statute.

Oct 2

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

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

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

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

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

This application is a public record

Identification Of Project Operator

1.	Name of project operator <u>Edgewood Management Group LLC</u>
2.	Address of project <u>2801 39 Ave SE</u> Lot 9, Block 2 of Lakewood Sixth Addn (40th St SE and McKenzie Drive)
	City <u>Mandan</u> County <u>Morton</u>
3.	Mailing address of project operator <u>2850 24th Ave S</u> City <u>Grand Forks</u> State <u>ND</u> Zip <u>58201</u>
4.	Type of ownership of project <input type="checkbox"/> Partnership <input type="checkbox"/> Subchapter S corporation <input type="checkbox"/> Individual proprietorship <input type="checkbox"/> Corporation <input type="checkbox"/> Cooperative <input checked="" type="checkbox"/> Limited liability company
5.	Federal Identification No. or Social Security No. _____
6.	North Dakota Sales and Use Tax Permit No. _____
7.	If a corporation, specify the state and date of incorporation <u>NA</u>
8.	Name and title of individual to contact <u>Rex Carlson, Treasurer</u> Mailing address <u>2850 24th Ave S</u> City, State, Zip <u>Grand Forks, ND 58201</u> Phone No. <u>701-738-2000 x314</u>

Project Operator's Application For Tax Incentives

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

Board of City Commissioners

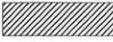
Agenda Documentation

Meeting Date: October 2, 2012

Subject: Property Tax Incentives for New or Expanding Businesses for Edgewood Management Group LLC

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Description of Project Property

11. Legal description of project real property <div style="border: 1px solid black; padding: 5px;">Lot 9, Block 2 Lakewood 6th Addition to the City of Mandan</div>	
12. Will the project property be owned or leased by the project operator? <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Leased If the answer to 12 is leased, will the benefit of any incentive granted accrue to the project operator? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If the property will be leased, attach a copy of the lease or other agreement establishing the project operator's benefits.	
13. Will the project be located in a new structure or an existing facility? <input checked="" type="checkbox"/> New construction <input type="checkbox"/> Existing facility If existing facility, when was it constructed? _____ If new construction, complete the following: a. Estimated date of commencement of construction of the project covered by this application <u>October 15, 2012</u> b. Description of project to be constructed including size, type and quality of construction <div style="border: 1px solid black; padding: 5px;">Assisted Living facility, Phase 1 will be 72 units, slab on grade, wood frame</div> c. Projected number of construction employees during the project construction <u>25-35</u>	
14. Approximate date of commencement of operations for this project <u>July 1, 2013</u>	
15. Estimated market value of the property used for this project: a. Land \$ <u>700000</u> b. Existing buildings and structures for which an exemption is claimed \$ <u>0</u> c. Newly constructed buildings and structures when completed \$ <u>6800000</u> d. Total \$ <u>7500000</u> e. Machinery and equipment \$ <u>500000</u>	16. Estimate taxable valuation of the property eligible for exemption by multiplying the market values by 5 percent: a. Land (not eligible)  b. Eligible existing buildings and structures \$ <u>0</u> c. Newly constructed buildings and structures when completed \$ <u>3400000</u> d. Total taxable valuation of property eligible for exemption (Add lines b and c) \$ <u>3400000</u> e. Enter the consolidated mill rate for the appropriate taxing district <u>0.40338</u> f. Annual amount of the tax exemption (Line d multiplied by line e) \$ <u>137,149.00</u>

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Description of Project Business

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

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

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

Assisted Living and Memory Care facility providing care and services for seniors including housing, meals, activities, and nursing care.

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

Kitchen and activity equipment.

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

Year	2013	2014	2015	2016	2017
Annual revenue	940000	2050000	2625000	2700000	2800000
Annual expense	1200000	1600000	1875000	1950000	2050000
Net income	-260000	450000	750000	750000	750000

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

Year	2013	2014	2015	2016	2017
No. of Employees	(1) 18	25	30	30	30
	(2) _____	_____	_____	_____	_____
Estimated payroll	(1) 625000	875000	1025000	1075000	1150000
	(2) _____	_____	_____	_____	_____

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

Previous Business Activity

22. Is the project operator succeeding someone else in this or a similar business? Yes No

23. Has the project operator conducted this business at this or any other location either in or outside of the state?

Yes No

24. Has the project operator or any officers of the project received any prior property tax incentives? Yes No

If the answer to 22, 23, or 24 is yes, give details including locations, dates, and name of former business (attach additional sheets if necessary).

Board of City Commissioners

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Business Competition

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

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

A competitor has been granted a tax exemption for a similar business but has not begun construction or operations.

Property Tax Liability Disclosure Statement

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

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

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

Use Only When Reapplying

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

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

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

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

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

Notice to Competitors of Hearing

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

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

Rex Carlson Signature Treasurer Title 08/16/2012 Date

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

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

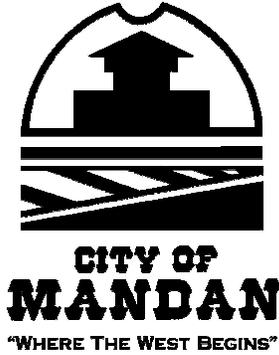
The municipality shall, after granting any property tax incentives, certify the findings to the State Tax Commissioner and Director of Tax Equalization by submitting a copy of the project operator's application with the attachments. The governing body, on the _____ day of _____, 20____, granted the following:

Property Tax Exemption **Payments in lieu of taxes**

_____ Number of years _____ Beginning year _____ Ending year

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

Auditor



Bid No. 1

Board of City Commissioners

Agenda Documentation

MEETING DATE: October 2, 2012
PREPARATION DATE: September 27, 2012
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Jeff Wright
PRESENTER: Jeff Wright, Public Works Director
SUBJECT: Consider awarding Infrastructure Grant projects to Swanberg Construction Co.

STATEMENT/PURPOSE: Consider awarding flood control structure improvements, as part of an Infrastructure Grant, to the low responsible bidder, Swanberg Construction Co. for a total of \$270,710.

BACKGROUND/ALTERNATIVES: In May of 2012 the City Commission approved, up to a \$1,000,000 local match, to participate in an Energy Infrastructure and Impact Office Flood-Impacted Political Subdivision Infrastructure Grant to improve flood control structures within Mandan. This grant has a 50% local match. Projects were designed by Interstate Engineering in the Riverbend Addition and also in the Marina Bay area. These projects addressed deficiencies we discovered during the record flows and river elevations we experienced during the Missouri River flood of 2011. These projects went out for bid in August and were opened on September 20, 2012. We received 3 bids, Tom's Backhoe at \$500,710, which included a mathematical error, Weisz and Sons at \$345,700 and Swanberg Construction at \$270,710. The Engineer's estimates for the projects were \$254,802. These bids included 2 alternate bid items, both additional flap gates on critical storm sewer pipes that discharge into the Missouri River. We expect these will be eligible for grant reimbursement as they follow the scope of work outlined in the application. We awarded the other part of this grant, the WWTP outfall pipe lining project, with the combination of both projects totaling under the \$1,000,000 committed funds.

ATTACHMENTS: Bid tab, City Commission agenda documents for acceptance of grant funds.

FISCAL IMPACT: Upon project completion, final payment of project will be submitted for 50% reimbursement.

Board of City Commissioners

Agenda Documentation

Meeting Date: October 2, 2012

Subject: Consider awarding Infrastructure Grant projects to Swanberg Construction Co.

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STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend awarding the flood control structure improvements project, as part of an Infrastructure Grant, to the low responsible bidder, Swanberg Construction Co. for a total of \$270,710.

SUGGESTED MOTION: Move to award the flood control structure improvements project, as part of an Infrastructure Grant, to the low responsible bidder, Swanberg Construction Co. for a total of \$270,710.

Board of City Commissioners

Agenda Documentation

Meeting Date: October 2, 2012

Subject: Consider awarding Infrastructure Grant projects to Swanberg Construction Co.

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City of Mandan Flood Improvements												
M12-04-222												
Bid opening 7-20-2012, 4:00pm												
Location 1												
ENGINEER WEISZ & SONS SWANBERG TOMS BACKHOE												
Item No.	Item	No. Of Units	Unit	Unit Price L & M	Extended Price L & M	Unit Price L & M	Extended Price L & M	Unit Price L & M	Extended Price L & M	Unit Price L & M	Extended Price L & M	
1	36" Diameter Manhole	2	Vertical Feet	\$0.00	\$4,000.00	\$8,000.00	\$3,300.00	\$6,600.00	\$3,000.00	\$6,000.00	\$6,000.00	
2	Remove & Reset Manhole Cover	1	Each	\$0.00	\$3,000.00	\$3,000.00	\$1,800.00	\$1,800.00	\$1,800.00	\$1,800.00	\$1,800.00	
3	Extension Of Manhole Wall	1	Each	\$0.00	\$7,000.00	\$7,000.00	\$3,800.00	\$3,800.00	\$4,000.00	\$4,000.00	\$4,000.00	
4	Extension Of Sluice Gate Equipment	1	Each	\$0.00	\$2,000.00	\$2,000.00	\$1,500.00	\$1,500.00	\$4,000.00	\$4,000.00	\$4,000.00	
Total Bid for Location 1 \$				\$0.00	\$20,000.00	\$20,000.00	\$13,800.00	\$13,800.00	\$15,000.00	\$15,000.00	\$15,000.00	
Location 2												
ENGINEER WEISZ & SONS SWANBERG TOMS BACKHOE												
Item No.	Item	No. Of Units	Unit	Unit Price L & M	Extended Price L & M	Unit Price L & M	Extended Price L & M	Unit Price L & M	Extended Price L & M	Unit Price L & M	Extended Price L & M	
1	36" Diameter Manhole	2	Vertical Feet	\$0.00	\$4,000.00	\$8,000.00	\$3,300.00	\$6,600.00	\$3,000.00	\$6,000.00	\$6,000.00	
2	Remove & Reset Manhole Cover	1	Each	\$0.00	\$3,000.00	\$3,000.00	\$1,800.00	\$1,800.00	\$1,800.00	\$1,800.00	\$1,800.00	
3	Extension Of Manhole Wall	1	Each	\$0.00	\$7,000.00	\$7,000.00	\$3,800.00	\$3,800.00	\$4,000.00	\$4,000.00	\$4,000.00	
4	Extension Of Sluice Gate Equipment	1	Each	\$0.00	\$2,000.00	\$2,000.00	\$1,500.00	\$1,500.00	\$6,000.00	\$6,000.00	\$6,000.00	
5	Plug Existing Inlet	1	Each	\$0.00	\$6,000.00	\$6,000.00	\$2,500.00	\$2,500.00	\$1,500.00	\$1,500.00	\$1,500.00	
6	Grade Yard to Drain	1	Lump Sum	\$0.00	\$7,000.00	\$7,000.00	\$2,800.00	\$2,800.00	\$3,500.00	\$3,500.00	\$3,500.00	
7	Grading	0.6	Acres	\$0.00	\$4,000.00	\$2,400.00	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00	\$2,400.00	
Total Bid for Location 2 \$				\$0.00	\$35,400.00	\$35,400.00	\$21,500.00	\$21,500.00	\$24,900.00	\$24,900.00	\$24,900.00	
Location 3												
ENGINEER WEISZ & SONS SWANBERG TOMS BACKHOE												
Item No.	Item	No. Of Units	Unit	Unit Price L & M	Extended Price L & M	Unit Price L & M	Extended Price L & M	Unit Price L & M	Extended Price L & M	Unit Price L & M	Extended Price L & M	
1	36" x 36" Inlet with Cover	6	Vertical Feet	\$0.00	\$2,000.00	\$12,000.00	\$2,500.00	\$15,000.00	\$3,000.00	\$18,000.00	\$18,000.00	
2	18" Sluice Gate	1	Each	\$0.00	\$9,000.00	\$9,000.00	\$1,600.00	\$1,600.00	\$8,500.00	\$8,500.00	\$8,500.00	
3	18" Flap Gate	1	Each	\$0.00	\$3,000.00	\$3,000.00	\$2,800.00	\$2,800.00	\$6,000.00	\$6,000.00	\$6,000.00	
4	18" Reinforced Concrete Flap Gate	1	Each	\$0.00	\$19,000.00	\$19,000.00	\$12,600.00	\$12,600.00	\$4,000.00	\$4,000.00	\$4,000.00	
5	18" RCP	4	Linear Feet	\$0.00	\$500.00	\$2,000.00	\$400.00	\$1,600.00	\$250.00	\$1,000.00	\$1,000.00	
6	Grading	0.8	Acres	\$0.00	\$4,000.00	\$3,200.00	\$4,000.00	\$3,200.00	\$4,000.00	\$3,200.00	\$3,200.00	
7	Landscaping Area	175	Square Yards	\$0.00	\$50.00	\$8,750.00	\$15.00	\$2,625.00	\$25.00	\$4,375.00	\$4,375.00	
8	4" Concrete Slab	11	Square Yards	\$0.00	\$400.00	\$4,400.00	\$95.00	\$1,045.00	\$60.00	\$660.00	\$660.00	
9	Continual Storm Water Trash Pump	1	Each	\$0.00	\$28,000.00	\$28,000.00	\$27,600.00	\$27,600.00	\$70,000.00	\$70,000.00	\$70,000.00	
Total Bid for Location 3 \$				\$0.00	\$89,350.00	\$89,350.00	\$68,470.00	\$68,470.00	\$115,735.00	\$115,735.00	\$115,735.00	
Location 4												
ENGINEER WEISZ & SONS SWANBERG TOMS BACKHOE												
Item No.	Item	No. Of Units	Unit	Unit Price L & M	Extended Price L & M	Unit Price L & M	Extended Price L & M	Unit Price L & M	Extended Price L & M	Unit Price L & M	Extended Price L & M	
1	30" Flap Gate	1	Each	\$0.00	\$5,000.00	\$5,000.00	\$3,500.00	\$3,500.00	\$12,000.00	\$12,000.00	\$12,000.00	
2	30" Reinforced Concrete Flap Gate	1	Each	\$0.00	\$18,000.00	\$18,000.00	\$13,500.00	\$13,500.00	\$5,000.00	\$5,000.00	\$5,000.00	
3	Grading	0.4	Acres	\$0.00	\$4,000.00	\$1,600.00	\$4,000.00	\$4,000.00	\$1,600.00	\$4,000.00	\$1,600.00	
Total Bid for Location 4 \$				\$0.00	\$24,600.00	\$24,600.00	\$16,600.00	\$16,600.00	\$18,600.00	\$18,600.00	\$18,600.00	
Location 5												
ENGINEER WEISZ & SONS SWANBERG TOMS BACKHOE												
Item No.	Item	No. Of Units	Unit	Unit Price L & M	Extended Price L & M	Unit Price L & M	Extended Price L & M	Unit Price L & M	Extended Price L & M	Unit Price L & M	Extended Price L & M	
1	24" Flap Gate	1	Each	\$0.00	\$4,000.00	\$4,000.00	\$3,800.00	\$3,800.00	\$8,500.00	\$8,500.00	\$8,500.00	
2	24" Reinforced Concrete Flap Gate	1	Each	\$0.00	\$18,000.00	\$18,000.00	\$13,500.00	\$13,500.00	\$4,000.00	\$4,000.00	\$4,000.00	
3	Concrete for Riprap Placement	4	Cubic Yards	\$0.00	\$500.00	\$2,000.00	\$360.00	\$1,440.00	\$400.00	\$1,600.00	\$1,600.00	
4	Grading	0.3	Acres	\$0.00	\$4,000.00	\$1,200.00	\$4,000.00	\$4,000.00	\$1,200.00	\$4,000.00	\$1,200.00	
Total Bid for Location 5 \$				\$0.00	\$25,200.00	\$25,200.00	\$19,940.00	\$19,940.00	\$15,300.00	\$15,300.00	\$15,300.00	
Location 6												
ENGINEER WEISZ & SONS SWANBERG TOMS BACKHOE												
Item No.	Item	No. Of Units	Unit	Unit Price L & M	Extended Price L & M	Unit Price L & M	Extended Price L & M	Unit Price L & M	Extended Price L & M	Unit Price L & M	Extended Price L & M	
1	8 x 14 Concrete Control Structure	14	Vertical Feet	\$0.00	\$2,700.00	\$37,800.00	\$3,000.00	\$42,000.00	\$15,000.00	\$210,000.00	\$210,000.00	
2	30" Sluice Gate	2	Each	\$0.00	\$11,000.00	\$22,000.00	\$8,100.00	\$16,200.00	\$15,000.00	\$30,000.00	\$30,000.00	
3	30" Flap Gate	1	Each	\$0.00	\$6,000.00	\$6,000.00	\$3,500.00	\$3,500.00	\$13,000.00	\$13,000.00	\$13,000.00	
4	36" Reinforced Concrete Flap Gate	1	Each	\$0.00	\$28,000.00	\$28,000.00	\$15,500.00	\$15,500.00	\$15,000.00	\$15,000.00	\$15,000.00	
5	36" RCP	4	Linear Feet	\$0.00	\$500.00	\$2,000.00	\$500.00	\$2,000.00	\$250.00	\$1,000.00	\$1,000.00	
6	5" Concrete Sidewalk (with #4 rebar 12" O.C.)	15	Square Yard	\$0.00	\$200.00	\$3,000.00	\$100.00	\$1,500.00	\$50.00	\$750.00	\$750.00	
7	12" O.C. Concrete Drive Pad (with #4 rebar)	15	Square Yard	\$0.00	\$200.00	\$3,000.00	\$120.00	\$3,000.00	\$75.00	\$1,125.00	\$1,125.00	
8	Concrete Curb & Gutter	15	Linear Feet	\$0.00	\$50.00	\$750.00	\$60.00	\$900.00	\$50.00	\$750.00	\$750.00	
9	12" Crisafulli Vertical Pump (with connection piping)	1	Each	\$0.00	\$45,000.00	\$45,000.00	\$45,000.00	\$45,000.00	\$38,000.00	\$38,000.00	\$38,000.00	
10	Grading	0.2	Acres	\$0.00	\$8,000.00	\$1,600.00	\$4,000.00	\$4,000.00	\$800.00	\$4,000.00	\$800.00	
Total Bid for Location 6 \$				\$0.00	\$151,150.00	\$151,150.00	\$128,400.00	\$128,400.00	\$311,175.00	\$311,175.00	\$311,175.00	
TOTAL BID FOR LOCATIONS 1, 2, 3, 4, 5, 6 THAT WERE CHOSEN BY CITY:				\$0.00	\$345,700.00	\$345,700.00	\$270,710.00	\$270,710.00	\$500,710.00	\$500,710.00	\$500,710.00	\$500,710.00

Bids were opened and read aloud by Bill Glusker and recorded by Bryan Hoag



Consent Agenda No. 2

Board of City Commissioners

Agenda Documentation

MEETING DATE: May 15, 2012
PREPARATION DATE: May 10, 2012
SUBMITTING DEPARTMENT: Administration
DEPARTMENT DIRECTOR: Jim Neubauer, City Administrator
PRESENTER: Jim Neubauer, City Administrator
SUBJECT: Consider Acceptance of Energy Infrastructure and Impact Office Flood-Impacted Political Subdivision Infrastructure Grants

STATEMENT/PURPOSE: Consider Acceptance of Energy Infrastructure and Impact Office Flood-Impacted Political Subdivision Infrastructure Grants.

BACKGROUND/ALTERNATIVES: Morton County has been allocated \$1M in funds to be utilized for flood related projects. This is a 50% local match program. Jeff Wright, Director of Public Works, and Mike Abul, Morton County Superintendent of Roads have been working in conjunction with Tammy Lapp-Harris in preparing the applications in order to best meet the needs of the City of Mandan and Morton County. The table below shows the top priority projects, with the top three, totaling \$2,000,000. The projects that follow the top three would be projects that could be added in the event additional funding becomes available or projects ahead of them are not constructed.

The projects we have considered and ranked in their priority are as follows:

On May 2, 2012 we were notified that the top three City of Mandan applications were accepted. The projects are numbers 1, 4 and 5 from the list below.

Project	Total Cost	Local Share	Grant
1) Lining of the effluent line from the Waste Water Treatment Plant to Missouri River and pump station (enables utilization of this line when M. River at 17' and above)(Mandan)	\$1.4M	\$700,000	\$700,000
2) Grade raise of 0.25 mile on Timberhaven Drive(County)	\$250,000	\$125,000	\$125,000
3) Grade Raise of 0.7 mile on 32 1/2 Street, 22 nd Avenue, and Riverplace Drive. (County)	\$350,000	\$175,000	\$175,000
4) Adding control/pumping structure on	\$127,680	\$63,840	\$63,840

Board of City Commissioners

Agenda Documentation

Meeting Date: October 2, 2012

Subject: Consider awarding Infrastructure Grant projects to Swanberg Construction Co.

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Board of City Commissioners

Agenda Documentation

Meeting Date: May 15, 2012

Subject: Consider Acceptance of Energy Infrastructure and Impact Office Flood-Impacted Political Subdivision Infrastructure Grants

Page 2 of 2

Project	Total Cost	Local Share	Grant
<i>east end of storm water system (Falcon Drive & South Bay Drive intersection). Utilizes existing easement for pumping discharge. (Mandan)</i>			
5) <i>Flood Control Structures Riverbend 2nd Addition, Modify existing structures, Additional Control structure and pump. (Mandan)</i>	\$127,122	\$63,561	\$63,561
6) <i>Grade raise of 1.3 miles on 34th Street. (County)</i>	\$650,000	\$325,000	\$325,000
7) <i>Memorial Highway Area; Twin City Drive Area. (Mandan)</i>	\$234,564	City \$58,633 ND DOT \$58,6633	\$117,287

ATTACHMENTS:

FISCAL IMPACT: Project ranking one would increase in the 2013 Water and Sewer Utility Base Rate to finance the \$1,000,000 Grant Match with SRF funding over 20 years at 3%, including the 0.5% administrative fee, would amount to \$0.78/per month for residential account.

STAFF IMPACT: Minimal

LEGAL REVIEW: N/A

RECOMMENDATION: To recommend acceptance of Energy Infrastructure and Impact Office Flood-Impacted Political Subdivision Infrastructure Grants for the following three projects:

- 1) *Lining of the effluent line from the Waste Water Treatment Plan to Missouri River and pump station (enables utilization of this line when M.River at 17' and above)*
- 2) *Adding control/pumping structure on east end of storm water system (Falcon Drive & South Bay Drive intersection). Utilizes existing easement for pumping discharge.*
- 3) *Flood Control Structures Riverbend 2nd Addition, Modify existing structures, Additional Control structure and pump.*

SUGGESTED MOTION: To move acceptance of Energy Infrastructure and Impact Office Flood-Impacted Political Subdivision Infrastructure Grants for the following three projects:

- 1) *Lining of the effluent line from the Waste Water Treatment Plan to Missouri River and pump station (enables utilization of this line when M.River at 17' and above)*
- 2) *Adding control/pumping structure on east end of storm water system (Falcon Drive & South Bay Drive intersection). Utilizes existing easement for pumping discharge.*
- 3) *Flood Control Structures Riverbend 2nd Addition, Modify existing structures, Additional Control structure and pump.*



GAMING SITE AUTHORIZATION
OFFICE OF ATTORNEY GENERAL
 SFN 17996 (02-2011)

Consent No. 1

G - _____ (_____) _____
 Site License Number
 (Attorney General Use Only)

Horse Race North Dakota is hereby authorized to conduct games of
 (Full, Legal Name of Gaming Organization)

chance under the license granted by the Attorney General of the State of North Dakota at the following
 location: Dean's Steakhouse, LLC the address of which is:

2815 Memorial Highway Mandan 58554 Morton
 (Street) (City) (Zip Code) (County)

Date(s) Authorized: Beginning 10/1/12 Ending 12/31/12

Specific location where games of chance will be conducted and played at the site (required): Eastern most wall,
across from southern most end of bar rail in bar area.

Number of twenty-one tables (required) (if zero, enter "0") : 0

RESTRICTIONS: (to be completed ONLY if restrictions are set by the local governing body)

1. Days of week of gaming operations _____

2. Hours of gaming _____

3. List each specific game type prohibited _____

 Attorney General Date Signature of City/County Auditor Date

 PRINT Name / Official Position of person signing above

INSTRUCTIONS:

1. City/County Auditors - Retain a **copy** of the Site Authorization for your files.
2. City/County Auditors - Return the **original** Site Authorization form to the Organization.
3. Organizations - Send the **original, signed**, Site Authorization to the Office of Attorney General with any other applicable licensing forms for final approval.

RETURN ALL DOCUMENTS TO:

Office of Attorney General
 Licensing Section
 600 E Boulevard Ave, Dept. 125
 Bismarck, ND 58505-0040
 Telephone: 701-328-2329 OR 800-326-9240



RENTAL AGREEMENT
 OFFICE OF ATTORNEY GENERAL
 SFN 9413 (Rev. 06-2010)

STATE USE ONLY
SITE LICENSE NO. G- _____ (_____) _____

Site Owner (Lessor) Dean's Steakhouse, Llc		Site Name Dean's Steakhouse		Site Phone Number (701) 751-4567
Site Address 2815 Memorial Highway		City Mandan	State ND	Zip Code 58554
Organization (Lessee) Horse Race North Dakota		Rental Period 10/1/2012 to 12/31/2012		County Morton
				Monthly Rent Amount
1. Is Bingo going to be conducted at this site?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? If "Yes," enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		<input type="checkbox"/> No <input type="checkbox"/> Yes		
2. Is a raffle drawing going to be conducted at this site?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
3. Is Prize Boards involving a dispensing device conducted at this site?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
4. Is Twenty-One conducted at this site?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____				\$
Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____				\$
5. Is Paddlewheels conducted at this site?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
Number of Tables _____ X Rent per Table \$ _____				\$
6. Is Pull Tabs involving both a jar bar and dispensing device conducted at this site? If "Yes," skip questions 7 & 8.		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
7. Is Pull Tabs involving only a jar bar conducted at this site?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		\$
8. Is Pull Tabs involving only a dispensing device conducted at this site?		<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		\$ 150.00
TERMS OF RENTAL AGREEMENT:				Total Monthly Rent \$ 150.00

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance.

The LESSOR agrees that no game will be directly operated as part of the lessor's business.

The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and, except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a winning pull tab or prize boards involving a dispensing device and sell raffle tickets or sports pool chances on a board on behalf of an organization.

The LESSOR agrees that the lessor's oncall or temporary or permanent employee will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.

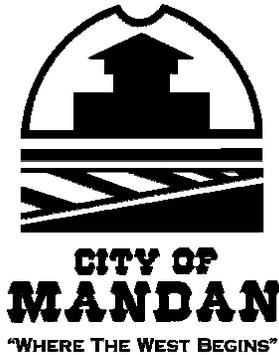
If the LESSEE provides the Lessor with a temporary loan of funds for redeeming pull tabs or prize boards, or both, involving a dispensing device, the Lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.

The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.

The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

At the LESSOR'S option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor <i>Dean Ulman</i>	Title President	Date 9-14-12
Signature of Lessee (Top Executive Official) <i>[Signature]</i>	Title President	Date 9-24-12



Board of City Commissioners

Agenda Documentation

MEETING DATE: October 2, 2012
PREPARATION DATE: September 25, 2012
SUBMITTING DEPARTMENT: Police
DEPARTMENT DIRECTOR: Chief Dennis A. Bullinger
PRESENTER: Chief Dennis A. Bullinger
SUBJECT: Consider the Acceptance of a Traffic Safety Contract from the North Dakota Department of Transportation, Traffic Safety Office.

STATEMENT/PURPOSE: The Mandan Police Department is requesting Board approval with accepting a traffic safety grant/contract from the North Dakota Department of Transportation Traffic Safety Office. The grant/contract provides reimbursement for overtime and mileage when working, Occupant Protection Enforcement and Impaired Driving Enforcement blitz.

BACKGROUND/ALTERNATIVES: In conjunction with the North Dakota Department of Transportation Traffic Safety Office, the Mandan Police Department would receive reimbursement of cost in conducting extra patrols during state wide campaigns efforts with reducing the number of motor vehicle crash fatalities. The grant/contract identifies reimbursement funding of \$11,000, for overtime and mileage. The grant/contract period is October 1, 2012 through September 30, 2013.

ATTACHMENTS: Copy of contract.

FISCAL IMPACT: \$11,000 reimbursable funds to the city for cost with salaries and mileage. The cost of these additional enforcement efforts are part of the approved 2012 budget and requested in the 2013 budget.

STAFF IMPACT: Off -duty officers will be working overtime hours on a voluntary basis.

Board of City Commissioners

Agenda Documentation

Meeting Date: October 2, 2012

Subject: Consider the Acceptance of a Traffic Safety Contract from the North Dakota
Department of Transportation.

Page 2 of 10

LEGAL REVIEW: N/A

RECOMMENDATION: Approve the acceptance of the Traffic Safety Grant/Contract
#12121715 for \$11,000.

SUGGESTED MOTION: Move to approve the acceptance of Traffic Safety Contract
#12121715 from the North Dakota Department of Transportation, for the time period of
October 1, 2012 to September 30, 2013.



North Dakota Department of Transportation Safety Division

Francis G. Ziegler, P.E.
Director

Jack Dalrymple
Governor

September 6, 2012

Sergeant Brent Wilmeth
Mandan Police Department
205 First Avenue, Northwest
Mandan, ND 58554

TRAFFIC SAFETY CONTRACT #12121715, PROJECT #PHSP4021305-04-15 & #PHSP4101303-01-14

Enclosed is the contract that has been awarded to the Mandan Police Department. Please read the **entire contract and other enclosures**, as key information is provided and/or requested. Not fulfilling these requirements may delay processing or lead to a cancellation of the contract.

1. The contract **must** be signed by a person with **contracting authority** (e.g., mayor; commissioner).
2. A witness **must** sign to the **left** of the contractor's signature.
3. **Return the ENTIRE ORIGINAL CONTRACT, INCLUDING ALL APPENDICES.**
4. A **complete** and **executable** copy of the contract will be sent to you.
5. You must review the requirements listed on the enclosed **Risk Management Appendix**.
6. A copy of your current **Certificate of Liability Insurance** information may be required.
 - If your agency is insured through the **North Dakota Insurance Reserve Fund** (state agencies) or is a political subdivision (county/city agencies), do not submit insurance information now; however, you may be asked for confirmation of coverage at a later date.
 - If your agency is not insured through North Dakota Insurance Reserve Fund, your **insurance certificates must name the state as an additional insured and a waiver of subrogation must be provided.**
7. As a contractor, your agency is a sub-recipient of federal funds and therefore subject to the reporting requirements of the Federal Funding Accountability and Transparency Act (FFATA). A Sub-Recipient Information (SFN 60019) form has been sent to your city/county auditor for completion.

Key Notes:

- Periodic desk and onsite monitoring by program managers are required.
- Progress reports, if necessary, are required to be submitted prior to reimbursement.
- Per OMB Circular A-133, Subpart B, § .200; Non-federal entities that expend \$500,000 or more in a year in federal awards shall have a single or program-specific audit conducted for that year.

We look forward to the many safety benefits your program will provide to the state of North Dakota. If you have any questions, feel free to contact me by email at lharsche@nd.gov or by phone at 328-2402.

Handwritten signature of Lory Harsche in blue ink.

LORY HARSCHÉ – CONTRACT MANAGER

12/kf
Enclosure
c: city/county auditor

Board of City Commissioners

Agenda Documentation

Meeting Date: October 2, 2012

Subject: Consider the Acceptance of a Traffic Safety Contract from the North Dakota Department of Transportation.

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NDDOT Contract No. 12121715
Project No. PHSP4021305-04-15 &
PHSP4101303-01-14

**North Dakota Department of Transportation
TRAFFIC SAFETY CONTRACT**

Federal Award Information – to be provided by NDDOT

CFDA No.: 20.600	CFDA Title: State & Community Highway Safety
Award Name: Click It or Ticket	Awarding Fed. Agency: National Highway Traffic Safety Administration
NDDOT Program Mgr.: Carol Thurn	Telephone: 701-328-4354

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.

Federal Award Information – to be provided by NDDOT

CFDA No.: 20.601	CFDA Title: Alcohol Highway Safety
Award Name: Alcohol Enforcement	Awarding Fed. Agency: National Highway Traffic Safety Administration
NDDOT Program Mgr.: Sandy Wilson	Telephone: 701-328-2899

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.

This contract 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 Mandan Police Department, hereinafter referred to as the Contractor, whose address is 205 First Avenue, Northwest, Mandan, North Dakota 58554.

WHEREAS, NDDOT has been delegated the responsibility to administer the state's Annual Highway Safety Plan as authorized in Section 54-07-05 of the North Dakota Century Code; and

WHEREAS, the Contractor requests participation in the state's Annual Highway Safety Plan;

THEREFORE, in consideration of the mutual promises herein set forth, NDDOT and the Contractor agree:

I.

The Contractor shall perform the project(s) set forth in Appendix A, a copy of which is attached hereto and made a part hereof.

The Contractor shall comply with the provisions of Appendix B, a copy of which is attached hereto and made a part hereof.



Board of City Commissioners

Agenda Documentation

Meeting Date: October 2, 2012

Subject: Consider the Acceptance of a Traffic Safety Contract from the North Dakota Department of Transportation.

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II.

The term of this contract shall begin October 1, 2012, and shall end September 30, 2013.

III.

NDDOT shall reimburse the Contractor for costs incurred under the terms of this contract, not to exceed \$11,000. Reimbursement of all costs under this contract is contingent on federal participation. Expenses incurred by the Contractor for travel, meals, and lodging, shall be reimbursed according to applicable state rates. Allowable costs are covered under 49 CFR Part 18.22. All requests for reimbursement must be submitted to NDDOT within 45 days of the termination date of this contract.

IV.

Equipment acquired under this agreement for use in highway safety program areas shall be used and kept in operation for highway safety purposes by the Contractor; or the Contractor, by formal agreement with appropriate officials of a political subdivision or State agency, shall cause such equipment to be used and kept in operation for highway safety purposes. (Reference: 23 CFR 1200.21 and 49 CFR 18.32)

V.

Appendix A of the Title VI Assurances, attached, is hereby incorporated into and made a part of this agreement.

VI.

The Contractor agrees to cooperate with NDDOT in meeting its commitments and goals with regard to the maximum utilization of disadvantaged business enterprises and will use its best efforts to ensure that disadvantaged business enterprises shall have the maximum practicable opportunity to compete for subcontract work under this agreement. The Contractor shall comply with requirements of 49 CFR Part 26.

VII

The Contractor shall ensure that no qualified handicapped individual, as defined in 29 USC 794 and 49 CFR Part 27 shall, solely by reason of this handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives benefits from the assistance under this agreement.

VIII.

Grants or services that generate revenues as a result of funding through the National Highway Traffic Safety Administration (NHTSA) must be reported. Written notification of the source and amount of such income must be made to the NDDOT at the earliest opportunity. A separate account must be maintained for the collection, expenditure, and disposition of program income. Program income generated shall be used to further the objectives of the grant or service or reduce current grant or service costs. Records shall be maintained in accordance with state and federal guidelines.

IX.

The Contractor certifies that it will comply with the retention and access requirements for records established by 49 CFR Part 18.42. The required records and documentation relating to the grant and/or



subcontract shall be retained for a minimum of three years after the starting date of the retention period as defined in Section 18.42. The NDDOT or their authorized representative shall have the right of access to any books, documents, papers, or other records of grantees, contractors, or subcontractors which are pertinent to the grant and/or contract, in order to make audits, examinations, excerpts and transcripts. The right of access is not limited by the required retention period and shall last as long as the records are retained.

The Contractor will comply with all applicable state, local, and federal procurement procedures and will maintain a financial management system that complies with the minimum requirements of 49 CFR 18.20.

X.

The Contractor must have a seat belt use policy in place before requesting reimbursement for any work completed under this agreement. The NDDOT's Traffic Safety Office's (TSO) program managers will locate and review the policy during scheduled on-site monitoring visits, if applicable. Absence of a policy may result in the NDDOT withholding payment until a policy is in place.

All contracted personnel are required to wear seat belts and obey traffic laws while on official business of this project.

XI.

Termination:

- a. This contract may be terminated by mutual consent of both parties, or by either party, upon 30 days' notice, in writing, and delivered by certified mail or in person.
- b. In addition, NDDOT may terminate this contract effective upon delivery of written notice to the contractor, or at such later date as may be established by NDDOT, under any of the following conditions:
 - i. NDDOT funding from federal, state, or other sources is not obtained and continued at levels sufficient to allow for purchase of the indicated quantity of services. The contract may be modified by agreement of the parties in writing to accommodate a reduction in funds.
 - ii. If federal or state regulations or guidelines are modified, changed, or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this contract or are no longer eligible for the funding proposed for payments authorized by this contract.
 - iii. If any license or certificate required by law or regulation to be held by the contractor to provide the services required by the contract is for any reason denied, revoked, or not renewed.

Any such termination of this contract under (i), (ii), or (iii) above shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination.

- c. NDDOT, by written notice to the contractor, may terminate the whole or any part of this agreement:



Board of City Commissioners

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Subject: Consider the Acceptance of a Traffic Safety Contract from the North Dakota Department of Transportation.

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- i. If the Contractor fails to provide services called for by this contract within the time specified herein or any extension thereof; or
- ii. If the Contractor fails to perform any of the other provisions of this contract, or so fails to pursue the work as to endanger performance of this contract in accordance with its terms, and after receipt of written notice from NDDOT, fails to correct such failures within ten days or such longer period as NDDOT may authorize.

XII.

The Contractor shall not assign any portion of the work under this agreement, execute any contract, or obligate itself in any manner with a third party with respect to its rights and responsibilities to this agreement without written consent of NDDOT. Any agreement with a subcontractor does not create a contractual relationship between the NDDOT and the subcontractor.

XIII.

The Contractor agrees that NDDOT and NHTSA, or their designated representative(s), shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this agreement. The Contractor agrees to maintain such records for possible audit for a minimum of three years after final payment, unless a longer period of records retention is stipulated. The Contractor agrees to allow the auditor(s) access to such records during normal business hours and to allow interview of any employees who might reasonably have information related to such records. Further, the Contractor agrees to include a similar right of the state to audit records and interview staff in any subcontract related to the performance of this agreement.

Audits must be in accordance with the most current version of OMB Circular A-133. The Contractor shall submit copies of audits covering the term of this agreement to NDDOT. This requirement is applicable to counties, cities, state agencies, Indian tribes, colleges, hospitals, and nonprofit businesses.

XIV.

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 Contractor, by the signature below of its authorized representative, hereby acknowledges that the Contractor has read this agreement, understands it, and agrees to be bound by its terms and conditions.

XV.

The Risk Management Appendix, attached, is hereby incorporated into and made a part of this agreement.

XVI.

The Contractor is advised that his or her signature on this contract certifies that the company or 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



Board of City Commissioners

Agenda Documentation

Meeting Date: October 2, 2012

Subject: Consider the Acceptance of a Traffic Safety Contract from the North Dakota Department of Transportation.

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any matter involving fraud or official misconduct within the past three years.

XVII.

The Contractor shall not assign nor transfer the Contractor's interest in this agreement without the express written consent of the state.

XVIII.

The provisions of this agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective successors and assigns.

XIX.

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.

XX.

All notices, certificates, or other communications shall be sufficiently given when delivered or mailed, postage prepaid, to the parties at their respective places of business as previously set forth.

XXI.

No official or employee of a state or any other governmental instrumentality who is authorized in his official capacity to negotiate, make, accept, or approve, or to take part in negotiating, making, accepting, or approving any contract or subcontract in connection with a project shall have, directly or indirectly, any financial or other personal interest in any such contract or subcontract. No engineer, attorney, appraiser, inspector, or other person performing services for a state or a governmental instrumentality in connection with a project shall have, directly or indirectly, a financial or other personal interest, other than his employment or retention by a state or other governmental instrumentality, in any contract or subcontract in connection with such project. No officer or employee of such person retained by a state or other governmental instrumentality shall have, directly or indirectly, any financial or other personal interest in any real property acquired for a project unless such interest is openly disclosed upon the public records of NDDOT and of such other governmental instrumentality, and such officer, employee, or person has not participated in such acquisition for and in behalf of the state.

XXII.

All work products and copyrights of the contract which result from this contract are the exclusive property of NDDOT, with an unlimited license for use by the federal government and its assignees without charge.



Board of City Commissioners

Agenda Documentation

Meeting Date: October 2, 2012

Subject: Consider the Acceptance of a Traffic Safety Contract from the North Dakota Department of Transportation.

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MUST BE SIGNED BY CITY MAYOR



EXECUTED the date last below signed.

WITNESS:

CONTRACTOR:

NAME (TYPE OR PRINT)

NAME (TYPE OR PRINT)

SIGNATURE

SIGNATURE

To be signed by Owner; Partner; Corp. Pres., Vice Pres., or other authorized Corp. Officer. (If signed by other authorized Corp. Officer, please attach copy of Power of Attorney or other documentation showing authority to sign.)

TITLE

DATE

WITNESS:

NORTH DAKOTA
DEPARTMENT OF TRANSPORTATION

NAME (TYPE OR PRINT)

DIRECTOR (TYPE OR PRINT)

SIGNATURE

SIGNATURE

DATE

APPROVED as to substance by:

Karin Homean
TRAFFIC SAFETY MANAGER (TYPE OR PRINT) FOR THE
DIRECTOR OF SAFETY DIVISION

SIGNATURE

DATE

CLA 16870 (Div. 12)
L.D. Approved 7-17-89; 8-12



Board of City Commissioners

Agenda Documentation

Meeting Date: October 2, 2012

Subject: Consider the Acceptance of a Traffic Safety Contract from the North Dakota Department of Transportation.

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APPENDIX A

AGREEMENT FOR PARTICIPATION
IN THE NORTH DAKOTA
HIGHWAY SAFETY PLAN

OCCUPANT PROTECTION ENFORCEMENT BUDGET

PROJECT NO. PHSP4021305-04-15

DIRECT COSTS		
Overtime wages		\$4,100
Mileage		\$ 400
PROJECT TOTAL		<u>\$4,500</u>

Participation		
Federal	100%	\$4,500
State	-	
Local	-	

IMPAIRED DRIVING ENFORCEMENT BUDGET

PROJECT NO. PHSP4101303-01-14

DIRECT COSTS		
Overtime wages		\$6,000
Mileage		\$ 500
PROJECT TOTAL		<u>\$6,500</u>

Participation		
Federal	100%	\$6,500
State	-	
Local	-	



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

Consent No. 3

Type: Local Permit * Charity Local Permit

Permit Number
2012-43

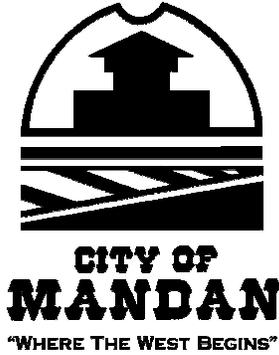
Name of Organization Sons Of Norway-sverdrup Lodge #107		Date(s) Authorized (Read instruction 2)	
Contact Person Derle O. Marchus	Business Phone Number (701) 250-9929	11/16/2012 2 Beginning	to 11/16/2012 2 Ending
Mailing Address P.o. Box 667	City Bismarck	State ND	Zip Code 58502-0667
Site Name Mandan Eagles Club	Site Address 1400 Collins Avenue		
City Mandan	State ND	Zip Code 58554-0000	County Morton
Check the Game(s) Authorized: * Poker, Twenty-one, and Paddlewheels may be Conducted only by a Charity Local Permit.			
<input type="checkbox"/> Bingo <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Calendar Raffle <input type="checkbox"/> Sports Pool <input type="checkbox"/> Poker* <input type="checkbox"/> Twenty-one* <input type="checkbox"/> Paddlewheels*			
Restriction:			
Requirement: For a "Charity Local Permit," the organization must file a "Report on a Charity Local Permit" with the city or county auditor and Office of Attorney General within 30 days of the event.			
Date 9/26/2012	Signature of: <input checked="" type="checkbox"/> City Auditor <input type="checkbox"/> County Auditor <i>Jay Gruebele</i>	Printed Name of City or County Auditor Jay Gruebele	Auditor Telephone Number (701) 667-3250

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

cut along this line

INFORMATION REQUIRED TO BE PREPRINTED ON A STANDARD RAFFLE TICKET:

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



Board of City Commissioners

Agenda Documentation

MEETING DATE: October 2, 2012
PREPARATION DATE: September 26, 2012
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR:
PRESENTER: Kim Fettig
SUBJECT: Consider for approval the final plat of Meadows 6th Addition

STATEMENT/PURPOSE: To accept the subject final plat.

BACKGROUND/ALTERNATIVES: Request from Mitzel Builders Inc. The Planning & Zoning Commission approved the final plat on September 24th, 2012. Public concerns on the street condition of 37th Avenue NW and 34th Avenue NW.

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

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

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

SUGGESTED MOTION: I move to approve the final plat of Meadows 6th Addition.

MANDAN PLANNING OFFICE REPORT
September 26, 2012

Applicant: Mitzel Builders

Owner: same

Preliminary Plat Approval: June 25, 2012

Requested Action: Final plat approval.

Name of Subdivision: Meadows 6th Addition

Legal Description: A portion of the SW ¼ of Section 8, Township 139N, Range 81W

Location: extension of 34th Avenue NW and 48th Street NW

Parcel Acreage: 5

Number of Blocks: 4 Number of Lots: 15

Existing Land Use: vacant

Proposed Land Use:

Adjacent Land Use: residential and vacant

Existing Zoning: CB (Heavy Commercial)

Proposed Zoning: same

Adjacent Zoning: R7 (Single-Family), CB (Heavy Commercial), RMH (Residential Mobile Home Subdivision)

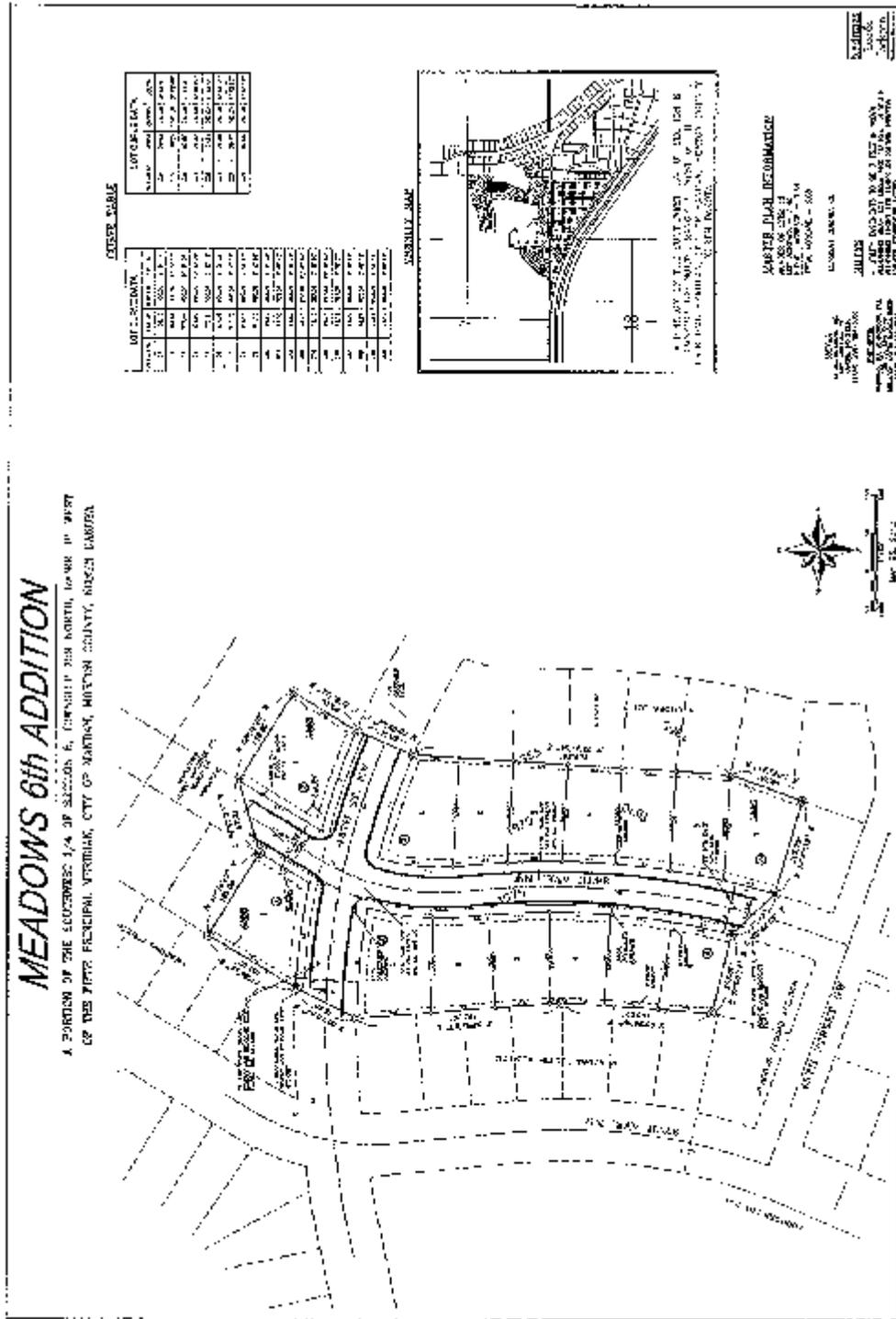
Fee Required: \$250.00

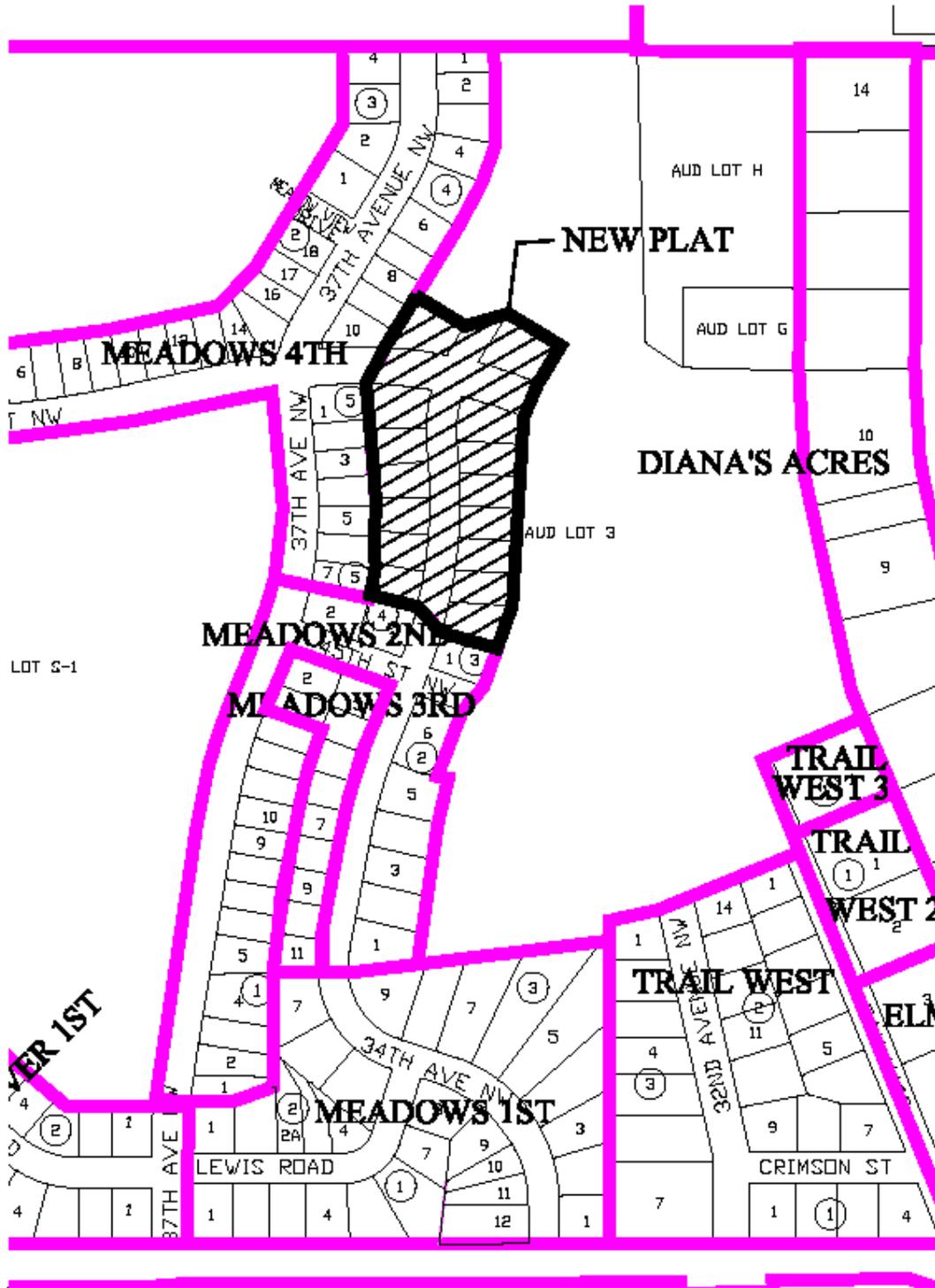
Date Received: May 25, 2012

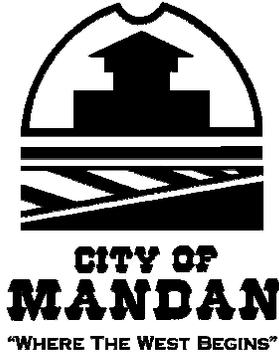
Adjacent Property Owner Notification: August 17, 2012

Dates of Legal Notices: August 3rd & 10th, 2012

Recommendation: Planning office recommends approval.







Consent No. 5

Board of City Commissioners

Agenda Documentation

MEETING DATE: October 2, 2012
PREPARATION DATE: September 26, 2012
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR:
PRESENTER: Kim Fettig
SUBJECT: Consider for approval the final plat of Missouri Valley Addition.

STATEMENT/PURPOSE: To accept the subject final plat.

BACKGROUND/ALTERNATIVES: Request from Don McGuire. The Planning & Zoning Commission approved the final plat on September 24th, 2012.

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

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

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

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

MANDAN PLANNING OFFICE REPORT
September 26, 2012

Applicant: Don McGuire

Owner: Don McGuire/City of Mandan

Requested Action: Final plat approval.

Name of Subdivision: Missouri Valley Addition

Legal Description: All of Auditor's Lot L of the SW ¼ of the SE ¼ of Section 16,
Township 139N, Range 81W.

Location: NW corner of Sunset Drive and 27th Street NW

Parcel Acreage: 18.78

Number of Blocks: 1 Number of Lots: 3

Preliminary Plat Approval: Short Form

Existing Land Use: vacant

Proposed Land Use: Residential, Hotel and Restaurant

Adjacent Land Use: Residential, Commercial, School

Existing Zoning: CB (Heavy Commercial)

Proposed Zoning: CB (Heavy Commercial)

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

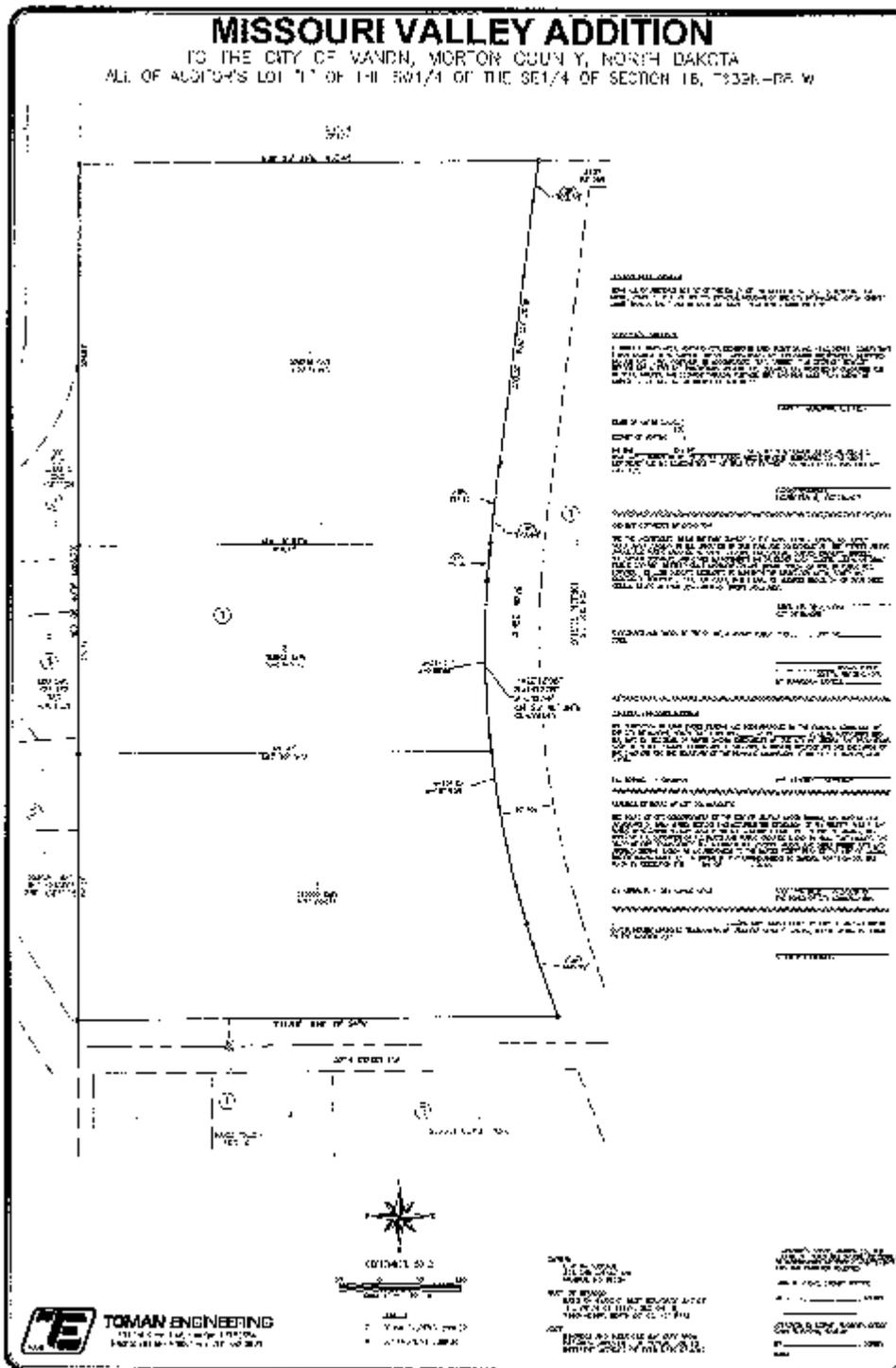
Fee Required: \$250.00

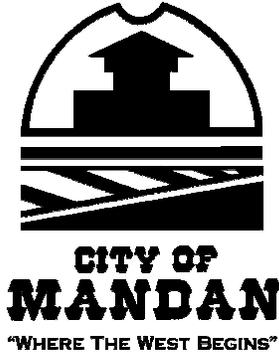
Date Received: 9/7/2012

Adjacent Property Owner Notification: September 13, 2012

Dates of Legal Notices: September 14th & 21st, 2012

Recommendation: Planning office recommends approval.





Consent No. 6

Board of City Commissioners

Agenda Documentation

MEETING DATE: October 2, 2012
PREPARATION DATE: September 26, 2012
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR:
PRESENTER: Kim Fettig
SUBJECT: Consider for approval the final plat of
Ramblewood 13th Addition.

STATEMENT/PURPOSE: To accept the subject final plat.

BACKGROUND/ALTERNATIVES: Request from Heart River Partners, LLP. The Planning & Zoning Commission approved the final plat on September 24, 2012.

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

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

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

SUGGESTED MOTION: I move to approve the final plat of Ramblewood 13th Addition.

MANDAN PLANNING OFFICE REPORT
September 26, 2012

Applicant: Heart River Partners, LLP

Owner: same

Land Surveyor:

Requested Action: Final plat approval.

Name of Subdivision: Ramblewood 13th Addition

Legal Description: Replat of Lot 1, Block 1, replat of the replat of Ramblewood 9th Addition.

Location: 2901 Memorial Highway

Parcel Acreage: 1.79

Number of Blocks: 1 Number of Lots: 2

Preliminary Plat Approval: Short Form

Existing Land Use: Commercial

Proposed Land Use: same

Adjacent Land Use: Agricultural and Commercial

Existing Zoning: CC (Heavy Commercial)

Proposed Zoning: same

Adjacent Zoning: A (Agricultural), CC (Heavy Commercial) and MC (Light Non-Nuisance Industrial/Heavy Commercial).

Fee Required: \$250.00

Date Received: 9-7-2012

Adjacent Property Owner Notification: September 13th, 2012

Dates of Legal Notices: September 14th & 21st, 2012

Recommendation: Planning office recommends approval.

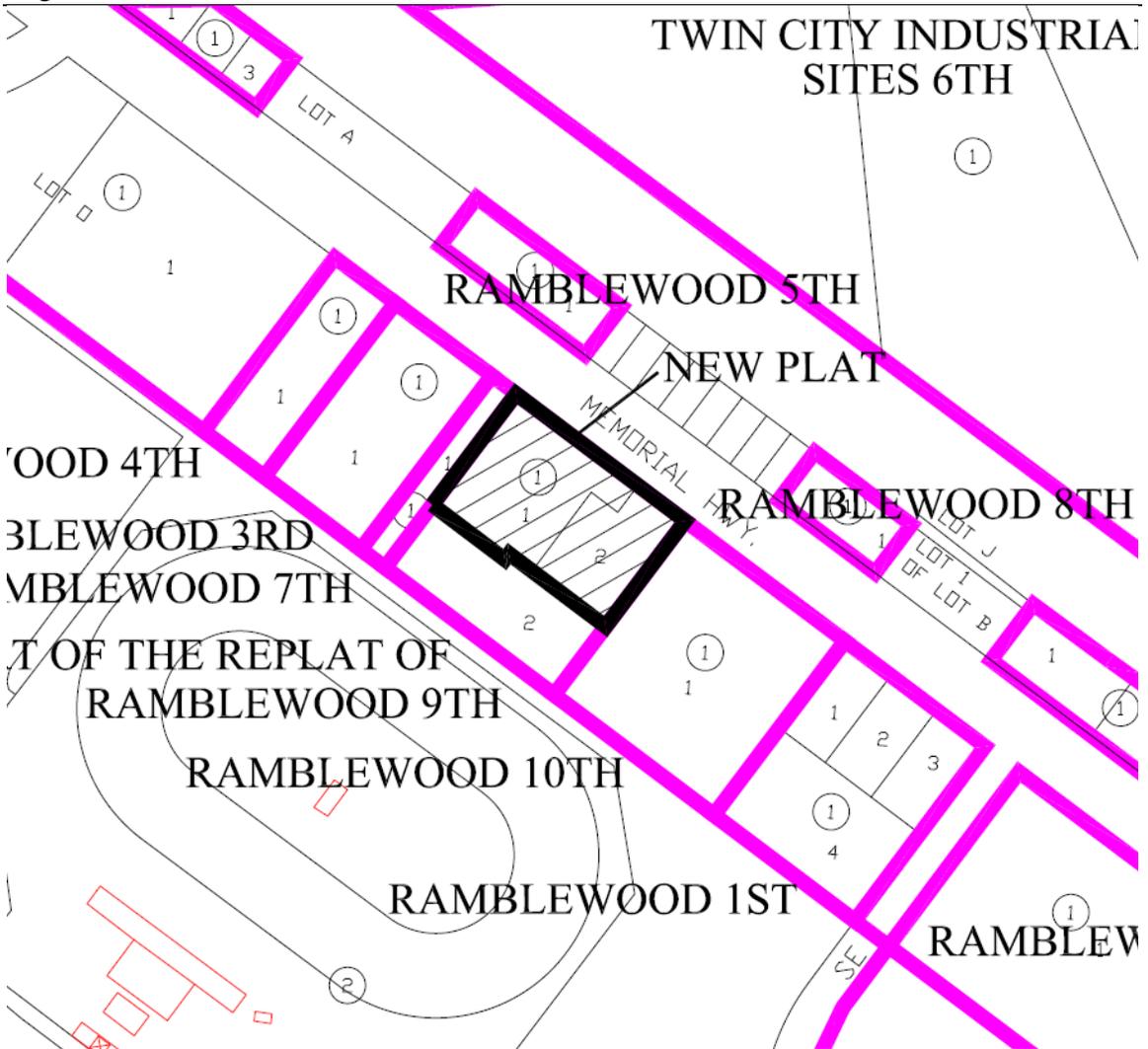
Board of City Commissioners

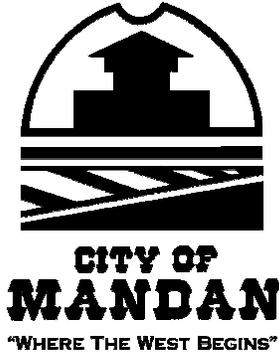
Agenda Documentation

Meeting Date: October 2nd, 2012

Subject: Consider for approval the final plat of Ramblewood 13th Addition

Page 4 of 4





Consent No. 7

Board of City Commissioners

Agenda Documentation

MEETING DATE: October 2, 2012
PREPARATION DATE: September 26, 2012
SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR:
PRESENTER: Kim Fettig
SUBJECT: Consider for approval the final plat of Sunrise View Estates 1st Addition.

STATEMENT/PURPOSE: To accept the subject final plat.

BACKGROUND/ALTERNATIVES: Request from 7 Winds LLP. The Planning & Zoning Commission approved the final plat on September 24th, 2012. Public concerns on there being only one access off of 1806. The DOT has denied any more access points. See attachments.

ATTACHMENTS:

1. Office Report
2. Final Plat
3. Vicinity Map
4. Documentation from Department of Transportation

FISCAL IMPACT: minimal

STAFF IMPACT: minimal

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

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

SUGGESTED MOTION: I move to approve the final plat of Sunrise View Estates 1st Addition.

MANDAN PLANNING OFFICE REPORT
September 26, 2012

Applicant: 7 Winds LLP

Owner: same

Requested Action: Final plat approval.

Name of Subdivision: Sunrise View Estates 1st Addition

Legal Description: part of Auditor's Lots L and M of the SE ¼ of Section 19, Township 140N, Range 81W.

Location: NW corner of Highway 1806 and Beretta Street

Parcel Acreage: 13.10

Number of Blocks: 4 Number of Lots: 38

Existing Land Use: vacant

Proposed Land Use: residential

Adjacent Land Use: vacant, residential, agricultural, industrial

Existing Zoning: A (Agricultural)

Proposed Zoning: R7 (Single Family Residential)

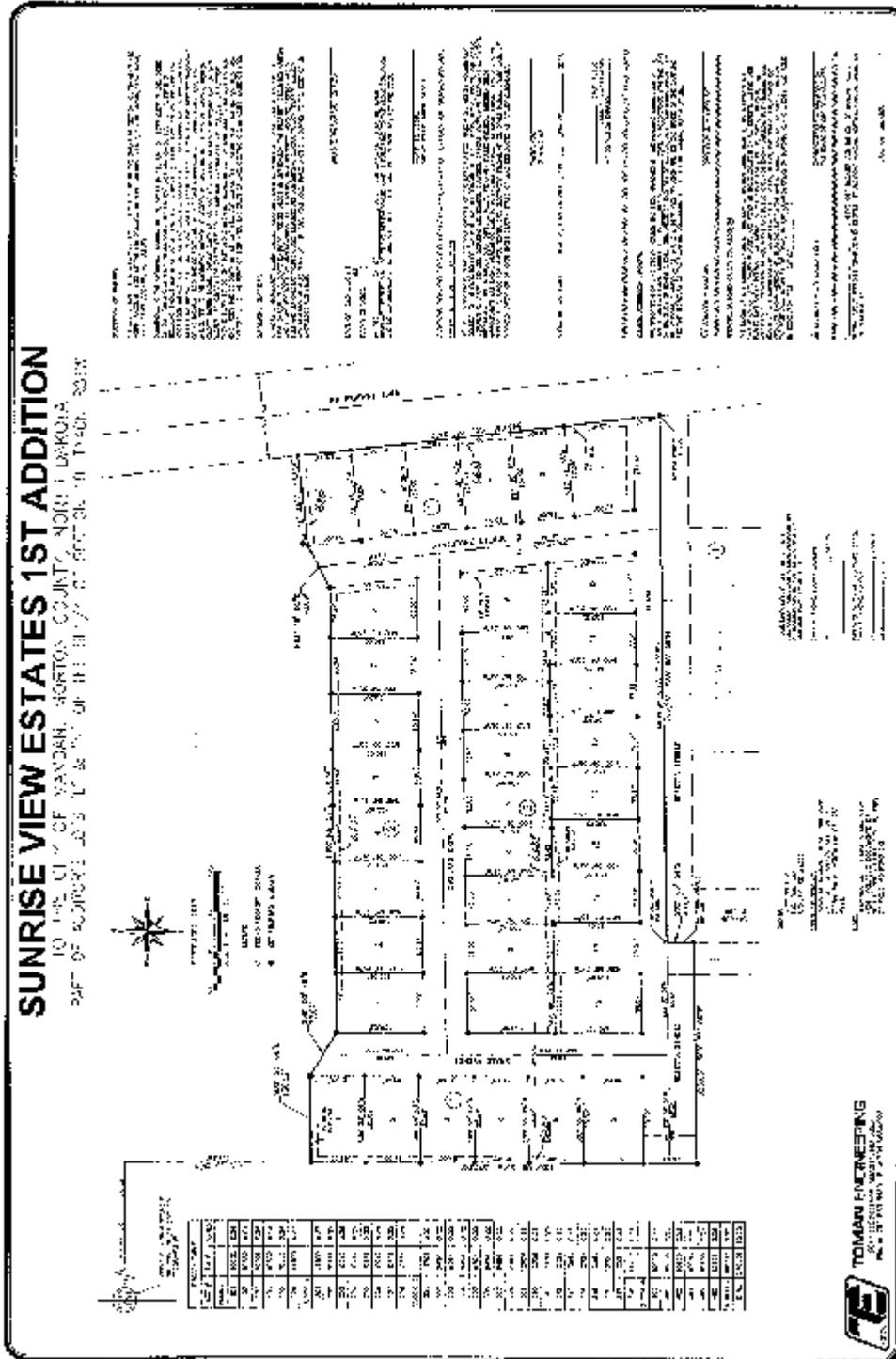
Adjacent Zoning: R7 (Single Family Residential), A (Agricultural), MB (Heavy Industrial/Heavy Commercial)

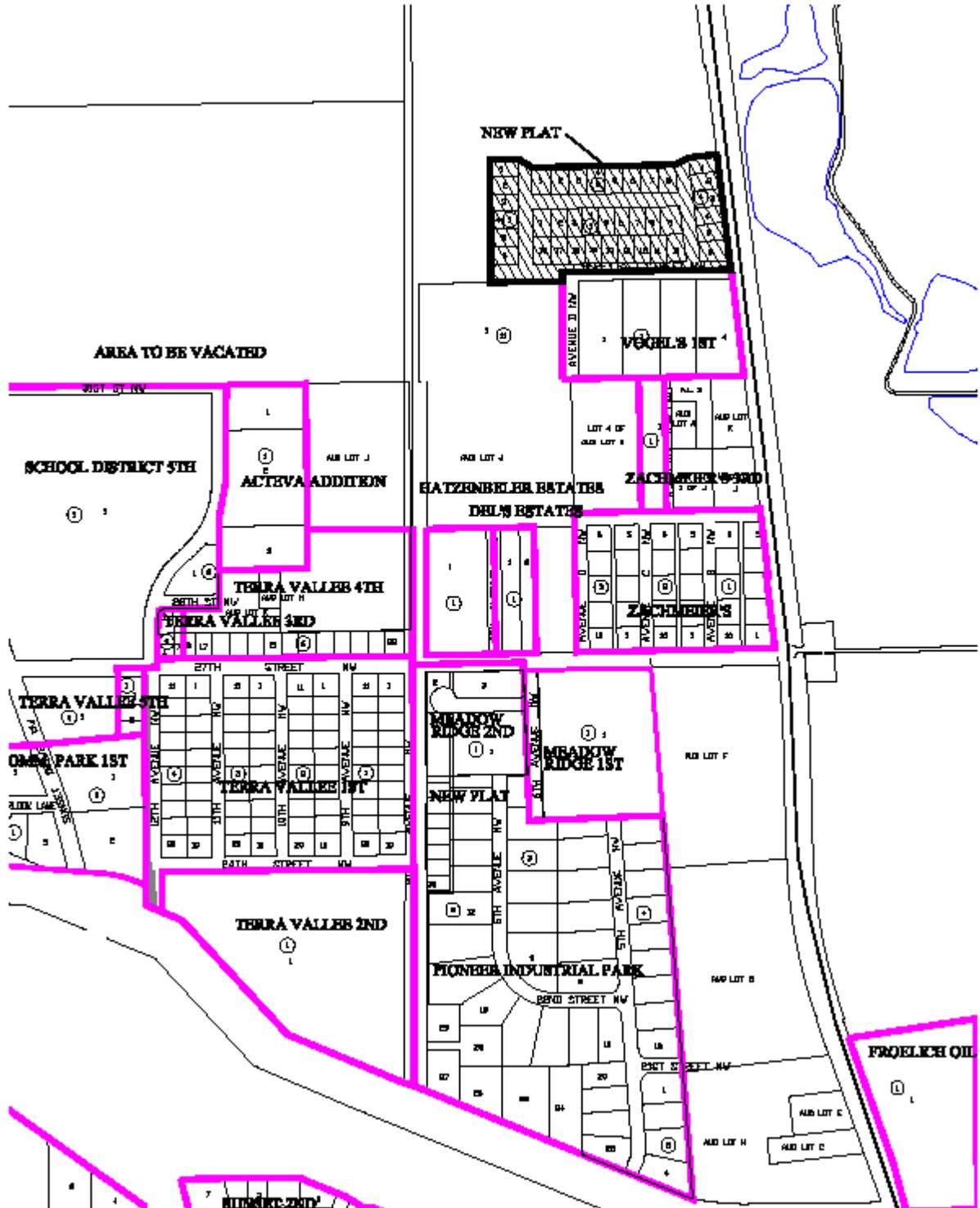
Fee Required: \$250.00 Date Received: 8-7-2012

Adjacent Property Owner Notification: September 14th, 2012

Dates of Legal Notices: September 14th & 21st, 2012

Recommendation: Planning office recommends approval.





Harvey Schneider

From: Harvey Schneider
Sent: Thursday, September 06, 2012 10:27 AM
To: 'Jesse Kalboush'
Cc: 'Dave Bechtel; Andra Marquardt'
Subject: FW: Sunrise View Estates

Jesse
I met with Kevin Levi with the DOT on 9-5-12 to discuss an additional access from 1806 to your proposed subdivision. Attached are his comments.

Thanks,

Harvey Schneider
Toman Engineering Company
501 1st Street NW
Mendota, IN 46855
(701) 663-6683 ext. 11
Fax: (701) 663-0822

From: Levi, Kevin J. [mailto:klevi@nd.gov]
Sent: Thursday, September 06, 2012 9:58 AM
To: Harvey Schneider
Subject: Sunrise View Estates

Harvey

As per our conversation the District reviewed the request for an additional access point onto RD 1806 for the Sunrise View Estates development. It is the Department's policy to allow 5 access points per mile per side of road. In this case there are already nine access points in this mile. Therefore the Department recommends that no additional access points be constructed.

Thank you.

Kevin J. Levi

CITY DEPARTMENTS



CITY OF MANDAN

MANDAN CITY HALL - 205 2nd Avenue NW
MANDAN, NORTH DAKOTA 58554
701-667-3215 • FAX: 701-667-3223 • www.cityofmandan.com

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



PROCLAIMED TO THE CITIZENS OF MANDAN, ND:

Whereas, on behalf of the citizens of Mandan, ND, I join Nickelodeon, Boys & Girls Clubs of America, President's Council on Fitness, Sports & Nutrition, and National Park Foundation in celebrating Worldwide Day of Play and in ensuring that today's generation of kids becomes one of the healthiest, and

Whereas, part of Nickelodeon's international, grassroots effort is to get kids more physically active and to encourage positive, healthy, and playful lifestyles across the globe, thus Worldwide Day of Play is a fun event to empower our youth, and

Whereas, the rates of childhood obesity continue to rise at alarming rates, and

Whereas, today's children and adults don't get as much physical activity as they should, and

Whereas, nutritious diets and physical activity are an important component to living a healthy lifestyle and reducing disease, and

Whereas, Mandan, ND is committed to working to support kids in becoming the healthiest generation,

NOW, THEREFORE, be it resolved, that I, Arlyn Van Beek, Mayor do hereby proclaim Saturday, October 6, 2012 to be **Worldwide Day of Play** in Mandan, ND.

IN OBSERVANCE THEREOF, I call upon the good people of Mandan, ND to join me in recognizing all those associated with making this endeavor a reality, and wishing them all the very best in the future.

IN TESTIMONY WHEREOF, I have hereunto set my hand and cause to be affixed the Great Seal of Mandan, ND on this 2nd day of October, 2012.

Arlyn Van Beek, Mayor

Attest:

James Neubauer City Administrator



CITY OF MANDAN

MANDAN CITY HALL - 205 2nd Avenue NW
MANDAN, NORTH DAKOTA 58554
701-667-3215 • FAX: 701-667-3223 • www.cityofmandan.com

CITY DEPARTMENTS

ADMINISTRATION	667-3215
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FINANCE	667-3213
FIRE	667-3288
HUMAN RESOURCES	667-3217
LANDFILL	667-0104
MUNICIPAL COURT	667-3270
POLICE	667-3455
PUBLIC WORKS	667-3240
WASTEWATER TREATMENT	667-3278
SPECIAL ASSESSMENTS	667-3271
UTILITY BILLING	667-3219
WATER TREATMENT	667-3275

Family Day Proclamation

WHEREAS the use of illegal and prescription drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America's children;

WHEREAS 17 years of surveys conducted by The National Center on Addiction and Substance Abuse at Columbia University (CASA Columbia) have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs;

WHEREAS frequent family dining is associated with lower rates of teen smoking, drinking, illegal drug use and prescription drug abuse;

WHEREAS the correlation between frequent family dinners and reduced risk for teen substance abuse is well documented;

WHEREAS parents who are engaged in their children's lives - through such activities as frequent family dinners - are less likely to have children who abuse substances;

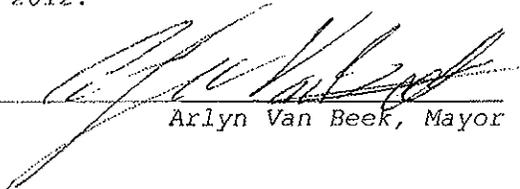
WHEREAS family dinners have long constituted a substantial pillar of family life in America:

Now, therefore, I, Arlyn Van Beek, Mayor, do hereby proclaim the fourth Monday of every September as

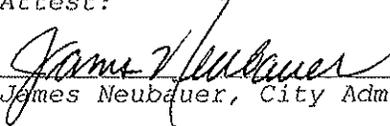
Family Day - A Day to Eat Dinner with Your Children™

and urge all citizens to recognize and participate in its observance.

IN WITNESS WHEREOF, I hereunto set my hand and the seal of the City of Mandan on this twenty-first day of September, 2012.


Arlyn Van Beek, Mayor

Attest:


James Neubauer, City Administrator

**Employment Contract for Business Development & Communications
Director
City of Mandan, North Dakota**

THE PARTIES to this Agreement are:

- 1) City of Mandan, North Dakota, party of the first part (hereafter Mandan)
- 2) Ellen Huber, 2359 37 St, Mandan, ND (hereafter Huber).

Terms and Conditions of Employment Contract

The following recitals shall be deemed a part of this Agreement, and the parties agree that they accurately set forth the circumstances and basis upon which this Agreement has been executed:

- 1) The Board of City Commissioners has appointed Ellen Huber as its Business Development & Communications Director for a three year period beginning February 1, 2013 and ending January 31, 2016. The annual salary will be the previous years' salary plus a Cost of Living Adjustment (COLA) as approved in the 2013 budget plus 2.5% (the 2.5% would only apply if employee step increases are approved), the annual salary in 2014 will be the previous year's salary plus a COLA as approved in the 2014 budget plus a merit adjustment ranging between 0 – 5% based on job performance. The annual salary in 2015 will be the previous year's salary plus a COLA as approved in the 2015 budget plus a merit adjustment ranging between 0 – 5% based on job performance. The contract may be renewed for a like or longer term by vote of the majority of the Board of City Commissioners.
- 2) The position of the Business Development & Communications Director is not part of the Mandan's civil service system, and the Business Development & Communications Director is an employee at will, serving at the pleasure of the Board of City Commissioners and is subject to dismissal with or without cause, upon notice.
- 3) Written performance reviews shall be conducted by the City Administrator and results reviewed by the Board of City Commissioners prior February 1, of each year of the contract.
- 4) Huber shall receive the same benefits relating to sick leave, sick family leave, funeral leave, personal leave, vacation, health insurance, term insurance, pension eligibility, holidays, and travel reimbursement as any other employee in accordance with his/her year of employment with the City of Mandan. The benefit package and continuing education reimbursement may be renegotiated at any time during the contract term as determined by Mandan and Huber.

- 5) In the event, Mandan cancels the terms of this Agreement at any time during the contract term, Huber shall be entitled to a severance payment equal to six months' salary, payable on the last day of employment, and the City of Mandan will continue to pay the premium cost of health insurance and term insurance for the coverage in effect at the time of termination of employment for a period of six months.

A termination for cause, including by not limited to conduct specified below will not entitle Huber to either severance pay or insurance benefits post termination.

- a) Consumption of alcoholic beverages or unlawful use of any drugs, narcotic or other controlled substance while on duty, or reporting to work when under the influence of intoxicants or any narcotic or controlled substance;
- b) Continued failure to perform the assigned work in a satisfactory manner;
- c) Conviction of a felony or conviction of a misdemeanor involving dishonesty or moral turpitude;
- d) Engaging in criminal, infamous, dishonest or notoriously disgraceful conduct, or other conduct prejudicial to the government;
- e) Engaging in conduct or making public statements which adversely affect the confidence of the public in the integrity of the board of city commissioners, the department heads or city government or which directly or indirectly condemns or criticizes the policies of the city or any of its departments;
- f) Taking any action which might prejudice the city's interest in a criminal or civil action.

Duties and Responsibilities of Business Development Director

Huber, in her capacity as Business Development Director of the City of Mandan shall exercise and perform the following duties and responsibilities:

- 1) Communicate and promote a community-wide business development strategy with emphasis on redevelopment of the Central Business District and Memorial Highway. This implementation strategy will be based upon the URS Redevelopment Plan, the Mandan Tomorrow Strategic Plan, input from the City Commission, City Administrator, business community, public at large and the Bismarck Mandan Development Association (BMDA).
- 2) Coordinate retail recruitment activities with BMDA and other applicable parties to include marketing and outreach, identifying and targeting businesses suitable for the preferred economic mix of the community,

responding to inquiries from parties demonstrating an interest in a Mandan location, and fostering local entrepreneurship. Assist the BMDA in hosting both retail and primary sector businesses considering sites within the Mandan area.

- 3) Provide support to retain and expand existing businesses by communicating current business incentive programs, identifying needs and assisting with specific programs designed to meet identified needs.
- 4) Manage the day to day affairs and operations of the Mandan Renaissance Zone.
- 5) Provide a supporting role in the administration and management of the Mandan Progress Organization to drive accountability as the City continues to provide financial assistance to the organization for the betterment of the community.
- 6) Communicate opportunities, progress and news about issues important to the business community and general public. Specific tasks include:
 - Develop, implement, and maintain an effective public information program on either a citywide or departmental basis
 - Develop press releases, columns and other materials for the media for publication
 - Develop brochures and publications
 - Arrange dedications, oath-taking ceremonies, news conferences, and other public relations type events
 - Perform a variety of miscellaneous duties including making arrangements for tours and speaking engagements
 - Represent City on various community committees
 - Assist with special event advertising/marketing;
 - Provide City Commission with support/information on issues of interest to the media
 - Develop communication plans for various City campaigns, both internally and externally
 - Work on the development of the City website
 - Works with other departments on media and protocol training/advice;
 - Responds to public records requests made by the news media
- 7) Assist with State Small Business Credit Initiative coordination and reporting requirements to assure program compliance.
- 8) Perform such other duties as deemed necessary by the Board or the City Administrator.

This written Agreement supersedes and merges all previous written and oral negotiations and commitments of the Parties with respect to the matters addressed. This Agreement may be waived or amended only in writing.

THIS AGREEMENT shall be binding upon and inure to the benefit of the Parties hereto, their successors and assigns, and is executed by the Parties.

CITY OF MANDAN

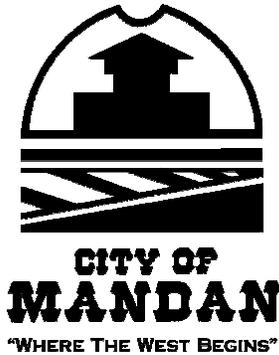
_____ Date: _____
Arlyn Van Beek, President, Board of
City Commissioners

Attest:

_____ Date: _____
Jim Neubauer, City Administrator

PARTY OF THE SECOND PART

_____ Date: _____
Ellen Huber
2359 37 St, Mandan, ND



Board of City Commissioners

Agenda Documentation

MEETING DATE: October 2, 2012
PREPARATION DATE: September 27, 2012
SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Jeff Wright
PRESENTER: Jeff Wright, Public Works Director
SUBJECT: Consider budget amendment to the 2012 Water and Sewer Utility Fund to upsize water main in Plainview Heights 13th Addition.

STATEMENT/PURPOSE: Consider amending the 2012 Water and Sewer Utility Fund to upsue the water main through Plainview Heights 13th Addition to handle future growth to the south and west of this subdivision. We are paying for only the additional cost to install the oversized 16" water main instead of the City Standard 8" water main.

BACKGROUND/ALTERNATIVES: According to the Water Master Plan, the need is there for a 16" water transmission line from the new reservoir extending to the south and west to serve additional growth in the Plainview Heights area. The development of Plainview Heights 13th Addition extends south of the new reservoir and is the first leg in extending the needed water main to service this area. If we do not put in the water main now we would be forced to dig up this newly developed area, including the asphalt streets, curb and gutter, etc. This would be a wasteful cost, by working with the developer now; we only pay for the upsizing, not the whole cost. This has been a standard procedure for the City in the past.

ATTACHMENTS: Contractor bid prices for Plainview Heights 13th Addition.

FISCAL IMPACT: Finance Director Welch recommends amending the 2012 Water and Sewer Fund to pay the estimated \$91,000 to install the oversized 16" WM.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend amending the 2012 Water and Sewer Fund for upsizing costs within the Plainview Heights 13th Addition.

Board of City Commissioners

Agenda Documentation

Meeting Date: October 2, 2012

Subject: Consider budget amendment to the 2012 Water and Sewer Utility Fund to upsize water main in Plainview Heights 13th Addition.

Page 2 of 11

SUGGESTED MOTION: Move to amend the 2012 Water and Sewer Fund for upsizing costs within the Plainview Heights 13th Addition.

SECTION 00520

**STANDARD FORM OF AGREEMENT
BETWEEN OWNER AND CONTRACTOR**

THIS AGREEMENT is by and between City of Mandan (“Owner”) and
Basaraba Excavating & Dirt Works (“Contractor”).

Owner and Contractor hereby agree as follows:

ARTICLE 1 – WORK

1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

Water & Sewer Improvements – Installing 1237 LF of 16” watermain along 14th Street in Plainview Heights 13th Addition, including the 411 LF of 16” watermain from 14th Street to the existing city pump station.

ARTICLE 2 – THE PROJECT

2.01 The Project for which the Work under the Contract Documents may be the whole or only a part is generally described as follows:

Water & Sewer Improvements – Plainview Heights 13th Addition to the City of Mandan

ARTICLE 3 – ENGINEER

3.01 The Project has been designed by Kadrmas, Lee and Jackson, Inc., which is to act as Owner’s representative, assume all duties and responsibilities, and have the rights and authority assigned to Engineer in the Contract Documents in connection with the completion of the Work in accordance with the Contract Documents.

ARTICLE 4 – CONTRACT TIMES

4.01 *Time of the Essence*

A. All time limits for Milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

4.02 *Dates for Substantial Completion and Final Payment*

A. The Work to be performed under this agreement shall be substantially complete on or before October 18, 2012. The remainder of the water & sewer improvements shall be complete and

Board of City Commissioners

Agenda Documentation

Meeting Date: October 2, 2012

Subject: Consider budget amendment to the 2012 Water and Sewer Utility Fund to upsize water main in Plainview Heights 13th Addition.

Page 3 of 11

ready for final payment in accordance with Paragraph 14.07 of the General Conditions on or before October 25, 2012.

4.03 *Liquidated Damages*

- A. Contractor and Owner recognize that time is of the essence as stated in Paragraph 4.01 above and that Owner will suffer financial loss if the Work is not completed within the times specified in Paragraph 4.02 above, plus any extensions thereof allowed in accordance with Article 12 of the General Conditions. The parties also recognize the delays, expense, and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by Owner if the Work is not completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty), Contractor shall pay Owner \$1000 for each day that expires after the time specified in Paragraph 4.02 above for Substantial Completion until the Work is substantially complete. After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the Contract Time or any proper extension thereof granted by Owner, Contractor shall pay Owner \$1000 for each day that expires after the time specified in Paragraph 4.02 above for completion and readiness for final payment until the Work is completed and ready for final payment.

ARTICLE 5 – CONTRACT PRICE

- 5.01 Owner shall pay Contractor for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined pursuant to Paragraphs 5.01.A below:

- A. For all Unit Price Work, an amount equal to the sum of the established unit price for each separately identified item of Unit Price Work times the actual quantity of that item. Unit prices are those listed in the Unit Price Schedule of the Bid Form attached as Exhibit A to the agreement.

The Bid prices for Unit Price Work set forth as of the Effective Date of the Agreement are based on estimated quantities. As provided in Paragraph 11.03 of the General Conditions, estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by Engineer as provided in Paragraph 9.07 of the General Conditions.

The City will only pay for the oversizing of the watermain from 8” to 16” along 14th Street and the additional 16” watermain from the street to the pump station.

ARTICLE 6 – PAYMENT PROCEDURES

- 6.01 *Submittal and Processing of Payments*

- A. Contractor shall submit Applications for Payment in accordance with Article 14 of the General Conditions. Applications for Payment will be processed by Engineer as provided in the General Conditions.

Board of City Commissioners

Agenda Documentation

Meeting Date: October 2, 2012

Subject: Consider budget amendment to the 2012 Water and Sewer Utility Fund to
upsue water main in Plainview Heights 13th Addition.

Page 4 of 11

6.02 *Progress Payments; Retainage*

- A. Owner shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment on or about the once each month during performance of the Work as provided in Paragraph 6.02.A.1 below. All such payments will be measured by the schedule of values established as provided in Paragraph 2.07.A of the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements.
1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as Engineer may determine or Owner may withhold, including but not limited to liquidated damages, in accordance with Paragraph 14.02 of the General Conditions.
 - a. Ninety (90) percent of Work completed (with the balance being retainage). Each progress payment will include retentions or retainage as follows: ten percent of each estimate until the project is fifty percent completed with no further retainage on estimates during the continuance of the contract unless unsatisfactory progress or performance is documented; and
 - b. Ninety (90) percent of cost of materials and equipment not incorporated in the Work (with the balance being retainage).
- B. Upon Substantial Completion, Owner may pay an amount sufficient to increase total payments to Contractor to Ninety-five (95.0) percent of the Work completed, less such amounts as Engineer shall determine in accordance with Paragraph 14.02.B.5 of the General Conditions.

6.03 *Final Payment*

- A. Upon final completion and acceptance of the Work in accordance with Paragraph 14.07 of the General Conditions, Owner shall pay the remainder of the Contract Price as recommended by Engineer as provided in said Paragraph 14.07.

ARTICLE 7 – INTEREST

- 7.01 All moneys not paid when due as provided in Article 14 of the General Conditions shall bear interest at the maximum rate allowed by law at the place of the Project.

ARTICLE 8 – CONTRACTOR'S REPRESENTATIONS

- 8.01 In order to induce Owner to enter into this Agreement, Contractor makes the following representations:

- A. Contractor has examined and carefully studied the Contract Documents and the other related data identified in the Bidding Documents.

Board of City Commissioners

Agenda Documentation

Meeting Date: October 2, 2012

Subject: Consider budget amendment to the 2012 Water and Sewer Utility Fund to upsize water main in Plainview Heights 13th Addition.

Page 5 of 11

- B. Contractor has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
- C. Contractor is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, and performance of the Work.
- D. Contractor has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions relating to existing surface or subsurface structures at the Site (except Underground Facilities), if any, that have been identified in Paragraph SC-4.02 of the Supplementary Conditions as containing reliable "technical data," and (2) reports and drawings of Hazardous Environmental Conditions, if any, at the Site that have been identified in Paragraph SC-4.06 of the Supplementary Conditions as containing reliable "technical data."
- E. Contractor has considered the information known to Contractor; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Contract Documents; and the Site-related reports and drawings identified in the Contract Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor, including any specific means, methods, techniques, sequences, and procedures of construction expressly required by the Contract Documents; and (3) Contractor's safety precautions and programs.
- F. Based on the information and observations referred to in Paragraph 8.01.E above, Contractor does not consider that further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.
- G. Contractor is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Contract Documents.
- H. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents, and the written resolution thereof by Engineer is acceptable to Contractor.
- I. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 9 – CONTRACT DOCUMENTS

9.01 *Contents*

- A. The Contract Documents consist of the following:
 - 1. This Agreement (pages 1 to 7, inclusive).
 - 2. Performance bond (pages 1 to 2, inclusive).

Board of City Commissioners

Agenda Documentation

Meeting Date: October 2, 2012

Subject: Consider budget amendment to the 2012 Water and Sewer Utility Fund to
upsized water main in Plainview Heights 13th Addition.

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3. Payment bond (pages 1 to 2, inclusive).
4. General Conditions (pages 1 to 62, inclusive).
5. Supplementary Conditions (pages 1 to 9, inclusive).
6. Specifications as listed in the table of contents of the Project Manual.
7. Drawings consisting of 14 sheets with each sheet bearing the following general title:
Plainview Heights 13th Addition Water & Sewer Improvements.
8. Addenda (numbers _____ to _____, inclusive).
9. Exhibits to this Agreement (enumerated as follows):
 - a. Contractor's Bid (pages _____ to _____, inclusive).
 - b. Documentation submitted by Contractor prior to Notice of Award (pages _____ to _____, inclusive).
10. The following which may be delivered or issued on or after the Effective Date of the Agreement and are not attached hereto:
 - a. Notice to Proceed (pages _____ to _____, inclusive).
 - b. Work Change Directives.
 - c. Change Orders.

ARTICLE 10 – MISCELLANEOUS

10.01 *Terms*

- A. Terms used in this Agreement will have the meanings stated in the General Conditions and the Supplementary Conditions.

10.02 *Assignment of Contract*

- A. No assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

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10.03 *Successors and Assigns*

- A. Owner and Contractor each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

10.04 *Severability*

- A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Owner and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

10.05 *Contractor's Certifications*

- A. Contractor certifies that it has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for or in executing the Contract. For the purposes of this Paragraph 10.05:
 - 1. "corrupt practice" means the offering, giving, receiving, or soliciting of any thing of value likely to influence the action of a public official in the bidding process or in the Contract execution;
 - 2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process or the execution of the Contract to the detriment of Owner, (b) to establish Bid or Contract prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;
 - 3. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish Bid prices at artificial, non-competitive levels; and
 - 4. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

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IN WITNESS WHEREOF, Owner and Contractor have signed this Agreement. Counterparts have been delivered to Owner and Contractor. All portions of the Contract Documents have been signed or have been identified by Owner and Contractor or on their behalf.

This Agreement will be effective on _____ (which is the Effective Date of the Agreement).

OWNER: City of Mandan

CONTRACTOR:

Signature

Signature

By: Jim Neubauer

By: Brent Basaraba

Title: City Administrator

Title: Owner

(If Contractor is a corporation, a partnership, or a joint venture, attach evidence of authority to sign.)

Attest: _____
Signature

Attest: _____
Signature

By: _____

By: _____

Title: _____

Title: _____

Address for giving notices:

Address for giving notices:

City of Mandan, 205 Second Avenue NW

Mandan, ND 58554

License No.: _____

(Where applicable)

(If Owner is a corporation, attach evidence of authority to sign. If Owner is a public body, attach evidence of authority to sign and resolution or other documents authorizing execution of this Agreement.)

Agent for service of process:

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Basaraba Excavating
37610 12th St. NE
Wilton, ND 58579

ARTICLE 5 – BASIS OF BID

5.01 Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

UNIT PRICE BID

*Plainview 13th
w/o 16" pipe*

Item No.	Spec No.	Item	Quantity	Unit	Unit Amount	Total Amount
1	SP	MOBILIZATION	1	LS	9700 ⁻	9,700 ⁻
2	801	PIPE BEDDING	959	TON	14 ⁻	13,426 ⁻
3	801	SUBCUT GRAVEL	111	TON	32 ⁻	3,552 ⁻
4	801	8" SDR-35 PVC SANITARY SEWER	2,026	LF	22 ⁻	44,572 ⁻
5	801	8" SANITARY SEWER CAP	3	EA	125 ⁻	375 ⁻
6	801	TELEWISE SEWER MAIN	2,026	LF	150 ⁻	3039 ⁻
7	900	6" PVC C-900 HYDRANT LEAD	101	LF	30 ⁻	3,030 ⁻
8	900	8" PVC C-900 WATER MAIN	1,696	LF	22 ⁻	37,312 ⁻
9	900	REMOVE & REPLACE 6" HYDRANT	1	EA	1000 ⁻	1000 ⁻
10	900	6" FIRE HYDRANT	6	EA	3500 ⁻	21,000 ⁻
11	900	8" X 6" REDUCER	3	EA	175 ⁻	525 ⁻
12	900	6" GATE VALVE AND BOX	4	EA	1100 ⁻	4400 ⁻
13	900	8" GATE VALVE AND BOX	5	EA	1450 ⁻	7,250 ⁻
14	1205	48" SANITARY SEWER MANHOLES	8	EA	3400 ⁻	27,200 ⁻
15	1209	4" SDR-35 PVC SEWER SERVICE	834	LF	16 ⁻	13,344 ⁻
16	1209	8" X 4" SEWER SERVICE CONNECTION	25	EA	50 ⁻	1,250 ⁻
17	1209	1" WATER SERVICE	894	LF	16 ⁻	14,304 ⁻
18	1209	1" CURB STOP AND BOX	25	EA	140 ⁻	3,500 ⁻
19	1209	8" X 1" WATER SERVICE CONNECTION	25	EA	140 ⁻	3,500 ⁻
20	1211	TRAFFIC CONTROL	1	LS	-	-
TOTAL BID						211,279

Unit Prices have been computed in accordance with Paragraph 11.03.B of the General Conditions.

Bidder acknowledges that estimated quantities are not guaranteed, and are solely for the purpose of comparison of Bids, and final payment for all unit price Bid items will be based on actual quantities, determined as provided in the Contract Documents.

Brent Baker
 9-11-12

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Board of City Commissioners

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Basaraba Excavating

37610 12th St. NE

Wilton, ND 58579

Brent Bonker 9-5-12

ARTICLE 5 – BASIS OF BID

5.01 Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

UNIT PRICE BID

Plain View 13th

Item No.	Spec No.	Item	Quantity	Unit	Unit Amount	Total Amount
1	SP	MOBILIZATION	1	LS	9700-	9700-
2	801	PIPE BEDDING	959	TON	14-	12,026-
3	801	SUBCUT GRAVEL	111	TON	32-	3,552-
4	801	8" SDR-35 PVC SANITARY SEWER	2,026	LF	22-	44,572-
5	801	8" SANITARY SEWER CAP	3	EA	125-	375-
6	801	TELEWISE SEWER MAIN	2,026	LF	150-	3039-
7	900	6" PVC C-900 HYDRANT LEAD	101	LF	30-	3030-
8	900	8" PVC C-900 WATER MAIN	101 <i>22</i>	LF	22-	1,9030-
9	900	REMOVE & REPLACE 6" HYDRANT	1	EA	1000-	1,000-
10	900	6" FIRE HYDRANT	6	EA	3500-	21,000-
11	900	8" X 6" REDUCER	3	EA	175-	525-
12	900	6" GATE VALVE AND BOX	4	EA	1100-	4,400-
13	900	8" GATE VALVE AND BOX	2 <i>3</i>	EA	1450-	2,900-
14	1205	48" SANITARY SEWER MANHOLES	8	EA	3400-	27,200-
15	1209	4" SDR-35 PVC SEWER SERVICE	834	LF	16-	13,344-
16	1209	8" X 4" SEWER SERVICE CONNECTION	25	EA	50-	1,250-
17	1209	1" WATER SERVICE	894	LF	16-	14,304-
18	1209	1" CURB STOP AND BOX	25 <i>25</i>	EA	140-	3,500-
19	1209	8" X 1" WATER SERVICE CONNECTION	17 <i>17</i>	EA	140-	2,380-
20	1211	TRAFFIC CONTROL	1	LS	-	-
21		16" PVC C-900 Water main	831	LF	59 <i>59</i>	49,874-
					TOTAL BID	254,221-

Unit Prices have been computed in accordance with Paragraph 11.03.B of the General Conditions.

Bidder acknowledges that estimated quantities are not guaranteed, and are solely for the purpose of comparison of Bids, and final payment for all unit price Bid items will be based on actual quantities, determined as provided in the Contract Documents.

Pipe Bedding quantities will increase with 16" pipe
 Add 16" Gate Valve and Box 3@ 7500- = 22,500-
 16" X 8" Reducer 750- = 750-
 16" X 1" Water Service Connection 1@ 2000- = 2,000-
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ND 9/22/09

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Plainview Heights 13th Addition Development

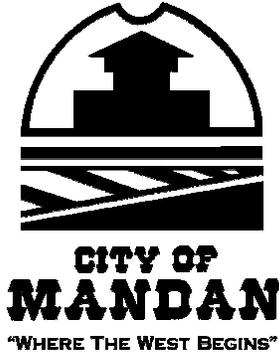
Additional cost due to upsizing of watermain from 8" to 16"

Original Bid	\$211,279.00
Revised Bid w/ 16" line	\$254,221.00
Difference	\$42,942.00

Additional cost due to 16" Watermain from the street to the pump station

Description	Qty	Unit	Unit Price	Total
16" Water Main	411	LF	\$62.00	\$25,482.00
9" Bend	1	EA	\$1,680.00	\$1,680.00
16" Valve/Box	2	EA	\$7,500.00	\$15,000.00
16" Tee	1	EA	\$2,108.00	\$2,108.00
Connect to water tower	1	LS	\$3,500.00	\$3,500.00
Total				\$47,770.00

Total	\$90,712.00
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Board of City Commissioners

Agenda Documentation

MEETING DATE: October 2, 2012
PREPARATION DATE: September 27, 2012
SUBMITTING DEPARTMENT: Business Development & Communications
DEPARTMENT DIRECTOR: Ellen Huber, Business Development & Communications Director
PRESENTER: Administrator Jim Neubauer and/or a MGF Member
SUBJECT: Growth Fund Committee Recommendations on applications for commercial property tax exemption

STATEMENT/PURPOSE: To consider recommendations from the Mandan Growth Fund Committee regarding applications for property tax exemption for new and expanding businesses.

BACKGROUND/ALTERNATIVES: The Mandan Growth Fund Committee at a meeting held Aug. 30, 2012, reviewed and considered the following applications:

- i. **Diversity Homes, Inc. for a project at 2101 46th Avenue SE.** This is an expansion by an existing home building business that has used model homes for office and showroom purposes. The application is for an approximate 6,000 sf building for office and shop/garage space. The business is growing and currently has 6 employees, with 2 of these hired in 2012. With a building value estimated at \$550,000, a total of 5.5 jobs are needed, with 3.5 additional positions needed to be eligible for the full exemption.
- ii. **Edgewood Management Group, LLC, for a project at 40th Street SE & McKenzie Drive.** Edgewood's request is for five years of exemption at 100%. This is for a 72-unit assisted living project valued at \$6.8 million. The project is to create an estimated 25-30 jobs by years 3-5, but 68 would be needed to reach the threshold set in policy for the 100% exemption for all five years. It was noted that the Lakewood Landing Assisted Living project previously approved was at a rate of 100% in years 1-2, 75% in year 3, 50% in year 4 and 25% in year 5.

- iii. **BOS Solutions, Inc. for a project at 2916 34th Street NW.** The application is for combination office and warehouse space of 8,800 sf for a company that rents well-side fluid handling equipment for the oil and gas industry. The facility will be used to overhaul, repair and service the company's fluid handling equipment. Asked about the 80 jobs listed on the application, potentially increasing to 114 in five years, a company representative explained that the majority will be in the field with employees that may come from out of state and live in temporary housing. A minimum of 12 employees is needed to qualify for the five-year exemption at 100%, which is roughly the number expected to be on site.

ATTACHMENTS: See applications provided for Public Hearings

FISCAL IMPACT:

- i. Diversity Homes, Inc. — With a proposed building investment of \$550,000, the estimated annual property taxes are \$11,093.
- ii. Edgewood Management Group, LLC — With a proposed building investment of \$6.8 million, the estimated annual property taxes are \$137,149.
- iii. BOS Solutions, Inc. — With a proposed building investment of \$1.2 million, the estimated annual property taxes are \$24,203.

Land, in all cases, remains taxed.

STAFF IMPACT: Minimal time will be needed for job verification requirement for two of the three projects.

LEGAL REVIEW: Attorney Brown has reviewed all information.

RECOMMENDATIONS:

- i. The MGF voted to recommend approval of a property tax exemption for Diversity Homes for five years at 100% due to the number of the jobs that have been and will be created in relation to the building investment, subject to verification after year 2 and sustained through year 5.
- ii. The MGF voted to recommend approval of a property tax exemption for Edgewood Management Group for years 1-2 at 100% and years 3, 4 and 5 at 75%, 50% and 25%, respectively.
- iii. The MGF voted to recommend approval of a property tax exemption for BOS Solutions for five years at 100% due to the number of jobs to be created in relation to the building investment, subject to verification of meeting the minimum number of onsite jobs at the end of year 2 and sustained through year 5.

The MGF voted to recommend denial of a request by BOS Solutions for a \$10,000 annual payment in lieu of taxes for years 6-20 on the basis that it does not meet the policy requirement for the number of jobs to be created, which should be onsite or at least based from the community.

SUGGESTED MOTIONS:

- i. I move the Commission approve a property tax exemption for Diversity Homes for five years at 100%, subject to verification of created jobs after year 2 and sustained through year 5.
- ii. I move the Commission approve a property tax exemption for Edgewood Management Group for years 1-2 at 100% and years 3, 4 and 5 at 75%, 50% and 25%, respectively.
- iii. I move the Commission approve a property tax exemption for BOS Solutions for five years at 100%, subject to verification of created jobs based in the community at the end of year 2 and sustained through year 5.

ORDINANCE NO. 1130

AN ORDINANCE CHANGING THE NAMES OF CERTAIN STREETS OR PARTS THEREOF SITUATED WITHIN THE CITY OF MANDAN, MORTON COUNTY, NORTH DAKOTA.

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

SECTION 1. Name of Streets. The names of the following streets or parts thereof are hereby changed as set forth below; namely;

1. Wildrye Street and Meadow View Drive as platted in Meadows 5th Addition in Section 8, Township 139N, Range 81W, in the City of Mandan, Morton County, North Dakota is hereby changed to "Wildrye Circle NW".

SECTION 2. Notice. The proper officials of the city are hereby directed to publish a copy of this ordinance in the Mandan News, the official newspaper, for two successive weeks and take such further action in the premise as they may deem necessary or desirable.

President, Board of City Commissioners

Attest:

City Administrator

Publication Dates:	<u>September 7th & 14th, 2012</u>
Public Hearing:	<u>September 18th, 2012</u>
First Reading:	<u>September 18th, 2012</u>
Second Reading:	<u>October 2nd, 2012</u>
Publication Date:	<u>October 26th, 2012</u>
Recording Date:	_____

