

**AGENDA**  
**MANDAN CITY COMMISSION**  
**SEPTEMBER 17, 2013**  
**ED "BOSH" FROEHLICH MEETING ROOM,**  
**MANDAN CITY HALL**  
**5:00 P.M. (SPECIAL TIME)**  
**[www.cityofmandan.com](http://www.cityofmandan.com)**

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- A. ROLL CALL:
1. Roll call of all City Commissioners and Department Heads.
- B. APPROVAL OF AGENDA:
- C. PUBLIC COMMUNICATIONS:
- D. MINUTES:
1. Consider approval of the minutes from the September 3, 2013 Board of City Commission meeting.
- E. PUBLIC HEARING:
1. Public Hearing scheduled at 6:00 p.m. to review and discuss the Preliminary 2014 Budget. (See Ordinances and Resolutions #1 and #2)
- F. BIDS:
- G. CONSENT AGENDA:
1. Consider approval of monthly bills.
  2. Consider confirmation of special assessments for Street Improvement District #148.
  3. Consider request from the Human Resources Department to destroy old documents in accordance with the Records Retention Schedule.
  4. Consider authorizing a work change order on Street Improvement District No. 174, Project No. 2012-16 (Plainview Heights 13th Addition).
  5. Consider authorizing a work change order on Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6<sup>th</sup> and 7th Addition).
  6. Consider approval of the following abatements:
    - i. Street Appraisal – James Wetsch
    - ii. Street Appraisal – Monte Binstock
    - iii. Street Appraisal – Theresa Timmerick
  7. Consider proclamation designating September 21, 2013 as Nickelodeon Worldwide Day of Play in the City of Mandan.

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H. OLD BUSINESS:

1. Discussion regarding liquor licenses.

I. NEW BUSINESS:

1. Consider the creation of, approval of the feasibility report for, approve the plans and specifications, approve engineer's report, direct advertisement for bids and approve sufficiency of petition for Street Improvement District No. 189, Project No. 2013-30 (Lakewood 6<sup>th</sup> Addition Lot 10B Block 2 Replat). (See Resolution No. 3).
2. Consider Amendment No. 1 to Agreement Between Owner and Engineer for Professional Engineering Services of the Mandan Water Treatment Plant, Phase II Optimization Project.

J. RESOLUTIONS AND ORDINANCES:

1. Consider the second and final consideration of Ordinance No. 1163 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2014, and ending December 31, 2014, and making the annual tax levy for the year 2013.
2. Consider Resolution establishing rates and charges for services from the Water and Sewer Utility Fund.
3. Consider the Resolutions creating district, approving engineer's report, determining sufficiency of protest, approving the plans and specifications and directing advertisement for bids for Street Improvement District No. 189, Project No. 2013-30 (Lakewood 6<sup>th</sup> Addition Lot 10B Block 2 Replat).
4. Consider authorizing a work change order on Street Improvement District No. 174, Project No. 2012-16 (Plainview Heights 13th Addition).
5. Consider authorizing a work change order on Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6<sup>th</sup> and 7<sup>th</sup> Addition).

K. OTHER BUSINESS:

L. FUTURE MEETING DATES FOR BOARD OF CITY COMMISSIONERS:

1. October 1, 2013
2. October 15, 2013
3. November 5, 2013 – 4 p.m. start

M. ADJOURN

**Public Communication**

A scheduled time for public participation has been placed on the agenda at Mandan City Commission meetings. The Board desires to hear the viewpoints of

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

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

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The Mandan City Commission met in regular session at 5:00 p.m. on September 3, 2013 in the Ed “Bosh” Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Frank, and Braun. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development and Communications Director Huber, Planning & Engineering Director Froseth, Engineering Project Manager Fettig, and Assessor/Building Official Lalim.

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

C. PUBLIC COMMUNICATIONS:

Terry Fleck, a Mandan resident came forward to speak. He stated he was before this Board in June regarding a lot that he owns near the Mandan Municipal Golf Course. He has met with his contractor and said that the building project will be started within the next two weeks. He requested a meeting with a City representative about water utilities hook up. He referenced a letter that was dated in 2000 wherein the Park Board Commission petitioned the city to vacate that street based on selling it to an individual in the future. Fleck stated he would be interested in purchasing that 40’ right of way and build a twin home on that property. City Attorney Brown advised Fleck to go to the Park Board District regarding that matter.

Casey Chapman, a Bismarck Attorney, came forward and stated he is working with the parties constructing a Cenex store on the strip. He indicated that when reviewing the Agenda for this meeting there was a reference to Class A licenses. He mentioned that he has already made arrangements for a license and does not know if the rules are going to change. He said that he would like the opportunity to participate in discussion when it comes up at this meeting. He indicated that his client has moved forward with his plans for the Cenex store based on the liquor license. Mayor Van Beek replied that if the Board has questions when that matter is discussed that he will be called upon.

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission meeting held on August 20, 2013.* Commissioner Tibke moved to approve the minutes from the Board of City Commission meeting held on August 20, 2013. 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.

E. PUBLIC HEARING:

1. *Public Hearing to consider the vacation of public streets as platted in Terra Vallee 6<sup>th</sup> Addition and School District 5<sup>th</sup> Addition.* Engineering Project Manager Fettig presented a request from Dennis Meyer and Eagle Ridge Development, LLC to vacate 28<sup>th</sup> Street NW from 8<sup>th</sup> Avenue NW to 12<sup>th</sup> Avenue NW; 29<sup>th</sup> Street NW from 8<sup>th</sup>

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Avenue NW to 12<sup>th</sup> Avenue NW and 30<sup>th</sup> Street NW from 8<sup>th</sup> Avenue NW to 12<sup>th</sup> Avenue Northwest. She explained that these lots were platted as Terre Vallee 6<sup>th</sup>. Since the time it has been recorded and platted it has been sold to Eagle Ridge Development which is Eagle Ridge 1<sup>st</sup>. They are planning on building apartments and a 12-plex unit and twin homes. In order for that plan to work the City allowed vacation of the streets right-of-ways that show on the map.

Mayor Van Beek announced this is a public hearing and invited anyone to come forward to speak for or against the request for vacation of public streets as platted in Terra Vallee 6<sup>th</sup> Addition and School District 5<sup>th</sup> Addition. A second announcement was made to come forward. Hearing none, this portion of the public hearing was closed.

Commissioner Rohr moved to approve the street vacations of 28<sup>th</sup> Street NW from 8<sup>th</sup> Avenue NW to 12<sup>th</sup> Avenue NW; 29<sup>th</sup> Street NW from 8<sup>th</sup> Avenue NW to 12<sup>th</sup> Avenue NW and 30<sup>th</sup> Street NW from 8<sup>th</sup> Avenue NW to 12<sup>th</sup> Avenue NW. 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.

F. BIDS:

1. *Consider award of bid for Street Improvement District 177 Project 2012-22(Meadows 6<sup>th</sup> Addition). (See Resolution No. 2)* Engineering Project Manager Fettig reviewed with the Board the bids received on August 23, 2013 for this project. Northern Improvement was the low bidder in the amount of \$340,999.10. The Engineer's estimate was \$377,248.00. KLJ revised the quantities that were not matching the drawings and specs and had to revise the estimate to reflect the quantity change with the correct totals. After that revision was made, the Engineer's estimate changed to \$339,486.75. The estimate is less than 1% higher than the bid received. The construction cost of \$340,999.10 plus the engineering and administrative cost of \$102,299.73 brings the total cost to \$443,298.83. The 15 benefiting lots will be assessed \$29,553.26 per lot.

Commissioner Tibke pointed out the lot costs and reminded the Board of the upcoming working session addressing assessments. She suggested the developer pay more of the upfront costs. Commissioner Frank recommended getting information in advance from the developer regarding the cost and she agreed this should be discussed once again by the Board.

Commissioner Frank moved to award the bid for Street Improvement District 177 Project 2012-22(Meadows 6<sup>th</sup> Addition) to Northern Improvement was the low bidder in the amount of \$340,999.10. Commissioner Tibke seconded the motion. Commissioner Rohr inquired about the lots sitting vacant over a period of years and the taxes being unpaid. Finance Director Welch explained that if the lot taxes are not paid in full or kept current then the property goes back to the City for taxes. To make the special assessment payments on those lots, it goes onto the property tax levy and all the property owners in the City are responsible for making those payments because of delinquent taxes.

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

2. *Consider award of bid for Street Improvement District 179 Project 2013-10(Meadow Ridge 3<sup>rd</sup> Addition). (See Resolution No. 3) Engineering Project Manager Fettig reviewed with the Board the bids received on August 26, 2013 for this project. Tand Construction LLC was the low bidder in the amount of \$334,275.00. The Engineer's estimate was \$326,413.00. The bid was 2.4% higher than the Engineer's Estimate. The construction cost of \$334,275.00 plus the engineering and administrative cost of \$116,996.25 brings the total cost to \$451,271.25. The special assessments will be assessed to the 30 benefiting units at \$15,042.38 per unit.*

Commissioner Frank moved to approve the award for the bid for Street Improvement District 179 Project 2013-10(Meadow Ridge 3<sup>rd</sup> Addition) to Northern Improvement Company the low bidder in the amount of \$334,275.00. Commissioner Rohr seconded the motion. Finance Director Welch clarified that the low bidder was Tand Construction LLC. Commissioner Frank amended the motion to award the bid to Tand Construction, LLC the low bidder in the amount of \$334,275.00. Commissioner Rohr seconded the amended motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

G. CONSENT AGENDA

1. *Consider Professional Services Agreement with Advanced Engineering and Environmental Services for the Water Meter/Reading Improvement Project.*
2. *Consider for approval the final plat of the Replat of Lots 4B & 5, Block 3, Lakewood Commercial Park 3<sup>rd</sup> Addition.*
3. *Consider for approval the final plat of the Replat of Lot 2A, Block 3, Lakewood Commercial Park 3<sup>rd</sup> Addition.*
4. *Consider for approval the final plat of Keidel's South Heart Terrace 3<sup>rd</sup> Addition.*
5. *Consider for approval the final plat of Eagle Ridge Addition.*
6. *Consider confirmation of special assessments for Street Improvement District #147, Street Improvement District #165, and Water & Sewer Improvement District #52.*
7. *Consider request from Human Resources Department to destroy personnel information in accordance with the records retention schedule.*
8. *Consider assignment and consent of rights and obligations to Crown Equity, LLC for the purchase and development of property at Collins & Main.*
9. *Consider the following street appraisal abatements: (i) Scott Johnson – Parcel #3774 (ii) Scott Johnson – Parcel #3867 (iii) Scott Johnson – Parcel #5851.*

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.

H. OLD BUSINESS:I. NEW BUSINESS:

1. *Consider the Morton Mandan Public Library's 2014 Budget.* Kelly Steckler, Library Director, presented approval for the Morton Mandan Public Library's 2014 Budget. The following is a summarized statement.

Revenues:

Taxes	\$360,600
Intergovernmental	\$224,150
Charges for Services	\$ 2,850
Fines and Forfeits	\$ 5,000
<u>Miscellaneous</u>	<u>\$ 44,450</u>
Total Revenues:	\$637,050

Expenditures:

Salaries and Benefits	\$392,620
Fees and Other Service Charges	\$ 29,650
Insurance	\$ 4,000
Rentals	\$ 1,000
Travel and Training	\$ 3,500
Utilities	\$ 18,550
Publishing and Printing	\$ 2,000
Library Materials	\$113,640
Supplies and Maintenance	\$ 33,400
Repairs and Maintenance	\$ 30,250
Capital Outlay	\$ 2,000
<u>Transfers</u>	<u>\$ 25,000</u>
Total Expenditures:	\$655,610

Commissioner Frank questioned the 11% increase in tax revenue collection and noted that salaries and benefits have increased. She also noted an increase in library materials. She inquired about the e-related increase in supplies. Steckler replied that they are tracking that item and the State Library is also working on new standards because the current standards only include a library print book. They do not take into account the electronic books which are the way things are moving right now. There is an almost 200% increase in technology support that will support a technology plan for having the public access computers updated and the remainder will be used for the e-books and things like that. The insurance costs have increased due to building insurance and maintenance insurance increased costs. Steckler said that electronic online materials area is a major item related to budget increases. Commissioner Frank moved to approve the Morton Mandan Public Library's 2014 Budget as presented. 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.

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2. *Consider authorization to advertise for bids for the Mandan Water Treatment Plant, Phase II Optimization project.* Planning & Engineering Director Froseth stated that City staff has been able to secure a state revolving fund loan to make improvements to the City's Water Treatment Plant. AE2S provided a list of improvements and projected costs for those improvements. Froseth explained that some changes were made since the loan application was submitted and approved primarily with the pre-treatment basin and the storage room. Due to the revised costs the bids will be structured to allow the City to select the options that are affordable within the available funding for the project. However, there may be some funds available in the Utility Fund if the costs run over \$1.2 million. A DWSRLF loan is in place for the \$1.2 million. Finance Director Welch commented that the loan is at a low interest rate.

Commissioner Frank moved to approve the authorization to advertise for bids for the Mandan Water Treatment Plant, Phase II Optimization project. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider parking lease agreement with Crown Equity, LLC.* Business Development and Communications Director Huber presented a request from Crown Equity, LLC as part of the redevelopment of land for parcels at Collins Avenue and Main Street with 12 parking spaces on the site. The building will have 3000 square feet of commercial property at the street level and 29 apartments. They are seeking to rent 25 spaces that have not been utilized in recent years in the parking lot east of the fire station (Public Parking Lot R). The proposed rate is \$20 per month, the same rate other tenants pay. The term on this agreement is for 2 years. Huber reviewed the free parking areas in the downtown area and the pay for parking on this lot and surrounding lots. Chief Bullinger commented that the parking spaces in this lot have never been completely full. The rental agreements would require payment every six months.

Commissioner Frank moved to approve the Parking Lease Agreement with Crown Equity, LLC. Commissioner Rohr seconded the motion. Commissioner Frank suggested that Huber be forthright in communicating the parking availability that exists along with preferred routes for the public. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Consider process for issuing a Class A liquor license.* City Administrator Neubauer reviewed with the Board an application for one of the two Class A licenses not being utilized. The number of liquor licenses available in the City coincides with the City Ordinances regulation to the number of living units in the City. Neubauer reviewed the issues that have come up with the issuance of liquor licenses. The intent of the applicant in this matter is to have an off sale beer and wine license, however, would add an on-sale area to meet the requirements of a Class A License. Neubauer referenced the City Ordinance in regards to how to issue the license and provided the options to obtain a Class A license. The recommended bid is \$25,000 based on the Class D-1 in which the

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last bid had a recommendation of a minimum of \$7,500 and the Class D was a recommendation of a minimum of \$40,000. The auctioning of the license will follow the process outlined. Attorney Brown stated that on July 1<sup>st</sup> - the process for awarding licenses starts over under the Ordinances in effect at that time. Neubauer explained that the intent of a Class A license is to have bar type of facility and the ability to sell off sale. Commissioner Frank inquired if this matter could be discussed in one of the upcoming City Commission meetings. Neubauer stated he could do some research with two new developments currently under construction however he thinks the applicant would like to know what they need to put into the structure. Neubauer stated that a recommendation for consideration would be to put up one of the Class A licenses for public auction with a minimum bid of \$25,000; that the license must be put into production within 12 months (because there is currently no limitation) and this would prevent someone with a license to use it with its intended purpose. If the successful applicant for the Class A license obtains a Class D-1 or a C-store license within 3 years that entity could use the money they paid for that Class A license as their bid on a Class D-1 license and in return the City would get the Class A license back. Again, the intent is for the Class A license to be a bar with some off sale. The applicant is simply looking for a convenience store off sale license. In summary, the City is trying to address a couple different opportunities. Mayor Van Beek commented that the key issue is for “on and off sale”. Commissioner Tibke inquired if the developers or their attorney have an idea for a timeline of construction and if two weeks might affect the construction plan?

Tory Otto, the property owner/developer stated that where they are currently in construction and the building will be up by the end of the month with anticipation of having the business open by the middle to end of December 2013. The bar is going to be very limited but will be a full on and off sale. He inquired if it would be possible to do a re-count of living units this fall to speed up that process versus waiting until spring 2014?

Casey Chapman, attorney for Cenex, came forward and stated that his client is looking at the Class A license from a different perspective and they would be requesting a transfer of an existing license. He pointed out that when looking at the Class A license there is no minimum regarding on-sale. The requirements for on-sale, (when the applicant comes forward to request the transfer), the initial thought was that it was an option (for the applicant). The concern is they will be paying premium for a Class A license versus what would be paid for a D-1. He stated they will move forward with the request because they also want to open up their business by the end of the year. He clarified that his client is making plans under the current Class A license requirements. He pointed out that the ordinance states on-and-off sale and there are no requirements other than that. Attorney Brown stated that there has been discussion and the intent was that a Class A license that it would be both on-and-off but there is no requirement if you sell one drink a month or 50% on premises. Attorney Brown stated that Mr. Chapman’s scenario of using the Class A for off sale is within the Ordinance. However, any transfer of a liquor license must be approved by the Commission. Mayor Van Beek stated that his interpretation is for both “on-and off sale”.

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Commissioner Tibke commented this is a challenge of a developer's interpretation versus the Commission's interpretation, and the City Attorney is of opinion that both versions can be correct. She concurred with Commissioner Frank's comment that the license requirement should include more detail. Commissioner Frank stated she would appreciate additional time to discuss this further to determine if it is truly on-and-off sale or if it can be both. She believes there should be some definition of what "on" entails and that it is up to the Commission to decide what position to take. Commissioner Tibke concurred that she would like additional time for discussion at the working session to address this matter.

Joe Hoffert, a Cenex representative came forward to speak. He stated they are on a tight timeline and went forward with their plans that included having an off-sale in their establishment. Commissioner Frank stated that it does not seem to be a concern with off-sale, the question is what amount of "on" sale is required, if any. He said his building foundations are in and they anticipate an opening of the middle of December 2013.

City Administrator Neubauer indicated the issue could be placed on the Agenda for the Working Session scheduled for September 10, 2013. The matter would then come back for a decision on September 17, 2013.

Commissioner Braun asked whether delaying a decision on this matter for two weeks while the Commission develops a policy would be a disadvantage to either of these parties.

Joe Hoffert stated that the foundations and rooms are all constructed and set up. He stated they are leasing and renting the property so the sooner the better. City Attorney Brown called a point of order stating that neither of the parties have an application before the Commission at this time. The only item on the Agenda is to advertise for a Class A liquor license. If the Commission wishes to defer that discussion, that is appropriate. However, neither of these entities have an application for a liquor license before the Board now.

City Administrator Neubauer stated that the City does have an application from one of the entities and that is why it was brought before the Board as to how the Board would like to proceed with the issue of bid requirements for the Class A license (or not). Regarding the second party who is working on acquiring a Class A license - they would have to bring a transfer request to the Board for consideration along with an application so we could do the background checks, etc. noting that it would be the transfer of a license on the other situation.

Commissioner Frank motioned to table the discussion on the issuance of the Class A liquor licenses until the next meeting. 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.

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J. RESOLUTIONS AND ORDINANCES.

1. *Introduction and first consideration of Ordinance No. 1158, An Ordinance to Amend and Re-enact Section 21-03-10(1)(a) of the Mandan Code of Ordinances relating to automobile parking.* City Attorney Brown stated that he drafted the Ordinance at the request of Building Inspector Lalim explaining the reason for off street parking in order to take some of the parking off the street because of the new apartments being constructed on 40<sup>th</sup> Avenue and Lakewood. City Neubauer stated that the City will take this before the Planning and Zoning Commissioner Committee before this Commission takes any action. No action is required at this time.

2. *Consider Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 177, Project 2012-22(Meadows 6<sup>th</sup> Addition).* Commissioner Frank moved to approve the Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 177, Project 2012-22 (Meadows 6<sup>th</sup> Addition). Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

3. *Consider Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 179, Project 2013-10(Meadow Ridge 3<sup>rd</sup> Addition).* Commissioner Tibke moved to approve the Resolution Approving Contract and Contractor's Bond for Street Improvement District No. 179, Project 2013-10(Meadow Ridge 3<sup>rd</sup> Addition). Commissioner Braun seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

4. *Consider Resolution approving vacation on streets as platted in Terra Vallee 6<sup>th</sup> Addition and School District 5<sup>th</sup> Addition.* Commissioner Frank moved to approve the Resolution approving vacation on streets as platted in Terra Vallee 6<sup>th</sup> Addition and School District 5<sup>th</sup> Addition. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beek: Yes. The motion passed.

K. OTHER BUSINESS

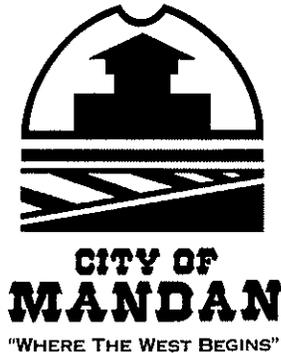
There being no further actions to come before the Board of City Commissioners, Commissioner Braun moved to adjourn the meeting at 6:27 p.m. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present. The motion passed.

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James Neubauer,  
City Administrator

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Arlyn Van Beek,  
President, Board of City  
Commissioners



# **Board of City Commissioners**

## **Agenda Documentation**

**MEETING DATE:** September 17, 2013  
**PREPARATION DATE:** September 11, 2013  
**SUBMITTING DEPARTMENT:** Finance  
**DEPARTMENT DIRECTOR:** Greg Welch  
**PRESENTER:** Greg Welch  
**SUBJECT:** Preliminary 2014 Budget

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### PURPOSES

1. To conduct a Public Hearing to review and discuss the Preliminary 2014 Budget.
2. To consider the second and final consideration of Ordinance No. 1163 adopting the 2014 Budget.
3. To consider the Resolution establishing rates and charges for services from the Water and Sewer Utility Fund.

### BACKGROUND

The City of Mandan is required to prepare the annual Budget in accordance with the Municipal Budget Law (North Dakota Century Code Chapter 40-40) and also with existing City Ordinances, Resolutions, contacts and agreements. In addition to these legal requirements, the City's Significant Budget Policies provide further direction and guidance to the budgeting process.

The Preliminary 2014 Budget is in compliance with these legal requirements and City Policies.

The proposed Budget for 2014 is submitted to you as a recommendation from the City's Budget and Finance Committee.

The City's Budget and Finance Committee consists of the following members:

- Sandy Tibke, City Commissioner (Finance Portfolio)
- Jim Neubauer, City Administrator
- Greg Welch, Finance Director

August 20, 2013 - The Board of City Commissioners passed the introduction and first consideration of Ordinance No. 1163 adopting the 2014 Budget.

The Preliminary 2014 Budget has been posted on the City's website at [cityofmandan.com](http://cityofmandan.com).

#### ATTACHMENTS

- Preliminary 2014 Budget Summary
- Notice of Public Hearing
- Ordinance No. 1163
- Certificate of Levy
- Resolution establishing rates and charges for services from the Water and Sewer Utility Fund

#### FISCAL IMPACT

See Preliminary 2014 Budget Summary

The annual cost for City services for an existing \$200,000 residential home with an average valuation increase of 6.8% (Board of Equalization) and using 8 units of water per month, excluding special assessments:

##### Property Taxes:

- 2013 Budget = \$842
- 2014 Budget = \$794
- Annual decrease = \$48

##### Utility Bill:

- 2013 Budget = \$836
- 2014 Budget = \$878
- Annual increase = \$42

##### Total:

- 2013 Budget = \$1,678
- 2014 Budget = \$1,672
- Annual decrease = \$6

#### STAFF IMPACT

None

#### LEGAL REVIEW

The Budget was prepared in accordance with the Municipal Budget Law (North Dakota Century Code Chapter 40-40) and also with existing City Ordinances, Resolutions, contacts and agreements.

RECOMMENDATIONS

1. To approve the second and final consideration of Ordinance No. 1163 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2014, and ending December 31, 2014, and making the annual tax levy for the year 2013.
2. To approve the Resolution establishing rates and charges for services from the Water and Sewer Utility Fund.

SUGGESTED MOTIONS

1. Move to approve the second and final consideration of Ordinance No. 1163 making the annual appropriations for expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2014, and ending December 31, 2014, and making the annual tax levy for the year 2013.
2. Move to approve the Resolution establishing rates and charges for services from the Water and Sewer Utility Fund.

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**PRELIMINARY 2014 BUDGET SUMMARY**  
**August 20, 2013**

**PURPOSE**

To consider the introduction and first consideration, and call for a public hearing of Ordinance No. 1163 adopting the 2014 Budget.

**BACKGROUND**

The City of Mandan is required to prepare the annual Budget in accordance with the Municipal Budget Law (North Dakota Century Code Chapter 40-40) and also with existing City Ordinances, Resolutions, contracts and agreements. In addition to these legal requirements, the City's Significant Budget Policies provide further direction and guidance to the budgeting process.

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- Jim Neubauer, City Administrator
- Greg Welch, Finance Director

**REVENUES**

Total = \$25,657,750

- Property Taxes = \$3,459,500 or 13%
- 1% City Sales Taxes = \$2,535,200 or 10%
- Other Taxes = \$726,700 or 3%
  - 1% Restaurant and Lodging Taxes = \$431,450
  - 2% Occupancy Taxes = \$81,600
- Licenses and Permits = \$769,900 or 3%
- Intergovernmental = \$3,931,900 or 15%
  - State Aid Distribution = \$2,020,250
  - Highway Tax Distribution = \$1,267,850
  - Fire Insurance Taxes = \$134,250
- Water, Sewer, Solid Waste, Street Light Utility Charges = \$8,663,900 or 34%
- Other Charges for Services = \$448,750 or 2%
  - Fuel (City Shop) = \$231,300
  - Grave Opening and Closing (Cemetery) = \$64,000
- Fines and Forfeits = \$190,750 or 1%
- Special Assessments = \$4,582,300 or 18%
- Miscellaneous = \$348,850 or 1%
  - Interest = \$65,300
  - Loan Repayments (Mandan Growth Fund) = \$18,750
  - Sale of Lots (Cemetery) = \$34,900

## EXPENDITURES

Total = \$26,793,450

- Salaries and Benefits = \$8,911,900 or 33%
  - Salaries = \$6,630,600
  - Benefits = \$2,281,300
- Operations and Maintenance = \$6,591,500 or 25%
- Debt Service-Principal and Interest = \$8,440,950 or 31%
- Capital Outlay = \$2,849,100 or 11%

## MAJOR FUNDS

All Major Funds have met required minimum fund balance operating reserves.

- Provides for economic stability.
- Assists in maintaining the City's bond rating.
- General Fund and Cemetery Fund = 17%
- Utility Funds = 25%

Condensed Operating Statements:

- General Fund
- Cemetery Fund
- Mandan Growth Fund
- Water and Sewer Utility Fund:
  - Base Rate increase:
    - Residential = \$3.50 per month
    - Commercial and Industrial = \$7.00 per month
    - Apartment (3+ units) = \$10.50 per month
    - Purpose: Capital Outlay improvements
- Solid Waste Utility Fund
- Street Light Utility Fund

## TAXABLE VALUATION

Taxable Valuation (estimated) = \$50,857,611

- Increase from Tax Year 2012 (2013 Budget) = 9.1%
- 1 Mill = \$50,857
- Increase from 2012 to 2013:
  - Residential property = 14.4%
  - Commercial property = 1.6%

## MILL LEVY

Mill Levy = 82.61 Mills

- Decrease from Tax Year 2012 (2013 Budget) = 10.94 Mills
- 3 step process:
  - 1) Average city levy of the 11 largest cities (excluding Mandan) for Tax Year 2012 (2013 Budget):
    - Reduction from 93.55 Mills to 89.45 Mills = 4.10 Mill Levy decrease

- 2) Zero increase in Property Taxes for a residential home valued at \$200,000 with an average valuation increase of 6.8% (Board of Equalization) in the true and full value:
  - Reduction from 89.45 Mills to 87.59 Mills = 1.86 Mill Levy decrease
- 3) Additional Property Tax reduction from the City Sales Tax Fund (40% to 50%) to the General Fund:
  - Reduction from 87.59 Mills to 82.61 Mills = 4.98 Mill Levy decrease
- City's share of 1 Mill for Tax Year 2012 (2013 Budget) = 24%

### PROPERTY TAXES

Property Taxes = \$4,201,120

- Decrease from Tax Year 2012 (2013 Budget) = \$160,543
- The decrease in the City property taxes for an existing residential home valued at \$200,000 with an average valuation increase of 6.8% (Board of Equalization) in the true and full value, excluding special assessments = \$47.95

### SALARIES AND BENEFITS

Salaries = \$6,630,600

- Increase from 2013 Budget (revised) = \$851,600 or 14.7%
- Salary ranges for comparable positions are at 95% of the City of Bismarck, effective July 1, 2013.
  - Board of City Commissioners approved on June 18, 2013.
  - Future market adjustments based on the annual Salary Study will be effective January 1.
  - Maximum employee increase per year = 5%
- Performance adjustment = 2.5%
  - Consumer Price Index (Midwest urban less than 50,000)
  - No Cost of Living Adjustment (COLA) on January 1.
- New employees = 12
  - Administration Department = ½ (see Business Development /Communications)
  - Finance Department = 1
  - Police Department = 5
    - COPS Hiring Program Grant (75%) for 2 officers over 3 years.
  - Fire Department = 4
  - Business Development/Communications = ½ (see Administration Department)
  - Utility Maintenance Department = 1
- Part-time employees:
  - Hourly rates for Volunteer Firefighters and seasonal/temporary employees were adjusted to conform to the new salary ranges.

Benefits = \$2,281,300

- Increase from 2013 Budget (revised) = \$238,700 or 11.7%
- City Pension contribution increased from 7% to 8%, effective July 1, 2013.
  - Board of City Commissioners approved on June 18, 2013.
- Health Insurance monthly premiums are fixed until June 30, 2015.
- Human Resources Department and Finance Department are considering and reviewing the following options:
  - City to contribute more to the employee share of a family policy for the purpose of recruitment and retention.
  - Long-term Disability
  - Cafeteria Plan

Salaries and Benefits = \$8,911,900

- Increase from 2013 Budget (revised) = \$1,090,300 or 13.9%
  - Salary Study adjustments = \$224,400
  - 12 new employees = \$658,750
  - 2.5% Performance adjustments = \$153,050
  - Part-time adjustments = \$32,450

#### OPERATIONS AND MAINTENANCE

Operations and Maintenance = \$6,591,500

- Decrease from 2013 Budget (revised) = \$1,062,600 or 13.9%
  - Professional Fees and Services = \$102,950
    - Water and Sewer Utility Fund = \$90,900
  - Subsidies = \$838,250
    - City Visitors' Promotion Capital Construction Fund = \$846,000
- Increase in departmental base spending = \$211,850
  - General Fund = \$113,050
    - Information Technology Department = \$20,850
    - Police Department = \$82,650
  - Cemetery Fund = \$900
  - Mandan Growth Fund = \$600
    - Business Development/Communications
  - Water and Sewer Utility Fund = \$52,600
    - Water Treatment = \$57,350
  - Solid Waste Utility Fund = \$44,700

#### DEBT SERVICE

Debt Service-Principal and Interest = \$8,440,950

- Total Principal and Interest = \$71,760,356
  - Principal = \$60,425,628
  - Interest = \$11,334,728
- Bonded Indebtedness:
  - General Obligation Bonds = \$864,783
  - Special Assessment Bonds = \$41,943,248
    - Budget and Finance Committee will resume discussions concerning Developer Agreements for new subdivisions.
  - Revenue Bonds = \$28,952,326

- Amortization:
  - % of Debt Service retired in 10 years = 85%
  - % of Debt Service retired in 15 years = 99%
- \$2.4M Loan is anticipated from the Drinking Water State Revolving Fund (DWSRF) Program to finance the Water Meter/Reading Improvement Project.
  - Project is included in the North Dakota Department of Health's DWSRF Intended Use Plan.
- Bond Rating = A1

### CAPITAL OUTLAY

Capital Outlay = \$2,849,100

- General Fund = \$1,041,550
  - Street Department = \$750,000
    - Snow Blower
    - 2 Tandem Dump Trucks
    - 2 Street Sweepers
- Cemetery Fund = \$410,000
  - Office/Maintenance Building = \$400,000
    - General Fund = 50%
    - City Sales Tax Fund = 50%
- City Sales Tax Fund = \$152,600
  - Traffic Signal Improvements
- Police Equipment Reserve Fund = \$16,250
- Water and Sewer Utility Fund = \$983,500
  - Waterline Maintenance Department = \$484,950
    - Tandem Dump Truck
    - Watermain Replacement Project
  - Sewerline Maintenance Department = \$310,500
    - Storm Lift Station Project (River Drive)
    - Sewermain Replacement Project
  - Meter Reading Department = \$100,000
    - Water Meters (new construction)
- Solid Waste Utility Fund = \$187,000
  - Crush Recycled Asphalt/Concrete Project
  - Concrete Project (Southside of Transfer Station)
- Street Light Utility Fund = \$58,200
  - LED Lights Replacement Project
    - City Sales Tax Fund = \$35,950

### ANNUAL COST FOR CITY SERVICES

The annual cost for City services for an existing \$200,000 residential home with an average valuation increase of 6.8% (Board of Equalization) and using 8 units of water per month, excluding special assessments = \$1,672

- Decrease from 2013 Budget = \$6

The City will publish a Notice of Public Hearing on August 30, 2013 for the second and final consideration of Ordinance No. 1163 adopting the 2014 Budget on September 17, 2013.

The Preliminary 2014 Budget will also be posted on the City's website at [cityofmandan.com](http://cityofmandan.com).

**NOTICE OF FILING OF THE CITY OF MANDAN, NORTH DAKOTA  
PRELIMINARY 2014 BUDGET AND HEARING THEREON**

Notice is hereby given the preliminary budget of the City of Mandan, North Dakota, for the calendar year ending December 31, 2014 is on file in the Finance Office and is available for review upon request. The Board of City Commissioners of said City will meet on Tuesday, September 17, 2013 at 6:00 p.m. in the Ed "BOSH" Froehlich Meeting Room of the Mandan City Hall, 205 2nd Avenue NW, Mandan, North Dakota, for the purpose of adopting the final budget and making the annual tax levy. The Board of City Commissioners will hold a public hearing at such time any citizen may appear and discuss with said Board any item of proposed expenditures or expenses or may object to any item or amounts, or may file written comments relative to the proposed expenditures or expenses.

The total proposed expenditures or expenses provided for in such preliminary budget are as follows:

General Fund	\$10,395,700
Highway Distribution Fund	1,267,850
City's Share of Special Assessments Fund	118,500
Cemetery Fund	598,800
City Visitors' Promotion Fund	73,450
Alarm-Equipment Reserve Fund	29,300
City Sales Tax Fund	2,229,950
Public Transportation System Fund	103,000
Mandan Growth Fund	181,100
Narcotics Task Force Grant Fund	91,000
Police Equipment Reserve Fund	16,250
Narcotics Task Force Grant Fund-HIDTA	61,750
BNSF Settlement Fund	1,800
Mandan SEP Trust Fund	1,850
Downtown Redevelopment Fund	61,050
Mandan Community Center Revenue Bonds of 2005 Fund	139,800
Liberty Memorial Bridge General Obligations Bonds Fund	63,200
Refunding Improvement Bonds Fund	5,778,950
City Visitors' Promotion Capital Construction Fund	158,800
Water and Sewer Utility Fund	6,626,600
Solid Waste Utility Fund	1,668,300
Street Light Utility Fund	427,050
City Shop Fund	330,200
Morton Mandan Public Library	655,610
Mandan Airport Authority	973,397

Greg Welch, Finance Director  
Dated: August 30, 2013

**ORDINANCE NO. 1163**

AN ORDINANCE MAKING THE ANNUAL APPROPRIATIONS FOR EXPENDITURES OR EXPENSES OF THE CITY OF MANDAN, NORTH DAKOTA, FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2014, AND ENDING DECEMBER 31, 2014, AND MAKING THE ANNUAL TAX LEVY FOR THE YEAR 2013.

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

Section 1. There are hereby appropriated the following sums of money for so much thereof that may be necessary for the purpose of paying expenditures or expenses of the City of Mandan, North Dakota, for the fiscal year commencing January 1, 2014, and ending December 31, 2014.

General Fund	\$10,395,700
Highway Distribution Fund	1,267,850
City's Share of Special Assessments Fund	118,500
Cemetery Fund	598,800
City Visitors' Promotion Fund	73,450
Alarm-Equipment Reserve Fund	29,300
City Sales Tax Fund	2,229,950
Public Transportation System Fund	103,000
Mandan Growth Fund	181,100
Narcotics Task Force Grant Fund	91,000
Police Equipment Reserve Fund	16,250
Narcotics Task Force Grant Fund-HIDTA	61,750
BNSF Settlement Fund	1,800
Mandan SEP Trust Fund	1,850
Downtown Redevelopment Fund	61,050
Mandan Community Center Revenue Bonds of 2005 Fund	139,800
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Refunding Improvement Bonds Fund	5,778,950
City Visitors' Promotion Capital Construction Fund	158,800
Water and Sewer Utility Fund	6,626,600
Solid Waste Utility Fund	1,668,300
Street Light Utility Fund	427,050
City Shop Fund	330,200
Morton Mandan Public Library	655,610
Mandan Airport Authority	973,397

Section 2. There are hereby levied the following sums of money on all taxable property in the City of Mandan, North Dakota, for the year 2013 for the purpose of paying expenditures or expenses of the City of Mandan, North Dakota.

General Fund	\$3,223,355
City's Share of Special Assessments Fund	101,000
Cemetery Fund	101,715
Public Transportation System Fund	101,715
General Obligation Bonds Fund:	
Liberty Memorial Bridge	68,371
Refunding Improvement Bonds Fund:	
Street Improvement District #145	33,508
Street Improvement District #148	12,021
Mandan Airport Authority	203,430
Morton Mandan Public Library	356,003

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Taking Effect. This ordinance shall be in full force and effect from and after its final passage and adoption.

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

Attest:

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

First Consideration: August 20, 2013

Second Consideration: September 17, 2013

Final Passage and Adoption: September 17, 2013

**CITY OF MANDAN, NORTH DAKOTA**  
**Annual Budget for the Year Ended December 31, 2014**  
**CERTIFICATE OF LEVY**

COUNTY AUDITOR  
COUNTY OF MORTON

You are hereby notified on the 17th day of September, 2013, the governing body of the City of Mandan, North Dakota, levied a tax of \$4,201,118, upon all the taxable property in the City for the calendar year ended December 31, 2014, which levy is itemized as follows:

<b><u>FUND</u></b>	<b><u>AMOUNT LEVIED</u></b>
General	\$3,223,355
City's Share of Special Assessments	101,000
Cemetery	101,715
Public Transportation System	101,715
General Obligation Bonds:	
Liberty Memorial Bridge	68,371
Refunding Improvement Bonds:	
Street Improvement District #145	33,508
Street Improvement District #148	12,021
Mandan Airport Authority	203,430
Morton Mandan Public Library	<u>356,003</u>
<b>TOTAL AMOUNT LEVIED</b>	<b><u>\$4,201,118</u></b>

You will duly enter tax upon the County tax list for collection upon the taxable property of the City of Mandan, North Dakota, for the ensuing year. Dated at Mandan, North Dakota this 17th day of September, 2013.

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

**RESOLUTION ESTABLISHING RATES AND CHARGES FOR SERVICES FROM THE  
WATER AND SEWER UTILITY FUND**

BE IT RESOLVED by the Board of City Commissioners of the City of Mandan, North Dakota, pursuant to the provisions of the Mandan Municipal Code, that the following monthly rates and charges are hereby established for services from the Water and Sewer Utility Fund:

a) Water and Wastewater Base Charge Per Meter

- 1) ~~\$17.80~~ \$21.30 for each single family dwelling
- 2) ~~\$17.80~~ \$21.30 for each mobile home
- 3) ~~\$35.60~~ \$42.60 for each duplex unit
- 4) ~~\$53.40~~ \$63.90 for all other multiple family units
- 5) ~~\$35.60~~ \$42.60 for all commercial and industrial enterprises
- 6) ~~\$53.40~~ \$63.90 for all apartment and commercial/apartment combination

b) Water Usage Charge Per Meter

- 1) Plus a water consumption charge shall be added at the rate of \$2.80 per one hundred cubic feet on each month's consumption as registered on each meter during the preceding monthly billing period.
- 2) The Missouri West Water System shall be charged at the rate of \$1.82 per one thousand gallons of water used as registered on each meter.

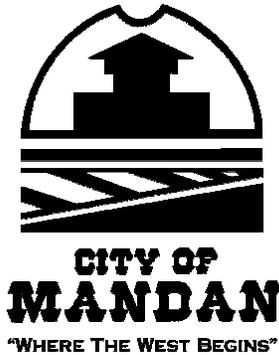
c) Wastewater Usage

- 1) For wastewater disposal service there shall be a charge of \$1.60 per one hundred cubic feet of water used except that for the billing statements prepared during the months of May through October the charge for residential wastewater disposal service shall not exceed the charge based upon the average water usage used during the months of December through March.
- 2) Industrial users will be levied a volume charge of \$1.60 per one hundred cubic feet of water used. Industrial users will also be levied a charge of \$.06 per pound of suspended solids and \$.10 per pound of five-day, twenty-degree Centigrade BOD.

d) Stormwater Base Charge Per Meter or Structure

- 1) \$2.00 for each meter or structure.





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 17, 2013  
**PREPARATION DATE:** September 11, 2013  
**SUBMITTING DEPARTMENT:** Special Assessments  
**DEPARTMENT DIRECTOR:** Justin Froseth, Planning & Engineering Director  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Confirmation of special assessments for Street Improvement District #148.

**STATEMENT/PURPOSE:** To consider confirmation of special assessments for Street Improvement District #148.

**BACKGROUND/ALTERNATIVES:** The project, along with cost and description of the improvements provided within the district, are as follows:

- **Street Improvement District #148 - (\$967,489.29)** provided for the improvement to said streets within this district shall include, but not limited to, concrete streets with curb and gutter, installation of storm sewer, water mains, sanitary sewer mains, street lighting, and bike trails from Division Street NE to Main Street (Mandan Avenue).

The assessment list for this district was published in the Mandan News and the public hearing before the Special Assessment Commission was held on August 7, 2013. There were three residents with objections relative to this project (Deborah Holter, Denae Kautzmann and Bernice Thomas) at the August 7<sup>th</sup> public hearing. The Special Assessment Commission voted to table this project. On August 14<sup>th</sup> the Special Assessment Commission met again with City staff and City Attorney Brown. At this meeting it was voted on by the Special Assessment Commission to move the project on to the City Commission with commission members Jacobsen and Winks voting aye and Holter voting naye. See attached memo for more information on this project. Assessments will be certified to Morton County by November 1<sup>st</sup>, 2013 to be included on December 2013 Tax Statements.

**ATTACHMENTS:** Copy of the special assessment list and maps of the respective district and memo to City Commissioners.

Board of City Commissioners

Agenda Documentation

Meeting Date: September 17, 2013

Subject: Confirmation of Special Assessments for Street Improvement District #148.

Page 2 of 2

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FISCAL IMPACT: Total Amount Assessed:

Street Improvement District #148 - **(\$967,489.29)**

Years Assessed: 15

Interest Rate: 5.1475%

No Interest Charged for the First Year

STAFF IMPACT: maximum

LEGAL REVIEW: n/a

RECOMMENDATION: I would recommend the proposed assessments as confirmed by the Special Assessment Commission be certified on this project.

SUGGESTED MOTION: Move to approve the special assessments for certification on Street Improvement District #148.

NOTICE OF HEARING OF OBJECTIONS TO SPECIAL  
ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #148

Notice is Hereby Given, that the Special Assessment Commission of the City of Mandan, North Dakota will meet at Mandan City Hall, 205 2<sup>nd</sup> Avenue NW on August 07, 2013 at 6:00 p.m. to hear objections which may be made to any of the foregoing assessments in Street Improvement District #148 as shown in the foregoing list by any person interested or his agent or attorney.

Phyllis Hager

NOTICE OF ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT #148

We the undersigned, constituting the Special Assessment Commission of the City of Mandan, do hereby certify that the following is a true and correct list of the particular lots and tracts of land which, in the opinion of the Commission, are especially benefited by the construction performed in Street Improvement District #148 of the City of Mandan, showing the amount against each lot or tract, the same is a true and correct assessment of the property therein described to the best judgment of the members of the Commission. The items of expense in said improvement district and the assessments are as follows, to-wit.

Construction	\$5,230,406.07
Engineering, Legal, Admin., Insp. & Construction Interest	156,011.46
Bonding Costs	54,399.60
Less Federal, State and/or City Funding	<u>(4,473,327.84)</u>
Amount to be Assessed	\$967,489.29

Seq#	Lot	Blk	Address	Amount Assessed
<u>HELMSWORTH-MCLEAN 1ST</u>				
1160	1 & 2	1	811 1 ST NE	931.03
1161	3 & 4	1	109 8 AVE NE	931.03
1162	5 & 6	1	107 8 AVE NE	931.03
1163	7-18	1	710 E MAIN ST	2, 793.10
1164	19 & S 1/2 of 20	1	106 6 AVE NE	931.03
1165	N 1/2 of 20 & 21	1	108 6 AVE NE	1, 862.06
1166	22 & S 8' of 23	1	110 6 AVE NE	931.03
1167	N 17' of 23 & 24	1	112 6 AVE NE	931.03
1168	E 50' of 1-3	2	911 1 ST NE	931.03
1169	E 50' of 4-6	2	107 9 AVE NE	931.03
1170	W 50' of E 100' of 1-6	2	909 1 ST NE	931.03
1171	W 50' of 1-6	2	907 1 ST NE	931.03
1172	7-9 & S 90' of E 21' & N 40' of E 19' of 10	2	820 E MAIN ST	1,862.06

1174	W 4' of S 90' of 10 & W 6' of N 40' of 10 & 11-18	2	814 E MAIN ST	1,862.06
1175	E 40' of 19-24 & W 10' ADJ ALLEY	2	905 1 ST NE	931.03
1176	E 50' of W 100' 19-24	2	903 1 ST NE	931.03
1177	W 50' of 19-21	2	106 8 AVE NE	931.03
1178	W 50' of 22-24	2	110 8 AVE NE	931.03
1179	E 50' of 1-3	3	1011 1 ST NE	931.03
1180	E 50' of 4-6	3	107 10 AVE NE	931.03
1181	W 50' of E 100' of 1-6 & N1/2 of E/W vac alley-500 sq ft.	3	1009 1 ST NE	931.03
1182	W 40' of 1-6 & N1/2 E/W vac alley-400 sq ft.	3	1007 1 ST NE	931.03
1183	7-13 & S1/2 E/W vac alley adj to 9-12/900 sq ft.	3	1006 E MAIN ST	2,793.10
1187	14-18	3	1000 E MAIN ST	1,862.06
1188	19 & 20	3	106 9 AVE NE	931.03
1189	21 & 22	3	108 9 AVE NE	931.03
1190	W 81' of 23 & 24	3	1001 1 ST NE	931.03
1191	E 59' of 23 & 24	3	1005 1 ST NE	931.03
1192	1-3	4	111 11 AVE NE	1,862.06
1193	4-6	4	107 11 AVE NE	1,862.06
1194	7-16	4	1120 E MAIN ST	2,793.10
1195	17 & 18	4	1100 E MAIN ST	1,862.06
1196	19 & 20	4	106 10 AVE NE	931.03
1197	21 & 22	4	108 10 AVE NE	931.03
1198	E 70' of 23 & 24	4	1105 1 ST NE	931.03
1199	W 70' of 23 & 24	4	110 10 AVE NE	931.03
1200	1-6	5	107 12 AVE NE	1,862.06
1203	7-10 & E 18' of 11	5	1210 E MAIN ST	1,862.06
1205	11-18 (less E 18' of 11)	5	1200 E MAIN ST	1,862.06
1206	19 & 20	5	106 11 AVE NE	931.03
1207	21 & 22	5	108 11 AVE NE	931.03
1208	23 & 24	5	110 11 AVE NE	931.03
1210	1-3	6	1311 1 ST NE	3,457.44
1211	4 & N 8' of 5	6	107 13 AVE NE	2,526.41
1212	S 17' of 5 & 6	6	105 13 AVE NE	2,526.41
1213	7 & 8	6	1310 E MAIN ST	3,457.44
1215	9 & 10	6	1308 E MAIN ST	3,457.44
1216	11-18	6	1300 E MAIN ST	4,255.13
1217	19 & 20	6	106 12 AVE NE	3,457.44
1218	21 & 22	6	108 12 AVE NE	2,526.41
1219	23 & 24	6	110 12 AVE NE	3,457.44
1220	22-24 & W1/2 vac alley	7	105 MANDAN AVE NE	3,457.44

1220A	PTS of 14-16 & 17-21 & PTS of N/S & E/W vac alleys	7	1400 E MAIN ST	5,186.17
1221	1-6	8	9460	5,493.03
1223	1-6	9	9462	5,493.03
1228	Part of 7 & 8	9	1406 1 ST NE	3,457.44
1230	9-16	9	1406 1 ST NE	4,255.13
1238	17 & 18	9	1400 1 ST NE	3,457.44
1239	19 & 20	9	206 13 AVE NE	2,526.41
1240	21 & S 13.7' of 22	9	208 13 AVE NE	3,457.44
1241	N 11.3' of 22 & 23 & 24	9	210 13 AVE NE	2,526.41
1242	1 & 2	10	211 13 AVE NE	2,526.41
1243	3 & 4	10	209 13 AVE NE	2,526.41
1244	5 & 6	10	207 13 AVE NE	2,526.41
1245	7 & 8	10	201 13 AVE NE	2,526.41
1246	9 & 10	10	1308 1 ST NE	2,526.41
1247	11 & 12	10	1306 1 ST NE	2,526.41
1248	13 & 14	10	1304 1 ST NE	2,526.41
1249	15 & 16	10	1302 1 ST NE	3,457.44
1250	17 & 18	10	1300 1 ST NE	2,526.41
1252	19-22	10	208 12 AVE NE	2,526.41
1253	23 & 24	10	210 12 AVE NE	2,526.41
1254	W 70' of 1 & 2	11	1207 2 ST NE	931.03
1255	E 70' of 1 & 2	11	211 12 AVE NE	931.03
1256	3 & 4	11	209 12 AVE NE	931.03
1257	5 & 6	11	207 12 AVE NE	931.03
1259	7-8-9	11	1208 1 ST NE	931.03
1260	10 & 11	11	1206 1 ST NE	931.03
1261	12 & 13	11	1204 1 ST NE	931.03
1262	14 & 15	11	1202 1 ST NE	931.03
1263	16-18	11	1200 1 ST NE	931.03
1266	19	11	206 11 AVE NE	931.03
1267	20	11	208 11 AVE NE	931.03
1268	21 & 22	11	210 11 AVE NE	931.03
1269	23 & 24	11	212 11 AVE NE	931.03
1270	1 & 2	12	211 11 AVE NE	931.03
1271	3 & 4	12	209 11 AVE NE	931.03
1272	5 & 6	12	207 11 AVE NE	931.03
1273	7 & 8	12	1110 1 ST NE	931.03
1274	9 & 10	12	1108 1 ST NE	931.03
1275	11 & 12	12	1106 1 ST NE	1,862.06
1276	13 & 14	12	1104 1 ST NE	931.03
1277	15 & 16	12	1102 1 ST NE	931.03
1278	S 1/2 17 & 18	12	1100 1 ST NE	931.03
1279	N 1/2 17 & 18	12	202 10 AVE NE	931.03
1280	19 & S 15' of 20	12	204 10 AVE NE	931.03

1281	N 10' of 20 & 21	12	206 10 AVE NE	931.03
1282	22 & S 6' of 23	12	208 10 AVE NE	931.03
1283	N 19' of 23 & 24	12	210 10 AVE NE	931.03
1284	1 & 2	13	211 10 AVE NE	931.03
1285	3 & 4	13	209 10 AVE NE	931.03
1286	5 & 6	13	207 10 AVE NE	931.03
1287	7	13	1014 1 ST NE	931.03
1288	8 & 9	13	1012 1 ST NE	931.03
1289	N 45' of 10 & 11 & S 85' of W 1/2 of 11 & all of 12 & 13 & E 1/2 of 14	13	1008 1 ST NE	3,724.13
1290	S 85' of 10 & S 85' of E 1/2 of 11	13	1010 1 ST NE	931.03
1293	W 10' of S 65' of 14 & S 1/2 of 15	13	1004 1 ST NE	931.03
1294	W 1/2 of 14 & N 1/2 of 15 (less W 10' OF S 1/2)	13	1004 1/2 1 ST NE	931.03
1295	16 & 17	13	1002 1 ST NE	931.03
1296	18	13	1000 1 ST NE	931.03
1297	19 & 20	13	206 9 AVE NE	931.03
1298	21 & 22	13	208 9 AVE NE	931.03
1299	23 & 24	13	1001 2 ST NE	931.03
1300	1	14	213 9 AVE NE	931.03
1301	2	14	211 9 AVE NE	931.03
1302	3 & 4	14	209 9 AVE NE	931.03
1303	5 & 6	14	207 9 AVE NE	931.03
1304	7 & 8	14	201 9 AVE NE	1,862.06
1305	9 & 10	14	908 1 ST NE	931.03
1306	11 & 12	14	906 1 ST NE	931.03
1307	13 & 14 & Part of 15	14	904 1 ST NE	931.03
1308	15 & 16 (less dr. way)	14	902 1 ST NE	931.03
1309	17 & 18	14	900 1 ST NE	931.03
1310	19 & 20	14	206 8 AVE NE	931.03
1311	21 & 22	14	208 8 AVE NE	931.03
1312	23 & 24	14	210 8 AVE NE	931.03
1314	2-6 & 16 & 17 & vac street area	15	9540	1,862.06
1315	7-15	15	200 6 AVE NE	2,793.10
1317	1-6 & W 1/2 vac 8 Ave NE & S 1/2 Vac 3 ST NE & E 1/2 Vac 7 Ave NE	16	309 8 AVE NE	2,793.10
1318	7 & 8	16	301 8 AVE NE	931.03
1319	9 & 10	16	808 2 ST NE	931.03
1320	11 & 12	16	806 2 ST NE	931.03
1321	1 & 2 & S 15' vac 3 Street NE	17	309 9 AVE NE	931.03

1322	3 & 4	17	307 9 AVE NE	931.03
1323	5 & 6	17	305 9 AVE NE	931.03
1324	7-10	17	910 2 ST NE	931.03
1326	11 & 12	17	906 2 ST NE	931.03
1327	13 & 14	17	904 2 ST NE	931.03
1328	15 & 16	17	902 2 ST NE	931.03
1329	17 & 18	17	900 2 ST NE	931.03
1330	19-22 & E 1/2 vac 8 Ave NE & S 1/2 Vac 3 Street NE			
		17	310 8 AVE NE	931.03
1331	E 70' of 1 & 2	18	311 10 AVE NE	931.03
1332	W 70' of 1 & 2	18	1007 3 ST NE	931.03
1333	3 & 4	18	309 10 AVE NE	931.03
1334	W 45' of 5 & 6	18	307 1/2 10 AVE NE	931.03
1335	E 95' of 5 & 6	18	307 10 AVE NE	931.03
1336	7 & 8 (less W 5' of 8)	18	1010 2 ST NE	931.03
1337	W 5' of 8 & 9-10	18	1008 2 ST NE	931.03
1338	11 & 12	18	1006 2 ST NE	931.03
1339	13 & 14	18	1004 2 ST NE	931.03
1340	15 & 16	18	1002 2 ST NE	931.03
1341	17 & 18	18	1000 2 ST NE	931.03
1342	19 & 20	18	306 9 AVE NE	931.03
1343	21 & 22	18	308 9 AVE NE	931.03
1344	23	18	1005 3 ST NE	931.03
1344A	23A	18	1003 3 ST NE	931.03
1344B	24	18	1001 3 ST NE	931.03
1345	1 & 2	19	311 11 AVE NE	931.03
1346	3 & 4	19	309 11 AVE NE	931.03
1347	5 & 6	19	307 11 AVE NE	931.03
1349	7 & 8 (less 15X15 of 8)	19	1110 2 ST NE	931.03
1350	9 & 10 & E 2' of 11	19	1108 2 ST NE	931.03
1351	W 23' of 11 & 12 & E 11 1/2' of 13			
		19	1106 2 ST NE	931.03
1352	W 13 1/2' of 13 & 14-15	19	1104 2 ST NE	931.03
1353	N 50' of 16-18	19	304 10 AVE NE	2,327.58
1354	S 80' of 16 & S 80' of E 15' of 17			
		19	1102 2 ST NE	931.03
1356	19 & 20	19	306 10 AVE NE	931.03
1357	21 & 22	19	308 10 AVE NE	931.03
1358	23 & 24	19	310 10 AVE NE	931.03
1359	E 1/2 of 1 & 2	20	311 12 AVE NE	931.03
1360	W 1/2 of 1 & 2 & E 15' of vac...etc.	20	1207 3 ST NE	2,526.41
1361	3-6	20	309 12 AVE NE	2,526.41
1362	7 & 8 (less W 8' of 8)	20	1210 2 ST NE	2,526.41
1363	W 8' of 8 & 9-10	20	1208 2 ST NE	2,526.41

1364	11 & 12	20	1206 2 ST NE	2,526.41
1365	13-20	20	1202 2 ST NE	3,324.10
1366	E 1/2 of 21-24 & W 5' of vac. alley	20	1203 3 ST NE	2,526.41
1367	W 1/2 of 21-24	20	310 11 AVE NE	2,526.41
1368	1 & 2	21	311 13 AVE NE	2,526.41
1369	3 & 4	21	309 13 AVE NE	2,526.41
1370	5 & 6	21	305 13 AVE NE	2,526.41
1371	7 & 8	21	1310 2 ST NE	2,526.41
1372	9 & 10	21	1308 2 ST NE	2,526.41
1373	11 & 12	21	1306 2 ST NE	2,526.41
1374	13 & 14	21	1304 2 ST NE	2,526.41
1375	15 & 16	21	1302 2 ST NE	2,526.41
1376	17 & 18	21	300 12 AVE NE	2,526.41
1377	19 & 20	21	306 12 AVE NE	2,526.41
1378	21 & 22	21	308 12 AVE NE	2,526.41
1379	23 & 24	21	1301 3 ST NE	2,526.41
1380	1-14 & 1-22& blk 23 (less road & 10' vac. alley)	22	1500 2 ST NE	29,994.75
1381	15 & 16 & 10' vac. alley	22	1402 2 ST NE	3,457.44
1382	17 & 18 & 10' vac alley	22	1400 2 ST NE	3,457.44
1383	19-21 & 10' vac. alley	22	306 13 AVE NE	3,457.44
1386	22-24 & 10' vac. alley	22	310 13 AVE NE	3,457.44
1391	1-6 & vac portion of alley & streets	24	9599	5,850.50
1393	7-11	24	1504 3 ST NE	3,324.10
1394	12 & 13	24	1502 3 ST NE	2,526.41
1395	14 & 15 & vac. Pt alley & vac. Pt 14 Ave NE	24	1500 3 ST NE	2,526.41
1407	1-6 & All vac. Streets & alley	25	9600	5,983.85
1413	7-9 & All vac. Streets & alleys	25	1410 3 ST NE	3,324.10
1415	10-24 & All vac. Streets & alleys	25	1400 3 ST NE	8,510.26
1431	S 10' of 3 & All 4-6 & W 1/2 vac. 13 Ave. NE & N 1/2 vac. alley	26	405 13 AVE NE	3,324.10
1432	7-9 & S 1/2 vac. Alley & W 1/2 vac. 13 Ave. NE	26	1312 3 ST NE	3,324.10
1433	10-13 & S 1/2 vac. alley	26	1304 3 ST NE	2,526.41
1434	14 & 15 & E 1/2 of 16 & S 1/2 vac. alley	26	1302 3 ST NE	2,526.41

1435	W 1/2 of 16 & all of 17 & 18 & S 1/2 vac. alley			
		26	1300 3 ST NE	2,526.41
1436	19-21 & S 10' of 22 & N 1/2 & W 1/2 vac. alley			
		26	406 12 AVE NE	2,526.41
1462	7-10	27	1218 3 ST NE	6,250.54
1466	11-15	27	1210 3 ST NE	7,048.23
1471	16-18	27	1202 3 ST NE	2,526.41
1480	15-18	28	1101 CRYING HILL DR NE	931.03
1486	7-10	28	1110 3 ST NE	931.03
1490	11-14	28	1120 3 ST NE	931.03
1510	7 & 8	29	1010 3 ST NE	931.03
1511	9 & 10	29	1008 3 ST NE	931.03
1512	11 & 12	29	1006 3 ST NE	931.03
1513	13-18	29	1000 3 ST NE	5,586.19
1519	19 & 20	29	408 9 AVE NE	931.03
1520	21 & 22	29	410 9 AVE NE	931.03
1521	23 & 24	29	412 9 AVE NE	931.03
1522	1 & 2 & vacated pt of public right-of-way (4,934 sq. ft.)			
		30	409 9 AVE NE	931.03
1523	3 & 4	30	407 9 AVE NE	931.03
1524	5 & 6	30	405 9 AVE NE	931.03
1525	N 65' of 7-12	30	403 9 AVE NE	931.03
1526	7-12 (less N 65') & N 65'vac. 3 ST NE			
		30	401 9 AVE NE	931.08
1563	3 AUD Plat "A"	32	1001 CRYING HILL DR NE	1,067.08
1563A	1 AUD Plat "A"	43	999	1,067.08
1563B	2 & 4 AUD Plat "A"	43	999	1,203.12
1587	1-12 & S2 vac. 5 ST NE & W2 vac. 11 Ave NE & N2 vac. 4 ST NE & vac. parts of alley etc.	33	1101 CRYING HILL DR NE	1,067.08
1659	1-24 & all vacated streets & alleys			
		36	9635	4,927.25
1683	1-6 & 19-24 (less access parcel R/W)			
		37	9636	3,860.18
1683A	7-18 & part of vac. 14 Ave adj. of 18	37	9636B	3,860.18
<u>N.P. 1ST</u>				
4166	3-6	59	8282A	1,862.06
<u>MANDAN PROPER (OT)</u>				
3512	1-4	29	300 6 AVE NE	931.03
<u>RIVERBEND 1ST</u>				
5554	1	1	1800 RIVER DR NE	382.07
5555	2	1	1708 RIVER DR NE	382.07
5556	3	1	1704 RIVER DR NE	382.07

5557	4	1	1700 RIVER DR NE	382.07
5558	5	1	1612 RIVER DR NE	382.07
5559	6	1	1608 RIVER DR NE	382.07
5560	7 & N 10' of 8	1	1604 RIVER DR NE	382.07
5561	8 (less N 10')	1	1600 RIVER DR NE	382.07
5562	9	1	1512 RIVER DR NE	382.07

RIVERBEND 1ST

5563	10	1	1508 RIVER DR NE	382.07
5564	1	2	1713 RIVER DR NE	382.07
5565	2	2	1709 RIVER DR NE	382.07
5566	3	2	1705 RIVER DR NE	382.07
5567	4	2	1701 RIVER DR NE	382.07
5568	5	2	1613 RIVER DR NE	382.07
5569	6	2	1609 RIVER DR NE	382.07
5570	7	2	1605 RIVER DR NE	382.07
5571	8	2	1601 RIVER DR NE	382.07
5572	9	2	1517 RIVER DR NE	382.07
5573	10	2	1513 RIVER DR NE	382.07
5574	11	2	1509 RIVER DR NE	382.07

EASTSIDE

761	E 80' of 1	1	1708 2 ST NE	417.78
762	W 70'1 & 2	1	1706 2 ST NE	417.78
763	3	1	1702 2 ST NE	417.78
764	4	1	1614 2 ST NE	417.78
765	5	1	1610 2 ST NE	417.78
766	E 72' of 1	2	1711 2 ST NE	417.78
766A	W 78' of 1	2	1709 2 ST NE	417.78
767	2	2	1707 2 ST NE	417.78
768	3 (less W 75')	2	1705 2 ST NE	417.78
769	W 75' of 3 & E 30' of 4	2	1703 1/2 2 ST NE	417.78
770	4 (less E 30')	2	1703 2 ST NE	417.78
771	5	2	1701 2 ST NE	417.78

EASTWOOD TERRACE

7800	1A	1	405 SHADY LN NE	417.78
7802	3	1	1800 3 ST NE	417.78
7803	4	1	1716 3 ST NE	417.78
7804	1	2	310 SHADY LN NE	417.78
7805	Tract A of 2	2	313 MISSOURI DR NE	417.78
7805A	S 55' of 2	2	311 MISSOURI DR NE	417.78
7806	3	2	301 MISSOURI DR NE	417.78
7807	4	2	1802 2 ST NE	417.78
7808	5	2	300 SHADY LN NE	417.78

7809	1 & 2 (less E 8' of 2)	3	210 SHADY LN NE	417.78
7811	3 & E 8' of 2	3	1901 2 ST NE	607.06
7812	4	3	1905 2 ST NE	417.78
7813	5	3	200 SHADY LN NE	1,671.13
7814	6	3	200 SHADY LN NE	1,671.13

DENISON'S IND PARK 1ST

7721	1	1	1901 MANDAN AVE NE	5,819.76
7722	1	2	1801 MANDAN AVE NE	1,939.92
7723	2	2	1026 17 ST NE	1,939.92
7724	3 & E 71' of 4	2	1016 17 ST NE	1,939.92
7725	4 (less E 71')	2	1000 17 ST NE	1,939.92
7726	5	2	928 17 ST NE	1,939.92
7727	6	2	914 17 ST NE	1,939.92
7728	7	2	900 17 ST NE	1,939.92
7730	1-4	3	1701 MANDAN AVE NE	3,879.84
7733	5 & 6	3	1000 16 ST NE	2,909.88
7735	7	3	928 16 ST NE	1,939.92
7736	8	3	914 16 ST NE	1,939.92
7737	9	3	900 16 ST NE	1,939.92
7738	10	3	901 17 ST NE	1,939.92
7739	11	3	915 17 ST NE	1,939.92
7740	12 & 13	3	929 17 ST NE	2,909.88
7742	14	3	1017 17 ST NE	1,939.92
7743	15	3	1027 17 ST NE	1,939.92
7745	16 & 17	3	1709 MANDAN AVE NE	2,909.88
7746	1-4	4	1101 16 ST NE	4,849.80
7750	5	4	1027 16 ST NE	1,939.92
7751	6	4	1017 16 ST NE	1,939.92
7752	7	4	1001 16 ST NE	1,939.92
7753	8	4	929 16 ST NE	1,939.92
7754	9	4	915 16 ST NE	1,939.92
7755	10	4	901 16 ST NE	1,939.92

EASTWOOD ACRES 1ST

772	1	1	1712 1 ST NE	417.78
773	2	1	1710 1 ST NE	417.78
774	3	1	1708 1 ST NE	417.78
775	4	1	1706 1 ST NE	417.78
776	5	1	1704 1 ST NE	417.78
777	6	1	1702 1 ST NE	417.78
778	7	1	1700 1 ST NE	417.78
779	8	1	1701 1 ST NE	417.78
780	9	1	1703 1 ST NE	417.78
781	10	1	1705 1 ST NE	417.78
782	11	1	1707 1 ST NE	417.78

783	12	1	1709 1 ST NE	417.78
784	13	1	1711 1 ST NE	417.78
785	14	1	1713 1 ST NE	417.78

EASTWOOD ACRES 2ND

786	1	1	1724 4 ST NE	417.78
787	2	1	1722 4 ST NE	417.78
788	3	1	1720 4 ST NE	417.78
789	4	1	1718 4 ST NE	417.78
790	5	1	1716 4 ST NE	417.78
791	6	1	1714 4 ST NE	417.78
792	7	1	1712 4 ST NE	417.78
793	8	1	1710 4 ST NE	417.78
794	9	1	1708 4 ST NE	417.78
795	10	1	1706 4 ST NE	417.78
796	11	1	1704 4 ST NE	417.78
797	12	1	1702 4 ST NE	417.78
798	13	1	1700 4 ST NE	417.78
799	14	1	409 16 AVE NE	417.78
800	15	1	407 16 AVE NE	417.78
801	16	1	405 16 AVE NE	417.78
803	2	2	1721 4 ST NE	417.78
804	3	2	1719 4 ST NE	417.78
805	4	2	1717 4 ST NE	417.78
806	5	2	1715 4 ST NE	417.78
807	6	2	1713 4 ST NE	417.78
808	7	2	1711 4 ST NE	417.78
809	8	2	1709 4 ST NE	417.78
810	9	2	1707 4 ST NE	417.78
811	10	2	1705 4 ST NE	417.78
812	11	2	1703 4 ST NE	417.78

EASTWOOD ACRES 3RD

813	1	1	109 SHADY LN NE	417.78
814	2	1	107 SHADY LN NE	417.78
815	3	1	105 SHADY LN NE	417.78
816	4	1	103 SHADY LN NE	417.78

EASTWOOD ACRES 4TH

819BA	1 (less N 191' & E 105.23')	1	1706A E MAIN ST	2,506.70
819BB	S 110' of N 191' of 1 (less E 105.23')	1	1706B E MAIN ST	2,506.70
819BC	N 81' of 1 (less E 105.23')	1	1706C E MAIN ST	417.78

820	E 105' of 1 (less N 146') & 2	1	1710 E MAIN ST	1,253.35
821	3	1	1708 E MAIN ST	417.78
822	4	1	1704 E MAIN ST	1,253.35
823	5	1	1702 E MAIN ST	1,253.35
824	6	1	1700 E MAIN ST	1,253.35

N.P. LEASE

5180	Lease #BF47869		1005 E MAIN ST	2,793.10
5187	Lease #40547258		805 E MAIN ST	2,793.10
5196	Lease # BF35394		1121 E MAIN ST	4,655.16
5201	Lease #40548261		905 E MAIN ST	3,724.13

KASPER

2235	2	1	1714 3 ST NE	417.78
2236	3	1	1712 3 ST NE	417.78
2237	4	1	1710 3 ST NE	417.78
2238	5	1	1708 3 ST NE	417.78
2239	6	1	1706 3 ST NE	417.78
2240	7	1	1704 3 ST NE	417.78
2241	8	1	1702 3 ST NE	417.78
2242	9	1	1700 3 ST NE	417.78
2243	1	2	311 SHADY LN NE	417.78
2244	2	2	1715 3 ST NE	417.78
2245	3	2	1713 3 ST NE	417.78
2246	4	2	1711 3 ST NE	417.78
2247	5	2	1709 3 ST NE	417.78
2248	6	2	1707 3 ST NE	417.78
2249	7	2	1705 3 ST NE	417.78
2250	8	2	1703 3 ST NE	417.78
2251	9	2	1701 3 ST NE	417.78

MANDAN LANDS 139-81

2738	AUD 3 & 4 of SW 1/4	23	3751A	5,731.06
2743	PT of 4 & PT SW4 SE4	23	1501 RIVER DR NE	12,226.26
2745	A L A S2 S2 less 4.61 A RD & less 1.76A RD	23	3753	12,052.21
2747	AUD 10 of SW 1/4	23	3754B	14,896.51
2748	AUD 11 of SW 1/4	23	3754C	1,001.69
2749	SW4 SE4 & L 3-4 less 31.17 & R/W 11.37 etc.	23	3755	1,001.69
2751	PT SW4 SE4 & PT SE4 SW4	23	3756	29,801.53

2752	NE4 SW4 less R/W .67A less 1.59A & .235A R			
		23	1600 MANDAN AVE NE	26,544.85
2753	PT of 3 & PT SW4 SE4 (Reservoir)			
		23	3758	18,721.48
2785	Bal of L A of Aud Sub Div of NE4 less etc.			
		26	103 SHADY ACRES ST NE	2,271.28
2807	N2 L V NE4(less .16A to ND;W10' N100' L V)			
		26	1800 E MAIN ST	567.82
2812	N 100'of Y of NE1/4	26	3783A	378.55
2815	B of NE4 (less 2 & 3; less PCL 1-1 row .50A; less PCL 1-02 row .03A; less P)			
		26	300 MANDAN AVE NE	48,285.28
2816	2 of Aud of B of NE4	26	200 MANDAN AVE NE	9,748.16
2817	C of NE1/4	26	3787	4,655.16
2822	AD of NE1/4	26	3791	378.55
2823	AE of NE4 S of H/W 94 (less 1 of AE & les PCL 3-1 R-O-W)			
		26	MISSOURI RIVER DR	3,217.65
2826	Part N2NW4	26	2826	107,634.15
10451	Tract A	22	1500 HWY 1806 N	32,555.01

EASTWOOD ACRES 5TH

8376	1	1	101 SHADY ACRES ST NE	417.78
8377	2	1	103 SHADY ACRES ST NE	417.78
8378	3	1	105 SHADY ACRES ST NE	1,671.13

RIVERBEND 2ND

8395	1	1	1801 RIVER DR NE	382.07
8396	1	2	1804 RIVER DR NE	382.07
8397	2	2	1808 RIVER DR NE	382.07
8398	3	2	1900 RIVER DR NE	382.07
8399	4	2	1904 RIVER DR NE	382.07
8400	5	2	1908 RIVER DR NE	382.07
8401	6	2	2000 RIVER DR NE	382.07
8403	7 & 8	2	2008 RIVER DR NE	764.14
8404	9	2	2100 RIVER DR NE	382.07
8405	10	2	2104 RIVER DR NE	382.07
8406	11	2	2200 RIVER DR NE	382.07
8407	12 & 13	2	2204 RIVER DR NE	764.14
8409	14	2	2208 RIVER DR NE	382.07
8410	15	2	2300 RIVER DR NE	382.07
8411	16	2	2304 RIVER DR NE	382.07

BALSAMS IND PARK 3RD

4152	1	1	1930 MANDAN AVE NE	1,939.92
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HELMSWORTH-MCLEAN 2ND

345	1	1	102 MANDAN AVE NE	8,776.94
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<u>BALSAMS IND PARK 4TH</u>				
206	1	1	1920 MANDAN AVE NE	7,759.68
<u>LADUCER</u>				
208	1	1	201 MISSOURI DR NE	1,892.73
<u>SEIBEL SUBDIVISION</u>				
1264	1	1	1602 DIVISION ST NE	3,724.13
1265	1	2	1601 DIVISION ST NE	7,712.57
<u>CIRCLE 5</u>				
216	1	1	901 OLD RED TRL NE	3,879.84
<u>MVP INDUSTRIAL PARK</u>				
10939	1	1	1722 MANDAN AVE NE	5,819.76

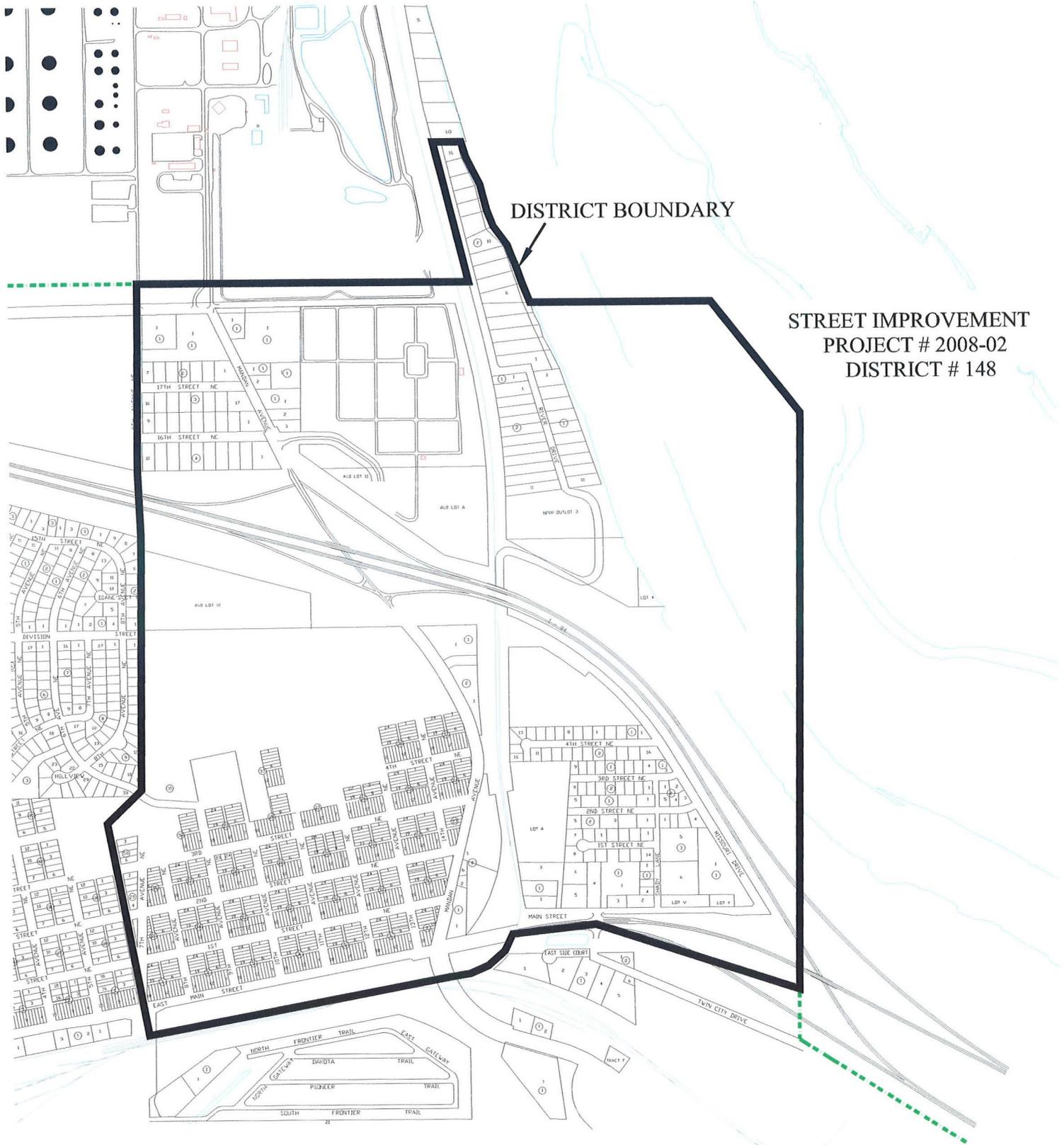
Witness our hands officially as said Commission this 09<sup>th</sup> day of July, 2013.

/s/ Carl Jacobsen  
Chairman

/s/ Keith Winks  
Member

/s/ Deborah Holter  
Member

Publish: July 19, 2013  
July 26, 2013



DISTRICT BOUNDARY

STREET IMPROVEMENT  
PROJECT # 2008-02  
DISTRICT # 148

NORTH FRONTIER TRAIL  
EAST GATEWAY TRAIL  
SOUTH FRONTIER TRAIL  
CORTEVA  
INDOTA  
PULZKEE

To: Board of City Commissioners  
From: Phyllis Hager, Special Assessment Analyst  
Subject: Special Assessments Related to Mandan Avenue & Division Street East of Mandan Ave  
Date: September 10, 2013

At the regular City Commission meeting of April 17, 2007 the Board authorized the publication of the district boundaries for Street Improvement District (SID) #148 (installation of water mains, sanitary sewer, storm sewers and street construction on Mandan Avenue NE). Also at this meeting former City Engineer, Tom Little gave a slide presentation on this district. Based on his knowledge and expertise, he indicated how the special assessment district would be broken into quadrants along with percentages of cost based on the benefit each area received from all elements of construction. The Board of City Commissioners voted to move forward with SID #148.

The total construction costs assessed, less federal, state and city funding were \$967,489.29. This cost was subdivided into eleven items of cost as follows:

- Item 1 - \$211,740.47 (50%) Mandan Ave. construction (area West of RR tracks)
- Item 2 - 32,555.01 (7.69%) Mandan Ave. construction (Riverbend 1<sup>st</sup> & 2<sup>nd</sup> Additions)
- Item 3 - 32,555.01 (7.69%) Mandan Ave. construction (Eastwood Acres area)
- Item 4 - 81,476.67 (19.24%) Mandan Ave. construction (MVP & Dennison's Ind. Pk)
- Item 5 - 32,555.01 (7.69%) Mandan Ave. construction (Mandan Union Cemetery)
- Item 6 - 32,555.01 (7.69%) Mandan Ave. construction (Tesoro)
- Item 7 - 256,699.75 70% waterline costs for properties West of Railroad
- Item 8 - 77,007.71 30% waterline costs (Eastwood Acres area & Riverbend Additions)
- Item 9 - 54,467.55 Sanitary Sewer (benefiting properties)
- Item 10 - 2,720.90 Storm Sewer Basin B (benefiting properties)
- Item 11 - 153,156.20 Storm Sewer Basin A (benefiting properties)

Special assessments can be determined by either using square footage of a parcel, linear feet or on a per lot basis. The method used for this project because of its complexity was on per lot. A per lot cost is established by taking the item cost and dividing by the number of lots or parcels benefiting from the construction within the specific area. A residential lot is assigned 1 unit of cost whereby a higher factor is used for commercial and industrial tracts of land due to the potential for generating higher usage of the infrastructure. Adjustments are made to large tracts of land or undeveloped lands by increasing the units based upon the land's best and highest use. Some parcels of land received benefit from three to four items of cost.

An open house and public hearing were held in the City Commission meeting room on April 25, 2007. A formal presentation took place and again the maps showing the potential assessments were viewed by all individuals present. According to all meeting minutes, no one present refuted the logic used to determine the estimated assessments for specific areas within the district.

To justify the logic used in assessing this project, the property owners east of Mandan Avenue NE did not have access to Mandan Avenue until the construction of a portion of Division Street NE took place in SID #147 (Division Street East of Mandan Ave). With the newly constructed entrance for the Riverbend Additions (SID #147), the primary flow of traffic for this area is off Missouri Drive. Also, the east side did not receive benefit from the construction of the waterline on Mandan Avenue until the creation of Water & Sewer Improvement District (WSID) #52 constructed an 8" line (assessed to the Eastwood Acres Subdivisions) and a 16" waterline along the portion of Division Street NE. The 16" waterline tied into the new 16" waterline on Mandan Avenue provided a secondary source of water service to the east. Thus the residents to the east received greater benefit from these two improvements and were assessed the total construction costs for both projects. Only after the completion of WSID #52 and SID #147 did the residents to the east receive any benefit from SID #148.

The special assessment list for this project was published in 2011, 2012 and now again in 2013. It was pulled twice because of detected errors and missing parcels. Each time the logic used to determine the original estimates were used in the assessing process. I and the Engineering Office have reviewed the logic and concurred in using this method for assessing - just viewing the map determined where benefits lied. To deviate would have created more issues as this information was presented to the public at the beginning of the project and there was little if any opposition to the logic.

With the publication of SID #148, we have met opposition by two individuals being Denae Kautzmann and Deb Holter on how the calculations were done. Ms. Holter is a member of the Special Assessment Commission. It is their opinion that the assessments should be equal between properties on the west vs. east of Mandan Avenue. This, in our opinion would not be based on benefit as east of Mandan Avenue residents had to pay for the benefits received from WSID #60 and SID #147 before receiving any benefits from the construction of SID #148.

There were other issues brought forth at the Special Assessment Commission (SAC) Public Hearing held on August 7, 2013 on SID #148 as are stated in the attached rough draft of the minutes of that meeting. These minutes have not been approved by the SAC as Ms Holter asked us not to approve any committee minutes while she was out of town.

A brief summary of the requests of Denae Kautzmann from the public hearing follow:

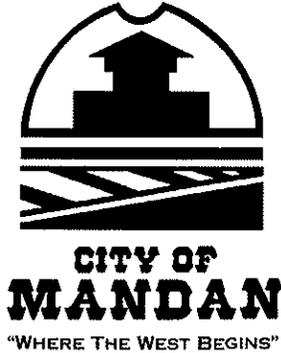
- a) As to Pat Atkinson paying for the steps constructed on his property and the bike trail being paid by the Park District, these costs remain within the project paid by property owners within the district as they are utilized by the public.
- b) Ms. Kautzmann also asked that waterline assessments be removed from her properties #1563A and #1563B. However these properties are considered buildable by the Building Inspector's Office. Note - water and sewer can be placed on

- private property and be connected to city services if the property is within city limits. These properties are within city limits thereby receiving a benefit from this improvement.
- c) Ms. Kautzmann asked that the total construction cost of the project be assessed throughout the district using total cost vs total parcels of land, her interpretation of NDCC 40-23-07, “shall assess against each of such lots and parcels of land such sum, not exceeding the benefits, as is necessary to pay its just proportion of the total cost of such work, or of the part thereof which is to be paid by special assessment”. Note – the total cost was spread to properties within the district based on the benefits received from the construction to various areas. Example, the Dennison’s Industrial Park did not receive any benefit from the waterline as they are fed from a major transmission line within the subdivision. To spread specials to this area by total sum would have been wrong since no benefit was received from the waterline.
  - d) Ms. Holter claimed that her property should not have been in the storm sewer basin since the waters do not run onto that basin. She was presented with a topography map indicating that the waters do indeed run into the newly constructed storm basin. She still refutes that fact.

In summary we have reviewed the logic behind the original method used to spread the costs and found it to be reasonable. The special assessments for this project have been spread in a manner consistent with what was presented at the time the project was proposed and costs are within the range as originally proposed.

SID #148 will be before the Board of City Commissioners for final action on September 17, 2013. It is imperative to have final approval of this project and get the assessments on the tax roll.

The district was very complex and it is a lot to digest, so we ask that if you have questions please contact the Engineering office and speak with Phyllis or Kim.



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 17, 2013  
**PREPARATION DATE:** September 12, 2013  
**SUBMITTING DEPARTMENT:** Human Resources  
**DEPARTMENT DIRECTOR:** Kevin Wilson, CBI  
**PRESENTER:**  
**SUBJECT:** Disposal of old records

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STATEMENT/PURPOSE:

Consider the request from the Human Resources Department to destroy old documents in accordance with the Records Retention Schedule.

BACKGROUND/ALTERNATIVES:

The City developed a Scope of Work to be performed by Julie Frye, Administrative Assistant, in preparing a Records Management and Retention Plan for Personnel and the Fire Department based on the North Dakota Records Management Program.

ATTACHMENT:

Request from the Human Resources Department.

FISCAL IMPACT:

N/A

STAFF IMPACT:

N/A

LEGAL REVIEW:

Submitted to Malcolm Brown, City Attorney, on September 12, 2013.

RECOMMENDATION:

To approve the request from the Human Resources Department to destroy old documents in accordance with the Records Retention Schedule.

SUGGESTED MOTION:

Move to approve the request from the Human Resources Department to destroy old documents in accordance with the Records Retention Schedule.

Date: September 12, 2013

To: Jim Neubauer  
City Administrator

From: Kevin Wilson  
Human Resources

Julie Frye  
Administrative Assistant

Re: Commission Consent Agenda Item for September 17, 2013  
**Request for permission to Destroy Fire Inspection Records, Fire Department Meeting Minutes and Payroll Information in accordance with the records retention schedule.**

Please schedule this item for consideration by the Board of Commissioners at their meeting on Tuesday, September 17, 2013.

1. The Human Resource Department has identified Fire Inspection Records, Fire Department Meeting Minutes and Payroll Records for destruction in accordance with the Records Retention Plan. The items to be destroyed are inventoried as follows:

**Fire Inspection Records (hard copy only digitized records in electronic storage)**

The retention schedule for commercial building occupancy, annual inspection, smoke detector/fire extinguisher inspection, violations and procedures to correct any violation is retain until updated. The following fire inspection records presented for destruction by shredding are as follows:

6 Boxes from record #1 through record #788

**Fire Department Meeting Minutes (hard copy only digitized records in electronic storage)**

The retention schedule for written proceedings of fire department meeting minutes is retain for 5 years. The following fire department meeting minutes presented for destruction by shredding are as follows:

1 Box from 1991 through 2004

**Payroll Records**

The retention schedule for records and reports that summarize payroll information, including, but not limited to JSND quarterly wage report, unemployment compensation reports, and social security reports is retain for 6 years. The following payroll records presented for destruction by incineration are as follows:

39 Boxes from 1991 through 2006

Kevin Wilson  
Human Resources

Julie Frye  
Administrative Assistant

## **SCOPE OF WORK**

### **RECORDS MANAGEMENT & RETENTION PLAN City of Mandan**

This proposed Scope of Work describes the tasks to be performed by, Julie Frye, in assisting the City of Mandan in preparing a Records Management & Retention Plan. The Scope is based on the State of North Dakota Records Management Program.

#### **BASIC SCOPE OF SERVICES**

##### **Task 1: Scope of Work**

Draft a Scope of Work for developing the Plan. The Plan for the Records Management & Retention will follow the State's Records Retention Program and Schedule. I will use the same retention time frame and disposition procedures required.

##### **Task 2: Follow The States Records Retention Program and recommended Personnel Records retention/disposition procedures listed below:**

#### **Records Retention Program**

A key component of any comprehensive records management program is researching and preparing records retention schedules that identify how long records are to be maintained. Administrative, fiscal, historical, and legal requirements are considered when establishing retention timeframes.

A Records Retention Schedule is developed to:

- Provide direction to employees on how long records are to be retained.
- Specify how long records are retained in active file systems and inactive storage.
- Identify records which have important historical or archival value and insure their protection and long-term maintenance.
- Promote efficiency in records processing, distribution, and storage.
- Eliminate maintenance of duplicate records, and,
- Insure access to public records.

Record Retention Schedules are developed by identifying a series of related records.

A unique control number is assigned to each series of records. The control number, name range and storage location information is included on the label of every box. The H R Department will have the contents description and storage location of all archived records. H R will also have a Records Retention Schedule for boxes to be disposed in future years.

## **General Records Retention Schedule**

### **60 (PER) PERSONNEL**

#### 600201 HIRING PROCESS/RECRUITMENT RECORDS

This series contains the job announcements, employment applications, resumes, and other records related to the selection/hiring/recruitment of employees for advertised job openings or the solicitation for applications by the agency. These records are for individuals that are not hired or selected.

Retention: Six years after the selection process is completed.

Disposition: Dispose by shredding if Social Security Number is included.

Authority: Social Security Numbers are confidential per NDCC 44-04-28; Legal retention per 42 USC 1983 and NDCC 28-01-16(5).

#### 600202 UNSOLICITED RESUMES, APPLICATIONS AND REQUESTS FOR

#### EMPLOYMENT

This series contains resumes, applications, and requests for employment received from individuals where no specific job is indicated or no current job openings exist in the agency.

Retention: After action taken.

Disposition: Dispose by landfill/recycling.

13

#### 600601 EMPLOYEE FILES

This series contains all information related to individual employees of the department, including application, training information, performance appraisals/evaluations, and correspondence.

Retention: Six years after last action.

Disposition: Dispose by shredding.

Authority: Personal information as defined in NDCC 44-04-18.1 is exempt; Legal retention per 42 USC 1983 and NDCC 28-01-16(5).

#### 600602 EMPLOYEE MEDICAL FILES

This series contains all medical information related to an employee of the department, including correspondence, medical tests and evaluations, Employee Assistance Program records, and Workers Compensation records.

Retention: Six years after last action.

Disposition: Dispose by shredding.

Authority: Confidential per NDCC 44-04-18.1.

#### 600701 LEAVE RECORDS

This series contains time cards, leave reports, and any other records related to leave requested/taken by employees.

Retention: Six years.

Disposition: Dispose by landfill/recycling.

Authority: Legal retention per NDCC 28-01-16.

#### 600901 JOB DESCRIPTIONS

This series contains job descriptions for positions in the department.

Retention: Six years after updated.

Disposition: Dispose by landfill/recycling.

Authority: Legal retention per 42 USC 1983 and NDCC 28-01-16(5).

14

#### 600902 JOB DESCRIPTION QUESTIONNAIRES AND RECLASSIFICATION REQUESTS

This series contains the job description questionnaires and classification/reclassification request forms submitted to Human Resource Management Services (HRMS) for positions in the department.  
State Form Numbers: SFN 2572 and SFN 2584

Retention: Six years after updated.

Disposition: Dispose by shredding if Social Security Number is included. HRMS retains the record for ten years.

Authority: Personal information as defined in NDCC 44-04-18.1 is exempt; Social Security Numbers are confidential per NDCC 44-04-28; Legal retention per 42 USC 1983 and NDCC 28-01-16(5).

#### 601001 EMPLOYEE ASSISTANCE PROGRAM RECORDS

This series contains information related to the administration of the Employees Assistance Program, including utilization reports.

Retention: Three years.

Disposition: Dispose by shredding.

Authority: Confidential per NDCC 44-04-18.1.

601502 STATEWIDE BACKGROUND CHECKS/INVESTIGATIONS

This series contains any correspondence and the results of statewide background investigations for agencies NOT authorized to request nationwide criminal history record checks under North Dakota Century Code 12-60-24.

Retention: Six years.

Disposition: Dispose by landfill.

Authority: Legal retention per NDCC 28-01-16.

15

601503 EMPLOYMENT HISTORY FILE/SERVICE RECORD

This series contains a summary of employment history with the State of North Dakota, including dates of employment, rate of pay changes, and other personnel actions. This is used to verify previous employment with the State of North Dakota only.

Retention: Fifty years after last action.

Disposition: Dispose by landfill/recycling.

601504 CRIMINAL HISTORY RECORD CHECKS

This series contains any correspondence and the results of statewide and nationwide criminal history record checks for those agencies authorized to conduct criminal history record checks under North Dakota Century Code 12-60-24.

Retention: Six years.

Disposition: Dispose by shredding.

Authority: Confidential per NDCC 12-60-24 and NDCC 12-60-16.1 through 12-60-16.10; Legal retention per NDCC 28-01-16.

### **Task 3: Identify Records**

Organize an inventory of records to archive or dispose of. Inventory will include personnel records.

### **Task 4: Assign number series to records**

Prepare a number to each series of records. Depending on the termination date of an employee or the age of records in an active employees personnel file the number in the series will vary.

### **Task 5: Label Records**

Label records with a range Anderson- Jackson include the year for disposal. Date for 2013 to be December 31<sup>st</sup>. Label and store records by date for disposal.

### **Task 6: Disposal authorization**

Complete records disposal authorization form. Submit form to City Commission for approval

### **Task 7: Planning Documents**

Prepare a Records Management and Retention Plan, which will follow the State's Records Retention Program

- Visit the State of N.D Records Retention Program <http://www.nd.gov/itd/services/records-management-program>
- Visit the General Records Retention Schedule at <http://www.nd.gov/itd/services/records-management-program>

### **Task 8: Coordination**

Julie will coordinate with, Kevin Wilson, H R Dept throughout the project.

## Scope of Work

### Records Management

#### Mandan Fire Department

This Proposed Scope of Work describes the tasks to be performed by, Julie Frye, in assisting the Fire Department in retention or disposal of meeting minutes, payroll files, employee files and inspection records. Julie will follow the State of North Dakota City Records Management Fire Department program/schedule and the City of Mandan's Records Retention Plan.

#### Records Retention Program

A key component of any comprehensive records management program is researching and preparing records retention schedule that identify how long records are to be maintained. Administrative, fiscal, historical, and legal requirements are considered when establishing retention time frames.

#### City of Mandan Records and Retention Management Plan:

- Provide direction to employees on how long records are to be retained.
- Specify how long records are retained in active file systems and inactive storage.
- Identify records which have important historical or archival value and insure their protection and long-term maintenance.
- Promote efficiency in records processing, distribution, and storage.
- Eliminate maintenance of duplicate records.
- Insure access to public records.

#### Fire Department Records Retention Schedule

Record Number	Record Title/Description/And Retention
220318	Fire Department Meeting Minutes  This series contains written proceedings of fire department minutes.

Retention: Retain for 5 years and dispose by shredding.

011612

Payroll Records

This series contains records relating to payroll information of an individual employee.

Retention: 6 years after last action and dispose at the City landfill (incinerate).

600601

Employee Files

This series contains employee files including application, training information, performance appraisals/evaluations, and correspondence.

Retention: 6 years after last action and dispose at the City landfill (incinerate).

803367

Fire Prevention

This series contains commercial building occupancy, annual inspection, smoke detector/ fire extinguisher inspection, violations and procedures to correct any violations.

Retention: Retain until updated, and then dispose of by shredding.

## Basic Scope of Services

### **Task 1:** Identify records

Scan Fire Dept. meeting minutes, and building fire and safety records.

### **Task 2:** Prepare records for retention or disposal.

Follow the State of North Dakota Records and Retention Schedule.

### **Task 3:** Coordination

Julie will coordinate with, Kevin Wilson, H. R. department throughout the project.

### **Task 4:** Disposal authorization

Complete a records disposal authorization form. Submit from to City Commission for approval.

I Steve Nardella have provided Julie with the Fire Department meeting minutes, membership rosters and Fire/Safety Inspection records. I authorize her assistance in preparing these records for retention or disposal.

X Steve Nardella

Date

Date: 8/28/2013  
To: Fire Chief Steve Nardello  
From: Julie Frye

I have digitized and saved the Fire and Safety inspection records in Emergency Reporting and to an external hard drive. **Request for Permission to Destroy Inspection Records in accordance the records retention schedule.**

I Steve Nardello, approve and give my permission to destroy inspection records.

X Steve Nardello

## Julie A. Frye

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**From:** Julie A. Frye  
**Sent:** Wednesday, September 04, 2013 3:51 PM  
**To:** Steve Nardello; Greg Welch; Human Resources  
**Subject:** Records Management  
**Attachments:** Fire Inspection Records Boxes 1 - 6.xlsx

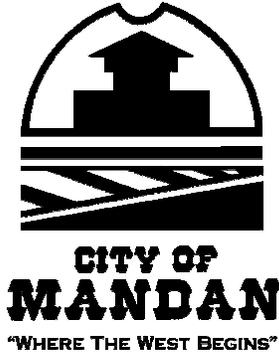
Steve,

I have 98% of the Records Management Project for the Fire Department complete. I have digitized and downloaded the Fire Inspection Records into electronic storage and Emergency Reporting. The file drawers are emptied and Eddy will pick up the six boxes of records. As soon as the Commissioners approve for the disposal of the records the Project will be 100% complete.

I visited with Dawn Cote, State Record Management Analyst, today and your suggestions/changes have really helped in updating and clarifying the City Records Management Fire Department Retention Schedule.

Thank you and all the firefighters for any assistance during the course of this project.

*Records Management  
Administrative Assistant  
Julie Frye*



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 17, 2013  
**PREPARATION DATE:** September 12, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth, Planning and Engineering Director  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider authorizing a work change order on Street Improvement District No. 174, Project No. 2012-16 (Plainview Heights 13<sup>th</sup> Addition).

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**STATEMENT/PURPOSE:** To authorize a change order to extend the contract date of November 14, 2012 to Final Completion of June 15, 2014.

**BACKGROUND/ALTERNATIVES:** Change order is being requested to allow for the chip seal to be done in the spring. The city specifications require the chip seal to happen before August 1 and have an atmospheric temperature of 70 degrees.

**ATTACHMENTS:** 1. Change Order Request.

**FISCAL IMPACT:** None

**STAFF IMPACT:** Minimal

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

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

**SUGGESTED MOTION:** I move to authorize a change order on Street Improvement District No. 174, Project No. 2012-16 for completion date of June 15, 2014.

Board of City Commissioners

Agenda Documentation

Meeting Date: September 17, 2013

Subject: Consider authorizing a change order on Street Improvement District No. 174,  
Project No. 2012-16 (Plainview Heights 13<sup>th</sup> Addition).

Page 2 of 3

**CHANGE ORDER NO. 17**

Date of Issuance: 9/12/2013

Effective Date: 9/12/2013

<b>PROJECT TITLE</b> <i>Plainview Heights 13th Addition- Street Improvement</i>
<b>OWNER</b> <i>City of Mandan</i>
<b>CONTRACTOR</b> <i>Northern Improvement, CO</i>
<b>ORIGINAL CONTRACT DATE</b> <i>5/18/2012</i>

**THE CONTRACT DOCUMENTS ARE MODIFIED AS FOLLOWS UPON EXECUTION OF THIS CHANGE ORDER**

1. ADDITIONS OR DELETIONS TO THE CONTRACT AND ASSOCIATED COSTS						
Spec. No.	Item	Description of Addition or Deletion	Unit	Quantity	Unit Price	Affect On Contract Price
	1					\$0.00
	2					\$0.00
	3					\$0.00
	4					\$0.00
	5					\$0.00
<b>TOTAL COST FOR THESE CONTRACT ADDITIONS</b>						<b>\$0.00</b>

<b>2. JUSTIFICATION FOR ADDITIONS OR DELETIONS TO CONTRACT</b> <i>Change Order gives the Contractor additional time to do the bituminous seal coat, as City of Mandan specifications require it to happen before August 1st and have an atmospheric temperature of 70°.</i>
--

<b>3. CHANGE TO CONTRACT AMOUNT</b>
ORIGINAL CONTRACT AMOUNT: \$0.00
NET INCREASE/DECREASE FROM PREVIOUS CHANGE ORDER(S): \$404,893.64
CONTRACT AMOUNT PRIOR TO THIS CHANGE ORDER: \$0.00
INCREASE FROM THIS CHANGE ORDER: \$0.00
<b>NEW CONTRACT AMOUNT INCLUDING THIS CHANGE ORDER: \$404,893.64</b>

<b>4. CHANGE TO CONTRACT TIMES</b>
<b>Original Contract Times:</b> <input type="checkbox"/> Working Days <input checked="" type="checkbox"/> Calendar Days
Substantial Completion (Days or Date): 10/31/2012
Ready For Final Payment (Days or Date): 11/14/2012
<b>Contract Times from previously Approved Change Orders</b>
Substantial Completion (Days or Date): 8/24/2013
Ready For Final Payment (Days or Date): 8/24/2013
<b>Contract Times will be Increased/Decreased because of this Change Order</b> 0 days (substational completion) 325 days (final completion)
<b>Contract Times including this Change Order</b>
Substantial Completion (Days or Date): 8/24/2013
Ready For Final Payment (Days or Date): 6/13/2014

Board of City Commissioners

Agenda Documentation

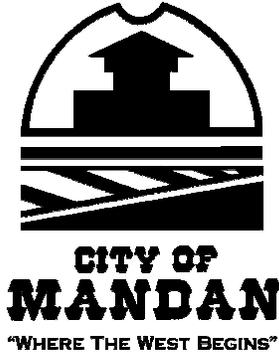
Meeting Date: September 17, 2013

Subject: Consider authorizing a change order on Street Improvement District No. 174,  
Project No. 2012-16 (Plainview Heights 13<sup>th</sup> Addition).

Page 3 of 3

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<p><b>5. REQUIRED SIGNATURES - Not valid until signed by Owner. Signature of Contractor indicates agreement herewith, including any adjustments in the Contract Amount or Contract Times</b></p> <p><b>ACCEPTED:</b></p> <p>By: _____ OWNER (Authorized Signature)</p> <p>Name: <b>Kim Fettig</b> _____ Title: <b>Engineering Project Manager</b> _____ Date: _____</p> <p><b>ACCEPTED:</b></p> <p>By: _____ CONTRACTOR (Authorized Signature)</p> <p>Name: <b>Jason Irej</b> _____ Title: <b>Project Manager</b> _____ Date: _____</p> <p><b>RECOMMENDED:</b></p> <p>By: _____ ENGINEER (Authorized Signature)</p> <p>Name: <b>Andrew Werder</b> _____ Title: <b>Project Manager</b> _____ Date: _____</p> <p><b>ACCEPTED:</b> Funding Agency (if applicable)</p> <p>By: _____ FUNDING AGENCY (Authorized Signature)</p> <p>Name: _____ Title: _____ Date: _____</p>
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## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 17, 2013  
**PREPARATION DATE:** September 12, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth, Planning and Engineering Director  
**PRESENTER:** Kim Fettig, Project Manager  
**SUBJECT:** Consider authorizing a work change order on Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6th & 7th Addition).

---

**STATEMENT/PURPOSE:** To authorize a change order to extend the contract date of September 30, 2013 to Final Completion of June 30, 2014.

**BACKGROUND/ALTERNATIVES:** Change order is being requested to allow for the chip seal to be done in the spring. The contractor was delayed from starting the project for two months as the grading took longer than anticipated.

**ATTACHMENTS:** 1. Change Order Request.

**FISCAL IMPACT:** None

**STAFF IMPACT:** Minimal

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

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

**SUGGESTED MOTION:** I move to authorize a change order on Street Improvement District No. 176, Project No. 2012-20 for completion date of June 30, 2014.

Board of City Commissioners

Agenda Documentation

Meeting Date: September 17, 2013

Subject: Consider authorizing a change order on Street Improvement District No. 176, Project No. 2012-20 (Lakewood 6th & 7th Addition).

Page 2 of 9

**CHANGE ORDER NO. 1**

Date of Issuance: 9/11/2013  
 Effective Date: 8/22/2013

<b>PROJECT TITLE</b> <i>McKenzie Drive SE, 34th Ave SE &amp; Genoa Court SE- Street &amp; Storm Sewer Improvements District No. 176 Project 2012-20</i>
<b>OWNER</b> <i>City of Mandan</i>
<b>CONTRACTOR</b> <i>Northern Improvement, CO</i>
<b>ORIGINAL CONTRACT DATE</b> <i>6/4/2013</i>

THE CONTRACT DOCUMENTS ARE MODIFIED AS FOLLOWS UPON EXECUTION OF THIS CHANGE ORDER

1. ADDITIONS OR DELETIONS TO THE CONTRACT AND ASSOCIATED COSTS						
Spec. No.	Item	Description of Addition or Deletion	Unit	Quantity	Unit Price	Affect On Contract Price
	1	Revised Feed Point	LS	1	\$10,180.70	\$10,180.70
	2					\$0.00
	3					\$0.00
	4					\$0.00
	5					\$0.00
<b>TOTAL COST FOR THESE CONTRACT ADDITIONS</b>						<b>\$10,180.70</b>

<p><b>2. JUSTIFICATION FOR ADDITIONS OR DELETIONS TO CONTRACT</b>  <i>Contract completion date is being extended as the Contractor was delayed from starting the project for two months as the grading took longer than anticipated. Feed point work was not included in the bid amount and the work will be required to be done.</i></p>
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<p><b>3. CHANGE TO CONTRACT AMOUNT</b></p> <p style="text-align: right;">ORIGINAL CONTRACT AMOUNT: \$1,240,657.70              NET INCREASE/DECREASE FROM PREVIOUS CHANGE ORDER(S): \$0.00              CONTRACT AMOUNT PRIOR TO THIS CHANGE ORDER: \$1,240,657.70              INCREASE FROM THIS CHANGE ORDER: \$10,180.70  <b>NEW CONTRACT AMOUNT INCLUDING THIS CHANGE ORDER: \$1,250,838.40</b></p>
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<p><b>4. CHANGE TO CONTRACT TIMES</b></p> <p><b>Original Contract Times:</b> <input type="checkbox"/> Working Days <input checked="" type="checkbox"/> Calendar Days</p> <p>Substantial Completion (Days or Date): 9/15/2012              Ready For Final Payment (Days or Date): 9/30/2013</p> <p><b>Contract Times from previously Approved Change Orders</b></p> <p>Substantial Completion (Days or Date): 9/15/2013              Ready For Final Payment (Days or Date): 9/30/2013</p> <p><b>Contract Times will be Increased/Decreased because of this Change Order</b> 46 days (substantial completion)              273 days (final completion)</p> <p><b>Contract Times including this Change Order</b></p> <p>Substantial Completion (Days or Date): 10/31/2013              Ready For Final Payment (Days or Date): 6/30/2014</p>
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Board of City Commissioners

Agenda Documentation

Meeting Date: September 17, 2013

Subject: Consider authorizing a change order on Street Improvement District No. 176,  
Project No. 2012-20 (Lakewood 6th & 7th Addition).

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<p><b>5. REQUIRED SIGNATURES - Not valid until signed by Owner. Signature of Contractor indicates agreement herewith, including any adjustments in the Contract Amount or Contract Times</b></p> <p><b>ACCEPTED:</b></p> <p>By: _____ OWNER (Authorized Signature)</p> <p>Name: <u>Kim Fettig</u> Title: <u>Engineering Project Manager</u> Date: _____</p> <p><b>ACCEPTED:</b></p> <p>By: _____ CONTRACTOR (Authorized Signature)</p> <p>Name: <u>Bruce Thompson</u> Title: <u>Project Manager</u> Date: _____</p> <p><b>RECOMMENDED:</b></p> <p>By: _____ ENGINEER (Authorized Signature)</p> <p>Name: <u>Andrew Werder</u> Title: <u>Project Manager</u> Date: _____</p> <p><b>ACCEPTED:</b> Funding Agency (if applicable)</p> <p>By: _____ FUNDING AGENCY (Authorized Signature)</p> <p>Name: _____ Title: _____ Date: _____</p>
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Board of City Commissioners

Agenda Documentation

Meeting Date: September 17, 2013

Subject: Consider authorizing a change order on Street Improvement District No. 176,  
Project No. 2012-20 (Lakewood 6th & 7th Addition).

Page 4 of 9



HOME OFFICE  
FARGO, NORTH DAKOTA  
4050 12th Avenue N.W.  
58103-2846  
P.O. Box 2846  
Phone 701-277-1225  
Fax 701-277-1516

OFFICE AT  
BISMARCK, NORTH DAKOTA  
58502-1254  
P.O. Box 1254  
Phone 701-223-6595  
Fax 701-224-0937

OFFICE AT  
DICKINSON, NORTH DAKOTA  
58502-1035  
P.O. Box 1035  
Phone 701-225-5197  
Fax 701-225-0207

## NORTHERN IMPROVEMENT COMPANY

Thomas McCormick, President/CEO  
Steve McCormick, Executive Vice-President

July 1, 2013

Mr. Ben White, PE  
Kadmas, Lee & Jackson  
128 Soo Line Drive  
Bismarck, ND 58504

RE: MANDAN SID #176

Dear Mr. White;

Per previous communications, there needs to be pad mounted feed point added to the project. Costs for installing the feed point will be as follows.

<u>Item #</u>	<u>Description</u>	<u>Unit</u>	<u>Qty</u>	<u>Unit \$</u>	<u>Total</u>
	Electrical Feed Point	LS	1	\$ 10,180.70	\$ 10,180.70

In addition we are requesting an extension of the completion date to October 31, 2013. Lead time for street light poles is normally twelve to sixteen weeks after shop drawing approval. Please process a change order at your soonest convenience. If there are any questions or comments please let me know, thank you.

Sincerely,

NORTHERN IMPROVEMENT COMPANY

*Bruce Thompson*  
Bruce Thompson  
VP/Estimator

CC: Bradley A Ballweber, NIC, VP/Treasurer  
Jason Irely, NIC, Project Manager/Estimator  
Bryce Wuori, NIC, Project Manager/Estimator  
James Ruud, Edling Electric

Board of City Commissioners

Agenda Documentation

Meeting Date: September 17, 2013

Subject: Consider authorizing a change order on Street Improvement District No. 176,  
Project No. 2012-20 (Lakewood 6th & 7th Addition).

Page 5 of 9



June 27, 2013

Attr: Bruce Thompson  
Northern Improvement Company  
PO Box 1254  
Bismarck, ND 58502

Re: Mandan McKenzie Drive SE, 34<sup>th</sup> St SE and Genoa Court SE

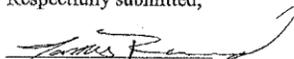
Dear Mr. Thompson:

Per previous discussions with the engineer, I am submitting the cost associated with adding a pad mounted feedpoint to the McKenzie Drive project in SE Mandan. This was discussed prior to the bid and was instructed to be left out of the bid and added at a later date. This change includes a new concrete foundation, new cabinet w/ internal control equipment, assembly, installation.

See attached breakdown and backup information. The lump sum amount for this change is \$9,255.18.

If you have any questions, please call me at (701) 255-2831, ext. 20.

Respectfully submitted,

  
James Ruud, Project Manager



1300 Basin Avenue • PO Box 1451 • Bismarck, ND 58502  
Telephone: (701) 255-2831 • Fax: (701) 255-2835

MASTER  
LICENSE  
#1541

We are an Equal Opportunity Employer M/F/V/H

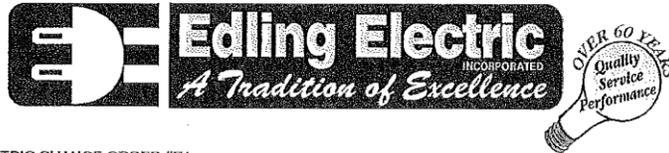
Board of City Commissioners

Agenda Documentation

Meeting Date: September 17, 2013

Subject: Consider authorizing a change order on Street Improvement District No. 176,  
Project No. 2012-20 (Lakewood 6th & 7th Addition).

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EDLING ELECTRIC CHANGE ORDER #E1  
MANDAN STREET IMPROVEMENT - MCKENZIE DRIVE SE, 34TH SE AND GENOA COURT SE  
ADD FEEDPOINT CABINET AND FOUNDATION TO PROJECT

	QTY	MATERIAL UNIT	MATERIAL EXTENSION	LABOR UNIT	LABOR HOURS
EXCAVATE FOR FOUNDATION	1	10	10	1.5	1.5
FORM	1	10	10	2	2
GRD ROD W/CLP	2	15	30	0.75	1.5
2" PVC	30	0.65	19.5	0.05	1.5
2" PVC 90 W/CPLG	7	2	14	0.15	1.05
ANCHORS	4	1	4	0.2	0.8
REBAR	1	20	20	0.5	0.5
CONCRETE	1	110	110	1	1
FEEDPOINT ENCLOSURE & EQUIPMENT	1	5900	5900	4	4
METER TRIM	1	0	0	1	1
PE	1	0	0	0.5	0.5
PANEL	1	0	0	2	2
15A 1P CB	1	0	0	0.5	0.5
40A 1P CB	4	0	0	0.5	2
60A CONTACTOR	2	0	0	1	2
TEST SW	1	10	10	1	1
MISC WIRING	1	20	20	1	1
GFCI	1	25	25	1	1
CABINET LABEL	1	10	10	0.15	0.15
DUCTSEAL OPENINGS	1	5	5	0.15	0.15
			6187.50		25.15
			6% TAX	371.25	59.11
				6558.75	\$1,486.62
			15% MU	983.81	
				7542.56	
ELECTRICIAN			31.75		
HEALTH & WELFARE			7.95		
39.7% PAYROLL TAXES, VACATION, NEBF, WORKERS			11.7		
			51.4		
MARKUP			1.15		
HOURLY RATE			\$59.11		
EQUIPMENT					
VEHICLE CHARGE	13	7	91		
TRENCHER	3	45	135		
			226		
MATERIALS			7542.56		
EQUIPMENT			226.00		
LABOR			1486.62		
			\$9,255.18		



1300 Basin Avenue • PO Box 1451 • Bismarck, ND 58502  
Telephone: (701) 255-2831 • Fax: (701) 255-2835

MASTER  
LICENSE  
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We are an Equal Opportunity Employer M/F/V/H

Board of City Commissioners

Agenda Documentation

Meeting Date: September 17, 2013

Subject: Consider authorizing a change order on Street Improvement District No. 176,  
Project No. 2012-20 (Lakewood 6th & 7th Addition).

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**QUOTATION  
GRAYBAR ELECTRIC**

PO BOX 2944  
FARGO, ND 58108  
PH# 701-237-0107; 1-800-753-0107  
FAX # 701-237-9261

TO: EDLING ELECTRIC  
ATTN JAMES

JOB NAME: MCKENZIE DRIVE MANDAN

DATE: 5/23/13 QUOTE NUMBER 052313DZ34

WE ARE PLEASED TO QUOTE THE FOLLOWING:

16 TYPE B2 LED COBRAHEADS AS SPECIFIED

\*\*ADD 6.00 PER FIXTURE FOR A SHORTING CAP

7 TYPE B2A LED COBRAHEADS AS SPECIFIED

\*\*ADD 6.00 PER FIXTURE FOR A SHORTING CAP

23 AMERON MEO8.5 DIRECT BURIED CONCRETE POLES WITH  
LUMINAIRE EXTENSION

FEEDPOINT

1 TYPE IV PAD MOUNTED FEEDPOINT CABINET WITH COMPONENTS

FIELD ASSEMBLED BY THE CONTRACTOR CONSISTING OF:

ONE PAD MOUNTED CABINET WITH BACKPANEL  
STAINLESS STEEL CONSTRUCTION

ONE PANEL WITH COVER

FOUR 2/40 BREAKERS

TWO 1 POLE BREAKERS

ONE GFI

ONE BYPASS SWITCH

ONE PHOTO CONTROL

ONE METER SOCKET

FOUR RCOC MRUD 2/60 CONTACTORS

LOT COST FOR THE ABOVE FEEDPOINT: 5900.00 LOT

FREIGHT ALLOWED

THANK YOU

DEAN

Board of City Commissioners

Agenda Documentation

Meeting Date: September 17, 2013

Subject: Consider authorizing a change order on Street Improvement District No. 176,  
Project No. 2012-20 (Lakewood 6th & 7th Addition).

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**Bruce Thompson**

**From:** James Ruud [james@edlingelectric.com]  
**Sent:** Monday, July 01, 2013 9:33 AM  
**To:** Bruce Thompson  
**Subject:** FW: Mandan McKenzie Drive Ameron Poles

Bruce,

They indicated 12 weeks from release. That would mean if they were approved this week we possibly would not get the poles until early October.

Please add to the feedpoint change order request and discuss with KLJ. I am open to any phone calls needed to clarify.

Thank you.

**James R. Ruud**  
Estimator/Project Manager  
Edling Electric, Inc.  
PO Box 1451  
1300 Basin Ave.  
Bismarck, ND 58504

Office: (701)255-2831 ext. 20  
Cell: (701)471-6599  
Fax: (701)255-2835  
Email: [james@edlingelectric.com](mailto:james@edlingelectric.com)

---

**From:** Zastoupil, Dean [mailto:Dean.Zastoupil@graybar.com]  
**Sent:** Monday, July 01, 2013 9:08 AM  
**To:** James Ruud  
**Subject:** RE: Mandan McKenzie Drive Ameron Poles

Ameron quoted a lead time of 12 weeks after drawings are approved. They can sometimes improve the lead time as they did on the City of Bismarck project but normal lead time is 12 weeks. I'll get drawings out today.

Txs  
Dean

---

**From:** James Ruud [mailto:james@edlingelectric.com]  
**Sent:** Monday, July 01, 2013 8:34 AM  
**To:** Zastoupil, Dean  
**Subject:** Mandan McKenzie Drive Ameron Poles

Dean,

What is the lead time on the poles for McKenzie? I need to update my engineer in case I have to ask for additional time.

Please advise ASAP. Thanks.

**James R. Ruud**  
Estimator/Project Manager  
Edling Electric, Inc.  
PO Box 1451

Board of City Commissioners

Agenda Documentation

Meeting Date: September 17, 2013

Subject: Consider authorizing a change order on Street Improvement District No. 176,  
Project No. 2012-20 (Lakewood 6th & 7th Addition).

Page 9 of 9



HOME OFFICE  
FARGO, NORTH DAKOTA  
4000 12th Avenue N.W.  
58108-2846  
P.O. Box 2846  
Phone 701-277-1225  
Fax 701-277-1516

OFFICE AT  
BISMARCK, NORTH DAKOTA  
58502-1254  
P.O. Box 1254  
Phone 701-223-6695  
Fax 701-224-8837

OFFICE AT  
DICKINSON, NORTH DAKOTA  
58502-1035  
P.O. Box 1035  
Phone 701-225-5197  
Fax 701-225-0207

**IMPROVEMENT COMPANY**

Thomas McCormick, President/CEO  
Steve McCormick, Executive Vice-President

August 22, 2013

Mr. Andrew Werder  
Kadrmass, Lee & Jackson  
Box 1157  
Bismarck, ND 58502-1157

RE: Mandan SID 176

Dear Mr. Werder:

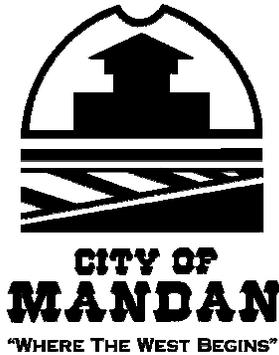
Per our telephone conversation, the grading was recently completed. Cofell's will be starting the underground early next week. We will follow with grading, gravel, curb & gutter and paving. However, we are requesting a change order moving the completion date to October 31, 2013 for the base lift of paving and June 30, 2014 for the balance of the work items. These dates are based on the fact that the original award date was June 4, 2013. Add one or two weeks for contract documents, the start date should have been mid June. The project can only be started two months behind schedule through no fault of Northern Improvement Company. Your positive consideration would be appreciated. Any questions please let me know, thank you.

Sincerely,

NORTHERN IMPROVEMENT COMPANY

A handwritten signature in cursive script that reads "Bruce Thompson". The signature is written in dark ink and is positioned above the printed name and title.

Bruce Thompson  
Vice President/Estimator



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 17, 2013  
**PREPARATION DATE:** September 4, 2013  
**SUBMITTING DEPARTMENT:** Assessing/Bldg Inspections  
**DEPARTMENT DIRECTOR:** Doug Lalim/Assessor & Building Official  
**PRESENTER:** Doug Lalim/Assessor & Building Official  
**SUBJECT:** Street Appraisal - Reduction in market value for James Wetsch

---

**STATEMENT/PURPOSE:** To consider a reduction in the structure value for the 2013 year for Mr. Wetsch's property, due to assessment that was made as a street appraisal and final review.

**BACKGROUND/ALTERNATIVES:** This parcel is also known as Parcel #9, Lot 3 Block 3, Albers-Neff 1st Addition.

Reason for abatement: To lower the structure value for the 2013 year from \$92,000 to \$68,000. After the final walk through of Mr. Wetsch's property to determine accuracy of our data and conducting a market analysis, I have arrived at a true and full value of \$79,800 for the 2013 year rather than \$103,800, a difference in true and full value of \$24,000.

**ATTACHMENTS:** Application for 2013, market analysis and data sheet.

**FISCAL IMPACT:** Approximately \$426.

**STAFF IMPACT:** N/A

**LEGAL REVIEW:** N/A

**RECOMMENDATION:** I recommend a motion to approve to lower the true and full value for the 2013 year to \$79,800 for Wetsch's property.

**SUGGESTED MOTION:** A motion to approve a reduction for Wetsch's property in the 2013 year with a true and full value to \$79,800.

Board of City Commissioners

Agenda Documentation

Meeting Date: September 17, 2013

Subject: Street Appraisal - Reduction in market value for James Wetsch

Page 2 of 5

Application For Abatement And Settlement Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

County of Morton

Name WETSCH JAMES A & JEAN

Address 605 8 AVE NW

Legal Description of the property involved in this application

LOT: 0003

Block: 003

ALBERS-NEFF 1ST

Property ID Number

City 9

County 65-9000

Total true and full value of the property described above for the year 2013 is:

Land \$11,800
Improvements \$92,000
Total (1) \$103,800

Total true and full value of the property described above for the year 2013 should be:

Land \$11,800
Improvements \$68,000
Total (2) \$79,800

The difference of \$24,000 true and full value between (1) and (2) above is due to the following reason(s):

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C § 57-02-27.2
2. Residential or commercial property's true and full value exceeds the market value
3. Error in property description, entering the description, or extending the tax
4. Nonexisting improvement assessed
5. Complainant or property is exempt from taxation (Attach a copy of Application for Property Tax Exemption)
6. Duplicate assessment
7. Property improvement was damaged by fire, flood or tornado (see N.D.C.C. § 57-23-04(1)(g))
8. Error in noting payment of taxes, taxes erroneously paid
9. Property qualifies for Homestead Credit According to N.D.C.C. § 57-02-08.1 (Attach a copy of Homestead Credit Application)
X 10. Other (Explain) CHANGES BE MADE TO VALUE TO REFLECT RE-ASSESSMENT

COMPLETED ON 9-04-2013

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

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

The Applicant asks that CHANGES BE MADE TO VALUE TO REFLECT CORRECT VALUES AS PER RE-ASSESSMENT COMPLETED ON 9-04-2013

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

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

James A. Wetsch 9-4-13
Signature of Preparer (if other than applicant) Date

Signature of Applicant Date

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of Mandan City Commissioners

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
 \_\_\_\_\_  
 City Auditor or Township Clerk

Action by the Board of County Commissioners

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

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

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

Dated \_\_\_\_\_, \_\_\_\_\_  
 \_\_\_\_\_  
 County Auditor Chairperson

Certification of County Auditor

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

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

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

Year	Reduction in Taxable Valuation	Reduction in Taxes

\_\_\_\_\_  
 County Auditor Date

Application For Abatement  
 And Settlement Of Taxes

Name of Applicant \_\_\_\_\_  
 County Auditor's File No. \_\_\_\_\_  
 Date Application Was Filed With The County Auditor \_\_\_\_\_



Board of City Commissioners

Agenda Documentation

Meeting Date: September 17, 2013

Subject: Street Appraisal - Reduction in market value for James Wetsch

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9/03/13  
AS1057

Mandan Assessing Dept  
Property Data Sheet

Page 1

WETSCH JAMES A & JEAN  
605 8 AVE NW  
MANDAN ND 58554

*Reassessment*

*9-4-13*

City Parcel No. 00009  
County No. 65-00009000  
Assessment Year 2013

*Wednesday*

Property Address: 605 8 AVE NW

*\* 9:00 AM*

Property Type: RESIDENTIAL

Legal Description

Lot 0003 Block 003 Addition 0001 ALBERS-NEFF 1ST

Total Property - Land

Area Factor	55 AF 50-BUILT IN 50'S
Zoning	R7
Lot Width	50 Ft
Lot Depth	140 Ft
Lot Sq Ft	7000 SqFt
Irregular Shape	No
Alley	Yes
Cul-De-Sac	No
Corner	No
Utilities	Yes
Underground Util	No
Street	Hard Surface
Sidewalk	Yes
Location	Inland
Flood Plain Degree	
Acres	.16
Lot Sale Price	0
Lot Sale Date	

*Plaster walls*

*Basmt floor  
1 1/2' heaving up*

Interior Finish	Combination paint
Fireplace	No
Floors	Hardwood
Floor Covering	Linoleum
Apartment	Carpet
	None

Garage	
None 0 Stall with 0 SqFt	
Quality	None

Additional Data

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

*To Keller  
Parks  
had debris spill*

Additional Area

Deck 558 SqFt

Other Area

Shed 96 SqFt

Building Data

Year Built	1953
Effective Year	1953
Basement Walls	Poured Concrete
Condition	Average/Good
Quality	Average/Good
Construction Type	2x4 Construction
Stories	One Story
Roof Cover	Asphalt/Compound
Roof Type	Hip
Heating Fuel	Gas
Heating Type	Forced Air
Air Conditioning	None
Flr Tot Rms	Bed Bath
01	5 3 1.00 952 SqFt
BF	2 0 1.00 952/952 SqFt
Quality	Average
Tot Finished Area	1904 SqFt
Exterior Walls	Metal Siding
Basement	Full
Dining Room Area	Dining Area
Kitchen Cabinets	Softwood
Built-Ins	Yes
Interior Walls	Combination

*OK  
Cin Plaster*

Listing Date

Listing Price	0
Review Date	02/14/2011 CHERYLW
Final App. Date	08/10/2010 CHERYLW

2013 Mrkt Value	103800 Land	11800
	Bldg	92000

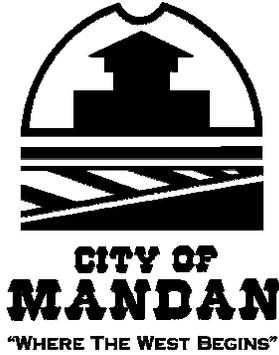
2012 Mrkt Value	90400 Land	11800
	Bldg	78600

2013 Est Tax Amount	1842.52
---------------------	---------

Selling Price Includes Special Assessments

Current Sale Price	0
Current Sale Date	
Previous Sale Price	0
Previous Sale Date	

Data Sheet Printed By: Shirley Shaw



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 17, 2013  
**PREPARATION DATE:** August 30, 2013  
**SUBMITTING DEPARTMENT:** Assessing/Bldg Inspections  
**DEPARTMENT DIRECTOR:** Doug Lalim/Assessor & Building Official  
**PRESENTER:** Doug Lalim/Assessor & Building Official  
**SUBJECT:** Street Appraisal - Reduction in market value for Monte Binstock

---

STATEMENT/PURPOSE: To consider a reduction in the structure value for the 2013 year for Mr. Binstock's property, due to assessment that was made as a street appraisal and final review.

BACKGROUND/ALTERNATIVES: This parcel is also known as Parcel #5436, Lot 2 Block 11, Plainview Heights 1st Addition.

Reason for abatement: To lower the structure value for the 2013 year from \$280,000 to \$212,700. After the final walk through of Mr. Binstock's property to determine accuracy of our data and conducting a market analysis, I have arrived at a true and full value of \$228,200 for the 2013 year rather than \$295,500, a difference in true and full value of \$67,300.

ATTACHMENTS: Application for 2013, market analysis and data sheet.

FISCAL IMPACT: Approximately \$1200.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend a motion to approve to lower the true and full value for the 2013 year to \$228,200 for Binstock's property.

SUGGESTED MOTION: A motion to approve a reduction for Binstock's property in the 2013 year with a true and full value to \$228,200.

Board of City Commissioners

Agenda Documentation

Meeting Date: September 17, 2013

Subject: Street Appraisal - Reduction in market value for Monte Binstock

Page 2 of 4

Application For Abatement And Settlement Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

County of Morton

Name BINSTOCK MONTE & CRYSTAL

Address 2204 8 AVE SE

Legal Description of the property involved in this application

Lot: 0002

Block: 011

PLAINVIEW HTS 1ST

Property ID Number

City 5436

County 65-4170000

Total true and full value of the property described above for the year 2013 is:

Land \$15,500
Improvements \$280,000
Total (1) \$295,500

Total true and full value of the property described above for the year 2013 should be:

Land \$15,500
Improvements \$212,700
Total (2) \$228,200

The difference of \$67,300 true and full value between (1) and (2) above is due to the following reason(s):

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C § 57-02-27.2
2. Residential or commercial property's true and full value exceeds the market value
3. Error in property description, entering the description, or extending the tax
4. Nonexisting improvement assessed
5. Complainant or property is exempt from taxation (Attach a copy of Application for Property Tax Exemption)
6. Duplicate assessment
7. Property improvement was damaged by fire, flood or tornado (see N.D.C.C. § 57-23-04(1)(g))
8. Error in noting payment of taxes, taxes erroneously paid
9. Property qualifies for Homestead Credit According to N.D.C.C. § 57-02-08.1 (Attach a copy of Homestead Credit Application)
X 10. Other (Explain) WAS A STREET APPRAISAL. HAD RE-ASSESSMENT

COMPLETED FOR 2013 ASSESSMENT YEAR.

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

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

The Applicant asks that HAVE NEW VALUE IMPLEMENTED TO PROPERTY TO REFLECT ACCURATE VALUE FOR 2013 DO TO RE-ASSESSMENT.

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

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

Signature of Preparer (if other than applicant)

Date

Signature of Applicant

Date

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of Mandan City Commissioners

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
 \_\_\_\_\_  
 City Auditor or Township Clerk

Action by the Board of County Commissioners

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

Based upon an examination of the facts and the provisions of North Dakota Century Code § 57.23-04, we approve this application. The taxable valuation is reduced from \$ \_\_\_\_\_ to \$ \_\_\_\_\_ and the taxes are reduced accordingly. The taxes, if paid, will be refunded to the extent of \$ \_\_\_\_\_. The Board accepts \$ \_\_\_\_\_ in full settlement of taxes for the tax year \_\_\_\_\_.

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

Dated \_\_\_\_\_, \_\_\_\_\_  
 \_\_\_\_\_  
 County Auditor Chairperson

Certification of County Auditor

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

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

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

Year	Reduction in Taxable Valuation	Reduction in Taxes

\_\_\_\_\_  
 County Auditor Date

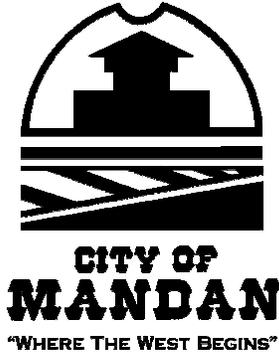
Application For Abatement  
 And Settlement Of Taxes

Name of Applicant \_\_\_\_\_

County Auditor's File No. \_\_\_\_\_

Date Application Was Filed With The County Auditor \_\_\_\_\_





## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 17, 2013  
**PREPARATION DATE:** August 30, 2013  
**SUBMITTING DEPARTMENT:** Assessing/Bldg Inspections  
**DEPARTMENT DIRECTOR:** Doug Lalim/Assessor & Building Official  
**PRESENTER:** Doug Lalim/Assessor & Building Official  
**SUBJECT:** Street Appraisal - Reduction in market value for Theresa Timmerick

---

STATEMENT/PURPOSE: To consider a reduction in the structure value for the 2013 year for Ms. Timmerick's property, due to assessment that was made as a street appraisal and final review.

BACKGROUND/ALTERNATIVES: This parcel is also known as Parcel #858, Lot 34 Block 1, Emberland West Addition.

Reason for abatement: To lower the structure value for the 2013 year from \$179,800 to \$155,300. After the final walk through of Ms. Timmerick's property to determine accuracy of our data and conducting a market analysis, I have arrived at a true and full value of \$168,100 for the 2013 year rather than \$192,600, a difference in true and full value of \$24,500.

ATTACHMENTS: Application for 2013, market analysis and data sheet.

FISCAL IMPACT: Approximately \$435.

STAFF IMPACT: N/A

LEGAL REVIEW: N/A

RECOMMENDATION: I recommend a motion to approve to lower the true and full value for the 2013 year to \$168,100 for Timmerick's property.

SUGGESTED MOTION: A motion to approve a reduction for Timmerick's property in the 2013 year with a true and full value to \$168,100.

Board of City Commissioners

Agenda Documentation

Meeting Date: September 17, 2013

Subject: Street Appraisal - Reduction in market value for Theresa Timmerick

Page 2 of 5

Application For Abatement And Settlement Of Taxes

North Dakota Century Code § 57-23-04

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

State of North Dakota

County of Morton

Name TIMMERICK THERESA

Address 1700 10 AVE SE

Legal Description of the property involved in this application

Lot: 34

Block: 1

EMBERLAND WEST

Property ID Number

City 858

County 65-969000

Total true and full value of the property described above for the year 2013 is:

Land \$12,800
Improvements \$179,800
Total (1) \$192,600

Total true and full value of the property described above for the year 2013 should be:

Land \$12,800
Improvements \$155,300
Total (2) \$168,100

The difference of \$24,500 true and full value between (1) and (2) above is due to the following reason(s):

- 1. Agricultural property true and full value exceeds its agricultural value defined in N.D.C.C § 57-02-27.2
2. Residential or commercial property's true and full value exceeds the market value
3. Error in property description, entering the description, or extending the tax
4. Nonexisting improvement assessed
5. Complainant or property is exempt from taxation (Attach a copy of Application for Property Tax Exemption)
6. Duplicate assessment
7. Property improvement was damaged by fire, flood or tornado (see N.D.C.C. § 57-23-04(1)(g))
8. Error in noting payment of taxes, taxes erroneously paid
9. Property qualifies for Homestead Credit According to N.D.C.C. § 57-02-08.1 (Attach a copy of Homestead Credit Application)
X\_10. Other (Explain) WAS STREET APPRAISAL. HAD COMPLETE REASSESSMENT
DONE FOR 2013.

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

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

The Applicant asks that THE VALUE BE CHANGED TO REFLECT THE CORRECT VALUE AS PER THE RE-ASSESSMENT THAT WAS COMPLETED FOR 2013 ASSESSMENT YEAR.

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

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

Signature of Preparer (if other than applicant)

Date

Signature of Applicant

Date

Handwritten signature and date 8-30-13

Recommendation of the Governing Body of the City or Township

Recommendation of the governing board of Mandan City Commissioners

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

\_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
 \_\_\_\_\_  
 City Auditor or Township Clerk

Action by the Board of County Commissioners

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

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

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

Dated \_\_\_\_\_, \_\_\_\_\_  
 \_\_\_\_\_  
 County Auditor Chairperson

Certification of County Auditor

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

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

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

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\_\_\_\_\_  
 County Auditor Date

Application For Abatement  
 And Settlement Of Taxes

\_\_\_\_\_  
 Name of Applicant

\_\_\_\_\_  
 County Auditor's File No.

\_\_\_\_\_  
 Date Application Was Filed  
 With The County Auditor



Board of City Commissioners

Agenda Documentation

Meeting Date: September 17, 2013

Subject: Street Appraisal - Reduction in market value for Theresa Timmerick

Page 5 of 5

8/30/13  
AS1057

Mandan Assessing Dept  
Property Data Sheet

Page 1

TIMMERICK THERESA  
1700 10 AVE SE  
MANDAN ND 58554

City Parcel No. 00858  
County No. 65-000969000  
Assessment Year 2013

Property Address: 1700 10 AVE SE

Property Type: RESIDENTIAL

Legal Description

Lot 34 Block 1 Addition 0053 EMBERLAND WEST

=====  
**Total Property - Land**

Area Factor 84 AF 80 > \$150,000 < \$200  
Zoning R7  
Lot Width 89 Ft  
Lot Depth 125 Ft  
Lot Sq Ft 11086 SqFt  
Irregular Shape Yes  
Alley No  
Cul-De-Sac No  
Corner No  
Utilities Yes  
Underground Util Yes  
Street Hard Surface  
Sidewalk Yes  
Location Inland  
Flood Plain Degree  
Acres .25  
Lot Sale Price 0  
Lot Sale Date

Interior Finish Painted  
Fireplace No  
Floors Plywood  
Floor Covering Linoleum  
Carpet  
Duraceramic  
Apartment None

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**Garage**  
Attached 2 Stall with 528 SqFt  
Quality Average

-----  
**Additional Data**  
Electronics No  
Home Theater No  
Smart Home No  
Swimming Pool No  
Sump Pump No

-----  
**Building Data**

Year Built 1992  
Effective Year 1992  
Basement Walls Poured Concrete  
Condition Average/Good  
Quality Average/Good  
Construction Type 2x6 Construction  
Stories BI/L  
Roof Cover Asphalt/Compound  
Roof Type Gable  
Heating Fuel Gas  
Heating Type Forced Air  
Air Conditioning Central  
Flr Tot Rms Bed Bath  
01 4 2 1.00 1048 SqFt  
BF 3 1 1.00 988/988 SqFt  
Quality Average/Good  
Tot Finished Area 2036 SqFt  
Exterior Walls Brick Veneer/Masonite  
Basement Full  
Dining Room Area Dining Area  
Kitchen Cabinets Prefab Hardwood  
Built-Ins Yes  
Interior Walls Sheetrock

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**Additional Area**

Deck 100 SqFt

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**Other Area**

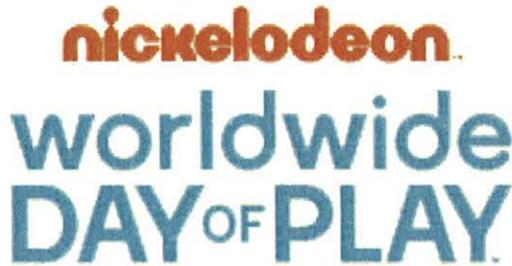
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Listing Date 05/30/1997  
Listing Price 99900  
Review Date 10/19/2011 SUEF  
Final App. Date 08/14/2013 JONB  
  
2013 Mrkt Value 192600 Land 12800  
Bldg 179800  
  
2011 Mrkt Value 166200 Land 12800  
Bldg 153400  
  
2013 Est Tax Amount 3418.78  
  
Selling Price Includes Special Assessments  
Current Sale Price 98300  
Current Sale Date 07/31/1997  
  
Previous Sale Price 73500  
Previous Sale Date 10/21/1992  
Data Sheet Printed By: RACHELH



# 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
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



Whereas, on behalf of the citizens of Mandan, ND, I join Nickelodeon, Afterschool Alliance, ASPCA, Association of Children's Museums, Boys & Girls Clubs of America, Girl Scouts of the USA, Jumpstart, Kiwanis International/Key Club, Let's Move, National PTA, NFL Play 60, President's Council on Fitness, Sports & Nutrition, Safe Routes to School, USA Ultimate, US Paralympics, US Tennis Association, and YMCA, and the many other participating organizations in celebrating the 10<sup>th</sup> Anniversary of Worldwide Day of Play, and

Whereas, Nickelodeon, alongside schools, after-school and community-based organizations, sports leagues and teams, and elected officials, has been supporting physical activity and healthy living **since 2004**. For the 10<sup>th</sup> anniversary of Worldwide Day of Play, Nickelodeon is celebrating with one simple message: Get up, get out, and go play! And,

Whereas, an essential part of Worldwide Day of Play's success is the thousands of events encouraging active play Nickelodeon and its partners host for kids around the world, and

Whereas, nutritious diets and physical activity are essential components to living a healthy lifestyle and reducing disease, and

Whereas, Mandan, ND and Nickelodeon are committed to supporting kids' health and wellness,

NOW, THEREFORE, be it resolved, that I, Arlyn Van Beek, Mayor do hereby proclaim Saturday, September 21, 2013 to be **Worldwide Day of Play** in Mandan, ND.

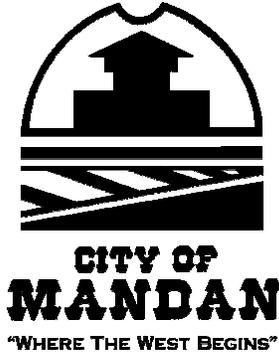
IN OBSERVANCE THEREOF, I call upon the good people of Mandan, ND to join me in recognizing all those associated with making this endeavor a reality, and wishing them all the very best in the future.

IN TESTIMONY WHEREOF, I have hereunto set my hand and cause to be affixed the Great Seal of Mandan, ND on this 17<sup>th</sup> day of September, 2013.

\_\_\_\_\_  
Arlyn Van Beek, Mayor

Attest:

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



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 17, 2013  
**PREPARATION DATE:** September 12, 2013  
**SUBMITTING DEPARTMENT:** Administration  
**DEPARTMENT DIRECTOR:** Jim Neubauer, City Administrator  
**PRESENTER:** Jim Neubauer, City Administrator  
**SUBJECT:** Liquor Licenses

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STATEMENT/PURPOSE: To determine

BACKGROUND/ALTERNATIVES: The subject of liquor licenses has been on the Commission agenda in 2012 and again in 2013. The past two years the topic has come up as new businesses explore their options and our ordinances regarding such.

We have attached minutes from 2012 in addition the Agenda Documentation from the Sept. 3 Commission meeting and the Sept 10 Working Session.

At the working session, information was requested related to other North Dakota Cities below are the findings:

- Grand Forks, No Limits (defines minimum number of seats as 30 for a Class A equivalent)
- West Fargo, No limits
- Minot, Williston and Dickinson have limits; each city does it differently as to population growth.
- Terms “On/Off Sale”, or “On-Sale” or “Off-Sale”, “On and Off Sale” or “On-and-Off Sale” are not further defined, other than the obvious, in any of the City’s researched, other than Grand Forks.
- The number of new living units created between July 1, 2012 and August 31, 2013 is XXXX. (*The Finance Department is in the process of compiling this information and will provide it to you prior to the Meeting on September 17.*)

Liquor license discussion seems to arise when entities are looking to obtain licenses that we have provided limits upon. Therefore, it may be time to consider unlimited licenses, with an initial application fee that would set by resolution of the Board. The first time setting the initial application fee could be based upon the highest bids for that particular license and subsequently reviewed on an annual basis by the Board.

ATTACHMENTS:

Minutes City Commission, 2012 discussions  
Agenda Documentation dated: September 3, 2013  
Information provided at Working Session, September 10, 2013

FISCAL IMPACT: unknown at this time.

STAFF IMPACT: n/a

LEGAL REVIEW: n/a

RECOMMENDATION: Amend current ordinances to remove limits on the number of licenses as applicable and set an initial application fee, which would be subject to annual review by the Board.

SUGGESTED MOTION:

on because they (developers) are not in front of the Commission. The consensus tonight is that this matter will be treated similar to Mr. Thilmony's request that has just been addressed. Bechtel stated he will contact the developer and let them know it is the presumption that the City will be special assessing the costs to the lots.

Mayor Helbling stated that the City Engineer's office is directed to keep the assessed project process in place for the time being until the policy is changed. He recommended the Commission members review the documentation provided to everyone today, and to contact staff with any recommended changes. After Bechtel has received input he can bring it back to a future meeting for discussion. Bechtel was instructed to include the (developer) questions previously outlined as part of the process.

RESOLUTIONS & ORDINANCES:

1. Consider second consideration and final passage of Ordinance No. 1112 Zone Change for the vacated part of Terra Valle 3<sup>rd</sup> & 4<sup>th</sup> – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map. Commissioner Jackson moved to approve the second consideration and final passage of Ordinance No. 1112 Zone Change for the vacated part of Terra Valle 3<sup>rd</sup> & 4<sup>th</sup> – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

2. Consider second consideration and final passage of Ordinance No. 1113 Zone Change for Lakewood 6<sup>th</sup> Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map. Commissioner Jackson moved to approve the second consideration and final passage of Ordinance No. 1113 Zone Change for Lakewood 6<sup>th</sup> Addition – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

3. First consideration of Ordinance No. 1114 – An ordinance to amend and reenact Section 12-01-04(1) of the Mandan Code of Ordinances relating to location. City Attorney Brown stated that this matter has been discussed at previous meetings. Ordinance No. 1114 amends the location of licenses to prohibit a Class A which is the general on or off sale license or Class D that is off sale and that must be 300 feet away from a school, library, hospital, college or university building used for academic purposes unless the entity affected by the above limitation consents to the issuance of the license.

Commissioner Jackson moved to approve the first consideration of Ordinance No. 1114 – An ordinance to amend and re-enact Section 12-01-04(1) of the Mandan Code of Ordinances relating to location. Commissioner Tibke seconded the motion. Roll call

vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

4. *First consideration of Ordinance No. 1115 – An ordinance to create and enact Section 12-02-07(7) of the Mandan Code of Ordinances relating to drive-up window sales.* City Attorney Brown stated that this is a new section relating to drive-up window sales. There is no current ordinance related to this. Chief Bullinger has indicated that he has had discussions with Minot and they indicated there have not been any problems with drive-up window sales.

Commissioner Jackson moved to approve the First consideration of Ordinance No. 1115 – An ordinance to create and enact Section 12-02-07(7) of the Mandan Code of Ordinances relating to drive-up window sales. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

5. *First consideration of Ordinance No. 1116 – An ordinance to amend and re-enact Section 12-01-02 of the Mandan Code of Ordinances relating to application of chapter.* City Attorney Brown stated that this is a new section to this ordinance outlining that the license granted by the City is a privilege to engage in the activity. That the license does not constitute a property right or property which the license holder can sell. Also, it prohibits the license issued by the city from being mortgaged, or assessed, or taken for any debt, judgment, etc. The license will have to be renewed annually.

Commissioner Tibke moved to approve the First consideration of Ordinance No. 1116 An ordinance to amend and re-enact Section 12-01-02 of the Mandan Code of Ordinances relating to application of chapter. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

6. *First consideration of Ordinance No. 1117 – An ordinance to create and enact Section 12-02-05.1 of the Mandan Code of Ordinances relating to certification of food sales.* City Attorney Brown stated that the current Class C license permits the license holder to operate a restaurant and serve alcoholic beverages. It requires that the food sales equals or exceeds the sale of alcoholic beverages and there was no way of enforcing that requirement. He explained that this revision will require the license holder of the restaurant to file certification of records by a certified public accountant or the license holder to request a certified copy of their sales tax return be sent to the city. The purpose of the revision is that the bar should not be running a restaurant as a sideline business.

Commissioner Frank moved to approve the First consideration of Ordinance No. 1117 – An ordinance to create and enact Section 12-02-05.1 of the Mandan Code of Ordinances relating to certification of food sales. Commissioner Rohr seconded the motion. Roll

call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

7. *First consideration of Ordinance No. 1118 - An ordinance to amend and re-enact Section 12-02-08-(1), (2) and (3) of the Mandan Code of Ordinances relating to transfers of licenses limited.* City Attorney Brown stated that this provision states that not more than two licenses of each classification shall be issued to any applicant, and each license shall be valid only for the specific premises licensed. It also addresses license restrictions of partnerships, stock of corporations, connection with any two or more licensed liquor establishments.

Commissioner Rohr moved to approve the First consideration of Ordinance No. 1118 - An ordinance to amend and re-enact Section 12-02-08-(1) (2) and (3) of the Mandan Code of Ordinances relating to transfers of licenses limited. Commissioner Tibke seconded the motion.

Commissioner Jackson stated that in Subdivision (3) at Line 8: ... nor shall any retail license to sell alcoholic beverages be issued or granted to any member of the immediate family. What is immediate family? He would suggest that immediate family be defined within the City Code of definitions as to what constitutes immediate family. City Attorney Brown will research the North Dakota Century Code for a definition of "immediate family" and circulate that information prior to the next meeting.

Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

8. *First consideration of Ordinance No. 1119 - An ordinance to amend and re-enact Section 12-02-06 of the Mandan Code of Ordinances relating to license fee.* City Attorney Brown stated this ordinance has to do with an issuance fee to a new licensee. This amendment gives flexibility if there is competition for a license - how is the City going to handle maximizing it for the benefit of the City. Commissioner Jackson clarified License Fee in Paragraph 3: What we are really saying is in its discretion to include: "as to the amount of the fee". Just to make it clear that the City has the discretion as to the amount of the fee but not as to the issuance of the fee. Commissioner Jackson stated that this clarifies the bidding process and this Commission may want to do a sealed bidding process but future commissions may want to do something different, realizing that ordinances can be changed at any time and in reality this may provide more clarification for those who are involved in this process. Commissioner Frank commented that prior to inclusion it does say that "in an amount determined by the board," it precedes that rather than follows it. City Attorney Brown recommended eliminating the comma after "board" which will clear up the discrepancy.

Commissioner Jackson moved to approve the First consideration of Ordinance No. 1119 - An ordinance to amend and re-enact Section 12-02-06 of the Mandan Code of Ordinances relating to license fee with the addition of a strikethrough after the comma, in

the third line, after board. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

9. *First consideration of Ordinance No. 1120 – An ordinance to amend and re-enact Section 12-02-04 and to repeal Section 12-02-05 of the Mandan Code of Ordinances relating to alcoholic beverage licenses.* City Attorney Brown commented that currently with these two ordinances (12-02-04) relating to beer and (12-02-05) relating to alcoholic beverages, the goal is to have one ordinance that deals with alcoholic licenses. Currently there are six classes of licenses and this is being amended to have seven classes. He summarized as follows: Class A does not change. Class B does not change except for the elimination of the beer/liquor licenses; they will be called alcoholic beverages. Class D will be for exclusive off-sale alcoholic beverages and Class D-1 will be exclusive retail off-sale beer and wine (convenience store). The new language includes limiting the Class A license to “17” in number (which is the current number) until such time as the number of living units (as determined by the office of Building Inspection) increases by 500 living units within the City of Mandan, effective June 30, 2012. Attorney Brown stated there are two problems with the current ordinance. First, it states an increase of 5,000 in population, which is a high number; and secondly, the census is only performed every ten years. In the revised version, commencing on June 30, 2012 and every year thereafter, a determination would be made if criteria exists to issue another liquor license. The current Class D has two and this change would increase it to three. The number of Class D-1 exclusive retail and off-sale beer and wine licenses is five and this change would increase it to seven. There will be a total of three (3) new licenses permitted by this amendment that will take effect July 1, 2012 which is the current license renewal period.

Commissioner Frank had a question on page 3 concerning the new language which suggested wherein a Class A license would be increased at 500 living units. Would this only pertain to Class A and not to the Class D-1 and Class D-2 licenses? City Attorney Brown indicated that is the intention of the revision. She inquired if there would be a new license opened up every time the number hit “500 living units”? Mayor Helbling commented that he recalled that there would be one more of each license opened at that time. Attorney Brown clarified that he can re-write the ordinance to state that “500” living units enables the ability to increase one (1) more of every Class, A, D, and D-1. Commissioner Frank stated that she would like to see two (2) licenses opened for Class D-1.

Commissioner Jackson stated that he is in favor of opening it up as unrestricted and then charging a high fee like the City of Grand Forks has in place.

Commissioner Frank motioned to approve the First consideration of Ordinance No. 1120 – An ordinance to amend and re-enact Section 12-02-04 and to repeal Section 12-02-05 of the Mandan Code of Ordinances relating to alcoholic beverage licenses including the fact that the number of licenses opening based on the 500 living units includes Class A, Class D and Class D-1 at 500 living units, the commission would have the option to open

one (1) Class A, one (1) Class D and two (2) Class D-1 licenses. Commissioner Tibke seconded the motion.

Commissioner Jackson commented that under Class A license and staying within the "spirit" of compromise, he thought restrictions were being put on that as far as square footage as to what could be on sale and what could be off sale. He stated it was pointed out to him that there was a dollar amount involved in Class A license, as far as on sale and off sale, in other words, that it was supposed to be split 50/50 or something. City Attorney Brown stated it is not in the current ordinance and he has no recollection of that. Mayor Helbling commented that he recalls that it was going to be limited to some extent. Changes can be brought back to the second reading. Attorney Brown stated that in the ordinances he has reviewed -- Bismarck, Fargo, Grand Forks, it was not in there. He was not clear as to what purpose it would serve. Mayor Helbling stated that the Commission will have the opportunity to instruct the way in which the license will be used if needed.

Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

OTHER BUSINESS:

1. Plug Removal: Mayor Helbling requested Administrator Neubauer provide an update as to the plug removal, an overview of the contracts, and the timeframe as to when people can expect to be back on the river. Administrator Neubauer stated that load restrictions are currently in effect. Under normal conditions the restrictions are removed the latter part of April/early May. At that time the Notice to Proceed will be given to the contractors to start the removals. Discussion is in process with the contractors to coordinate the sand removal with the plug removal while trying to stay within a reasonable cost. River access could be the middle to latter part of June due to the different types of situations this year. Notification of the plug removal has been published in the Mandan Messenger which will be in the utility bills that will be going out towards the middle to end of April, along with the Mandan Messenger link on the City website at [www.cityofmandan.com](http://www.cityofmandan.com)
2. Mayor Helbling noted the following: (1) April 13, 2012, is the deadline for filing for public office. (2) The City Offices will be closed on Friday, April 6, 2012.
3. Leroy Volk came forward to voice concern about his street. Volk stated that he was before this Commission two years ago and no repair to his street has occurred and he would like something done about it. He also complained that the street has not been cleaned yet this year. Mayor Helbling requested Jeff Wright, Director of Public Works, to provide the upcoming street cleaning schedule. The schedule is also on the website. Volk also requested additional policing in his neighborhood. Mayor Helbling requested Chief Bullinger to review this matter.
4. Steve Markel, a resident who lives two miles west of Mandan came forward and requested assistance to enforce the variance on the equipment temporarily parked in his

7. *Consider for approval a Renaissance Tax Exemption for CRT Investments, LLC.* City Assessor Barta stated that this is an apartment building located downtown with the retail space underneath it. The owner has paid his 2011 taxes, thus a refund is due. City Attorney Brown indicated that this Project was previously approved but they were waiting for the state to formalize their approval. Now it is before this Board to formalize the City's approval. Because it took so long the owner paid the 2011 taxes.

Commissioner Frank moved to approve the request from CRT Investments, LLC to receive a 100% tax exemption for the year 2011 due to meeting all requirements for a Renaissance Zone exemption. Commissioner Jackson seconded the motion.

Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

OLD BUSINESS:

NEW BUSINESS:

1. *Consider the purchase of a vehicle for Parking Enforcement.* Police Chief Bullinger reviewed with the Board four vehicle options for the purchase of a new specialty vehicle that will be used for policing and marking parked cars pursuant to the parking ordinances in downtown Mandan. He reviewed each of the pros, cons and costs for each of the four vehicles. Chief Bullinger recommended the purchase of the GO-4 Interceptor by the police department in the amount of \$24,400. Cushman Motors in Minneapolis is the nearest dealer of these vehicles. He stated that it is possible that the KIA dealership in Mandan will be able to service the vehicle.

Commissioner Rohr motioned to approve the purchase of the GO-4 Interceptor by the police department in the amount of \$24,400 for parking enforcement purposes.

Commissioner Tibke seconded the motion. Commissioner Frank inquired if the vehicle could be used for community events if there is a need for a smaller type vehicle such as this. She also suggested that it be used for children's events such as school events when appropriate and there is a need for such. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

RESOLUTIONS & ORDINANCES:

1. *Second consideration and final passage of Ordinance No. 1114 – An ordinance to amend and re-enact Section 12-01-04(1) of the Mandan Code of Ordinances relating to location.* City Attorney Brown stated that this was amended at the first consideration to add the Class D-1. The first draft included the Class A and Class D licenses.

Subsequently, a Class D-1 was added. The recommended motion would be to approve the second consideration as amended. Commissioner Jackson moved to approve the second consideration and final passage of Ordinance No. 1114 – An ordinance to amend and re-enact Section 12-01-04(1) of the Mandan Code of Ordinances relating to location as amended. Commissioner Rohr seconded the motion. Roll call vote: Commissioner

Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

2. *Second consideration and final passage of Ordinance No. 1115 – An ordinance to create and enact Section 12-02-07(7) of the Mandan Code of Ordinances relating to drive-up window sales.* City Attorney Brown stated there have been no revisions to the first consideration as passed by this Board previously. Commissioner Tibke moved to approve the second consideration and final passage of Ordinance No. 1115 – An ordinance to create and enact Section 12-02-07(7) of the Mandan Code of Ordinances relating to drive-up window sales. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

3. *Second consideration and final passage of Ordinance No. 1116 – An ordinance to amend and re-enact Section 12-01-02 of the Mandan Code of Ordinances relating to application of chapter.* City Attorney Brown stated that there are no changes to the first consideration that was approved previously. Commissioner Frank moved to approve the second consideration and final passage of Ordinance No. 1116 – An ordinance to amend and re-enact Section 12-01-02 of the Mandan Code of Ordinances relating to application of chapter. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

4. *Second consideration and final passage of Ordinance No. 1117 – An ordinance to create and enact Section 12-02-05.1 of the Mandan Code of Ordinances relating to certification of food sales.* City Attorney Brown stated that this is the same consideration as previously passed by this Board. Commissioner Rohr moved to approve the second consideration and final passage of Ordinance No. 1117 – An ordinance to create and enact Section 12-02-05.1 of the Mandan Code of Ordinances relating to certification of food sales. Commissioner Frank seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

5. *Second consideration and final passage of Ordinance No. 1118 – An ordinance to amend and re-enact Section 12-02-08-(1), (2) and (3) of the Mandan Code of Ordinances relating to transfers of licenses limited.* City Attorney Brown mentioned that this ordinance was discussed at the last meeting regarding a request to define “immediate family.” He stated he found a definition in the North Dakota Century Code. The recommended motion would be to approve the second consideration as amended. Commissioner Jackson moved to approve the second consideration and final passage of Ordinance No. 1118 – An ordinance to amend and re-enact Section 12-02-08-(1), (2) and (3) of the Mandan Code of Ordinances relating to transfers of licenses limited as amended. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

6. *Second consideration and final passage of Ordinance No. 1119 – An ordinance to amend and re-enact Section 12-02-06 of the Mandan Code of Ordinances relating to license fee.* City Attorney Brown indicated that the only change is in the third line of the first paragraph, a comma was taken out so it is clearer that the amount of the issuance fee is at the Board's discretion. The recommended motion would be to approve the second consideration as amended. Commissioner Jackson moved to approve the second consideration and final passage of Ordinance No. 1119 – An ordinance to amend and re-enact Section 12-02-06 of the Mandan Code of Ordinances relating to license fee as amended. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

7. Removed from the Agenda.

8. *Consider first consideration of Ordinance No.1121 Zone Change for West Hills Estates 2<sup>nd</sup> – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map.* Commissioner Jackson moved to approve the first consideration of Ordinance No.1121 Zone Change for West Hills Estates 2<sup>nd</sup> – An ordinance to amend and reenact section 21-03-02 of the Mandan Code of Ordinances relating to District Boundaries and Zoning Map. Commissioner Rohr seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed.

OTHER BUSINESS:

1. Spring cleanup is scheduled for the week of April 30th – May 4<sup>th</sup>. There being no further actions to come before the Board of City Commissioners, Commissioner Tibke moved to adjourn the meeting at 6:00 p.m. Commissioner Rohr seconded the motion. The motion received unanimous approval of the members present.

/s/ James Neubauer  
James Neubauer,  
City Administrator

/s/ Timothy A. Helbling  
Timothy A. Helbling,  
President, Board of City  
Commissioners

Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed. *(A copy of the ordinance is on file, open for public inspection, during regular working hours in the Office of the City Administrator.)*

2. *Second consideration of Ordinance No. 1120 An ordinance to amend and re-enact Section 12-02-04 and to repeal Section 12-02-05 of the Mandan Code of Ordinances relating to alcoholic beverage licenses as amended.* City Attorney Brown stated that this matter was taken off the list when the ordinances were previously reviewed because he was trying to omit language in the ordinance by combining sections. It was pointed out that the special permit for the golf courses and the Speedway to permit them to sell alcoholic beverages on certain occasions, (as opposed to just beer only which is their normal alcoholic beverage sales), was in the ordinance that was to be repealed. Class G license for alcoholic beverages on the riverboat was added to the ordinance.

In summary, the Class A licenses are at 17; this ordinance increases the Class D licenses which is strictly off sale alcoholic beverage sales from 2 to 3 which is increased by 1. Class D-I off-sale beer and wine licenses are increased from 5 to 7 which is increased by 2. Language was added that if the number of living units in the city increases by 500 over that as of June 20, 2012 the Commission will have the authority to issue one additional license in each Class. City Attorney Brown noted that this does not obligate the Commission to do anything if such an event occurs. If this ordinance is adopted, it will take effect on July 1, 2012.

Commissioner Jackson moved to approve the second consideration of Ordinance No. 1120 as amended – An ordinance to amend and re enact Section 12-02-04 and to repeal Section 12-02-05 of the Mandan Code of Ordinances relating to alcoholic beverage licenses. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Helbling: Yes; Commissioner Jackson: Yes. The motion passed. *(A copy of the ordinance is on file, open for public inspection, during regular working hours in the Office of the City Administrator.)*

3. *Resolution establishing rates and charges for services from the Solid Waste Utility Fund.* Director of Public Works Wright reviewed with the Board a request to increase rates to cover the costs of maintaining the landfill. The proposed rate increase would go from \$12/ton to \$15/ton for commercial accounts and from \$2 to \$3 for minimum load accounts. He explained that there has been a substantial increase in material coming to the landfill over the last six months making it difficult to keep up with operation costs at the current rate. The proposed increase would go into effect July 1, 2012. He stated that it is anticipated that there will be an increase in revenue at \$65,000 to \$75,000 depending on final tonnage. Wright recommended that a separate equipment fund be established from a portion of the revenue that is collected. He also stated that even with the increase, Mandan would still be lower than what some other cities are charging, (excluding Bismarck). Commissioner Frank commented that she has done some checking on this matter and found that Mandan's rates are lower than other cities as

The Mandan City Commission met in regular session at 5:00 p.m. on September 3, 2013 in the Ed "Bosh" Froehlich Room at City Hall, Mandan, North Dakota. Commissioners present were Van Beek, Tibke, Rohr, Frank, and Braun. Department Heads present were Finance Director Welch, Police Chief Bullinger, City Attorney Brown, City Administrator Neubauer, Director of Public Works Wright, Fire Chief Nardello, Business Development and Communications Director Huber, Planning & Engineering Director Froseth, Engineering Project Manager Fetting, and Assessor/Building Official Lalim.

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

C. PUBLIC COMMUNICATIONS:

Terry Fleck, a Mandan resident came forward to speak. He stated he was before this Board in June regarding a lot that he owns near the Mandan Municipal Golf Course. He has met with his contractor and said that the building project will be started within the next two weeks. He requested a meeting with a City representative about water utilities hook up. He referenced a letter that was dated in 2000 wherein the Park Board Commission petitioned the city to vacate that street based on selling it to an individual in the future. Fleck stated he would be interested in purchasing that 40' right of way and build a twin home on that property. City Attorney Brown advised Fleck to go to the Park Board District regarding that matter.

Casey Chapman, a Bismarck Attorney, came forward and stated he is working with the parties constructing a Cenex store on the strip. He indicated that when reviewing the Agenda for this meeting there was a reference to Class A licenses. He mentioned that he has already made arrangements for a license and does not know if the rules are going to change. He said that he would like the opportunity to participate in discussion when it comes up at this meeting. He indicated that his client has moved forward with his plans for the Cenex store based on the liquor license. Mayor Van Beek replied that if the Board has questions when that matter is discussed that he will be called upon.

D. MINUTES:

1. *Consider approval of the following minutes from the Board of City Commission meeting held on August 20, 2013.* Commissioner Tibke moved to approve the minutes from the Board of City Commission meeting held on August 20, 2013. 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.

E. PUBLIC HEARING:

1. *Public Hearing to consider the vacation of public streets as platted in Terra Vallee 6<sup>th</sup> Addition and School District 5<sup>th</sup> Addition.* Engineering Project Manager Fetting presented a request from Dennis Meyer and Eagle Ridge Development, LLC to vacate 28<sup>th</sup> Street NW from 8<sup>th</sup> Avenue NW to 12<sup>th</sup> Avenue NW; 29<sup>th</sup> Street NW from 8<sup>th</sup>

2. *Consider authorization to advertise for bids for the Mandan Water Treatment Plant, Phase II Optimization project.* Planning & Engineering Director Froseth stated that City staff has been able to secure a state revolving fund loan to make improvements to the City's Water Treatment Plant. AE2S provided a list of improvements and projected costs for those improvements. Froseth explained that some changes were made since the loan application was submitted and approved primarily with the pre-treatment basin and the storage room. Due to the revised costs the bids will be structured to allow the City to select the options that are affordable within the available funding for the project. However, there may be some funds available in the Utility Fund if the costs run over \$1.2 million. A DWSRF loan is in place for the \$1.2 million. Finance Director Welch commented that the loan is at a low interest rate.

Commissioner Frank moved to approve the authorization to advertise for bids for the Mandan Water Treatment Plant, Phase II Optimization project. Commissioner Tibke seconded the motion. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beck: Yes. The motion passed.

3. *Consider parking lease agreement with Crown Equity, LLC.* Business Development and Communications Director Huber presented a request from Crown Equity, LLC as part of the redevelopment of land for parcels at Collins Avenue and Main Street with 12 parking spaces on the site. The building will have 3000 square feet of commercial property at the street level and 29 apartments. They are seeking to rent 25 spaces that have not been utilized in recent years in the parking lot east of the fire station (Public Parking Lot R). The proposed rate is \$20 per month, the same rate other tenants pay. The term on this agreement is for 2 years. Huber reviewed the free parking areas in the downtown area and the pay for parking on this lot and surrounding lots. Chief Bullinger commented that the parking spaces in this lot have never been completely full. The rental agreements would require payment every six months.

Commissioner Frank moved to approve the Parking Lease Agreement with Crown Equity, LLC. Commissioner Rohr seconded the motion. Commissioner Frank suggested that Huber be forthright in communicating the parking availability that exists along with preferred routes for the public. Roll call vote: Commissioner Rohr: Yes; Commissioner Tibke: Yes; Commissioner Frank: Yes; Commissioner Braun: Yes; Commissioner Van Beck: Yes. The motion passed.

4. *Consider process for issuing a Class A liquor license.* City Administrator Neubauer reviewed with the Board an application for one of the two Class A licenses not being utilized. The number of liquor licenses available in the City coincides with the City Ordinance regulation to the number of living units in the City. Neubauer reviewed the issues that have come up with the issuance of liquor licenses. The intent of the applicant in this matter is to have an off sale beer and wine license, however, would add an on-sale area to meet the requirements of a Class A License. Neubauer referenced the City Ordinance in regards to how to issue the license and provided the options to obtain a Class A license. The recommended bid is \$25,000 based on the Class D-1 in which the

last bid had a recommendation of a minimum of \$7,500 and the Class D was a recommendation of a minimum of \$40,000. The auctioning of the license will follow the process outlined. Attorney Brown stated that on July 1<sup>st</sup> - the process for awarding licenses starts over under the Ordinances in effect at that time. Neubauer explained that the intent of a Class A license is to have bar type of facility and the ability to sell off sale. Commissioner Frank inquired if this matter could be discussed in one of the upcoming City Commission meetings. Neubauer stated he could do some research with two new developments currently under construction however he thinks the applicant would like to know what they need to put into the structure. Neubauer stated that a recommendation for consideration would be to put up one of the Class A licenses for public auction with a minimum bid of \$25,000; that the license must be put into production within 12 months (because there is currently no limitation) and this would prevent someone with a license to use it with its intended purpose. If the successful applicant for the Class A license obtains a Class D-1 or a C-store license within 3 years that entity could use the money they paid for that Class A license as their bid on a Class D-1 license and in return the City would get the Class A license back. Again, the intent is for the Class A license to be a bar with some off sale. The applicant is simply looking for a convenience store off sale license. In summary, the City is trying to address a couple different opportunities. Mayor Van Beek commented that the key issue is for "on and off sale". Commissioner Tibke inquired if the developers or their attorney have an idea for a timeline of construction and if two weeks might affect the construction plan?

Tory Otto, the property owner/developer stated that where they are currently in construction and the building will be up by the end of the month with anticipation of having the business open by the middle to end of December 2013. The bar is going to be very limited but will be a full on and off sale. He inquired if it would be possible to do a re-count of living units this fall to speed up that process versus waiting until spring 2014?

Casey Chapman, attorney for Cenex, came forward and stated that his client is looking at the Class A license from a different perspective and they would be requesting a transfer of an existing license. He pointed out that when looking at the Class A license there is no minimum regarding on-sale. The requirements for on-sale, (when the applicant comes forward to request the transfer), the initial thought was that it was an option (for the applicant). The concern is they will be paying premium for a Class A license versus what would be paid for a D-1. He stated they will move forward with the request because they also want to open up their business by the end of the year. He clarified that his client is making plans under the current Class A license requirements. He pointed out that the ordinance states on-and-off sale and there are no requirements other than that. Attorney Brown stated that there has been discussion and the intent was that a Class A license that it would be both on-and-off but there is no requirement if you sell one drink a month or 50% on premises. Attorney Brown stated that Mr. Chapman's scenario of using the Class A for off sale is within the Ordinance. However, any transfer of a liquor license must be approved by the Commission. Mayor Van Beek stated that his interpretation is for both "on-and off sale".

Commissioner Tibke commented this is a challenge of a developer's interpretation versus the Commission's interpretation, and the City Attorney is of opinion that both versions can be correct. She concurred with Commissioner Frank's comment that the license requirement should include more detail. Commissioner Frank stated she would appreciate additional time to discuss this further to determine if it is truly on-and-off sale or if it can be both. She believes there should be some definition of what "on" entails and that it is up to the Commission to decide what position to take. Commissioner Tibke concurred that she would like additional time for discussion at the working session to address this matter.

Joe Hoffert, a Cenex representative came forward to speak. He stated they are on a tight timeline and went forward with their plans that included having an off-sale in their establishment. Commissioner Frank stated that it does not seem to be a concern with off-sale, the question is what amount of "on" sale is required, if any. He said his building foundations are in and they anticipate an opening of the middle of December 2013.

City Administrator Neubauer indicated the issue could be placed on the Agenda for the Working Session scheduled for September 10, 2013. The matter would then come back for a decision on September 17, 2013.

Commissioner Braun asked whether delaying a decision on this matter for two weeks while the Commission develops a policy would be a disadvantage to either of these parties.

Joe Hoffert stated that the foundations and rooms are all constructed and set up. He stated they are leasing and renting the property so the sooner the better. City Attorney Brown called a point of order stating that neither of the parties have an application before the Commission at this time. The only item on the Agenda is to advertise for a Class A liquor license. If the Commission wishes to defer that discussion, that is appropriate. However, neither of these entities have an application for a liquor license before the Board now.

City Administrator Neubauer stated that the City does have an application from one of the entities and that is why it was brought before the Board as to how the Board would like to proceed with the issue of bid requirements for the Class A license (or not). Regarding the second party who is working on acquiring a Class A license - they would have to bring a transfer request to the Board for consideration along with an application so we could do the background checks, etc. noting that it would be the transfer of a license on the other situation.

Commissioner Frank motioned to table the discussion on the issuance of the Class A liquor licenses until the next meeting. 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.

*City Commission Working Session, September 10, 2013*

Issues related to Class A and Class D-1 Liquor Licenses

- The intent of a Class A license is for a full bar with ability to sell off sale
- The intent of the Class D-1 license is off sale convenience store type of operation
- We have a current applicant for a Class A license that intends to utilize the license at a convenience store with 10-15 seats for on sale. We understand another convenience store may be negotiating for the purchase of another Class A licensee from a private individual.
- Applicants would prefer to have an off sale license only.
- Currently there are no Class D-1 licenses available. Based on current ordinance, earliest date commission could increase the number would be July 1, 2014.
- There are currently no limits on how much is sold in on or off sale, square footage requirements for each or number of seats that would be needed for on sale area

Options:

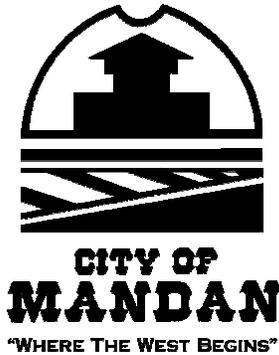
- Consider approving the Class A liquor license for the current applicant
  - Advantages:
    - Puts a license into production generating tax revenue
  - Disadvantages
    - May be considered underutilizing the license, taking it out of production for a potential applicant
    - From a police perspective, having an open bar in a convenience store may increase odds of drinking and driving
  - Other considerations?
- Consider not issuing the Class A licenses to be utilized in a C-Store
  - Advantages:
    - Retain the Class A license to be utilized for its intended purpose
    - Opportunity for additional D-1 licenses is in June 2014 consistent with current ordinances and may retain the value of other issued Class D-1 licenses
  - Disadvantages:
    - Not utilizing the license to generate additional tax revenue
  - Other considerations?
- Move the two available Class A licenses to Class D-1
  - Advantages:
    - Puts the licenses into production generating tax revenue
  - Disadvantages:
    - Postpones the opportunities for other full service bars to obtain the existing Class A licenses
    - Other Class D-1 license holders have been operating under the current ordinances knowing the number of licenses that are available and acquired (purchased) their licenses under those pretenses.
  - Other considerations?

- Consider amending the ordinances to account for increased interest in obtaining additional Class D-1 Licenses
  - Advantages:
    - Retains the two Class A licenses for intended purpose
    - Puts two Class D-1's into production generating tax revenue
  - Disadvantages:
    - Other Class D-1 license holders have been operating under the current ordinances knowing the number of licenses that are available and acquired (purchased) their licenses under those pretenses.
    - If the ordinances are amended each time an entity requests a license, then there would be no reason to limit the number of licenses.
  - Other considerations?
- Consider placing one Class A General retail on and off premise liquor license up for public bids in accordance with the schedule and process as proposed, with a minimum bid of \$25,000.

Recommend the license must be put into production within 12 months from the time of award. If the license is not put into production within 12 months, the amount over the minimum bid be returned to the applicant, however, the minimum bid amount is forfeited.

If the successful applicant is in the apparent successful bidder for a subsequent Class D-1 license within three years from the initial awarding of a Class A license, the Class A license shall be returned to the City, and the minimum bid and amount paid over and above the minimum bid for the license could be utilized for the Class D-1 bid.

- Advantages:
  - Puts the licenses into production generating tax revenue
  - Has the Class A's returned to city after a period of time
- Disadvantages:
  - Does not definitively answer the question of the intended purpose of Class A license
  - Applicant is still not guaranteed an off sale D-1 license as must be the successful bidder within 3 years
  - Some uncertainty as to the availability of future D-1 licenses
- Other Considerations?



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 17, 2013  
**PREPARATION DATE:** September 12, 2013  
**SUBMITTING DEPARTMENT:** Engineering & Planning  
**DEPARTMENT DIRECTOR:** Justin Froseth, Planning & Engineering Director  
**PRESENTER:** Kim Fetting, Project Manager  
**SUBJECT:** Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 189, Project No. 2013-30 (Lakewood 6th Addition Lot 10B Block 2 Replat).

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

**BACKGROUND/ALTERNATIVES:** The developer is requesting that the City allow the special assessment of street costs to the benefitting properties for the development of Oxbow Trail SE.

**ATTACHMENTS:**

1. Resolution creating district
2. District Map
3. Engineer's Report
4. Resolution Approving Engineer's Report
5. Resolution of plans and specs
6. Resolution determining sufficiency of petition
7. Petition
8. Feasibility Report
9. Resolution Directing Advertisement for Bids

**FISCAL IMPACT:** Based on the estimate of cost included with your documentation, the cost of the project would be \$50,367.20, engineering and administration will add \$17,628.52, bringing the total to \$67,995.72. These items would be entirely special assessed to the benefitting properties. There are 19 lots in this area that will be receive approximately \$3,578.72

Board of City Commissioners

Agenda Documentation

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STAFF IMPACT: Minimal

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

RECOMMENDATION: This office supports moving forward with the project.

SUGGESTED MOTION: I move to approve the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, and approve feasibility report and advertisement for bids for Street Improvement District No. 189, Project No. 2013-30 (Lakewood 6th Addition Lot 10B Block 2 Replat).

Board of City Commissioners

Agenda Documentation

Meeting Date: September 17, 2013

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**RESOLUTION CREATING  
STREET IMPROVEMENT DISTRICT NO. 189**

Project No. 2013-30

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

1. There is hereby created Street Improvement District No. 189 (the "District")(Project# 2013-30) of the City of Mandan for the purpose of making an improvement project of the type specified in Section 40-22-01(2), N.D.C.C., to improve those parts of the municipal street system listed below. The improvement to said streets within this improvement district shall include, but not be limited to, Oxbow Trail SE, and includes street construction, installation of curb and gutter, asphalt street, storm sewer, street lights, chip seal and related work.

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

The following lots and blocks are included in said District:  
All lots & blocks, Lakewood 6<sup>th</sup> Addition Lot 10B Block 1 Replat

The legal description of the district boundary is as follows:

Lakewood 6th addition Replat of lot 10B Block 2 and part of Oxbow Trail SE,  
Section 1, T. 138, R. 81 W., to the city of Mandan, Morton County, North Dakota,

Described as follows:

Beginning at the northeasterly corner of Lakewood 6th Aaddition replat of lot

10B block 2; thence north 89 degrees 59 minutes 52 seconds east a distance of 66.00 Feet, to the east right of way line of Oxbow Trail SE; thence south 00 degrees 03minutes 57 seconds east, along said right of way line, a distance of 34.05 feet; thence south westerly and to the right on a 443.00 foot radius curve, continuing along said right of way line, an arc length of 136.23 feet; thence north 72 degrees 02 minutes 21 seconds west a distance of 66.00 feet to the east boundary line of Lakewood 6th

Board of City Commissioners

Agenda Documentation

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Addition Replat of lot10B block 2; thence southwesterly and to the right on a 367.00 foot radius curve, along said boundary line, an arc length of 454.31 feet; thence south 88 degrees 53 minutes 54 seconds west, along said boundary line, a distance of 187.56 feet; thence southwesterly and to the left on a 233.00 foot radius curve, continuing along said boundary line, an arc length of 101.83 feet; thence north 51 degrees 49 minutes 44 seconds west, along said boundary line, a distance of 91.44 feet; thence north 53 degrees 48 minutes 56 seconds east, along said boundary line, a distance of 357.60 feet; thence north 32 degrees 42 minutes 51 seconds east, along said boundary line, a distance of 191.53 feet; thence north 89 degrees 59 minutes 52 seconds east, along said boundary line, a distance of 325.28 feet, to the point of beginning.

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

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

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

ATTEST:

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

Date of Passage: September 17, 2013

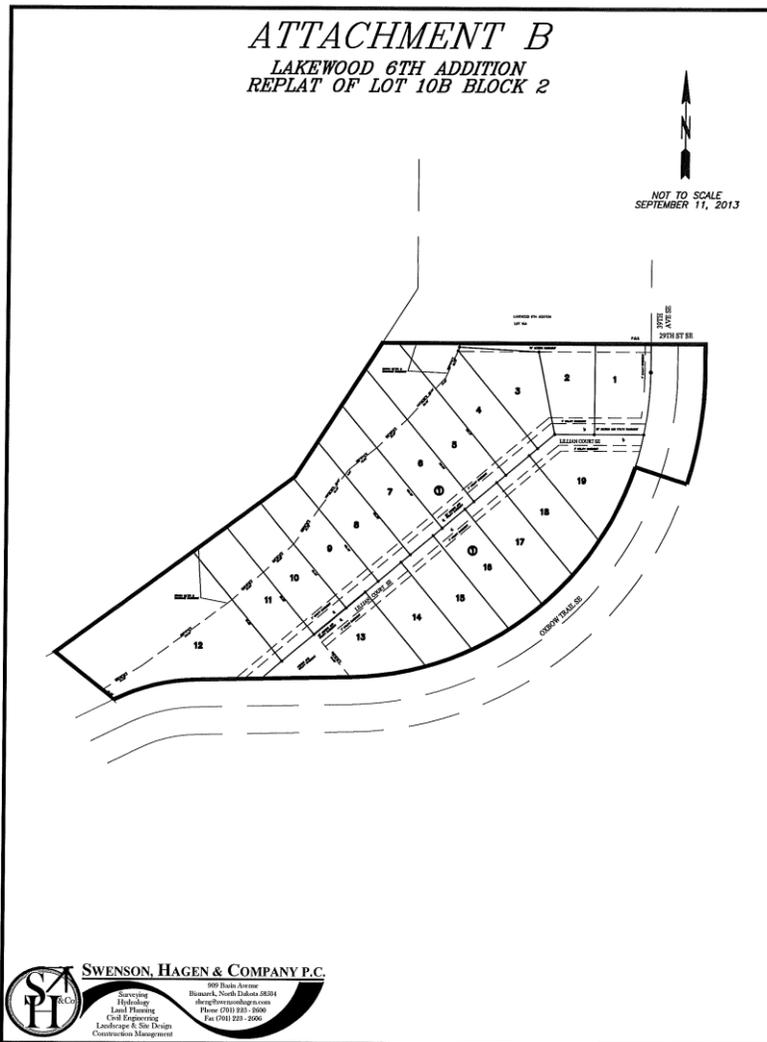
Board of City Commissioners

Agenda Documentation

Meeting Date: September 17, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 189, Project No. 2013-30 (Lakewood 6th Addition Lot 10B Block 2 Replat).

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Board of City Commissioners

Agenda Documentation

Meeting Date: September 17, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 189, Project No. 2013-30 (Lakewood 6th Addition Lot 10B Block 2 Replat).

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**Engineer's Estimate**

**LAKEWOOD 6 ADDITION LOT 10B BLOCK 2 REPLAT  
STREET IMPROVEMENT DISTRICT 189, PROJECT 2013-30  
September 9, 2013**

<u>ITEM</u>	<u>QUANT/UNIT</u>	<u>UNIT/TOTAL PRICE</u>
<b>GRADING ITEMS</b>		
Grading	1 LS	\$ 3,000.00 \$ 3,000.00
Watering	5 MGAL	\$ 15.00 \$ 75.00
Subgrade Preparation (1.0' Deep)	919 SY	\$ 2.20 \$ 2,021.80
4" Topsoiling	520 SY	\$ 3.50 \$ 1,820.00
Seeding (Class IV)	520 SY	\$ 1.30 \$ 676.00
Mulching (Straw)	520 SY	\$ 1.30 \$ 676.00
	<b>TOTAL</b>	<b>\$ 8,268.80</b>
<b>ASPHALT ITEMS</b>		
3" AC Base Course (Class B)	136 TON	\$ 88.00 \$ 11,968.00
2" AC Surface Course (Class B)	91 TON	\$ 88.00 \$ 8,008.00
Bituminous Tack Coat	82 GAL	\$ 2.20 \$ 180.40
Aggregate Seal Coat	812 SY	\$ 2.30 \$ 1,867.60
Blotter Sand	1 TON	\$ 13.20 \$ 13.20
Adjust Manhole Casting in Asph Pvmt	1 EA	\$ 375.00 \$ 375.00
	<b>TOTAL</b>	<b>\$ 22,412.20</b>
<b>CONCRETE ITEMS</b>		
Standard Curb & Gutter	386 LF	\$ 15.50 \$ 5,983.00
	<b>TOTAL</b>	<b>\$ 5,983.00</b>
<b>MISCELLANEOUS ITEMS</b>		
Adjust Valve Box in Unpaved Area	2 EA	\$ 175.00 \$ 350.00
Adjust Cleanout in Unpaved Area	1 EA	\$ 175.00 \$ 175.00
Traffic Control	1 LS	\$ 1,000.00 \$ 1,000.00
Signage	1 LS	\$ 1,200.00 \$ 1,200.00
	<b>TOTAL</b>	<b>\$ 2,725.00</b>
<b>REMOVAL ITEMS</b>		
Asphalt Removal	194 SF	\$ 2.50 \$ 485.00
Curb & Gutter Removal	5 LF	\$ 5.00 \$ 25.00
	<b>TOTAL</b>	<b>\$ 510.00</b>
<b>ELECTRICAL ITEMS</b>		
Type A Street Light Unit	1 EA	\$ 4,225.00 \$ 4,225.00
Three #2 Conductors	191 LF	\$ 5.20 \$ 993.20
Trenching	140 LF	\$ 1.75 \$ 245.00
Directional Boring	42 LF	\$ 65.00 \$ 2,730.00
Junction Box	1 EA	\$ 975.00 \$ 975.00
New Circuit Connection	1 LS	\$ 1,300.00 \$ 1,300.00
	<b>Total</b>	<b>\$ 10,468.20</b>
	<b>BID TOTAL</b>	<b>\$ 50,367.20</b>

**RESOLUTION APPROVING ENGINEER'S REPORT AND  
AUTHORIZING PREPARATION OF THE DETAILED PLANS  
AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE  
IMPROVEMENT IN STREET IMPROVEMENT DISTRICT NO. 189**

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

1. That the report of the City Engineer with respect to the general nature, purpose, and feasibility of the proposed improvement and the estimate of the probable cost of the work to be done in Street Improvement District No. 189 (Project # 2013-30), as required by section 40-22-10 of the North Dakota Century Code, and hereto filed in the office of the City Administrator, is hereby accepted and approved and the proposed improvement project within said District is hereby determined and declared to be feasible.

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

a. Construction costs:	\$50,367.20
b. Other costs including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; cost of publication of legal notices; printing of warrant bonds; and all expenses incurred in the making of the improvement and levy of assessments therefor:	\$17,628.52
c. Total estimated costs of the improvement:	\$67,995.72

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

Board of City Commissioners

Agenda Documentation

Meeting Date: September 17, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 189, Project No. 2013-30 (Lakewood 6th Addition Lot 10B Block 2 Replat).

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

Dated this 17<sup>th</sup> day of September, 2013.

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President, Board of City Commissioners

ATTEST:

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City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: September 17, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 189, Project No. 2013-30 (Lakewood 6th Addition Lot 10B Block 2 Replat).

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**RESOLUTION APPROVING PLANS AND SPECIFICATIONS  
FOR STREET IMPROVEMENT DISTRICT NO. 189  
PROJECT # 2013-30**

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

Pursuant to the requirement of section 40-22-11 of the North Dakota Century Code, the Plans and Specifications for the improvement project in Street Improvement District No. 189 (Project # 2013-30) of said City be and the same are hereby approved, ratified and confirmed as the plans and specifications in accordance with which said improvement project will be constructed, except as modified by this Board in accordance with law, and the City Administrator shall file the same in his office, open for public inspection.

Dated this 17<sup>th</sup> day of September, 2013.

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President, Board of City Commissioners

ATTEST:

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City Administrator

Board of City Commissioners

Agenda Documentation

Meeting Date: September 17, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 189, Project No. 2013-30 (Lakewood 6th Addition Lot 10B Block 2 Replat).

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**RESOLUTION DETERMINING SUFFICIENCY OF FORMS OF PETITION, WAIVER  
AND CONSENT TO ASSESSMENT FOR STREET IMPROVEMENT DISTRICT NO.  
189**

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

1. The City having received and filed executed written forms of Petition, Waiver and Consent to Assessment executed by Easy Living, LLC, the owners of a majority of property area, for the improvement in and for Street Improvement District No. 189, Project No. 2013-30 ("the District"), and true and correct copies of said executed forms being attached hereto, it is hereby determined that said forms are signed by the owners of a majority of the area of property included within the District.

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

Dated this 17th day of September, 2013

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

ATTEST:

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

Board of City Commissioners

Agenda Documentation

Meeting Date: September 17, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 189, Project No. 2013-30 (Lakewood 6th Addition Lot 10B Block 2 Replat).

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**PETITION FOR PERMANENT STREET IMPROVEMENT**

For lots zoned ~~R-5~~, ~~R-10~~, RM, or ~~R-15~~ Residential

Date 5-28-2013

To the Honorable Board of City Commissioners  
Mandan, North Dakota

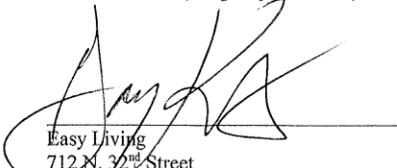
Commissioners:

The undersigned owners of the property liable to be assessed for the improvement respectfully petition your Honorable Board to have permanent street improvements completed on:

**DESCRIPTION OF RIGHT OF WAY:**

- Oxbow Trail SE - from the south line of 29<sup>th</sup> Street SE to the south line of Lot 1 Block 3 Lakewood Sixth Addition, Mandan, North Dakota.

**SIGNATURE (Property Owner/s)**

  
Easy Living  
712 N. 32<sup>nd</sup> Street  
Bismarck, ND 58503

**PROPERTY DESCRIPTION**

Lot 1 Block 3;  
Lakewood Sixth Addition  
Mandan, North Dakota

Board of City Commissioners

Agenda Documentation

Meeting Date: September 17, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 189, Project No. 2013-30 (Lakewood 6th Addition Lot 10B Block 2 Replat).

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**FEASIBILITY AND EVALUATION OF IMPROVEMENTS  
FOR STREET IMPROVEMENT DISTRICT #189, PROJECT #2013-30**

1.) General Nature of Project

The District has been created to allow for new street Oxbow Trail SE. Installation of new curb & gutter, asphalt street, storm sewer, street lights & chip seal will take place with this project.

2.) Location of Proposed Construction

The proposed construction will take place on Oxbow Trail SE.

3.) Environmental Impact

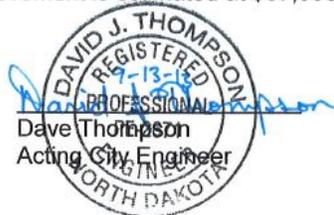
It is anticipated that there will be some dirt, noise and pollutants during the construction period as a result of the use of the necessary equipment. There will also be some surplus or waste construction materials that will need to be disposed of by the contractor at his or her expense. The contractors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

4.) Feasibility of Project

In the opinion of the undersigned this project is feasible and needed throughout the indicated area as new development spreads in this area.

5.) Estimates of Costs

Attached is a map showing the area and district boundary. The construction costs are estimated at \$50,367.20. Other costs of making the improvement including necessary and reasonable change orders; engineering, fiscal agents' and attorneys' fees; publication of legal notices printing of warrants; and all expenses incurred in the making of the improvement and levy of assessments therefore are estimated at \$17,628.52. The total cost for the improvement is estimated at \$67,995.72.



Board of City Commissioners

Agenda Documentation

Meeting Date: September 17, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 189, Project No. 2013-30 (Lakewood 6th Addition Lot 10B Block 2 Replat).

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**RESOLUTION DIRECTING ADVERTISEMENT FOR BIDS  
FOR STREET IMPROVEMENT DISTRICT NO. 189**

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

1. The City Administrator, Deputy Auditor and City Engineer shall meet at the time and place specified in the notice authorized in paragraph 2 hereof, for the purpose of opening sealed bids for the work and material needed for the improvement project to be made in Street Improvement District No. 189 (Project # 2013-30) of the City of Mandan, as more fully described and referred to in the resolution creating said improvement district passed and approved by the Board on September 17, 2013, and in the plans and specifications for said improvement now on file in the office of the City Engineer.

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

**“ADVERTISEMENT FOR BIDS FOR  
STREET IMPROVEMENT DISTRICT NO. 189  
MANDAN, NORTH DAKOTA**

Notice is hereby given, that the City of Mandan, North Dakota will receive sealed bids at the office of the City Administrator until October 7, 2013, at 10:00 a.m., local time for the purpose of furnishing of materials, labor and skill needed for the new construction of storm sewer mains, asphalt streets, concrete curb and gutter and street lights and related work in accordance with the plans and specifications for Street Improvement District No. 189 (Project # 2013-30), for the City of Mandan. The Work consists of all labor, skill, and materials required to properly construct the improvement.

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

Board of City Commissioners

Agenda Documentation

Meeting Date: September 17, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 189, Project No. 2013-30 (Lakewood 6th Addition Lot 10B Block 2 Replat).

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The bid proposals must be submitted to the City Administrator by 10:00 a.m., local time, October 7, 2013 and shall be sealed and endorsed "Proposal for Street Improvement District No 189. Bids shall be delivered or mailed to: City Administrator, City of Mandan, 205 2<sup>nd</sup> Avenue NW, Mandan, ND 58554. Bids will be opened and read aloud in the City Commission Meeting Room at 10:00 a.m., local time, on October 7, 2013. All bidders are invited to be present at the public opening of the Bids.

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

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

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

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

Completion date for the curb and gutter, electrical trenching, directional boring, and base lift of asphalt shall be no later than November 30, 2013. Electrical poles and related items, surface course and chip seal shall be completed no later than June 30, 2014. Any damage relative to base course asphalt before contract completion shall be removed and replaced at no additional costs to this project.

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

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

Board of City Commissioners

Agenda Documentation

Meeting Date: September 17, 2013

Subject: Consider the creation of, approval of the engineer's report, approve the plans and specifications for, approve sufficiency of petition, feasibility report and advertisement for bids for Street Improvement District No. 189, Project No. 2013-30 (Lakewood 6th Addition Lot 10B Block 2 Replat).

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delayed, for each District. Liquidated damages will continue to accumulate until the City Engineer determines winter weather prevents further construction. Liquidated damages will restart on the first day of construction in the Spring of 2014 and continue to accumulate until final project acceptance. The Contractor and his surety shall be liable for any excess. Such payments shall be deducted from the final payment and shall be charged as liquidated damages and not as a penalty.

The Board of City Commissioners will meet on Tuesday, October 15, 2013, at 5:30 PM, local time, to determine the sufficiency of protests, to review the Bids submitted, consider the engineer's recommendation, and to award the contract to the successful Bidder, if protests have been deemed insufficient. The contract will be awarded on the basis of the low Bid submitted, on eligible areas, by a responsible and responsive Bidder deemed most favorable to the City's interest.

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

Dated this 17 day of September, 2013

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

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

4. The Board of City Commissioners shall meet on Tuesday, October 15, 2013 at 5:30 pm, local time, to review the bids submitted, consider the engineer's recommendation, and to award the contract to the successful bidder, subject to the Board finding that filed protests are insufficient to bar the work.

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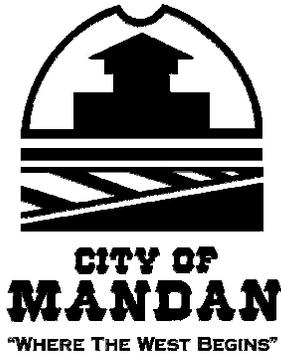
President, Board of City Commissioners

ATTEST:

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City Administrator

Passed: September 17, 2013



## Board of City Commissioners

### Agenda Documentation

**MEETING DATE:** September 17, 2013  
**PREPARATION DATE:** September 13, 2013  
**SUBMITTING DEPARTMENT:** Engineering  
**DEPARTMENT DIRECTOR:** Justin Froseth  
**PRESENTER:** Justin Froseth  
**SUBJECT:** Mandan Water Treatment Plant, Phase II  
Optimization Project Owner/Engineer Agreement,  
Amendment No. 1

---

**STATEMENT/PURPOSE:** Consider Amendment No. 1 to Agreement Between Owner and Engineer for Professional Engineering Services of the Mandan Water Treatment Plant, Phase II Optimization Project.

**BACKGROUND/ALTERNATIVES:** City staff was able to secure a state revolving fund loan to make improvements to the city's Water Treatment Plant. The scope of the improvements are varied and listed in the attached opinion of probable cost furnished by AE2S. The scope has changed some since the SRF loan application was submitted and approved. The changes in scope are a result of problems and discoveries that came about after the loan was approved, primarily with the pretreatment basin and the chlorine storage room. Because of the scope changes and additions to the construction project, AE2S was required to perform more work in the design phase, and anticipates more work would be required in the construction phase of this project.

AE2S has completed plans for this project and the project is currently out for bid. Bid opening date is scheduled for October 10<sup>th</sup>.

**ATTACHMENTS:**

- AE2S Opinion of Probable Cost. Comparison of OPC when put together in January vs. current OPC with associated reasons for change.
- Amendment No. 1 to Agreement Between Owner and Engineer for Professional Services.

Board of City Commissioners

Agenda Documentation

Meeting Date: September 17, 2013

Subject: Mandan Water Treatment Plant, Phase II Optimization Project Owner/Engineer Agreement, Amendment No. 1

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FISCAL IMPACT: A DWSRF loan is in place for \$1,200,000 of the project. The finance office has indicated that the utility fund could be used for some cost over the \$1,200,000 covered by the loan.

STAFF IMPACT: Minimal

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

RECOMMENDATION: To approve Amendment No. 1 to the Agreement for Engineering Services with Advanced Engineering and Environmental Services for the Phase II Optimization Project of the Water Treatment Plant.

SUGGESTED MOTION: I move to approve Amendment No. 1 to the Agreement for Engineering Services with Advanced Engineering and Environmental Services for the Phase II Optimization Project of the Water Treatment Plant.

Water Treatment Plant Phase II Optimization Improvements  
City of Mandan  
City Project No. 601.658.62220  
AE2S Project No. P00510-2010-03  
30% Design Opinion of Probable Project Costs

Proposed Improvements	1/13/2013	8/8/2013	8/8/2013	Difference	Reason
	Opinion of Costs	Opinion of Costs	Alternates		
1 Plant #1 Recarbonation Basin Improvements	\$50,000	\$50,000		\$0	
2 66' Pretreatment Basin Improvements	\$245,000			\$445,000	
a. Replace scraper bearings.		\$34,000			
b. Prep/paint metal surfaces. Demo tube settlers.		\$99,000			
c. Demo existing tube settlers and supports.		\$20,000			At a minimum, need to remove tube settlers and reinforce/repair or remove existing supports.
d. New tube settlers and supports.			\$422,000		Significant cost increase from original estimate. Current price based on supplier quote.
e. Catwalk repairs.		\$25,000			Larger area identified for repair after basin taken offline.
f. Launder support connections.		\$25,000			One connection failed and remainder are in poor shape.
g. Drive sprocket replacement for 66' and 38' basins.		\$10,000			Identified for maintenance after original scope developed.
h. Demo abandoned radiant heating system		\$5,000			Area generally inaccessible and failure would drop equipment into basin.
i. Wall and ceiling painting.		\$50,000			Coating system starting to fail. Precast connection plates (steel) starting to rust.
3 Filters 8-11 Center Platform Coating Improvements	\$60,000	\$60,000		\$0	
4 Filters 8-11 Drain/Rewash and Isolation Valves	\$60,000	\$60,000		\$0	
5 Clearwell #2 Hatch/Vent Modifications	\$25,000	\$25,000		\$0	
6 Lime Silo OSHA Compliance Modifications	\$40,000	\$50,000		\$10,000	Site visit & field measurements indicated original opinion of cost was insufficient
7 I&C Upgrades (lime and booster station upgrades)	\$25,000	\$25,000		\$0	
8 Replace Existing CO2 Compressor	\$10,000	\$10,000		\$0	
9 Reclaim Basin Effluent Pipe Modifications (send to Gravity Thickener)	\$20,000	\$20,000		\$0	
10 Replace backflow preventer isolation valves on #2 Clearwell House Water Supply	\$6,000	\$6,000		\$0	
<del>11 Paint Clearwell #1 High Service Discharge Header</del>	\$20,000				Removed from scope.
12 Replace Existing Lime Screw Auger, Rotary Feeder, Knife Gate Valve, Blower, Dust Collectors (x2), Transfer Elbows (x4)	\$100,000			\$60,000	Original based on manufacturer estimate from 2012. Current based on updated quote.
a. Replace lime screw auger		\$14,000			
b. Replace rotary feeder		\$21,000			
c. Replace silo isolation valve with knife gate.		\$5,000			
d. Replace blower		\$38,000			
e. Replace dust collectors (x2)		\$63,000			
f. Replace transfer elbows (x4)		\$19,000			
13 Old Chlorine/Storage Room	\$70,000	\$150,000		\$80,000	Field investigation found condition of steel structure worse than anticipated. Specialized testing needed: \$35,000 for steel section loss eval and \$5,000 for existing concrete testing. Also added \$30,000 to replace lateral bracing and reinforce structural members due to corrosion.
14 Garage Block Wall Pulling Away from Building	\$10,000	\$10,000		\$0	
15 Intake Building - Repair deteriorating block, add ventilation, replace front door	\$30,000	\$5,000			Scaled back scope to repair of block wall only.
Estimated Construction Costs	\$771,000	\$899,000	\$1,321,000		
Contingencies	\$81,000	\$90,000	\$132,000		
Turbidimeters (City direct purchase)	\$20,000	\$15,843	\$15,843		
Subtotal Construction Costs	\$872,000	\$1,004,843	\$1,468,843		
Professional Services					
Preliminary Engineering	\$32,000	\$32,000	\$32,000		
Final Design	\$60,000	\$60,000	\$60,000		
Bidding	\$15,000	\$15,000	\$15,000		
Construction	\$81,000	\$81,000	\$81,000		
Post-Construction	\$28,000	\$28,000	\$28,000		
I&C	\$40,000	\$40,000	\$40,000		
Funding Assistance	\$15,000	\$15,000	\$15,000		
Scope Change Items		\$30,000	\$40,000		
Subtotal Professional Services	\$271,000	\$301,000	\$311,000		
Summary					
Estimated Construction Costs	\$872,000	\$1,004,843	\$1,468,843		
Professional Services	\$271,000	\$301,000	\$311,000		
Total	\$1,143,000	\$1,305,843	\$1,779,843		
SRF Loan (Budget)	\$1,200,000	\$1,200,000	\$1,200,000		

**AMENDMENT NO. 1  
TO  
AGREEMENT BETWEEN OWNER AND  
ENGINEER FOR PROFESSIONAL SERVICES  
DATED  
September 17, 2013**

This Amendment No. 1 is effective as of September 17, 2013 (“Effective Date”) between City of Mandan, 205 2<sup>nd</sup> Avenue NW, Mandan, ND 58554-3125 (“OWNER”) and Advanced Engineering and Environmental Services, Inc., 1815 Schafer Street, Suite 301, Bismarck, ND 58501 (“ENGINEER”).

The document amends the Agreement between Owner and Engineer for Professional Services (the Agreement) dated February 5, 2013 for:

**Mandan WTP – Phase II Optimization Improvements** (Project).

All provisions not amended remain in full effect.

OWNER and ENGINEER, in consideration of their mutual covenants as set forth herein, agree to amend the following portions of the Agreement:

**1. Exhibit C:**

- a. Replace Paragraph C4.01-A-3 with the following:

“3. The total compensation for services under paragraph C4.01 is estimated to be \$311,000.00 based on the following assumed distribution of compensation:

a. Preliminary Design Phase 030	\$	32,000
b. Design Phase 040	\$	60,000
c. Bidding Phase 050	\$	15,000
d. Construction Phase 060	\$	81,000
e. Post Construction Phase 070	\$	28,000
f. I&C Programming and Commissioning Phase 080	\$	40,000
g. Funding Assistance	\$	15,000
<b>h. Additional Services for Design Phase 041</b>	\$	<b>25,000*</b>
<b>i. Additional Services for Construction Phase 061</b>	\$	<b>15,000*</b>

\*Added this Amendment

**2. Exhibit E:**

**Add the following major elements to the Project Description**

**FINAL DESIGN PHASE 041**

The pretreatment Final Design Phase is comprised of the primary tasks identified below:

1. Plans, Specifications, and Bid Documents – Expand the plans, specifications, and bid documents to include the following items.
  - a. 66-ft Pretreatment Basin Improvements
    - i. New tube settlers and associated support system.
    - ii. Remove and demo existing radiant heating system.
    - iii. Launder support connections.

- iv. Drive sprocket replacement. Include 38-ft softening basin in Plant #2.
    - v. Repaint precast walls.
  - b. Old Chlorine/Storage Room
    - i. Field investigation found condition of steel structure worse than anticipated. Specialized testing will be needed (cost for testing company not included). This covers additional time to coordinate with testing company and evaluate appropriate repairs.
  - c. Submit plans and specifications to reviewing agencies. Respond as required.

2. Other Related Activities

- a. Opinion of Probable Construction Cost: ENGINEER will prepare Opinions of Probable Construction Cost and revise as outlined in the original agreement.
- b. Environmental Assessment: This activity has been completed under provisions for original agreement.
- c. Deliverables and Meetings: These activities will be provided according to the provisions included in the original agreement.

**BIDDING PHASE 050**

The Bidding Phase is amended to include new items as described above.

**CONSTRUCTION PHASE 060**

The Construction Phase is amended to include the new items as described above

**POST-CONSTRUCTION PHASE 070**

The Post-Construction Phase is amended to include the new items as described above

**INSTRUMENTATION AND CONTROL PHASE 080**

The Instrumentation and Control Phase is amended to include the new items as described above.

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

OWNER:

\_\_\_\_\_

By: Mayor Arlyn Van Beek

Title: President of Board of City Commissioners

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

ATTEST: \_\_\_\_\_

Name: Jim Neubauer

Title: City Administrator

Address for giving notices:

City of Mandan

205 2<sup>nd</sup> Avenue NW

Mandan, ND 58544-3125

Designated Representative (paragraph 6.02.A):

Jim Neubauer

Title: City Administrator

Phone Number: (701) 667-3210

Facsimile Number: (701) 667-3223

E-Mail Address: [jneubauer@cityofmandan.com](mailto:jneubauer@cityofmandan.com)

ENGINEER:

\_\_\_\_\_

By: Lisa Ansley, PE

Title: Operations Manager

Date Signed: 9/9/2013

ATTEST: \_\_\_\_\_

Name: Kenneth Weber, PE

Title: Senior Project Manager

Address for giving notices:

Advanced Engineering and Environmental Services, Inc.

1815 Schafer Street, Suite 301

Bismarck, ND 58501

Designated Representative (paragraph 6.02.A):

Kenneth Weber, PE

Title: Senior Project Manager

Phone Number: (701) 221-0530

Facsimile Number: (701) 221-0531

E-Mail Address: [Ken.Weber@ae2s.com](mailto:Ken.Weber@ae2s.com)